

# **ROCK ISLAND COUNTY, ILLINOIS**

## **UNIFIED ZONING ORDINANCE**

**Adopted November 2000**

**And as amended  
September 20, 2005**

**And as amended  
January 15, 2008**

**And as amended  
March 3, 2010**

**This Page Intentionally Left Blank**

# **Unified Zoning Ordinance**

## **Rock Island County, Illinois**

**2000**

This Zoning Ordinance is the direct result of a request by the Chief Elected Officials of Rock Island County, City of Rock Island, City of Moline and City of East Moline, to prepare an Ordinance that provided an incentive for economic development among the communities. The purpose of a single document is to provide developers and residents with similar requirements from community to community. These same communities adopted and have been using a common Subdivision Ordinance since 1994. The Administration Sections of each Ordinance reflect the requirements and process for each individual community, while the balance of the Ordinance and requirements are the same.

Thank you to Bi-State Regional Commission for facilitating the development of this comprehensive document to be used by the communities of Rock Island County.

**This Page Intentionally Left Blank**

## Table of Contents

<b>ARTICLE I – AUTHORITY, TITLE, PURPOSE, NATURE, EXEMPTIONS, AND DEFINITIONS.....</b>	<b>1</b>
1.1 Authority and Title.....	1
1.2 Purpose.....	1
1.3 Nature.....	1
1.4 Exemptions.....	1
<b>ARTICLE II – INTERPRETATION .....</b>	<b>2</b>
<b>ARTICLE III – DEFINITIONS .....</b>	<b>3</b>
<b>ARTICLE IV – ENFORCEMENT AND ADMINISTRATION .....</b>	<b>18</b>
4.0 Organization.....	18
<b>ARTICLE V – BOARD OF APPEALS .....</b>	<b>21</b>
5.0 Creation.....	21
<b>ARTICLE VI – VARIANCES, APPEALS, ORDINANCE AMENDMENTS AND SPECIAL USE PERMITS .....</b>	<b>25</b>
6.0 Variances.....	25
6.1 Appeals .....	27
6.2 Amendments.....	28
6.3 Special Uses.....	29
<b>ARTICLE VII – DISTRICTS AND MAP .....</b>	<b>35</b>
<b>ARTICLE VIII – GENERAL PROVISIONS.....</b>	<b>37</b>
8.0 Zoning Affects Every Structure and Use .....	37
8.1 Continued Existing Uses.....	37
8.2 Non-Conforming Uses .....	37
8.3 Street Frontage Required – Flag Lots.....	38
8.4 Accessory Buildings in all Districts .....	38
8.5 Required Yard Cannot be Reduced or Used by Another Building.....	40
8.6 Permitted Obstructions in Required Yards.....	40
8.7 Conversion of Dwellings .....	41
8.8 Minimum Ground Floor Area for Dwellings .....	41
8.9 Traffic Visibility Across Corner Lots.....	41
8.10 Essential Services.....	41
8.11 Fences, Walls and Hedges .....	41

8.12	Home Occupations .....	42
8.13	Off-Street Parking and Loading .....	45
8.14	Validity of Existing Applications for Building Permits .....	49
8.15	Uses Authorized by the Zoning Board of Appeals.....	49
8.16	Principal Building .....	49
8.17	Minimum Lot Size.....	49
8.18	Adult Regulated Uses .....	49

**ARTICLE IX – ADDITIONAL REQUIREMENTS, EXCEPTIONS AND MODIFICATIONS. 51**

9.0	Height Limits. Height limitations stipulated elsewhere in this Ordinance shall not apply:.....	51
9.1	Lot Area Requirements.....	51
9.2	Lot Area Per Family .....	51
9.3	Front Yard Exceptions and Modifications .....	52
9.4	Side Yard Exceptions and Modifications .....	52
9.5	Rear Yard Exception and Modifications .....	53
9.6	Supplemental Yard Requirements.....	53

**ARTICLE X – “AG-1” AGRICULTURAL PRESERVATION DISTRICT.....55**

10.0	General Description.....	55
10.1	Permitted Principal Uses .....	55
10.2	Permitted Accessory Uses .....	55
10.3	When Authorized by Special Use .....	56
10.4	Height Regulations .....	56
10.5	Lot Area and Yard Requirements.....	57

**ARTICLE XI – “AG-2” GENERAL AGRICULTURAL DISTRICT .....58**

11.0	General Description.....	58
11.1	Permitted Principal Uses .....	58
11.2	Permitted Accessory Uses .....	59
11.3	When Authorized by Special Use .....	59
11.4	Height Regulations .....	60
11.5	Lot Area and Yard Requirements.....	60

**ARTICLE XII – “SE-1” SUBURBAN ESTATES LOW DENSITY DISTRICT..... 61**

12.0	General Description.....	61
12.1	Permitted Principal Uses .....	61
12.2	Permitted Accessory Uses .....	61
12.3	When Authorized by Special Use .....	61
12.4	Height Regulations .....	62
12.5	Lot Area and Yard Requirements.....	62

<b>ARTICLE XIII – “SE-2” SUBURBAN ESTATES MEDIUM DENSITY DISTRICT.....</b>	<b>63</b>
13.0 General Description.....	63
13.1 Permitted Principal Uses .....	63
13.2 Permitted Accessory Uses .....	63
13.3 When Authorized by Special Use.....	63
13.4 Height Regulations .....	64
13.5 Lot Area and Yard Requirements.....	64
<b>ARTICLE XIV – “R-1” SINGLE-FAMILY DWELLING DISTRICT.....</b>	<b>65</b>
14.0 General Description.....	65
14.1 Permitted Principal Uses .....	65
14.2 Permitted Accessory Uses .....	66
14.3 When Authorized by Special Use.....	66
14.4 Height Regulations .....	66
14.5 Lot Area and Yard Requirements.....	67
<b>ARTICLE XV – “R-2” ONE-FAMILY RESIDENCE.....</b>	<b>68</b>
15.0 Permitted Principal Uses .....	68
15.1 Permitted Accessory Uses .....	68
15.2 When Authorized by Special Use.....	68
15.3 Height Regulations .....	68
15.4 Lot Area And Yard Requirements .....	68
<b>ARTICLE XVI – “R-3” ONE AND TWO FAMILY RESIDENCE DISTRICT.....</b>	<b>69</b>
16.0 Permitted Principal Uses .....	69
16.1 Permitted Accessory Uses .....	69
16.2 When Authorized By Special Use.....	69
16.3 Height Regulations .....	69
16.4 Lot Area and Yard Requirements.....	69
<b>ARTICLE XVII – “R-4” ONE TO SIX FAMILY RESIDENCE DISTRICTS .....</b>	<b>70</b>
17.0 Permitted Principal Uses .....	70
17.1 Permitted Accessory Uses .....	70
17.2 When Authorized by Special Use.....	70
17.3 Height Regulations .....	70
17.4 Lot Area and Yard Requirements.....	71
<b>ARTICLE XVIII – “R-5” MULTIPLE FAMILY DWELLING DISTRICT .....</b>	<b>72</b>
18.0 Permitted Principal Uses .....	72
18.1 Permitted Accessory Uses .....	72

18.2	When Authorized by Special Use.....	72
18.3	Height Regulations.....	72
18.4	Lot Area and Yard Requirements.....	72
<b>ARTICLE XIX – “R-6” MULTI-FAMILY RESIDENCE DISTRICT .....</b>		<b>73</b>
19.0	Permitted Principal Uses .....	73
19.1	Permitted Accessory Uses .....	73
19.2	When Authorized by Special Use.....	73
19.3	Height Regulations.....	73
19.4	Lot Area and Yard Requirements.....	73
<b>ARTICLE XX – “R-7” MOBILE HOME/MANUFACTURED HOUSING DISTRICT .....</b>		<b>85</b>
20.0	Permitted Principle Uses .....	85
<b>ARTICLE XXI – “U-1” UNIVERSITY/COLLEGE DISTRICT .....</b>		<b>88</b>
21.0	General Description.....	88
21.1	Permitted Principal Uses .....	88
21.2	Permitted Accessory Uses .....	88
21.3	When Authorized by Special Use.....	88
21.4	Restrictions.....	89
21.5	Height Regulations.....	89
21.6	Lot Area and Yard Requirements.....	89
<b>ARTICLE XXII –“C-1” CONSERVATION DISTRICT .....</b>		<b>90</b>
22.0	General Description.....	90
22.1	Permitted Principal Uses .....	90
22.2	When Authorized by Special Use.....	90
<b>ARTICLE XXIII – “C-2” CONSERVATION DISTRICT .....</b>		<b>91</b>
23.0	General Description.....	91
23.1	Permitted Principal Uses .....	91
23.2	Permitted Accessory Uses .....	91
23.3	When Authorized by Special Use.....	91
<b>ARTICLE XXIV – “O-1” OFFICE DISTRICT.....</b>		<b>92</b>
24.0	General Description.....	92
24.1	Permitted Principal Uses .....	92
24.2	Permitted Accessory Uses .....	93
24.3	When Authorized by Special Use.....	93
24.4	Height Regulations.....	93
24.5	Lot Area and Yard Requirements.....	93



<b>ARTICLE XXV – “B-1” NEIGHBORHOOD BUSINESS DISTRICT .....</b>	<b>94</b>
25.0 General Description.....	94
25.1 Permitted Principal Uses .....	94
25.2 Permitted Accessory Uses .....	95
25.3 When Authorized by Special Use.....	95
25.4 Uses Prohibited.....	95
25.5 Lot Area and Yard Requirements.....	95
<b>ARTICLE XXVI – “B-2” CENTRAL BUSINESS DISTRICT .....</b>	<b>96</b>
26.0 General Description.....	96
26.1 Permitted Principal Uses .....	96
26.2 Permitted Accessory Uses .....	97
26.3 When Authorized by Special Use.....	97
26.4 Lot Area and Yard Requirements.....	98
<b>ARTICLE XXVII – “B-3” COMMUNITY BUSINESS DISTRICT .....</b>	<b>99</b>
27.0 General Description.....	99
27.1 Permitted Principal Uses .....	99
27.2 Permitted Accessory Uses .....	99
27.3 When Authorized by Special Use.....	99
27.4 Uses Prohibited.....	100
27.5 Lot Area and Yard Requirements.....	100
<b>ARTICLE XXVIII – “B-4” HIGHWAY/INTENSIVE BUSINESS DISTRICT .....</b>	<b>101</b>
28.0 General Description.....	101
28.1 Permitted Principal Uses .....	101
28.2 Permitted Accessory Uses .....	102
28.3 When Authorized by Special Use.....	102
28.4 Prohibited Uses.....	102
28.5 Lot Area and Yard Requirements.....	102
<b>ARTICLE XXIX – “ORT” OFFICE/RESEARCH PARK AND TECHNOLOGY DISTRICT ....</b>	<b>103</b>
29.0 General Description.....	103
29.1 Permitted Principal Uses .....	103
29.2 Permitted Accessory Uses .....	104
29.3 Uses on Review by Special Use .....	104
29.4 Prohibited Uses.....	104
29.5 Lot Area and Yard Requirements.....	105

<b>ARTICLE XXX – “I-1” LIGHT INDUSTRIAL DISTRICT .....</b>	<b>106</b>
30.0 General Description.....	106
30.1 Permitted Principal Uses .....	106
30.2 Permitted Accessory Uses .....	107
30.3 Prohibited Uses.....	107
30.4 When Authorized by Special Use.....	107
30.4 Lot Area and Yard Requirements.....	107
<b>ARTICLE XXXI – “I-2” GENERAL INDUSTRIAL DISTRICT .....</b>	<b>108</b>
31.0 General Description.....	108
31.1 Permitted Principal Uses.....	108
31.2 Permitted Accessory Uses .....	111
31.3 When Authorized by Special Use.....	111
31.4 Prohibited Uses.....	112
31.5 Lot Area and Yard Requirements.....	112
<b>ARTICLE XXXII – “PUD”– PLANNED UNIT DEVELOPMENT DISTRICT .....</b>	<b>113</b>
32.0 Purpose .....	113
32.1 Procedure.....	113
32.2 Specific Content.....	117
32.3 Standards .....	120
32.4 Conditions and Guarantees.....	121
<b>ARTICLE XXXIII – RIVERFRONT CORRIDOR OVERLAY DISTRICT (RCO).....</b>	<b>124</b>
33.0 General Description.....	124
33.1 Permitted Principle Uses .....	124
33.2 Other Uses.....	124
33.3 Applicable Regulations .....	124
33.4 Public Pedestrian/Bike Easement.....	124
33.5 Development Incentives.....	125
33.6 Site Plan Requirement.....	125
33.7 Traffic Analysis .....	126
33.8 Performance Standards for Site Development.....	126
33.9 Submission of Site Plan .....	126
33.10 Review Process .....	127
33.11 Notice of Public Hearing.....	127
33.12 Findings of Fact.....	127
33.13 Exemptions From Site Plan Requirements.....	128
33.14 Amendments to Approved Site Plans.....	128
33.15 Site Plan Review Requirements Outside RCO District.....	128

<b>ARTICLE XXXIV – ADDITIONAL REQUIREMENTS, EXCEPTIONS AND MODIFICATIONS.....</b>	<b>126</b>
34.0 Additional Requirements, Exceptions and Modifications.....	126
<b>ARTICLE XXXV – PERFORMANCE STANDARDS .....</b>	<b>127</b>
35.0 Compliance With Provisions .....	127
35.1 Certification May be Required .....	127
35.2 Smoke Emissions .....	127
35.3 Particulate Matter.....	127
35.4 Toxic Matters .....	127
35.5 Vibration.....	128
35.6 Glare Illumination .....	128
35.7 Sewage Waste.....	128
35.8 Storage.....	129
35.9 Screening.....	129
35.10 Noise .....	129
<b>ARTICLE XXXVI – ILLUMINATIONS PROVISIONS .....</b>	<b>131</b>
36.0 Purpose .....	131
36.1 Lighting Plan .....	131
36.2 Illumination Performance Standards .....	131
36.3 Compliance.....	133
36.4 Point of Measurements.....	134
36.5 Applicability .....	134
<b>ARTICLE XXXVII – LANDSCAPE AND BUFFERYARD REQUIREMENTS.....</b>	<b>135</b>
37.0 Site Plans.....	135
37.1 Site Plan Review.....	135
37.2 Appeal Process.....	135
37.3 Exemption From Site Plan Requirements .....	135
37.4 Parking Lots .....	135
37.5 Bufferyard Requirements.....	137
37.6 Minimum Standards For Plantings.....	139
37.7 Prohibited Trees .....	139
37.8 Maintenance of Landscaping and Screening.....	139
37.9 Schedule of Bufferyard Requirements.....	140

**ARTICLE XXXVIII – DEVELOPMENT IN A SPECIAL FLOOD HAZARD AREA ..... 141**

38.0 Purpose..... 141

38.1 Definitions..... 141

38.2 Base Flood Elevation..... 146

38.3 Duties of the Director of The Rock Island County Dept. of Zoning & Building Safety..... 146

38.4 Development Permit..... 147

38.5 Preventing Increased Flood Heights and Resulting Damages. .... 148

38.6 Protecting Buildings..... 154

38.7 Subdivision Requirements..... 159

38.8 Public Health and Other Standards ..... 159

38.9 Carrying Capacity and Notification..... 160

38.10 Variances..... 160

38.11 Disclaimer of Liability..... 161

38.12 Penalty..... 161

38.13 Abrogation and Greater Restrictions..... 162

38.14 Severability. .... 162

38.15 Effective Date..... 162

**ARTICLE XXXIX – SIGNS ..... 163**

39.0 Purpose and Intent..... 163

39.1 General Regulations ..... 165

39.2 Attached Signs..... 169

39.3 Freestanding Signs..... 170

39.4 Roof Signs ..... 171

39.5 Temporary Signs..... 172

39.6 Permitted Signs for Nonconforming Uses..... 173

39.7 Prohibited Signs..... 173

39.8 Administration and Appeal..... 175

**ARTICLE XL – WIND ENERGY..... 177**

40.0 Authority..... 177

40.1 Purpose ..... 177

40.2 Applicability ..... 177

40.3 Definitions..... 177

40.4 Standards ..... 178

40.5 Permit Requirements ..... 180

40.6 Restoration Requirement ..... 181

40.7 Special Use Permit Procedure ..... 182

40.8 Building Permit Procedure..... 183

40.9	Signal Interference.....	183
40.10	Violations.....	183
40.11	Administration and Enforcement .....	184
40.12	Penalties .....	184
40.13	County Highway and Township Road Agreements.....	184
40.14	Wind Energy System Owner/Property Owner Restoration Agreement.....	184
40.15	Severability.....	184
<b>ARTICLE XLI – FEES, PENALTIES .....</b>		<b>185</b>
41.0	Fees.....	185
41.1	Penalties .....	185
<b>ARTICLE XLII – VALIDITY AND REPEAL.....</b>		<b>185</b>
42.0	Validity .....	185
42.1	Conflict and Repealer.....	185
<b>ARTICLE XLIII – WHEN EFFECTIVE .....</b>		<b>185</b>
<b>APPENDICES .....</b>		<b>186</b>
	Sample Yard Setbacks .....	187
	Site Distance Triangle.....	190
	Building Height .....	191
	Zoning Map Matrix .....	192
	Rock Island County Rural Living Contract.....	193

# ZONING RESOLUTION OF ROCK ISLAND COUNTY, ILLINOIS

BE IT RESOLVED BY THE ROCK ISLAND COUNTY BOARD, AS FOLLOWS:

\*\*\*\*\*

## ARTICLE I – AUTHORITY, TITLE, PURPOSE, NATURE, EXEMPTIONS, AND DEFINITIONS

### 1.1 Authority and Title

This Resolution, in pursuance of the authority granted by the 1969 Revised Statutes of the State of Illinois Chapter 34, Sections 3151-3162 and Sections 3201-3204, shall be known and cited as the “Zoning Resolution of Rock Island County, Illinois”.

### 1.2 Purpose

The provisions contained herein are necessary to promote the public health, safety, morals, comfort and general welfare; to conserve the value of property throughout the county; to lessen or avoid the traffic congestions and hazards on public streets and highways; to reduce fire hazards and improve public safety; to prevent undue concentration of population; and to create a stable pattern of land uses upon which to plan for transportation, water supply, sewers, schools, parks and other facilities. The aforementioned purposes shall be the guide to the enforcement of the provisions contained herein.

### 1.3 Nature

This Resolution shall divide the unincorporated area of Rock Island County into districts; regulate therein the use of land, buildings, and structures; regulate the location, erection, construction, reconstruction, and alteration of such buildings and structures; regulate the height, number of stories, and size of all buildings; and regulate the density of population.

This Resolution shall also provide for change and amendment of the provisions and boundaries of districts, provide for a Zoning Board of Appeals, and provide for the administration and enforcement of the Resolution including prescription of penalties for violation of the provisions herein.

### 1.4 Exemptions

In Compliance with Chapter 34, Section 3151 of the 1969 Illinois Revised Statutes, this Resolution shall not deprive the owner of any existing property of its use or maintenance if such property and structures are established before the adoption of this Resolution.

This Resolution shall not apply with respect to specification or regulation of the type or location of any poles, towers, wires, cables, conduits, vaults, laterals, or any similar distribution equipment of a public utility as defined in Chapter 111-2/3, Section 10.3, of the Illinois Revised Statues, 1969 Edition.

The Zoning Ordinance of the County of Rock Island, Illinois, heretofore adopted be and is hereby amended by striking all of said Ordinance except the Title thereof and inserting in lieu thereof the following:

## **ARTICLE II – INTERPRETATION**

The provisions of this Ordinance shall be minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare. Where this Ordinance imposes greater restrictions upon the use of buildings or other structures, or law or ordinance, the provisions of this Ordinance shall prevail.

### **ARTICLE III – DEFINITIONS**

**Accessory Structure:** A subordinate structure detached but located on the same lot as the principle structure, the use of which is incidental and accessory to that of the principle structure.

**Accessory Use:** A structure or use that: (a) is clearly incidental to and customarily found in connection with a principle building or use; (b) is subordinate to and serves a principle building or a principle use; (c) is subordinate in area, extent, or purpose to the principle building or principle use serviced; (d) contributed to the comfort, convenience, or necessity of occupants, business, or industry in the principle building or principle use served; and (e) is located on the same lot as the principle building or use served.

**Administrative Officer.** The “Administrative Officer” is the official appointed by the County Board to administer and enforce the Zoning Resolution and Building codes as adopted in the unincorporated areas of Rock Island County. The Administrative Officer’s title will be: Director of Economic Development & GIS, Rock Island County, Illinois. Administrative Officer and Director, Economic Development & GIS, Rock Island County, Illinois, shall be inferred to be one and the same.

**Adult Bookstore.** An establishment for the sale, rental, or exchange of books, magazines, or video cassettes, distinguished or characterized by primary emphasis on matter depicting, describing or relating to "Specific Sexual Activities" or "Specific Anatomical Areas" as defined below including instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities. Adult bookstores do not include businesses which sell, rent, or exchange books, magazines, or video cassettes as a sideline or adjunct to sales or rental of books, magazines, or video cassettes not relating to "Specific Sexual Activities" or "Specific Anatomical Area".

**Specific Sexual Activities** are defined as:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy; and
- c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

**Specific Anatomical Areas** are defined as:

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**Adult Mini-motion Picture Theaters.** An enclosed building with a capacity for less than fifty (50) persons, used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specific Anatomical Areas" or "Specific Sexual Activities" for observation by patrons therein.

**Adult Motion Picture Theaters.** An enclosed building with capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to "Specific Sexual Activities" or "Specific Anatomical Areas" for observation by patrons therein.



**Adult Modeling and Entertainment Facility.** An establishment having its primary activity the presentation of live models displaying lingerie, or otherwise presenting live, artistic modeling, with said modeling displaying the human body in a nude or semi-nude state, distinguished or characterized by an emphasis on "Specific Anatomical Areas" for observation by patrons therein.

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

**Alteration.** Any change, addition or modification in construction, occupancy or use.

**Amusement Center.** Any premises which contains four (4) or more coin or token operated devices played for a fee, such as pinball machines, foosball tables, pool tables and other similar entertainment or amusement devices.

**Apartment.** A room or suite of rooms in a multi-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen, bath and toilet facilities, permanently installed, must always be included for each apartment.

**Apartment/dormitory.** A multi-unit dwelling for which each dwelling unit contains fewer than ten (10) occupants whether related or unrelated. Each unit shall have two (2) exits and a common area of not less than three hundred (300) square feet which may include cooking and dining facilities and shall be subject to relevant codes or regulations for behavior by students and others in effect at such educational facility which are enforced by resident personnel of such educational facility.

**Automobile Repair – Major.** General repair, rebuilding of or reconditioning of engines of any type, motor vehicles, trucks, buses or trailers. Collision service, including body work, frame or fender straightening or repair, overall painting of motor vehicles, trucks, trailers or painting booth.

**Automobile Repair – Minor.** Minor repairs, incidental body and fender work, touch-up painting and upholstery, replacement of minor parts and general tune-up service to passenger automobiles and trucks not exceeding one and one-half (1-1/2) tons capacity.

**Automobile Service Station.** Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:

- a. Sale and servicing of spark plugs, batteries, distributors and distributor parts;
- b. Tire servicing and repair, but no recapping or regrooving;
- c. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
- d. Radiator cleaning and flushing;
- e. Washing and polishing where no mechanical conveyor, blower, or steam cleaning device is employed provided that no more than one single car bay of the service station shall be equipped with washing equipment; and provided that the lot on which the washing

equipment is to be located shall be sufficient to provide on-site waiting storage for a total number of vehicles equal to the number capable of being processed during one-half (1/2) hour; and provided that a drip area shall be provided where vehicles can be dried, located such that water will be confined to the site and will not run onto any street or alley so as to cause a hazard.

- f. Greasing and lubrication;
- g. Providing and repairing fuel pumps and lines;
- h. Minor servicing and repair of carburetors;
- i. Emergency wiring repairs;
- j. Adjusting and repairing brakes;
- k. Minor motor adjustments not involving removal of the head or crank case or racing the motor;
- l. Sale of cold drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principle operation;
- m. Provision of road maps and other informational material to customers and provision of restroom facilities.

**(Note:** It shall be unlawful to provide major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles, trucks or trailers not in operating condition, or other work involving noise, glare, fumes, smoke or other such characteristics. An automobile service station is not a repair garage, a body shop, a car wash, an automobile wrecking yard or junk yard, nor a storage place for rental trailers.)

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

**Balcony.** Is an outside deck located at least on the second floor or any higher floor of a dwelling building, and can be cantilevered or supported on piers.

**Bed and Breakfast.** Shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than five guest rooms for rent, in operation for more than ten nights in a twelve month period. Breakfast may be provided to the guests only. Bed and Breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments. "Operator" shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required to reside in the bed and breakfast establishment or on contiguous property.

**Boarding House.** An establishment with lodging for compensation offering accommodations for short-term transients or extended periods of time. Meals may or may not be provided (also referred to as Boarding House, Rooming House, Lodging House, Lodging Room, does not include Bed and Breakfast).

**Body of Water.** A lake, pond, or pool where 40% of the surface area is more than nine (9) feet deep and total surface area is not less than 2500 square feet, or, the Rock or Mississippi Rivers.

**Book/Stationery Store.** An establishment dealing in books, printed materials and stationery supplies, which is not an adult bookstore.

**Building.** Any permanently anchored structure used or intended for supporting or sheltering any use or occupancy. When a building is divided into separate parts by unpierced walls, each part shall be deemed a separate building (see structure).

**Building Code.** The Rock Island County Building Code, as adopted.

**Building, Completely Enclosed.** A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

**Building, Height Of.** (See appendix pg. 163)The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- a. The elevation of the highest adjoining sidewalk or ground surface within a five foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade.
- b. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than ten feet above lowest grade.
- c. The height of a stepped or terraced building is the maximum of any segment of the building.

**Building, Structure.** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but not limited to: buildings, walls, swimming pools, signs and fences.

**Building Set-back Line.** See “Setback”.

**Bulk Storage.** Means the storage of flammable or combustible liquid in an above ground tank that is not for dispensing purposes. If an above ground tank is used for any bulk storage purposes, it is classified as a “bulk storage tank” for the remainder of the calendar year in which it was so used.

**Care Home, Large Residential.** A Residential Care Home for more than eight (8) persons, plus supervisory or oversight personnel, living together as a single housekeeping unit who are disabled, as defined by “Disability” in this ordinance, for the primary purpose of providing shelter.

**Care Home, Small Residential.** A Residential Care Home containing a single one family dwelling unit for eight (8) persons or fewer, plus supervisory or oversight personnel, living together as a single housekeeping unit for the primary purpose of providing shelter in a family-like atmosphere.

**Church.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**Clinic or Medical Health Center.** A building containing an individual practitioner or an association or group of physicians, dentists, clinical psychologists, or similar professional health care practitioners, including assistants. The clinic may include apothecary, dental and mental laboratories, and/or x-ray facilities, but shall not include inpatient or overnight care.

**Club or Lodge, Private.** Non-profit association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such 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 such sale of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws.

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

**Convenience Store.** Any retail establishment offering for sale prepackaged food products, household items, commercial products associated with minor auto servicing (but not automobile parts), and other goods commonly associated with the same including the retail dispensing of vehicular fuels.

**County.** The “County” is Rock Island County, Illinois.

**Day Care Home.** A family dwelling unit occupied by attending family which receives more than three (3) and up to a maximum of eight (8) children for less than twenty-four (24) hours a day. The maximum of eight (8) children includes the family's natural or adopted children and all other person under the age of twelve (12). A Day Care Home may also be a family home which receives adults who are sixty (60) years of age or older.

**Day Care Center.** A child care facility which regularly provides day care for less than twenty-four (24) hours per day for (a) more than eight (8) children in a family dwelling unit, or (b) more than three (3) children in a facility other than a family dwelling unit.

**Deck.** Is an outside porch without a roof not necessarily attached to a dwelling wall, whose floor is built on a foundation, piers, or blocks, as a distinct structure requiring a building permit, above ground grade.

**Disability.** As defined by the Americans with Disability Act (ADA), a person who has:

- A physical or mental impairment that substantially limits one or more major life activities;
- A record of such an impairment; or
- Is regarded as having such an impairment.

**District Zoning.** A portion of the territory of the County wherein uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the zoning ordinance.

**Dormitory.** A building used as group living quarters for a student body operated by a college or university or other such institution of higher education, subject to relevant codes and regulations for behavior of students and others in effect at such educational facility which are enforced by resident personnel at such institution.

**Dwelling Group.** Two or more one-family, two-family or multiple-family dwellings, or boarding or lodging houses, located on one zoning lot, but not including tourist courts or motels.

**Dwelling, One-family.** A building designed exclusively for use and occupancy by one family, and entirely separated from any other dwelling by space totaling at least 900 square feet and the structures length does not exceed four times its width and is affixed to a permanent masonry or concrete footing and/or foundation as defined in the Rock Island County Building Codes as adopted. The structure shall have a minimum 3:12 nominal roof pitch, conventional residential roofing material, conventional residential siding which must extend to within (8) eight inches of the ground elevation except when placed upon a masonry or concrete foundation and 6-inch minimum eave overhang.

**Dwelling, Two-family.** A building designed or altered to provide dwelling units for occupancy by two families.

**Dwelling, Multiple-family.** A building or portion thereof designed or altered for occupancy by three or more families living independently of each other.

**Dwelling, Row (Townhouse).** A row of two to twelve attached, one-family, party-wall dwellings.

**Dwelling Unit.** One or more rooms which are arranged, designed or used as living quarters for a family or for a community residence as a single housekeeping unit. A dwelling unit includes bathroom and kitchen facilities in addition to sleeping and living areas.

**Easement.** A right to use a portion of another person's real property for certain limited purposes.

**Educational Institution.** Public, private, or parochial school, charitable or non-profit junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

**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, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonable necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare but not including buildings.

**Family.** One or more persons each related to them by blood, marriage, or adoption (including foster children), together with such relatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of not to exceed three (3)

persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and single housekeeping unit. A family includes any domestic servants and not more than one gratuitous guest residing with said family; such servants or guest shall be included in the unrelated persons attained by this definition, and shall not be in addition thereto.

**Farm.** An area which is used for the growing of the usual farm products such as vegetables, fruit, trees, flora, fauna, and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep, and swine, provided that the raising and funding of such farm poultry and farm animals, horses, cattle, sheep swine, provided that the raising and feeding of such farm poultry and farm animals shall be subject to the regulations of the State of Illinois Environmental Protection Agency. The term “farming” includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating and storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the extraction of minerals. The term “farm” includes farm dwellings.

**Farm Animals.** Animals other than household pets that shall be permitted to, where permitted, be kept and maintained for commercial production and sale and/or family food production, education or recreation. Farm animals are identified by these categories: large animals, e.g., horses and cattle; medium animals, e.g., sheep and goats; or small animals, e.g., rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks and pigeons.

**Farm Land.** Land that is Currently and actively being used for the production of food and fiber crops. Land in CRP is not being actively used for production of food or fiber crops.

**Fast Food Restaurant.** An establishment whose principle business is the sale of rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises. The establishment may include a drive-up or drive-through service facility or offers curbside service.

**Fence.** A structure, other than a building, which is an artificially constructed barrier of any material or combination of materials or plantings/shrubbery planted or erected to enclose or screen areas of land. Decorative corner treatments which do not exceed six feet (6') in length and three feet (3') in height are not considered fences if it allows for 50 percent or more open visibility.

**Foster Family Home.** A family home which provides full-time family care to foster children unrelated to them. Foster family homes are limited to a maximum of eight (8) children, including the foster family's children, unless all of the children unrelated to the foster family are of common parentage, or the applicable department of the State of Illinois has waived the limit of eight (8) unrelated children to facilitate an adoptive placement.

**Foster Group Homes.** A child care facility which regularly provides care for no more than ten (10) children placed by and under the supervision of a child welfare agency licensed by the applicable department of the State of Illinois. Adult supervision shall be provided on a twenty-four (24) hour basis.

**Frontage Lots.** See Lots, Multiple Frontage

**Garage, Bus or Truck.** A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors, commercial vehicles, and buses exceeding one and one-half (1 1/2) ton capacity.

**Garage, Private.** A detached accessory building or portion of a principle building used for storage of self-propelled passengers vehicles or trailers of the occupants of the premises and/or not more than (1) truck of a rated capacity exceeding one and one- half (1-1/2) tons.

**Grade (Adjacent Ground Elevation).** The lowest point of elevation of the existing surface of the ground, within the area between the building and a line 5 feet (1524 mm) from the building.

**Halfway House/group Home.** A temporary residential living arrangement for up to five (5) persons, excluding staff, who are receiving therapy, counseling and/or care from support staff who are present at all times residents are present, for the following purposes:

- a. To help them re-enter society while housed under supervision while under constraints of alternatives to imprisonment including, but not limited to, pre-release, work release, and probationary programs.
- b. To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence;
- c. To provide temporary shelter for persons who are victims of domestic abuse and/or neglect;  
or
- d. To provide adult congregate living arrangements without nursing care.

**Hazardous Waste.** Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance. The U.S. Environmental Protection Agency (EPA) has developed a list of hazardous wastes based upon corrosivity, reactivity, and toxicity. Hazardous substances include, but are not limited to, inorganic mineral acids of sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium and arsenic and their common salts, lead, nickel, and mercury and their inorganic salts, or metallo-organic derivatives; coal, tar acids, such as phenol and cresols and their salts, and all radioactive materials.

**Health/recreational and Physical Training Club.** An indoor facility including uses such as game courts, exercise equipment, locker rooms, training studios, Jacuzzi and/or sauna, and pro shop.

**Height.** See Building, Height of.

**Home Occupation.** An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use, and which is clearly incidental to the use of the dwelling unit for residential purposes. There are major and minor home occupations which are clearly addressed under the General Provisions of this ordinance.

**Hospital or Sanitarium.** An institution which patients or injured persons are given medical or surgical care; or for the care of contagious diseases or terminal patients.

**Hotel.** A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities and is not a bed and breakfast (also see "Motel").

**Hotel, Transient.** See Boarding House.

**Household Pets.** Dogs, cats, rabbits, birds, etc., for family use only (non commercial) with cages, pens, etc.

**Household Hazardous Waste.** A hazardous waste that can catch fire, react, or explode under certain circumstances, or that is corrosive or toxic. Common household hazardous waste items, and others not included on this list, might contain materials that are ignitable, corrosive, reactive, or toxic such as: drain openers, oven cleaners, wood and metal cleaners and polishers, automotive oil and fuel additives, grease and rust solvents, carburetor and fuel injection cleaners, air conditioning refrigerants, starter fluids, paint thinners, paint strippers and removers, adhesives, herbicides, insecticides, and fungicides/wood preservatives.

**Independent Trailer Coach or Independent Mobile Home.** A transportable non- permanent single-family dwelling unit on wheels suitable for year-round occupancy and containing the same water supply, waste disposal, heating and air condition, electrical conveniences and with self-contained toilet and bath or shower facilities as conventional housing. This definition is not intended to include recreational vehicle types.

**Junk Yard.** Open area where waste, scrap metal, paper, rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto and building wrecking yards.

**Kenel.** Any structure or premises where 5 (five) or more dogs and/or cats over (6) six months of age are kept as pets, or is intended and used for the breeding of animals for sale, or the training and/or overnight boarding of animals other than those of the owner of the lot. This does not include a veterinary clinic in which the overnight boarding of animals is necessary for and accessory to the testing and medical treatment of the physical disorders of animals.

**Landscaping.** The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment shall be permitted also to include the use of logs, rocks, fountains, water features and contouring of the earth.

**Land Use Plan.** The comprehensive long range plan for the desirable use of land in the jurisdiction, as officially adopted and as amended from time to time by the County Board, the purpose of such plan being among other things, to serve as a guide to the zoning and prospective changes in the zoning of land to meet changing community needs in the subdividing and use of undeveloped land.

**Legal Objector.** The owner of a lot, parcel, or tract of land, which is next to a lot, parcel, or tract of land, for which a Special Use is proposed or which is the subject of an amendment of this ordinance. For the purposes of this ordinance, a lot shall be deemed to be next to another if the lots, parcels, or tracts share a common lot boundary line in whole or in part or if a common lot boundary in whole or in part would occur if all street, highway, or alley right-of-way between such lots were excluded.

**Livestock.** Includes, but not limited to bovine animals, sheep, goats, swine, reindeer, donkeys, mules and other hoofed animals raised for food production. Does not include horses.

**Loading and Unloading Space, Off-street.** An open hard-surfaced area of land other than a street or public way, the principle use of which is for the standing, loading and unloading of motor trucks, tractors, and trailers, to avoid undue interference with the public use of streets and alleys.

**Lodging or Rooming House.** See Boarding House.



**Lodging Room.** See Boarding House.

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

**Lot Area/coverage.** The area of the lot covered by buildings above grade, excluding permitted projections.

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

**Lot, Corner.** A lot having at least two (2) adjacent sides that abut for their full length upon streets.

**Lot, Front or Frontage.** The length of any one property line of a premises, which property line abuts a legally accessible street right of way, except alleys.

**Lot, Multiple Frontage.** A lot that fronts on two or more street right of ways, such as corner lots, through lots, etc.

**Lot, Interior.** A lot other than a corner or reversed corner lot.

**Lot Line, Rear.** The lot line or lot lines most nearly parallel and most remote from the front lot line.

**Lot Line, Side.** A lot line which is not a front or rear lot line.

**Lot, Reversed Corner.** A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

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

**Lot, Width.** The horizontal distance between the side lot lines measured at right angles to the side lot lines at the front building line.

**Lot, Zoning.** A single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a “zoning lot” may or may not coincide with a lot of record.

**Manufactured Home.** A factory-built structure that is manufactured or constructed under the authority of 43 United States Code Section 5401 and is to be used as a place for human habitation, but which is constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

**Mobile Home.** A detached residential dwelling unit designed for transportation after fabrication on streets of highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer, self-contained motor home or other recreational vehicle is not to be considered a mobile home. Dwelling Units built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

**Modular Home.** Factory-built housing certified to meet the currently adopted building codes and amendments as adopted by Rock Island County, IL and the requirements of the Illinois Department of Public Health, applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes.

**Motel.** A building or a group of buildings, whether attached or in connected units, used as individual sleeping units designed primarily for transient travelers and providing for accessory off-street parking facilities. The term “motel” includes but is not limited to buildings designated as auto courts, tourist courts, motor hotels, motor lodges, and similar terms.

**Motor Freight Terminal.** A building or area in which trucks, including tractor or trailer units, are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transshipment.

**Nightclub.** A tavern or other commercial establishment where alcoholic beverages and/or food are served for consumption on premises and a dance floor and/or entertainment are provided. See also “Tavern”.

**Non-conforming Use.** A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

**Nursery School.** An institution providing instructional/educational services for six pre- school aged children.

**Ordinance.** Reference to “Ordinance” herein shall be construed as the Zoning Ordinance.

**Owner.** The word “owner” applies to the entity in which title is vested in the building or land.

**Parking Area, Accessory.** An area of one or more parking spaces located at the same property as the building, structure or premises it is intended to serve, or on adjoining or nearby property and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles.

**Parking Space, Automobile.** Space within a public or private parking area of not less than 160 square feet (eight and one-half feet by nineteen feet) exclusive of access drives or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one-half ton capacity.

**Person.** An individual, group of individuals, corporation, association, partnership, joint venture or other entity, and includes any trustee, estate, receiver, assignee or personal representative.

**Plan Commission.** Zoning Board of Appeals.

**Planned Unit Development.** A planned unit development is a parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single land-owner or by a group of landowners in common agreement as to which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located. The developer or developers of a planned unit development may be granted relief from specific land-use regulations and design standards and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole.

**Porch.** Is a roofed, (either enclosed or unenclosed), attached to one or two permanent exterior walls of a dwelling building, whose floor is at or just below the level of the dwelling first floor adjacent to the porch.

**Principle Building.** A building in which the primary use of the lot on which the building is located is conducted.

**Property Owner.** Any individual, group of individuals, association, corporation, joint stock association, joint venture, or any other entity in whose name the legal title to the real estate is recorded.

**Recreational facilities, (public or private).** A site used for specific, or general recreation, which may include gear or equipment. (ie, Camp Ground, golf course, marina, shooting range, racetrack, bicycles, motorcycles, tennis, gathering places not addressed elsewhere in this code. Facility may be a private club or open to the public.

**Recreational Use, Seasonal.** Camping use on land that is located along a river or body of water allowed by Special Use in some zoning districts. One structure of a seasonal, temporary, movable nature such as a tent, travel trailer, or motor home, but not a mobile home, may be permitted on vacant land. Said temporary structure shall be permitted on site from April 1<sup>st</sup> through October 31<sup>st</sup> of each year. Accessory structures are prohibited. (The construction of a permanent residence on said lot shall cause the expiration of a Special Use Permit.)

**Refuse Equipment Operation.** The storage, repair, maintenance, sale or lease of equipment used in the collection, storage or transportation of refuse, including but not limited to vehicles, containers and any repair, parts, accessories and appurtenances thereof.

**Residential Solid Waste.** Waste that normally originates in a residential environment.

**Restaurant.** A food establishment serving full course meals prepared on the premises and which may serve alcoholic beverages.

**Right of Way.** A strip of land dedicated to the County or other unit of government for streets, alleys, and other public improvements.

**Rural Residential Building Lot.** A building lot (parcel) in the AG-1, AG-2 or SE-1 zoning districts created without the minimum area required for the district because the parcel meets the criteria outlined in Article VI, Section 6.3.f.8.

**Septic Tank.** A “septic tank” is a sewerage system with a seepage field designed to function on an individual lot basis, as approved by the Rock Island County Health Department.

**Setback.** The minimum horizontal distance between the lot or property line and the nearest front, side or rear line of the building, including terraces or any covered projection thereof, including steps.

**Sewerage System, Central.** A “central sewerage system” is a type approved by the Illinois Environmental Protection Agency as properly designed to serve one (1) or more subdivisions. A septic tank is not a central sewerage system.

**Stable, Riding.** A stable shall mean a building/buildings including other structures and grounds used for the boarding or housing of horses used for riding sessions or pleasure riding on the premises.

**Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

**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 (4) feet above the floor of such story.

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

**Structural Alteration.** Any changes in the supporting members of a building including but not limited to bearing walls, load-bearing walls, load-bearing partitions, columns, beams or girders or any substantial change in the roof or the exterior walls.

**Structure.** Is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**Tavern.** Any premises wherein alcoholic beverages are sold at retail for consumption on the premises as the principle uses; and where sandwiches, snacks and other food products are available for purchase. “Tavern” does not include “restaurants”, where the principle business is serving food (includes “Bar” and “Cocktail Lounge”). (See Nightclub”).

**Terrace/Patio.** Is an unroofed deck located outside at ground grade, which is paved as concrete, stone, brick or wood paver blocks (also known as patio).

**Theater.** An establishment used to observe films and other visual material which is neither an Adult Motion Picture Theater nor Adult Mini-Motion Picture Theater.

**Tourist Courts, Motor Lodges, Motels.** A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile, tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges or other similar type uses.

**Tourist Home.** A dwelling in which accommodations are provided/ offered for transient guests.

**Toxic Waste.** Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, can cause death or disease, mutations, deformities or malfunctions in such organisms or their offspring and that adversely affect the environment which are being discarded by being disposed, incinerated or recycled.

**Trailer Park or Mobile Home Park.** An area of land upon which two or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicles, or enclosure used or intended for as, a part of the equipment of such trailer coach park.

**Truck Parking Area or Yard.** Any land used or intended to be used for the storage or parking of trucks, tractors, truck trailers, and including commercial vehicles, while not loading or unloading. Does not include Class B trucks.

**Unrelated Group Family.** A group of no more than five (5) unrelated adults living together as a common household by doing their own cooking and living together, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, sorority, or hotel. Unrelated group families are permitted with administrative approval, provided that they comply with the standards and conditions specified in Article IV of this Zoning Ordinance.

**Use, Temporary.** A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets and garage sales.

**Vehicle, Commercial.** Any motorized vehicle or trailer designed to be pulled by a vehicle that is not a passenger vehicle or recreational vehicle. E.g.; Semi/Tractor trailers, excavators, bulldozers, skid steers, backhoes, graders, shipping containers, etc.

**Vehicle, Passenger.** Any motorized vehicle under 16,000 GVW with not more than 2 axles.

**Vehicle, Recreational.** A general term for a vehicular unit bearing current license and/or registration, not exceeding forty (40) feet in overall length, eight and one-half (8.5) feet in width or twelve and one-half (12.5) feet in overall height, which includes but is not limited to the following specific vehicle types:

- a. **Camper trailer:** A folding or collapsible vehicular structure without its own (motive) power designed as temporary living quarters for travel, camping, recreation and vacation uses; and (to) be licensed and registered for highway use.
- b. **Travel trailer:** A rigid structure without its own motive power designed as a temporary dwelling for travel, camping, recreation and vacation use; to be licensed and registered for highway use; and which, when equipped for the road, has a body width of not more than eight (8) feet, six (6) inches.
- c. **Truck camper:** A portable structure without its own motive power designed to be transported on a power vehicle as a temporary dwelling for travel, camping, recreation and vacation use; and which, in combination with the carrying vehicle (shall) be licensed and registered for highway use.
- d. **Motor home:** A vehicular unit built on or as a part of a self-propelled motor vehicle chassis, primarily designed to provide temporary dwelling for travel, camping, recreation and vacation use; and to be licensed and registered for highway use. This category shall include converted bus campers.
- e. **Boat trailer:** A vehicular structure without its own motive power designed to transport a boat for recreation and vacation use and which is licensed and registered for highway use.
- f. **Horse trailer:** A vehicular structure without its own motive power designed primarily for the transportation of horses and which, in combination with the towing vehicle, is licensed and registered for highway use.

- g. Utility trailer:** A vehicular structure without its own motive power designed and/or used for the transportation of all manner of motor vehicles, goods or materials and licensed and registered for highway use.
- h. Recreational boat:** A vessel, whether impelled by wind, oars or mechanical devices, and which is designed primarily for recreation or vacation use. A recreation vessel when mounted upon a boat trailer shall be considered one unit.

If the recreational vehicle is equipped with liquefied gas containers, they shall meet the standards of the Interstate Commerce Commission or the Federal Department of Transportation standards in existence at the passage of this Ordinance.

**Warehouse, Wholesale or Storgae.** A building or premises in which goods, merchandise or equipment are stored for eventual distribution.

**Yard.** The space adjacent to lot lines which is required to be open and unobstructed from its lowest level upward except as otherwise permitted. The minimum depth of width of a yard shall consist of the horizontal distance between the lot line and nearest point of the foundation or exterior wall of a building.

**Yard, Front.** An open space extending the full width of the lot between a principle building and the street right-of-way except for an alley, unoccupied and unobstructed from the ground upward, except as hereinafter specified. When a property is situated along a body of water, the front yard shall be the open space extending the full width of the lot between the principal building and the body of water.

**Yard, Rear.** An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

**Yard, Side.** An open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

**Zoning Maps.** The map or maps incorporated into this ordinance as a part hereof. For the purpose of this Resolution, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular. The word "building" shall include the word "structure" and the word "shall" is mandatory, "may" is permissive.

## ARTICLE IV – ENFORCEMENT AND ADMINISTRATION

### 4.0 Organization

The administration of this Resolution is hereby vested in three (3) offices of the government of the County of Rock Island. They are as follows: Administrative Officer, Zoning Board of Appeals and County Board.

**A. Administrative Officer.** The Administrative Officer of the County of Rock Island and such deputies or assistants that have been, or shall be, duly appointed by the County Board, shall enforce this Resolution, and in addition thereto, and in furtherance of such authority shall:

1. Issue all zoning certificates and certificates of occupancy, and make and maintain records thereof;
2. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Resolution;
3. Transmit to the clerk of any city or village copies of all requests for amendments and special uses within one and one-half (1-1/2) miles of their municipal boundaries for review and recommendations;
4. Provide and maintain a public information service relative to all matters arising out of this Resolution, and initiate, direct, and review from time to time, a study of the provisions of the Resolution and make reports of his/her recommendations to the Zoning Board of Appeals;
5. Transmit to the Zoning Board of Appeals applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to pass, and act as secretary to the Zoning Board of Appeals maintaining permanent and current records of this Resolution, including, but not limited to, all maps, amendments, special conditional uses, variances, appeals and applications therefore;
6. Issue certificates of occupancy regulating the erection of buildings or structures and use of land for periods not to exceed ten (10) days for specific purposes such as temporary carnivals, music festivals, churches, revival meetings, charities and other uses of a similar nature, any of which has less than two hundred (200) persons in attendance and are not detrimental to the public health, safety, morals, comfort, convenience or general welfare; provided, however, that said use of operation and any incidental temporary structures or tents are in conformance with all other Resolutions and Codes of the County;
7. Issue a temporary certificate of occupancy for a mobile home dwelling during a period of not to exceed six (6) months to allow the applicant of a building permit for a single family dwelling to occupy said mobile home dwelling during construction of the single family dwelling. Said temporary occupancy permit may be renewed for one (1) additional six (6) month period;
8. Issue a permit for an accessory building to be constructed prior to the construction of the principle building on a lot when said accessory building is needed for protection of equipment and materials used in the construction of the principle building. Any permit

granted under this provision shall be granted only after adequate assurances have been provided that the construction of the principle building will be initiated within one (1) year from the issuance of the permit for the accessory building; and

9. Authorize variances of 10% (ten percent) or less of the regulations as to location of structures or as to bulk requirements under such regulations.

## **B. County Board**

The County Board of Rock Island County shall discharge the following duties under this Resolution:

1. Appoint the Administrative Officer whose responsibility it should be to enforce the provisions of this Resolution.
2. Appoint members to the Zoning Board of Appeals as provided for in the Illinois Revised Statutes and in this Resolution.
3. Receive and decide upon all recommendations concerning adoption, amendment, or repeal of the Zoning Resolution submitted to them by the Zoning Board of Appeals.
4. Receive from the Zoning Board of Appeals all recommendations on the effectiveness of this Resolution; and
5. To decide all matters upon which it is required to pass under this Resolution.

## **C. Zoning Certificates**

1. **Issuance of Zoning Certificates.** 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 of Rock Island unless the application for such permit has been examined by the Administrative Officer. Any permit issued in compliance with this Resolution shall indicate thereon that the proposed building or structure complies with all the provisions of this Resolution. Any permit or certificate issued in conflict with the provisions of the Resolution shall be null and void.
2. **Plats.** In order to insure that the building or structure conforms with all the provisions of this Resolution, the Administrative Officer may require the following prior to the issuance of a building permit:
  - a. A plat (original or reproduction thereof), in duplicate of the piece or parcel of land, lot, lots, block or blocks, drawn to scale showing the actual dimensions, as certified by a “registered land surveyor” registered with the State of Illinois, as a true copy of the piece or parcel, lot, lots, block or blocks, or portions thereof, according to the registered or recorded plat of such land; and
  - b. A plat, in duplicate, drawn to scale in such form as may, from time to time, be prescribed by the Administrative Officer, showing the ground area, height, and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building structure or land, and such other information as may be required by the Administrative Officer for the proper enforcement of this Resolution.



#### **D. Certificate of Occupancy**

No building, or addition thereto, constructed after the effective date of this Resolution, shall be occupied, and no land vacant on the effective date of this Resolution shall be used for any purpose until a certificate of occupancy has been issued by the Administrative Officer. No change in a use, other than that of a permitted use to another permitted use shall be made until a certificate of occupancy has been issued by the Administrative Officer. Every certificate of occupancy shall state that the use or occupancy complies with the provisions of this Resolution.

- 1. Application for Certificate of Occupancy.** Every application for a building permit shall be deemed to be an application for a certificate of occupancy. Every application for a certificate of occupancy for a new use of land where no building permit is required shall be made directly to the Administrative Officer.
- 2. Issuance of Certificate of Occupancy.** No certificate of occupancy for a building, or portion thereof, constructed after the effective date of this Resolution, shall be issued until construction has been completed and the premises inspected and certified by the Administrative Officer to be in conformity with the plans and specifications upon which the zoning certificate and building permit was based. Pending the issuance of a regular certificate of occupancy, a temporary certificate of occupancy may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises. Reasons in writing for refusal to issue a certificate of occupancy shall be forwarded to the applicant no later than fourteen (14) days after the Administrative Officer is notified that the building or premises are ready for occupancy.

## **ARTICLE V – BOARD OF APPEALS**

### **5.0 Creation.**

The Zoning Board of Appeals, as established under the applicable provisions of the Illinois revised statutes, is the Zoning Board of Appeals referred to in this resolution. The Zoning Board of Appeals shall consist of five (5) members and two (2) alternate members appointed by the chairman of the county board and approved by the county board to serve respectively for the following terms: one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four years and one (1) for five (5) years, the successor to each member so appointed to serve for a term of five (5) years, and the alternate members to serve respectively, one (1) for four (4) years and one (1) for five (5) years. Alternate members shall serve as members of the board only in the absence of regular members, with the alternate member with the greatest amount of time remaining in his or her term to have priority over the alternate member in determining which alternate member shall serve in the absence of a regular member. One of the members so appointed shall be named as chairman at the time of his or her appointment and in case of a vacancy the appointing power shall designate a chairman.

No person who resides in any congressional township wherein an incumbent member of the Zoning Board of Appeals resides may be appointed a member of the same Zoning Board of Appeals to serve during any part of the term of office during which such incumbent member residing in said township continues to serve, and all members of the Zoning Board of Appeals thereafter created shall be residents of separate congressional townships at the time of their appointments. The appointing authority shall have the power to remove any member of the Board for cause, after public hearing. Vacancies shall be filled by the appointing authority for the unexpired term of any member whose place has become vacant.

**A. Jurisdiction.** The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority.

1. To hear all applications for amendments to this Resolution and report their findings and recommendations to the County Board in the manner prescribed in this Resolution
2. Receive from the Administrative Officer his/her recommendations as related to the effectiveness of this Resolution and report its conclusions and recommendations to the County Board not less frequently than once a year.
3. To hear and decide appeals from any order, requirement, decision, or determination made by the Administrative Officer under this Resolution.
4. To hear and pass upon the applications for variances from the terms provided in this Resolution in the manner prescribed and subject to the standards established herein.
5. To hear and pass on all applications for special uses in the manner prescribed in this Resolution; and
6. To hear, interpret, and decide all matters referred to it or upon which it is required to pass under this Resolution.

**B. Meetings and Rules.** All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as the Zoning Board of Appeals may determine. All hearings conducted by said Board shall be open to the public. Any person may appear and

testify at the hearing either in person or by duly authorized agent or attorney. The Chairman, or in his/her absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. A copy of every rule, regulation, order, requirement, decision, or determination of the Zoning Board of Appeals shall be filed immediately in the office of the Administrative Officer and shall be a public record. The Board shall adopt its own rules and procedures, not in conflict with this Resolution or with the applicable Illinois Revised Statutes, and select or appoint such officers as it deems necessary.

**C. The Hearing Procedure.** The following Rules for the Zoning Board of appeals have been duly adopted by the Rock Island County Board to govern the general procedures by which Zoning Board of Appeals hearings are conducted. These rules apply in instances where administrative or quasi-judicial action is to be taken, not legislative or policy acts.

1. All hearings of the Public Body shall be subject to the Illinois Open Meetings Act.
2. The Chair may impose reasonable limitations on evidence or testimony presented by persons and parties, such as time limits and barring the repetitious, irrelevant, or immaterial testimony. Time limits, if imposed, shall be fair and equally administered. The public body shall not be bound by strict rules of evidence; however, the irrelevant and immaterial or unduly repetitious evidence shall not be admissible. The Chair shall rule on all questions related to the determination of the qualification of a party as an “Interested Party” (see #7 below) and admissibility of evidence, which ruling may be overruled by a majority of the public body in attendance. The Chair may impose reasonable conditions on the hearing process based on the following factors:
  - a. The complexity of the issue(s);
  - b. Whether the witness possesses special expertise;
  - c. Whether the testimony reflects a matter of taste or personal opinion or concerns a disputed issue of fact.
  - d. The degree to which the witnesses’ testimony relates to the factors to be considered in approving or denying the proposal.
  - e. Such other factors appropriate for the hearing.
3. Chair may take such actions as are required to maintain a fair and orderly hearing.
4. A record of the proceedings shall be made as directed by the public body.
5. At a public hearing a petitioner may appear on his or her own behalf or may be represented by an attorney.
6. In addition to the Petitioner, any person may appear and participate at the hearing.
7. If the notice of the pending public hearing so provides, persons wishing to appear as “Interested Parties” with the right of cross examination, shall identify themselves as such by completing and filing an appearance with the Zoning & Building Office at the Rock Island County Building no later than five (5) business days before the date of the meeting on appearance forms available from the County Zoning & Building Office during regular

business hours and the Chair shall determine if such persons are “Interested Parties” based on the degree of impact the issue(s) has/have on such person. The Chair shall qualify someone as an “Interested Party” based on the following guidelines, although it is recognized that there may be other relevant factors considered or that the public body may overrule the Chair by a majority vote of those in attendance:

- a. Those persons designated by statute or ordinance who received a notice of the public hearing via the Postal Service
  - b. Persons who have a direct property or economic interest
  - c. Representatives of a duly organized group with a specific interest in a subject issue such as a neighborhood association, environmental organization or those with an interest in a specific public policy issue as it relates to the subject of the public hearing
8. To avoid repetition, the Chair may require that people with a similar interest in the proceeding select among themselves a spokesperson to present their position.
9. The Chair may determine the order of presentation of evidence which shall generally be as follows:
  - a. Presentation by staff of its written report, if any, oral presentation of additional or conflicting information, if any, and questions from public body of staff regarding said report and additional comments.
  - b. Testimony and other evidence by petitioner.
  - c. The public body examination of petitioner’s witnesses and other evidence.
  - d. Cross-examination of petitioner’s witnesses and other evidence by Interested Parties.
  - e. Testimony and other evidence by Interested Parties according to the following sequence:
    1. Proponents
      - A. Present testimony and other evidence
      - B. Questions from the public body
      - C. Cross-examination by Interested Parties
    2. Opponents
      - A. Present testimony and other evidence
      - B. Questions from the public body
      - C. Cross-examination by Interested Parties
    3. Other
      - A. Present testimony and other evidence
      - B. Questions from the public body
      - C. Cross-examination by Interested Parties

- f. Statements by persons who have not qualified as interested parties according to the following sequence:
  - 1. Proponents
    - A. Comments or questions
    - B. Questions from the public body
  - 2. Opponents
    - A. Comments or questions
    - B. Questions from the public body
  - 3. Other
    - A. Comments or questions
    - B. Questions from the public body

(Note: The Chair shall determine if cross-examination of any of the persons speaking during this phase of the public hearing is appropriate.)

- g. Closing/rebuttal by petitioner
- 10. At the conclusion of an evidentiary portion of the public hearing, the Zoning Board of Appeals may, among other actions, act on the proposal, move to deliberate its decision on the evidence presented, or continue the hearing to a date, time and location certain, or pursuant to further notice.
- 11. These rules for public hearing may be amended by a vote of a majority of the public body.

(Note: Rules can be amended during the public hearing based on circumstances, ruling by Chair and which ruling may be over ruled by a majority of the public body in attendance.)

- D. **Finality of Decision of the Zoning Board of Appeals.** All decisions and findings of the Zoning Board of Appeals on appeals, variances, after a hearing, shall, in all instances be final administrative decisions and shall be subject to judicial review as may be provided by law.

**ARTICLE VI – VARIANCES, APPEALS, ORDINANCE AMENDMENTS AND SPECIAL USE PERMITS**

**6.0 Variances**

- A. Authority.** The Zoning Board of Appeals, after a public hearing, may vary the regulations of this Resolution in harmony with its general purpose and intent only in the specific instances hereinafter set forth and only in accordance with the standards hereinafter prescribed.
- B. Initiation of Variance.** Variances may be requested by any person, firm, corporation, or government.
- C. Application for Variance.** An application for a variance shall be filed in writing with the Administrative Officer. Said application shall contain such information as the Zoning Board of Appeals may by rule require.
- D. Hearing on Application.** The Zoning Board of Appeals shall hold a public hearing on each application for a variance at such time and place as shall be established by the Zoning Board of Appeals. A record of such proceedings shall be preserved in such a manner as the Zoning Board of Appeals shall by rule prescribe from time to time.
- E. Notice of Hearing.** Notice of the time and place of such public hearing shall be published at least once, not less than fifteen (15) days nor more than thirty (30) days before the hearing, in a newspaper of general circulation in Rock Island County. The published notice may be supplemented by such additional forms of notice as the Zoning Board of Appeals by rule may require.
- F. Standards for Variances**
  - 1.** The Zoning Board of Appeals shall not vary the regulations of this Resolution, as authorized in this section, unless there is evidence presented to it in each specific case that:
    - a.** Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
    - b.** The conditions, upon which a petition for a variation 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 classification;
    - c.** The purpose of the variance is not based exclusively upon a desire to make money out of the property;
    - d.** The alleged difficulty or hardship is caused by this Resolution and has not been created by any persons presently having an interest in the property;
    - e.** The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;

- f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public streets increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood, and
- g. The purpose of the variance shall not be to establish a use otherwise excluded from the particular district in which it is requested.
- h. The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the standards established in this Section.

**G. Authorized Variances.** Variances from the regulations of this Resolution shall be granted by the Zoning Board of Appeals only in accordance with the standards established in **Section 6.3.F** and may be granted only in the following instances and in no others;

- 1. To permit any yard or setback line of less dimension than required by the applicable regulations;
- 2. To permit any building or structure to exceed the height limitations imposed by the applicable regulations;
- 3. 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;
- 4. To permit the same off street parking facility to qualify as required facilities for two (2) or more uses provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
- 5. To reduce the parking and loading requirements in any of the districts whenever the character or use of a building is such as to make unnecessary the full provision of parking or loading facilities or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely being granted for a convenience;
- 6. To permit the alteration or enlargement of an existing building or use located on premises in a district which prohibits that use of land or building, or the height and area of buildings existing at the time of the adoption of this Resolution where such alteration or enlargement is a necessary incident to the use of the structure existing at the time of the adoption, amendment, or change of this Resolution; and
- 7. To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy to the extent of more than fifty (50) percent of its actual cash value, as determined by the official County tax assessment and equalization rate, where the Board finds some compelling public necessity requiring a continuance of the non- conforming use, and the primary purpose of continuing the non-conforming use is not to continue a monopoly; and
- 8. To permit other variances as authorized in **Section 38.9** of this Resolution.

**H. Findings of Fact.** All decisions by the Zoning Board of Appeals on requests for variances must be supplemented with a written finding of fact stating the conformity or non-conformity, as the case may be, of their decision with the standards set forth in this section.

- I. **Granting a Variance.** The concurring vote of three (3) members of the Zoning Board of Appeals shall be necessary to grant a variance. No decision of the Zoning Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such decision the building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.
- J. **Effect of Denial of Variance.** No application for a variance that has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence found to be valid by the Administrative Officer.

## 6.1 Appeals

- A. **Authority.** The Zoning Board of Appeals, after a hearing, may determine and vary any order, requirement, decision, or determination made by the Administrative Officer.
- B. **Initiation of Appeal.** Any person, firm, corporation, or any officer, department, board, or bureau of the County may request an appeal.
- C. **Application for Appeal.** An application for an appeal shall be filed in writing with the Administrative Officer. Said application shall contain such information as the Zoning Board of Appeals may, by rule, require.
- D. **Imminent Peril to Life and Property.** An appeal shall stay all proceedings in furtherance of the action appealed from unless the Administrative Officer certifies to the Zoning Board of Appeals, after the application for the appeal has been filed with him/her, that by reason of acts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life and property.
- E. **Hearing on Application.** The Zoning Board of Appeals shall hold a hearing on each application for an appeal at such time and place as shall be established by the Zoning Board of Appeals.
- F. **Notice of Hearing.** Due notice of the time and place of said hearing on an appeal shall be sent to all affected parties.
- G. **Findings on Appeals.**
  - 1. The Zoning Board of Appeals may affirm or may, upon the concurring vote of four (4) members, reverse wholly or in part or modify, the interpretation. To that end, the Zoning Board of Appeals shall have all the powers of the officer from whom the appeal is taken.
  - 2. The Administrative Officer shall maintain records of all actions of the Zoning Board of Appeals relative to appeals.
- H. **Finality of Decision.** All final administrative decisions of the Zoning Board of Appeals hereunder, shall be subject to judicial review related to the provisions of the “Administrative Review Act”, approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.



## 6.2 Amendments

- A. Authority.** For the purpose of promoting the public health, safety, morals, comfort, and general welfare; conserving the value 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 in the districts created by this Resolution. The Resolution may be amended, provided that in all amendatory resolutions adopted under the authority of this Section, due allowance shall be made for the existing conditions, the conservation of property values, the direction of building development to the best advantages of the entire County, and the uses to which the property is devoted at the time of the adoption of such amendatory Resolution.
- B. Initiation of Amendment.** Amendments may be proposed by the County Board, Zoning Board of Appeals, or by any interested person or organization.
- C. Application for Amendment.** An application for an amendment shall be filed with the Administrative Officer in such form and accompanied by such information as may be required by the Administrative Officer. Such application shall be forwarded to the Zoning Board of Appeals with the request to hold a public hearing on said application for amendment.
- D. Hearing on Application.** The Zoning Board of Appeals shall hold a public hearing on each application for an amendment in the Township or Road District affected by the terms of such proposed amendment or in the County Office Building. If the owner of any property affected by such proposed amendment so requests, such hearing shall be held in the Township or Road District affected by the terms of such proposed amendment. For the consideration of general amendments to the Resolution, hearings may be held in the County Office Building. A record of such proceedings shall be preserved in a manner as the Zoning Board of Appeals, may, by rule, prescribe.
- E. Notice of Hearing.** Notice of time and place of such hearing shall be published at least once in one (1) or more newspapers of general circulation in the County of Rock Island not less than fifteen (15) nor more than thirty (30) days before such hearing. Supplemental or additional notices may be published or distributed as the Zoning Board of Appeals, may, by rule, prescribe from time to time.
- F. Findings of Fact and Recommendation of the Zoning Board of Appeals.**
1. Within forty-five (45) days after the close of the hearing on a proposed amendment, the Zoning Board of Appeals shall make written findings of fact and shall submit same together with its recommendations to the County Board. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the findings of fact and recommendation shall include the following information:
    - 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 trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in

question was placed in its present zoning classification; and

- d. The suitability of the property in question to the uses permitted under the existing and the proposed zoning classification
- e. The Zoning Board of Appeals shall recommend the adoption of a proposed amendment when it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant. 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 purposes of this paragraph, the AG-1 Rural Agricultural District shall be considered the highest classification and the I-2 Heavy Industrial District shall be considered the lowest classification.
  - 1. A lot, lots, or parcel of land shall not qualify for a zoning amendment unless it possesses at least two hundred (200) feet of frontage or contains at least twenty-five thousand (25,000) square feet of area, or adjoins a lot, lots, or parcel of land which bears the same zoning district classification as the proposed zoning amendment.

**G. Action by the County Board**

- 1. The County Board shall not act upon a proposed amendment to this Resolution until they have received written report and recommendation from the Zoning Board of Appeals on the proposed amendment,
- 2. The County Board may grant or deny an application for an amendment provided, however, that in case of a written protest against any proposed amendment, and signed and acknowledged by the owners of twenty (20) percent of the frontage proposed to be altered, or by the owner of twenty (20) percent of the frontage immediately adjoining or across an alley therefrom, or by the owner of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, or in cases where the land affected lies within one and one-half (1 1/2) miles of the limits of a zoned municipality, or in the case of a proposed test amendment to the zoning ordinance, by resolution of the corporate authorities of the zoned municipality with limits nearest adjacent, filed with the County Clerk, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of all the members of the County Board. In such cases a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

**H. Effect of Denial of an Amendment.** No application for an amendment that has been denied wholly or in part by the County Board shall be resubmitted for a period of one (1) year from the date of said denial except on the grounds of new evidence or proof of change of conditions found to be valid by the Administrative Officer.

**6.3 Special Uses**

**A. Authority.** The development and administration of this Resolution is based upon the division of the County into zoning 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 certain uses that may have unique, special or unusual impact upon the use or enjoyment of neighboring property and planned developments and cannot be properly classified in any particular district or districts, without consideration in each individual case. A use may be permitted in one or more zoning districts and a Special Use in one or more other zoning districts. Such cases are classified in this Resolution as “Special Uses” and fall into two (2) categories:

1. Uses publicly operated or traditionally affected with 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. Initiation of Special Use.** Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory character, any of which is specifically enforceable, may file an application to use such land for one or more of the Special Uses provided for in this Resolution in the zoning district in which the land is located.

**C. Application for Special Use.** An application for a Special Use shall be filed with the Administrative Officer on a form as he shall prescribe. The application required by the Administrative Officer shall, at a minimum, include the substance of the applicant’s proposal. The applicant shall also disclose in writing the applicant’s interest in real estate in any of the property adjoining and adjacent to the subject site property lot lines. The applicant’s hearing presentation of the Special Use application shall be restricted to the general substance of the application as initially filed with the Administrative Officer. This restriction is not intended to limit the applicant’s responses during any hearing nor is it intended to restrict the presentation of project details or other information within the general substance of the application. The filing of the application and the notices required in **Section 6.3.E** shall be construed as jurisdictional requirements. The application shall be accompanied by such plans and/or data prescribed by the Zoning Board of Appeals and shall include a statement in writing by the applicant and adequate evidence showing that the proposed Special Use will conform to the standards set forth in **Section 6.3.F** hereinafter.

Such application shall be forwarded from the Administrative Officer to the Zoning Board of Appeals with a request for a public hearing and report relative thereto. All documents filed by the applicant or other interested persons shall be date stamped or otherwise marked by the Administrative Officer, and the Administrative Officer shall keep a separate file of the Special Use application, with a docket sheet adequately describing each document filed by the applicant or otherwise submitted by objectors and other interested persons.

**D. Hearing an Application.** Upon receipt in proper form of the application and statement referred to in **Section 6.4.C** above, the Zoning Board of Appeals shall hold at least one public hearing on the proposed Special Use. The hearing shall be preserved in such manner as the Zoning Board of Appeals shall, by rule, prescribe from time to time.

All testimony by witnesses in any hearing shall be given under oath. The oath shall be administered to each witness and shall not be administered to a group of persons. Each witness shall be duly identified on the record at the time of taking the oath.

The Zoning Board of Appeals shall hold at least one hearing on the application and may hold as many hearings as necessary when the nature of the application and the nature of any proposed evidence may require additional hearings. All hearings shall be conducted to assure fundamental fairness and a full opportunity by the applicant, objectors, and a reasonable number of other interested citizens to participate fully in the hearing process, including but not limited to the right to present witnesses on the applicable standards in **Section 6.3.F** and the opportunity to question any witness of the other party. The chairperson shall have the right to restrict repetitive testimony. Any party appearing before the Zoning Board of Appeals may exercise the right to transcribe or record the proceedings at the expense of the party. The Zoning Board of Appeals shall accommodate any request to transcribe or record the proceedings.

The Zoning Board of Appeals reserves the right to control location of recording devices to insure the orderly nature of the proceedings. The party exercising their right to transcribe or record the proceedings shall have recording equipment and/or person(s) who will transcribe the proceedings available at the commencement of the hearing. The failure of said party to provide recording equipment and/or person to transcribe said hearing shall not be just cause to request continuance.

- E. Notice of Hearing.** Notice of time and place of such hearing shall be published not less than fifteen (15) nor more than thirty (30) days preceding said hearing and at least once in one or more newspapers of general circulation in the County of Rock Island.

The Administrative Officer shall also cause service of written notice not less than fifteen (15) nor more than thirty (30) days prior to the hearing in person or by mail, upon the Township Supervisor and the County Board member representing the township or district of the subject site and to all property owners whose property adjoins the subject site property lot lines, and to any other person or entities required by law to be notified and to all persons or entities entitled to object to such special uses.

In the event that property adjoining the subject site is owned by the applicant, notice will be sent to the owners of property which adjoin such other property owned by the applicant, if such property is not more than 1500 feet from the subject site property lot lines. The owners shall be identified as those persons or entities which appear upon the authentic tax records of Rock Island County in the Rock Island County Supervisor of Assessment Office as of January 1<sup>st</sup> of the calendar year of the filing of the Special Use request.

The calculations of the distance and the determination of adjoining and adjacent property owners shall exclude all public roads, streets, alleys, and other public ways.

In computing distances, the Administrative Officer is entitled to rely on the property records as such exist as of the date the applications is filed. The written notice shall contain the date, time and place of the hearing, the name and address of the applicant, location of the proposed site, the nature of the Special Use and a statement that persons have a right to participate in the Special Use hearing. The notice to the Township Supervisor and County Board Member and adjacent and adjoining property owners shall include the above referenced information.

- F. Standards.** No Special Use shall be granted by the County Board unless such Board shall find:

1. That the establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
2. That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood, and will be located and operated to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property. The applicant need not demonstrate complete compatibility, but the applicant shall demonstrate reasonable efforts to minimize incompatibility;
3. That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts;
4. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
6. That the plan of operations for the Special Use is designed to minimize the danger to the surrounding area from fire or other operational accidents; and
7. That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the County Board.

After a Special Use Permit has been granted, the Administrative Officer or any person whose property is being, or may be adversely affected by operation of the Special Use, may file a petition in writing with the Zoning Board of Appeals requesting that the Special Use permit be modified or revoked. The petitioner shall specifically allege the violation of the conditions under which the permit was granted or facts which would justify modification or revocation of the Special Use Permit.

If the petition is filed by the Administrative Officer, the matter shall be set for hearing. The provision of **Section 6.3.D** and **6.3.E** pertaining to hearings and notices shall be applicable. The hearing shall be held within sixty (60) days of the filing of the petition. The petitioner and the holder of the Special Use Permit must be notified. Copies of the petition shall be sent to the holder of the Special Use Permit along with the notice.

In the event the petition is filed by persons other than the Administrative Officer, the petition shall be first referred to the Administrative Officer for investigation. Within forty-five (45) days after the petition has been filed, the Administrative Officer shall report his findings and conclusions to the Zoning Board of Appeals. Within fifteen (15) days after receiving the Administrative Officer's report, the Zoning Board of Appeals shall set the matter for hearing within sixty (60) days or shall recommend to the County Board to dismiss the petition. If the petition is dismissed, the Zoning Board of Appeals shall state its reasons for dismissal and notify the petitioners and the holder of the Special Use Permit accordingly. In the event a hearing is scheduled,

**Section 6.3.d** and **6.3.e** pertaining to hearing and notice shall be applicable. The petitioner and the holder of the Special Use Permit shall be notified. The holder of the Special Use Permit shall be sent a copy of the petition with the notice.

Prior to filing a petition with the Zoning Board of Appeals, or reporting findings and conclusions to the Zoning Board of Appeals, pursuant to the Section, the Administrative Officer shall give the holder of the Special Use Permit a reasonable period of time to correct violations. The other time requirements of this Section shall not be stayed during the period of time the holder of the Special Use Permit is given to correct violations.

The County Board shall be guided but not controlled, by the findings and conclusions of the Administrative Officer. After a hearing, the Zoning Board of Appeals may recommend to the County Board to deny the prayer of the petition, or if the evidence so warrants, recommend to the County Board to revoke the Special Use Permit or modify the conditions of the permit. The burden of proof shall be on the petitioner.

The hearing shall be governed under the general standards as described in **Section 6.3.D**. Any decision of the County Board under this section shall be final.

8. That Special Use Permit applications for Rural Residential Building Lots shall be deemed to meet the requirements of **Section 6.3.f** provided the board finds:
  - a. That the Parcel contains 43,560 square feet (1 Acre)
  - b. That the property shall have 165 feet of frontage
  - c. Access to the property (the driveway) shall be directly onto an asphalt or concrete roadway maintained by either the Illinois Dept. of transportation or the Rock Island County Highway Dept. (no township roads, private roads, gravel or chip and seal)
  - d. Efforts shall be taken to reduce the amount of farm ground removed from production while realizing the minimum lot size.
  - e. The parcel shall be adequate for 2 (two) complete septic systems (1 now, 1 for replacement upon failure of the original), with written confirmation from the Rock Island County Health Dept.
  - f. Signed acknowledgment of the “Rock Island County Rural Living Contract”.
  - g. Land Evaluation Site Assessment score of less than 225.
  - h. The property shall have no buildable area in a floodplain as delineated on the Flood Insurance Rate Maps (FIRM) for Rock Island County, as adopted.
  - i. Where determined to be necessary by the Zoning Administrator, a 60 ft. wide area shall be left between parcels for future road access to properties lying behind the subject property, with the intent to maintain the possibility of long term development. Appeals of the Administrator’s decision shall be heard by the Zoning Board of Appeals, said decision being final.

- j. The property shall be in an area where the proposed lot size does not meet the requirements of the current Rock Island County Land Use Map.
- G. **Conditions and Guarantees.** Prior to the granting of any Special Use, the Zoning Board of Appeals shall recommend to the County Board such conditions and restrictions upon the establishments, location, construction, maintenance and operation for the Special Use as it is deemed necessary for the protection of the public interest and to secure compliance with the standards specified in **Section 6.3.F** above. In all cases in which Special Uses are granted, the County Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- H. **Effect of Denial of a Special Use.** No application for a Special Use that has been denied wholly or in part by the County Board shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Administrative Officer.
- I. **Revocation.** In any case, where a Special Use has not been established within one (1) year after the date of granting thereof, then without further action by the County Board, the Special Use or authorization shall be null and void, unless otherwise specified by the County Board.
  - 1. The provisions of **Section 6.3.F.7** of this Resolution, pertaining to modification or revocation of special use permits, shall be applicable to Special Use permits or Special Use permits previously issued by the Zoning Board of Appeals under prior versions of this Resolution.
- J. **Action by the County Board.** The County Board shall not act upon a proposed Special Use until they have received written report and recommendation from the Zoning Board of Appeals on the proposed Special Use.
  - 1. The concurring vote of three (3) members of a Board consisting of five (5) members is necessary to recommend to the County Board to approve the petition.
  - 2. The County Board may grant or deny an application for a Special Use, provided, however, that in case of a written protest against any proposed Special Use, and signed and acknowledged by the owners of twenty (20) percent of the frontage to be altered, or by the owner of twenty (20) percent of the frontage immediately adjoining or across an alley therefrom, or by the owner of twenty (20) percent of the frontage directly opposite frontage proposed to be altered, or in the cases where the land affected lies within 1½ miles of the limits of a zoned municipality, by resolution of the corporate authorities of the zoned municipality with limits nearest adjacent, filed with the County Clerk, such Special Use shall not be passed except by the favorable vote of 2/3 of all of the members of the County Board. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed Special Use and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed Special Use.

**ARTICLE VII – DISTRICTS AND MAP**

**7.0** For the purpose of this ordinance, the county of Rock Island, Illinois, is hereby divided into twenty-three (23) classes of districts as follows:

- “AG-1” Agricultural Preservation District
- “AG-2” General Agricultural District
- “SE-1” Suburban Estates Low Density District
- “SE-2” Suburban Estates Medium Density District
- “R-1” One Family Residence District
- “R-2” One Family Residence District
- “R-3” One and Two Family Residence District
- “R-4” One to Six Family Residence District
- “R-5” Multiple Family Dwelling District
- “R-6” Multi-Family Residence District
- “R-7” Mobile Home District
- “U-1” University/College District
- “C-1” Conservation District
- “C-2” Conservation District
- “O-1” Office District
- “B-1” Neighborhood Business District
- “B-2” Central Business District
- “B-3” Community Business District
- “B-4” Highway Intensive Business District
- “ORT” Office/Research and Technology District
- “I-1” Light Industrial District
- “I-2” General Industrial District
- “PUD” Planned Unit Development District

**7.1** The boundaries of these districts are hereby established as shown on a map entitled “Zoning Map, County of Rock Island, Illinois,” hereinafter referred to as the “Zoning Map,” which accompanies and is hereby made a part of this Ordinance. The district boundary lines on said map are intended to follow lot lines, the center lines of streets or alleys, the center line of streets or alleys projected, railroad right-of-way lines, or the corporate limit lines, all as they existed at the time of enactment of this Ordinance; but when a district boundary line does not clearly coincide with lot lines, it shall be determined by scaling.

**7.2** Where a district boundary lines divides a lot which was in single ownership and of record at the time of enactment of this Ordinance, the use authorized on and the other district requirements applying



to the less restricted portion of such lot is more than fifty (50) feet beyond said dividing district boundary line, such less restricted use shall be limited to the portion of the lot lying within fifty (50) feet of said boundary line.

- 7.3** Questions concerning the exact location of district boundary lines shall be determined by the Zoning Board of Appeals Authority according to the rules and regulations which it may adopt.

## **ARTICLE VIII – GENERAL PROVISIONS**

### **8.0 Zoning Affects Every Structure and Use**

Except as hereinafter provided, no building, structure or land shall hereafter be used and no building or part thereof of structure shall be erected, constructed, reconstructed, occupied, moved, altered or repaired, except in conformity with the regulations herein specified for the class of district in which it is located.

### **8.1 Continued Existing Uses**

Any building, structure or use lawfully existing at the time of enactment of this Ordinance may be continued, except certain non-conforming uses as provided in **Section 8.3**. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector.

### **8.2 Non-Conforming Uses**

- A.** Any lawfully established use of a building or land, at the effective date of this ordinance, or of amendments thereto, that does not conform to the use regulations for the district in which it is located, (except residential building lots, with existing single family dwellings, located in the AG-1 and AG-2 Districts with less than the required minimum lot size, which shall be deemed conforming), shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.
- B.** Any legal non-conforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
- C.** Any building for which a permit has been lawfully granted prior to the effective date of this ordinance, or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within six months and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.
- D.** Any non-conforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot or other act of God, may be reconstructed and used as before if it be done within twelve months (12) of such calamity unless damaged more than fifty percent (50) of its fair market value, as determined by the Board of Appeals, at the time of such damage, in which case, reconstruction shall be in accordance with the provisions of this Ordinance.
- E.** No building, structure or premises where a non-conforming building or structure which has been or may be discontinued for more than one (1) year, or has been or may be changed to a use permitted in the district in which it is located, shall again be devoted to a nonconforming use.
- F.** Any building or structure devoted to a nonconforming use with a fair market value of less than five hundred dollars (\$500), as determined by the Board of Appeals, may be continued for a period not to exceed three (3) years after enactment of this Ordinance, where upon such nonconforming use shall be removed or changed to a conforming use.

- G.** Any legal, nonconforming use shall be enclosed in all sides by a solid wall or tight board fence not less than eight (8) feet high if said use includes storage, repair or maintenance of vehicles, equipment or materials on the premises and not within the building. Said wall or fence shall be maintained to the satisfaction of the Building Inspector. Any use so described that is in existence at the time of this amendment is adopted shall comply with said fencing requirement within one hundred eighty days (180) of the adoption of this amendment.
- H.** A non-conforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and only if the required yards for the district in which it is located are maintained for such enlargement, except as provided for under Variances of this Ordinance.
- I.** No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.
- J.** No non-conforming building in any Residential District shall be so altered as to increase the number of dwelling units therein.
- K.** No non-conforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed at the effective date of this ordinance, or to displace any conforming use in the same building or the same parcel.
- L.** Where a use is classified as a Special Use under this Ordinance and exists as a Special Use or permitted use at the date of the adoption of this Ordinance, it shall be considered to be a legal Special Use.
- M.** Where a use is not allowed as a Special or Permitted Use under this Ordinance or at the date of the adoption of this Ordinance and exists as an additional use as provided in the Rock Island County Zoning Ordinance adopted July 1995, as amended, it shall be considered to be a non-conforming use and shall be subject to the applicable non-conforming use provisions of this section.
- N.** Where non-conforming setbacks are a result of road widening on behalf of a municipality, county, state or township highway department, shall not be subject to the applicable non-conforming use provisions of this section.

### **8.3 Street Frontage Required – Flag Lots**

Every lot shall have at least twenty (20) feet of frontage which provides reasonable access onto public right-of-way dedicated to street purposes. No building in the rear of a principle building on the same lot shall be used as a dwelling. Setbacks for flag lots will be determined at the start of the buildable area of the lot.

### **8.4 Accessory Buildings in all Districts**

- A.** No accessory building or buildings shall be erected in any required court or yard. When erected in a side yard in an AG-1, AG-2, SE-1, SE-2 or any “R” district, the accessory building shall maintain a five feet (5') setback. When erected in a rear yard in an AG-1, AG-2, SE-1, SE-2 or any “R” district, the accessory building shall maintain a five feet (5') setback. In any zoning district, accessory buildings shall not occupy more than thirty percent (30%) of the lot area, and in any “R” district, it or they shall not exceed the total ground floor footage of the primary

structure, except for swimming pools, and shall be a distance of five feet from any lot line that adjoins an AG-1, AG-2, SE-1, SE-2 or any “R” district.” Accessory buildings in all Residential Districts shall not exceed fifteen (15) feet in height, except that an accessory building used in part or wholly as a dwelling for domestic employees of the owners or of the tenants of the principle building shall not exceed two (2) stories or twenty five (25) feet in height, provided it shall conform to the open space requirements of this Ordinance for a principle building, and for the purpose of determining the front yard in such case, the rear line of the rear yard required for the principle building shall be considered the front lot line for the building in the rear. Where the natural grade of a lot at the front wall of the principle building is more than eight (8) feet above the average established curb grade in front of the lot, a private garage may be erected within any yard or court, but not within ten (10) feet of any street line, provided that at least one-half (1/2) of the height of such private garage shall be below the level of the yard or court.

- B.** Any accessory building may be erected as an integral part of the principle building, or if at least six (6) feet from the principle building, may be connected to the principle building by a breezeway or similar structure, provided all yard and court requirements of this Ordinance for the principle building are complied with, unless such accessory building is in a rear yard, in which case the applicable provisions of **Section 8.5.a.** shall apply.
- C.** For zoning lots with a gross area of twenty five thousand (25,000) square feet or greater in an AG-1, AG-2 or SE1 district, accessory building may be allowed in the front yard providing all other requirements of this ordinance are met. For zoning lots in any “R” District, or the SE-2 Suburban Estates Medium Density District with a lot area of twenty five thousand (25,000) square feet or greater, one (1) accessory building may be erected in the front yard, as follows;”

1.	Lot Size	Building Maximum
	25,000 square feet to 2 acres	900 square feet
	2+ acres to 5 acres	1200 square feet
	5+ acres to 15 acres	1600 square feet

Provided:

- a.** The principle building is, or shall be, located a minimum of one hundred (100) feet from the front property line, and;
  - b.** The accessory building shall be located at or behind the front yard setback for the Zoning District in which the lot is located.
- 2.** For zoning lots greater than fifteen (15) acres, no more than (2) accessory buildings will be allowed in the front yard and no size limitation will be placed on the size of the accessory building, provided:
- a.** The principle building is, or shall be located at a minimum of two hundred (200) feet from the front property line; and
  - b.** The accessory Building(s) shall be located at or behind the front yard building setback for the Zoning District in which the lot is located.

- D. For zoning lots that abut upon a river, accessory buildings may be located in front yards provided:
  - 1. The principle building fronts the river, and;
  - 2. Accessory buildings are located in front yards on zoning lots with frontage upon the same side of the street between two (2) intersecting streets or within a distance of three hundred (300) feet in each direction from the lot in question; and
    - a. The front setback of the proposed accessory building will not be less than the average of the front setbacks of the adjacent zoning lots and the side yard setbacks will be at least five (5) feet.
- E. No accessory building or structure shall be constructed on any “SE-2” or “R” lot prior to the time of construction of the principle building to which is accessory.
- F. On all corner lots the setback for accessory buildings shall be the same as that which is required for the principle building.

**8.5 Required Yard Cannot be Reduced or Used by Another Building**

- A. No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum requirement. No required open space provided about any building or structure shall be included as part of any open space required for another building or structure.
- B. The space occupied by a required private garage or parking area shall be considered the same as any required open space provided about a principle building, and such space shall not be reduced or included as any part of any required open space for another building or structure.

**8.6 Permitted Obstructions in Required Yards**

The following shall not be considered to be obstructions when located in the required yards specified:

- A. In all yards- porch awnings and canopies, steps which are necessary for access to a permitted building, or for access to a zoning lot from a street or alley; chimneys projecting not more than eighteen (18) inches into the yard; clothes lines; flag poles; arbors, trellises, closed and open-type fences, and hedges six (6) feet or less in height, provided no such fence, the top rail of which is between two (2) and six (6) feet above the roadway surface or no other ground level sight obstructions, exceptions being trimmed tree trunks and poles, shall be placed or permitted to remain on any corner or reversed corner lot within the triangular area formed by the right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way lines, or in the case of a rounded right-of-way corner, from the intersection of the right-of-way lines extended; open fences exceeding six (6) feet in height.
- B. In front yards - one-story bay windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting three (3) feet or less into the yard. In A-1 district permitted roadside stands.
- C. In rear yards - open decks not enclosed, attached or detached off-street parking spaces; open off-street parking spaces; accessory sheds, tool rooms, similar buildings or structures for

domestic or agricultural storage; balconies; breezeways and open porches; one-story windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting three (3) feet or less into the yard.

- D. In side yards - overhanging eaves and gutters projecting into the yard for a distance not exceeding ten (10) percent of the required yard width but in no case, exceeding eighteen (18) inches.

### **8.7 Conversion of Dwellings**

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such a district, with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces and off-street parking. Each conversion shall be subject to such further requirements as may be specified hereinafter with the Article applying to such district.

### **8.8 Minimum Ground Floor Area for Dwellings**

A one story dwelling or a story and a half, or two story dwelling shall meet the minimum floor area standards in the Building Code, as adopted by Rock Island County and be at least nine hundred (900) square feet with the length being no more than four times (4x) the width.

### **8.9 Traffic Visibility Across Corner Lots**

In any district, except B-2, on any lot, no fence structure or planting shall be erected or maintained within twenty (20) feet, measured horizontally from the property line where they intersect on a street corner.

### **8.10 Essential Services**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the County of Rock Island it being the intention hereof to exempt such essential services from the application of this Ordinance.

### **8.11 Fences, Walls and Hedges**

General Provisions:

- A. Fences, walls and hedges located in a yard adjacent to a public street and on property zoned R-1 or U-1 shall be no more than forty two (42) inches in height provided the top rail is not between two (2) and six (6) feet above the roadway surface or other ground level sight obstructions and the smooth, finished, nonstructural or dressed side of a fence, if any, shall be directed toward the neighboring properties.
- B. Fences, walls and hedges shall not exceed six (6) feet in height, except trimmed tree trunks and poles in any side or rear yard, and the smooth, finished, nonstructural or dressed side of the fence, if any shall be directed toward neighboring properties.

- C. All fences, wall or hedges may be placed up to the property line, except in cases of a corner lot or reversed corner lot, where they shall not be placed within the triangular area formed by the right-of-way lines and a line connecting them at a point twenty five (25) feet from the intersection of the right-of-way lines or in the case of a rounded corner from the intersection of the right-of-way lines extended.
- D. Fences up to ten (10) feet in height shall be permitted in any “T” district.
- E. All refuse and/or discard areas for all commercial, industrial and multi-family residential uses shall be screened on a minimum of three (3) sides by a six foot solid or tight board fence. All refuse and/or discard areas for all commercial and industrial uses which do not conform to all applicable provisions of this section shall be made to conform within three (3) years from the effective date of this Ordinance. The Administrative Officer, or designee, shall make the determination if it is an unreasonable hardship to require existing refuse and/or discard to be screened on a case-by-case basis.
- F. Snow fencing shall only be used on a temporary basis by public jurisdictions for public safety purposes or in Agricultural Districts or as a permitted use for temporary festival/event enclosure purposes.
- G. Fencing shall not be allowed in floodways.
- H. Swimming pool fencing requirements are outlined in the County building code.

Optional:

1. Barbed wire fences shall be permitted only in, Agricultural, or Suburban Estate-1 Districts. On review by the Zoning Board of Appeals in Industrial districts and the bottom strand shall be a minimum of eight (8) feet above grade.
2. Electric fences shall be permitted only in Agricultural, or Suburban Estate-1 Districts and only for the enclosure of livestock. Electric fences shall not carry a charge greater than twenty five (25) milliamperes nor a pulsating current lower than one tenth (1/10) second in a one second cycle. All electric fence charges shall carry the seal of an approved testing laboratory.
3. Barbed wire and electric fences shall be prohibited within five (5) feet of a public sidewalk or within four (4) feet of street right-of-way line where a public sidewalk does not exist. In the latter case, however, either fence may be installed or constructed along the right-of-way line if the property owner agrees to move the fence back the required distance within two (2) months after the installation of a public sidewalk.

## 8.12 Home Occupations

- A. **Home Occupation, Major.** Major home occupations are home occupations where customers and employees may come to the home and where the occupation:
  1. Shall be conducted entirely within a dwelling unit or one accessory structure and carried on by the inhabitants thereof and one employee not residing on the parcel.

2. Shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds or vibrations that carry beyond the premises.
  3. Shall have no more than two hundred (200) square feet of floor area used for the home occupation.
  4. Shall have no signs present on the property except for one sign, not exceeding two square feet, and not illuminated.
  5. Shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that incidental retail sales may be made in connection with other permitted home occupations, for example, a single-chair beauty parlor would be allowed to sell combs, hair spray, and other miscellaneous items to customers. However, a dressmaker would be required to do only custom work for specific clients and would not be allowed to develop stocks of dresses for sale to the general public on-site.
  6. Shall have no storage or display of goods visible from outside the structure.
  7. Shall have no highly explosive or combustible material used or stored on the premises unless approved by the fire inspector. No activity shall be allowed that would interfere with radio or television reception in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
  8. Shall have adequate off street parking spaces available to compensate for additional parking needs generated.
  9. Deliveries from commercial suppliers may be made more than once a week, and the deliveries shall not be made from semi-tractor trailer trucks.
  10. Shall include, but are not necessarily limited to, the following:
    - a. Single-chair beauty parlors and barber shops;
    - b. Photo developing and printing;
    - c. Organized classes with up to six students at a time;
    - d. Television and other electric or electronic repair, excluding major appliances such as refrigerators or storage;
    - e. Upholstering;
    - f. Dressmaking and millinery; and
    - g. Woodworking excluding cabinet making.
- B. Home Occupation, Minor.** Minor home occupations are home occupations which shall not have nonresident customers and employees and where:
1. Shall be conducted entirely within a dwelling and carried on by the inhabitants thereof and no other.
  2. Shall be clearly incidental and secondary to the use of the dwelling for dwelling



purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or other emission of sounds or vibrations that carry beyond the premises.

3. Shall have no more than two hundred (200) square feet of floor area used for the home occupation.
4. Shall be no advertising, display, or other indications of a home occupation on the premises.
5. Shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that orders previously made by telephone or at a sales party may be filled on the premises. That is, direct sales of products off display shelves, racks or from inventory is not allowed, but a person may pick up an order placed earlier as described above.
6. Shall have no storage or display of goods visible from outside the structure.
7. Shall have no highly explosive or combustible material used or stored on the premises unless approved by the fire inspector. No activity shall be allowed that would interfere with radio or television reception in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
8. Shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located, including commercial and general delivery services.
9. Shall have no use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence allowed.
10. Notwithstanding any provision contained herein to the contrary, garage, basement, yard or other similar sales shall not be allowed more than twice a year, and each sale shall not last more than seventy-two (72) consecutive hours, and only goods which have been generated from within the household and not purchased elsewhere for resale. Sales shall be conducted on the owner's property except that multiple family sales are permitted if they are held on the property of one of the participants and any such sale shall be considered to be a sale for all participants.
11. Shall have no deliveries from commercial suppliers made more than once a week, and the deliveries shall not be made from semi-tractor trailer trucks.
12. Shall include, but are not necessarily limited to, the following:
  - a. Artists and sculptors;
  - b. Authors, desktop publishers and composers;
  - c. Home crafts for sale off-site;
  - d. Office facility of clergy;
  - e. Office facility of a salesman, sales representative or manufacturer's representative provided that no transactions are made in person on the premises;

- f. Address of convenience used solely for receiving and making telephone calls including computer usage, mail, keeping business records in connection with a profession or occupation;
  - g. Individual tutoring;
  - h. Preserving and home cooking for sale off-site;
  - i. Individual instrument and vocal instruction provided that no instrument may be amplified;
  - j. Telephone solicitation work;
13. Any other similar uses deemed to be consistent by the Zoning Board of Appeals.

### 8.13 Off-Street Parking and Loading

#### A. Purpose:

The purpose of this section of the Zoning Ordinance is to alleviate or prevent congestion of the public streets and promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use of the property.

#### B. General Provisions:

1. Procedure: An application for a building permit for a new or enlarged building, structure or use shall include a plot plan, drawn to scale and fully dimensioned showing any parking or loading facilities to be provided in compliance with the requirements of this ordinance.
2. In all districts, in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by uses requiring the receipt or distribution by vehicles of materials and merchandise, there shall be provided and maintained on the same premises with such building at least one (1) off- street loading space accessible from any alley, easement of access, or when there is no such alley or easement of access from a street, plus one (1) additional such loading space for each two thousand (2,000) square feet or major fraction thereof of gross floor area so used in excess of twenty thousand (20,000) square feet. Such space may occupy all or any part of any required rear yard or upon authorization from the appropriate board of review, any part of any other yard or court space.
3. In all districts, except "B-2", an off-street parking area in the open or in a garage, shall be provided in connection with the uses set forth herein after and to the extent indicated therewith, in addition to the above required loading and unloading spaces. Such areas in the case of "R" districts and for dwellings in other districts, shall be on the premises intended to be served; and in the case of other districts, and in connection with uses other than property within one hundred feet (100') of any part of said premises and in the same or less restricted district.
4. Off street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger vehicles owned and occupied.

**C. Units of Measure:**

1. Floor area as employed in this parking and loading section in the case of office, merchandising or service types of use shall mean the gross floor area of a building or structure used or intended to be used for service to the public as customers, patrons, clients, patients, or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. Floor area for the purposes of this section shall not include any area used for storage accessory to the principle use, incidental repairs, processing or packaging of merchandise, show windows, incidental management offices, restrooms, utilities and dressing/fitting rooms.
2. Parking spaces shall not be less than eight and one-half feet (8-1/2') wide and nineteen feet (19') long or not less than one hundred sixty (160) square feet in area exclusive of access drives or aisles.
3. Loading spaces shall not be less than ten feet (10') wide, fifty feet (50') in length and fourteen feet (14') in height, exclusive of access and turning areas.

**D. Schedule:**

Parking requirements shall be as follows, reference to maximum number of patrons shall be based on the figure provided by fire code for a given facility:

1. Athletic Field - five parking spaces per acre.
2. Auditorium/Theater - one parking space for every four seats or one parking space for every 150 square feet plus one for every two employees during a maximum shift.
3. Auto Repair - three per bay, plus one per employee during a maximum shift.
4. Auto Gas and Sales - two parking spaces per pump, plus two per service bay plus one per employee during a maximum shift.
5. Banks and Business Offices - four parking spaces per 1000 square feet, plus drive through requirements if applicable.
6. Barber/Beauty Shop Styling and Tanning Salons - two parking spaces per personal grooming station, plus one for every two employees during a maximum shift.
7. Bowling Alleys - six parking spaces per alley plus bar and restaurant requirements, if applicable.
8. Car Wash - six parking spaces per bay.
9. Care Homes - one parking space for every two residents, plus one for each employee during a maximum shift.
10. Churches - one parking space for every four sanctuary seats.
11. Community Center - one parking space for every three maximum patrons.
12. Day Care Centers - one parking space for every two employees during a maximum shift, plus one for every ten children served plus one per institutional vehicle.

13. Drive Through Facility - six stacking spaces for each drive through station or automatic teller machine, plus appropriate employee parking for principle use.
14. Dry Cleaning - one parking space for every two employees during a maximum shift, plus four for patrons.
15. Durable Goods Sales (appliances, furniture, etc.) - one parking space per 500 square feet, plus one per employee during a maximum shift.
16. Elderly Housing Facility - three parking spaces for every four units, plus one per employee during a maximum shift.
17. Fraternities, Sororities and Boarding Houses - one parking space per lodging resident, plus one per employee during a maximum shift.
18. Funeral Home - one parking space per 50 square feet of public access area, plus one per business vehicle.
19. Group Home/Halfway House/Boarding House - one parking space per bedroom.
20. Health Recreation and Physical Training Facility - five parking spaces per 1,000 square feet, plus additional parking for outdoor accessory use if applicable.
21. Hospital - one parking space per overnight bed, plus one per affiliated doctor plus one per employee during a maximum shift, plus six per 1,000 square feet devoted to outpatient service.
22. Laundromats - one parking space for every two washers.
23. Manufacturing Plants and Testing Labs - three parking spaces for every four employees during a maximum shift, plus one per business vehicle plus four per 1,000 square feet devoted to office space.
24. Medical, Dental or Veterinary Office or Clinic - two parking spaces per treatment room, plus one per employee during a maximum shift.
25. Motel, Hotel or Apartment Hotel - one parking space per unit, plus one for every two employees during a maximum shift plus banquet, restaurant and/or bar requirements if applicable.
26. Mobile Home Park - one parking space and one for every four units.
27. Nursing Home - one parking space per overnight bed, plus one per affiliated doctor plus one per employee during a maximum shift.
28. Park, Neighborhood - five parking spaces per first two acres, plus one for each additional acre.
29. Park, Community - five parking spaces per acre, plus requirements for major facilities as noted elsewhere in this list if applicable.
30. Residences - two parking spaces per unit and for six-plexes or greater; guest parking equal to 10 percent of the total dwelling units.

31. Restaurants, Taverns, or Night Clubs - one parking space for every 75 square feet of public floor area or for each two persons allowed by fire code, whichever is greater, plus drive through requirements if applicable.
32. Retail, Freestanding and Shopping Centers - five parking spaces per 1,000 square feet gross floor area, and one for every two employees on a maximum shift
33. Schools, Elementary and Junior High - one parking space per employee, plus one per class room plus one per institutional vehicle.
34. Schools, High School - one parking space per employee, plus one for every four students plus one per institutional vehicle.
35. Sports Stadium, Outdoor - one parking space for every three maximum patrons, plus parking for buses.
36. Swimming Pool - one parking space for every three maximum patrons.
37. Wholesale and Warehouse - two parking spaces per 1,000 square feet for first 10,000 square feet, plus one per 2,000 square feet for the remaining space with office area parking calculated separately at four per 1,000 square feet.

**E. Development Standards:**

1. Off street accessory parking areas shall be of usable shape and shall be improved in accordance with requirements of the County Engineer with asphalt cement concrete, Portland cement concrete or alternate equivalent materials acceptable to the County Engineer, and so graded and drained as to dispose of all surface water accumulation within the area. Any lighting used to illuminate such parking shall be so arranged as to reflect the light away from adjoining premises in any "R" district and in accordance with illumination standards further described in this ordinance.
2. Parking lot layout shall be designed so the maneuvering requirements are accomplished without backing into adjacent public streets. Stack parking shall not be allowed to meet parking requirements for uses other than one and two family uses.

**F. Exceptions:**

1. The Zoning Board of Appeals may, on appeal, authorize a modification, reduction or waiver of the foregoing requirements. Such modification, reduction or waiver shall be justified by the particular nature of the use, or other exception, situation or condition.

**G. Parking, Storage or Use of Recreational Vehicle:**

1. No recreational vehicle shall be parked or stored on any lot in a residential district except in a required side or rear yard providing all yard setbacks are met by the recreation vehicle and the vehicle is parked on an impervious surface. However, such equipment may be parked anywhere on residential premises for a period of time not to exceed 24 hours during loading and unloading no more than twice in any consecutive period of seven (7) days. At least thirty (30) hours must separate each occurrence. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use, however, that such equipment may be used for the housing of guests of occupants of the

principle resident if (a) occupancy shall not exceed thirty (30) consecutive days; and (b) no charge is made for such occupancy.

2. No recreational vehicle shall be stored out of doors on residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the value of the equipment in its existing state. In no case shall any such equipment be so stored for a period of more than six (6) months if not in condition for safe and efficient performance of the function for which it is intended.

#### **8.14 Validity of Existing Applications for Building Permits**

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this Ordinance as amended, the construction of which, conforming with such plans shall have been started prior to the effective date of this Ordinance, as amended, and completion thereof carried on in a normal manner within the subsequent six month period, and not discontinued until completion, except for reasons beyond the builder's control.

#### **8.15 Uses Authorized by the Zoning Board of Appeals**

Any use or structure as regulated by the Zoning Board of Appeals in the various districts shall be accumulative in nature beginning with the most restrictive district.

#### **8.16 Principal Building**

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 principle building on one lot unless otherwise provided in this Ordinance.

#### **8.17 Minimum Lot Size**

Every residential building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall provide a lot or parcel of land having not less than the minimum area and width specified for the particular zoning district in which it is located.

#### **8.18 Adult Regulated Uses**

To prevent undue adverse effects upon adjacent areas in an I-1 and I-2 district from uses, the following will apply:

- A. Not more than two (2) such Adult Use Special Uses will be established within one thousand (1,000) feet of each other,
- B. Adult Special Uses must not be located closer than one thousand (1,000) feet in any direction to the following Zoning Districts and Land Uses, Agricultural, Suburban Estates, Residential or Commercial Districts, Public or Private Schools, Licensed Day Care Centers, Churches or Religious Centers, Public Parks or designated Pedestrian/Bicycle Paths.

- C** No building in which Adult Use Special Uses operate shall display mat photos, live models or drawings on the exterior of said building. Any displays of such materials, photos, live models or drawings will be limited to the interior portion of the building which cannot readily be seen from any entrance, exit or exterior window opening.

## **ARTICLE IX – ADDITIONAL REQUIREMENTS, EXCEPTIONS AND MODIFICATIONS**

The requirements and regulations specified herein before this Ordinance shall be subject to the additional requirements, exceptions, modifications and interpretations in the following:

### **9.0 Height Limits.** Height limitations stipulated elsewhere in this Ordinance shall not apply:

- A.** To barns, silos or other farm buildings, provided these are not less than fifty (50) feet from every lot line, to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if in the opinion of the Building Inspector, such structures would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Zoning Board of Appeals.
- B.** To places of public assembly such as churches, schools and other permitted public and semi-public buildings not to exceed six (6) stories or seventy-five (75) feet, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- C.** To bulkheads, conveyors, derricks, elevators, penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height. Where a permitted use for the highest building otherwise is permitted in the district.
- D.** To hospitals, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width and depth by an additional one-half (1/2) foot over the side and rear yards required for the highest building otherwise permitted in the district.

### **9.1 Lot Area Requirements**

- A. Existing Lots of Record.** In any district where dwellings are permitted, a one-family detached dwelling may be constructed on any lot of official record at the time of enactment of this Ordinance, provided that proposed yard spaces satisfy requirements stipulated for the district in which said lot is located, or requirements as may be modified by the Zoning Board of Appeals.
- B. Lots Unserved by Sewer and Water.** In any district where neither public water supply nor public sanitary sewer is accessible, the otherwise specified lot area and width requirement shall be twenty thousand (20,000) square feet and one hundred (100) feet; respectively, provided, however, that where a public water supply system is accessible and will be installed, these requirements shall be ten thousand (10,000) square feet and seventy-five (75) feet respectively, provided further that the Health Officer has certified that the said areas will be large enough to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

### **9.2 Lot Area Per Family**

- A.** Modification of Minimum Lot Area on any lot where more than two dwelling units are



permitted. Where part or all of the off-street parking spaces required for dwelling are provided within the principle building, the minimum lot area per dwelling unit specified may be reduced by a maximum of twenty (20) percent, in accordance with the following formula:

$$a/b \times 20\%$$

When a = the number of spaces provided within the principle building,

and b = the number of spaces required for the dwellings.

### 9.3 Front Yard Exceptions and Modifications

- A. **Front Yard Requirements Do Not Apply.** To bay windows or balconies occupying, in the aggregate, not more than one-third (1/3) of the front wall, provided that these projections come entirely within planes drawn from either main corner of the front wall, making the interior angle of twenty-two and one-half (22-1/2) degrees in the horizontal planes with the front wall; to chimneys, flues, belt courses, leaders, sills, pilasters, uncovered porches or similar features not over three (3) feet high above the average finished ground and distant five (5) feet from every lot line.
- B. **Interior Lots.** In any district where the average depth of two (2) or more existing front yards on lots within one hundred fifty (150) feet in either direction of the lot in question and within the same block front less than the average depth of said existing front yards or the average depth on the two (2) lots immediately adjoining, provided, however, that the depth of a front yard in any "R" district shall be at least ten (10) feet and need not exceed thirty (30) feet.
- C. **Corner Lots.** In any district where the average depth of two (2) or more existing front yards on lots within one hundred and fifty (150) feet of the lot in question and within the same front is less than the least front yard described, the depth of the front yard on such lot shall not be less than the average depth of said existing front yards or depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on a lot in any "R" district shall be at least ten (10) feet and need not exceed thirty (30) feet, except as provided in **Section 8.10**.

### 9.4 Side Yard Exceptions and Modifications

- A. **Along Any District Boundary Line.** An abutting side yard on a lot in the less restricted district shall have at least width equal to that required in the more restricted district; and in a "B-2" or "I" district, on a lot abutting a lot in any "R" district, such side yard for a building higher than the limiting height in such "R" district shall be increased by three (3) feet for each story over such limiting height.
- B. **Side Yards Shall Be Increased.** In width by two (2) inches for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds forty (40) feet in any "R-1" or "R-2" district, or fifty (50) feet in any "R-3" district.
- C. **Side Yards May Be Reduced.** By three (3) inches from the otherwise required least width or sum of the least widths for each foot by which a lot of record at the time of enactment of this Ordinance is narrower than the lot width specified for the district in which the lot is located, in the case of buildings not higher than two and one-half (2-1/2) stories, and in case

the owner of record does not own any adjoining property; provided, however, that no side yard shall be narrower at any point than three (3) feet.

- D. No part of any accessory building shall be nearer a side street lot line than the least depth of any front yard required along such side street.
- E. **Side Yards May Be Varied.** Where the side walls of a building are not parallel with the side lot line or is broken or otherwise irregular, in which case, the average width, or narrower than three (3) feet in any case.
- F. **Structures or Projections into Side Yards May Be Permitted as Follows.** Fences, plantings or walls not over six (6) feet above the average natural grade. Fire escapes three (3) feet from a side lot line. Bays and balconies not more than three (3) feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall, making an interior angle of twenty-two and one-half (22-1/2) degrees in the horizontal plane with the side wall. The sum of the lengths of such projection shall not exceed one-third (1/3) of the length of the side yard.
- G. Chimneys, flues, belt courses, leaders, sill, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like, into or over a required side yard not more than one and one-half (1-1/2) feet.
- H. Terraces, steps, uncovered porches, stoops or similar features not higher than the elevation of the ground story of the building and distant three (3) feet from a side lot line.

#### 9.5 Rear Yard Exception and Modifications

- A. **Rear Yards May Be Reduced.** Rear yards may be reduced by three (3) inches from the required least depth for each foot by which a lot at the time of enactment of this Ordinance is less than one hundred (100) feet deep, in the case of a building not higher than two and one-half (2-1/2) stories, and in the case the owner of record does not own adjoining property to the rear, provided, however, that no required rear yard shall be less than ten (10) feet deep.
- B. **Structures Or Projections Into Rear Yards May Be Permitted As Follows.** Fences, plantings or walls not over six (6) feet above the average natural grade. Fire escapes six (6) feet from the building. Bays and balconies not more than three (3) feet from the building, provided these projections are entirely within the planes drawn from either main corner of the rear wall, making an interior angle of twenty-two and one-half (22-1/2) degrees in the horizontal plane with the rear wall. The sum of the lengths of such projections shall not exceed one-half (1/2) of the width of the rear wall.
- C. Chimneys, flues, belt courses, leaders, sills, pilaster lintels, ornamental features, cornices, eaves, gutters and the like, into or over a required rear yard not more than one and one-half (1-1/2) feet.
- D. Terraces, steps, uncovered porches or similar features not more than ten (10) feet into a required rear yard, nor closer than six (6) feet of an alley or within ten (10) feet of a rear lot line, nor an alley lot line or within six (6) feet of an accessory building.

#### 9.6 Supplemental Yard Requirements

- A. When forty (40) percent or more of the frontage on the same side of the street is improved

with buildings that have a front yard that is greater or less than the required front yard in the district, a building may project to the average front yard so established.

- B.** Whenever a lot of record has an average width that is twenty (20) percent or more percent less than the minimum average width required in the district in which it is located, the width of the side yards may be reduced to ten (10) percent of the average width of the lot, but no side yard shall be less than three (3) feet in width unless authorized by the Zoning Board of Appeals.
- C.** The required front yard setbacks on corner lots shall be provided on both streets where a lot is located at the intersection of two (2) or more streets.
- D.** On double frontage lots, the required front yard shall be provided on each street.
- E.** Temporary structures that are used in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary structures shall be removed upon completion of the construction work. This temporary structure shall not be used as a dwelling.
- F.** Exterior storage of goods, materials or equipment shall not be permitted in any AG-1, AG-2, SE-1, SE-2, "R" Districts, or any Other District except as explicitly authorized by this Zoning Ordinance.

## DISTRICTS

### AGRICULTURAL PRESERVATION DISTRICT – “AG-1”

#### ARTICLE X – “AG-1” AGRICULTURAL PRESERVATION DISTRICT

##### 10.0 General Description

The AG-1 District is established to conserve farmland and to encourage continued agricultural activities, thereby helping to ensure that sustainable agriculture will continue as a long term land use and a viable economic activity within the District. The AG-1 District is also established to preserve natural features and the rural landscape, while allowing low density residential development that minimizes its impact on agricultural land, farming operations and sensitive environmental features. The preferred use in the AG-1 District is Agriculture. The District is intended to permit a range of uses related to agriculture, to encourage preservation of large blocks of farmland, and to permanently protect from development the tracts of land which remain after permitted residential development has occurred. More specifically, the District is established to severely restrict non-farm development in predominantly agricultural areas in order to:

- A. Preserve productive agricultural land for continued food and fiber production;
- B. Protect productive farms from encroachment by incompatible non-farm uses;
- C. Maintain the existing agricultural processing and related service industries;
- D. Preserve the maximum freedom of operation for those legitimate agricultural purposes permitted in this District.

##### 10.1 Permitted Principal Uses

- A. Agriculture
- B. Dwelling, Single Family Detached (one per tax parcel)
- C. Roadside stand offering for sale only products grown on the premises
- D. Home occupation, minor
- E. Private stable
- F. Transmission and distribution lines, and pipelines of public utility companies within existing public rights-of-way
- G. Public parks and forest preserves
- H. Uses customarily accessory to farm operations
- I. Any other similar uses deemed to be consistent

##### 10.2 Permitted Accessory Uses

- A. Other uses incidental to a permitted use

### **10.3 When Authorized by Special Use**

- A. Airstrips/runways and heliports
- B. Aircraft hangars/tiedowns
- C. Agribusiness
- D. Bulk storage of fuel and fertilizers
- E. Cemetery
- F. Churches
- G. Commercial excavation of natural materials and improvements of a stream, lake river channel and removal of dirt and or topsoil, quarry, borrow pits
- H. Density increase for farm dwellings on a single 40 acre parcel when 40 acre per dwelling requirement is met on entire farmstead
- I. Government buildings
- J. Grain elevator
- K. Home occupation, major
- L. Kennels
- M. Mobile home dwelling for a period of one year with the right of renewal for additional periods of one year for those instances where a unique and substantial hardship is found to be in existence for the protection of property or for the shelter of an immediate blood relative with a severe physical condition, with appropriate documentation
- N. Recreational Use, Seasonal
- O. Public stable
- P. Recreational camps
- Q. Schools
- R. Rural Residential Building Lot
- S. Wind Energy System, Large or Small
- T. Day Care Home
- U. Any other similar use deemed to be consistent by the Zoning Board of Appeals.

### **10.4 Height Regulations**

- A. No structure shall exceed 2.5 stories or thirty-five feet (35') for the principle structure.

## 10.5 Lot Area and Yard Requirements

The following minimum requirements shall be met for primary structures. Accessory structures shall meet the requirements of Section 8.4

Lot Area	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard
40 acre	165 ft.	40 ft.	15 ft.	30 ft.	40 ft.

# GENERAL AGRICULTURAL DISTRICT – “AG-2”

## ARTICLE XI – “AG-2” GENERAL AGRICULTURAL DISTRICT

### 11.0 General Description

The AG-2 General Agricultural District is established to protect and maintain the agricultural economy and the open space and natural features of rural areas of the County in order to protect lands for continued farming, allow non-farm residential development on a limited basis, and minimize conflicts between agricultural and non-agricultural areas.

The AG-2 District is also established to protect those agricultural lands which, due to their location, soils, and use for agricultural activities, warrant protection from indiscriminate development. However, their proximity to existing development, combined with pressures for new development, makes these lands unsuitable for preservation according to the more restrictive regulations of the AG-1 Agricultural Preservation District. The AG-2 District is also intended to protect those agricultural lands that would otherwise be subject to residential subdivision activity which could render these important farmlands useless for farming.

### 11.1 Permitted Principal Uses

- A. Agriculture
- B. Cemeteries
- C. Churches
- D. Dwelling, Single Family Detached (one per tax parcel)
- E. Governmental uses
- F. Greenhouses, commercial
- G. Home occupation (non-impact, minor Impact)
- H. Nurseries, commercial
- I. Private stable
- J. Public parks and forest preserves
- K. Roadside stand offering for sale only products grown on the premises
- L. Schools
- M. Transmission and distribution lines, and pipelines of public utility companies within existing public rights-of-way
- N. Uses customarily accessory to farm operations
- O. Any other similar uses deemed to be consistent

## **11.2 Permitted Accessory Uses**

- A. Other uses incidental to a permitted use

## **11.3 When Authorized by Special Use**

- A. Airstrips/runways and heliports
- B. Aircraft hangars/tiedowns
- C. Agribusiness
- D. Auction barns
- E. Bulk storage of fuel and fertilizers
- F. Commercial excavation of natural materials and improvements of a stream, lake or river channel and removal of dirt and or topsoil, quarry, borrow pits
- G. Day Care Home
- H. Density increase for residential dwellings
- I. Government buildings
- J. Grain elevator
- K. Home occupation (major impact)
- L. Kennels, animal hospitals, veterinary clinics
- M. Landscape contractors
- N. Mobile home dwelling for a period of one year with the right of renewal for additional periods of one year for those instances where a unique and substantial hardship is found to be in existence for the protection of property or for the shelter of an immediate blood relative with a sever physical condition, with appropriate documentation
- O. Recreational Use, Seasonal
- P. Public stable
- Q. Public or private recreational facilities, (i.e., golf course, marina, boat dock)
- R. Recreational camps
- S. Recreational vehicle parks
- T. Residential care homes
- U. Rural Residential Building Lot
- V. Temporary uses
- W. Wind Energy System, Large or Small
- X. Any other similar used deemed to be consistent



**11.4 Height Regulations**

A. No structure shall exceed 2.5 stories or thirty-five feet (35') for the principle structure.

**11.5 Lot Area and Yard Requirements**

The following minimum requirements shall be met for primary structures. Accessory structures shall meet the requirements of Section 8.4

Lot Area	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard
15 acres	165 ft.	40 ft.	15 ft.	30 ft.	40 ft.

## **SUBURBAN ESTATES LOW DENSITY DISTRICT – “SE-1”**

### **ARTICLE XII – “SE-1” SUBURBAN ESTATES LOW DENSITY DISTRICT**

#### **12.0 General Description**

The SE-1 Suburban Estates District is established to provide for single family detached housing opportunities in a rural setting at a low density and to preserve open space and natural features. This District is intended to provide a natural buffer between the strictly urban characteristics of the SE-2 Suburban Estates Medium Density District and the R-1 Residential District. The primary difference between the SE-1 and the SE-2 Districts is lot size and the allowance of livestock.

#### **12.1 Permitted Principal Uses**

- A. Farm
- B. Livestock not less than 100 feet from residentially zoned private property
- C. Nursery or greenhouse
- D. Structure for storage or treatment of seeds
- E. Roadside stand selling products grown on premises
- F. Dwelling, Single Family Detached (one per tax parcel)
- G. Any other similar uses deemed to be consistent by the Zoning Board of Appeals

#### **12.2 Permitted Accessory Uses**

- A. Private garages or parking areas
- B. Living quarters for persons employed on the premises
- C. Other uses incidental to a permitted use

#### **12.3 When Authorized by Special Use**

- A. Riding stable subject to:
  - 1. All buildings in which horses are kept shall be at least 200 feet from any lot line contiguous with any residentially zoned lot. Animals shall not be permitted to graze or be ridden within 50 feet of any residentially zoned property, and shall not be ridden off the premises.
  - 2. All wastes shall be disposed of in accordance with any applicable laws, regulations, or policies of any agency having jurisdiction over such matters.
  - 3. No odors shall be discernable at the perimeter of the site.
- B. Kennel with buildings and outdoor facilities at least 100 feet from residentially zoned private property
- C. Grain elevator

- D. Utility stations without service yard storage
- E. Recreational facilities such as golf courses, country clubs and tennis courts with no building or pool not less than 100 feet from any lot in an “R” District
- F. Recreational Use, Seasonal
- G. Rural Residential Building Lot
- H. Wind Energy System, Small
- I. Day Care Home
- J. Any other similar uses deemed to be consistent by the Zoning Board of Appeal

**12.4 Height Regulations**

- A. No principle structure shall exceed 2-1/2 stories or thirty five feet (35').
- B. Farm buildings such as barns, silos, windmills and places of public assembly such as schools and other permitted public and semi-public buildings not to exceed six (6) stories or seventy-five feet (75'), provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

**12.5 Lot Area and Yard Requirements**

The following minimum requirements shall be met for primary structures. Accessory structures shall meet the requirements of Section 8.4

Lot Area	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard
5 acres	165 ft.	40 ft.	15 ft.	30 ft.	40 ft.

## **SUBURBAN ESTATES MEDIUM DENSITY DISTRICT – “SE-2”**

### **ARTICLE XIII – “SE-2” SUBURBAN ESTATES MEDIUM DENSITY DISTRICT**

#### **13.0 General Description**

The SE-2 Suburban Estates District is established to provide for single family detached housing opportunities in a rural to urban transitional setting at a medium residential density level to preserve open space and natural features. This District is intended to provide a natural buffer between the strictly urban characteristics of the R-1 High Density District. The primary difference between the SE-1 and the SE-2 Districts is lot size and the allowance of livestock.

#### **13.1 Permitted Principal Uses**

- A. Dwelling, Single Family Detached (one per tax parcel)
- B. Public libraries
- C. Public cultural buildings
- D. Public parks, playgrounds, and community center
- E. Structure or storage for treatment of seeds
- F. Roadside stand selling products grown on premises
- G. Essential services and municipal administrative or public service buildings not less than 20 feet from any lot
- H. Any other similar uses deemed to be consistent

#### **13.2 Permitted Accessory Uses**

- A. Nursery or greenhouse, private
- B. Private garages or parking areas
- C. Other uses incidental to a permitted use

#### **13.3 When Authorized by Special Use**

- A. Major home occupation as defined
- B. Utility stations without service yards or storage
- C. Outdoor recreational facilities such as golf courses, country clubs, and tennis courts
- D. Public and parochial schools, churches, and centers not less than 20 feet from any lot in an “R” District
- E. Municipal buildings and libraries
- F. Gardening
- G. Off street parking facilities

- H. Kennel with buildings and outdoor facilities at least 100 feet from residentially zoned private property
- I. Day Care Home
- J. Recreational Use, Seasonal
- K. Any other similar uses deemed to be consistent by the Zoning Board of Appeals.

**13.4 Height Regulations**

- A. No structure shall exceed 2.5 stories or thirty-five feet (35') for the principle structure.

**13.5 Lot Area and Yard Requirements**

The following minimum requirements shall be met for primary structures. Accessory structures shall meet the requirements of Section 8.4

Lot Area	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard
1 acre	165 ft.	40 ft.	15 ft.	30 ft.	40 ft.

## SINGLE FAMILY DWELLING DISTRICT – “R-1”

### ARTICLE XIV – “R-1” SINGLE-FAMILY DWELLING DISTRICT

#### 14.0 General Description

This district is established in order to protect public health, and promote public safety, convenience, comfort, morals, prosperity, and welfare. These general goals include, but are not limited to, the following:

- A. To protect residential areas against fire, explosion, noxious fumes, offensive noise, smoke, vibrations, dust, odors, heat, glare, and other objectionable factors.
- B. To protect residential areas to the greatest extent possible and appropriate in each area against unduly heavy motor vehicle traffic, especially through-traffic, and to alleviate congestion by promoting off-street parking.
- C. To protect residential areas against undue congestion of public streets and other public facilities by controlling the density of population through regulations of the bulk of buildings.
- D. To protect and promote the public health and comfort by providing for ample light and air to buildings and the windows thereof.
- E. To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development.
- F. To provide sufficient space in appropriate locations to meet the probable need for future residential expansion and to meet the need for necessary and desirable services in the vicinity of residences, which increase safety and amenity for residents and which do not exert objectionable influences.
- G. To promote the best use and development of residential land in accordance with a comprehensive land use plan, to promote stability of residential development and protect the character of desirable development, and to protect the value of land and improvements and so strengthen the economic base of the County.

#### 14.1 Permitted Principal Uses

- A. One family detached dwellings
- B. Day care home
- C. Foster family homes
- D. Unrelated group family uses
- E. Municipal fire and police station
- F. Care home small residential
- G. Essential services and municipal administrative or public service buildings not less than eighty feet (80') from any lot line

- H. Public parks and playgrounds
- I. Existing railroad right-of-way, but not switching, storage or freight yards, or sidings
- J. Any other similar uses deemed to be consistent

**14.2 Permitted Accessory Uses**

- A. Private garages or parking areas
- B. Living quarters for persons employed on the premises
- C. Private office of lawyer, architect, or engineer within their own dwelling
- D. Minor home occupations, as defined
- E. Day care home licensed by the State of Illinois and with occupancy permit
- F. Other uses incidental to a permitted use

**14.3 When Authorized by Special Use**

- A. Community Center
- B. Major home occupation, as defined
- C. Utility stations without service yards or storage
- D. Outdoor recreational facilities such as golf courses, country clubs, and tennis courts
- E. Public and parochial schools and churches not less than 20 feet from any lot in an “R” District
- F. Municipal buildings and libraries
- G. Off street parking facilities for permitted uses and/or uses permitted upon review of Zoning Board of Appeals in this zoning district
- H. Day care home, as defined, but serves between nine (9) and twelve (12) children
- I. Kennel, when lot size is over (one) 1 acre and accessory to residence
- J. Any other similar uses deemed to be consistent
- K. Recreational Use, Seasonal

**14.4 Height Regulations**

- A. No principle structure shall exceed 2-1/2 stories or thirty five feet (35') in height. No accessory structure shall exceed one (1) story fifteen feet (15') in height, except as provided in **Section 9.0 and 9.1.**

#### 14.5 Lot Area and Yard Requirements

The following minimum requirements shall be met for primary structures. Accessory structures shall meet the requirements of Section 8.4.

Number of Stories	Lot Area (sq. ft.)	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum Width	Rear Yard Depth
All*	20,000	100 ft.	40 ft.	15 ft.	30 ft.	40 ft.
1 to 1-1/2	7,500	75 ft.	25 ft.	8 ft.	20 ft.	35 ft.
2 to 2-1/2	7,500	75 ft.	25 ft.	10 ft.	25 ft.	35 ft.

\*When not served by central or municipal sewerage systems.



## ONE-FAMILY RESIDENCE –“R-2”

### ARTICLE XV – “R-2” ONE-FAMILY RESIDENCE

#### 15.0 Permitted Principal Uses

- A. Any permitted use in an “R-1” District
- B. Any other similar uses deemed to be consistent by the Zoning Board of Appeals

#### 15.1 Permitted Accessory Uses

- A. Any permitted accessory use in an “R-1” District
- B. Other uses incidental to a permitted use

#### 15.2 When Authorized by Special Use

- A. Any use authorized by Zoning Board of Appeals in an “R-1” District
- B. Dwelling groups
- C. Any other similar uses deemed consistent

#### 15.3 Height Regulations

- A. No principle structure shall exceed 2-1/2 stories or thirty five feet (35') in height. No accessory structure shall exceed one (1) story fifteen feet (15') in height, except as provided in **Section 9.1.**

#### 15.4 Lot Area And Yard Requirements

The following minimum requirements shall be observed and shall be served by central or municipal sewerage systems.

Number of Stories	Lot Area (sq. ft.)	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum Width	Rear Yard Depth
1 to 1-1/2	6,000	60 ft.	25 ft.	6 ft.	15 ft.	30 ft.
2 to 2-1/2	6,000	60 ft.	25 ft.	8 ft.	20 ft.	30 ft.

# ONE AND TWO FAMILY RESIDENCE DISTRICT – “R-3”

## ARTICLE XVI – “R-3” ONE AND TWO FAMILY RESIDENCE DISTRICT

### 16.0 Permitted Principal Uses

- A. All permitted uses in an “R-2” District
- B. Two-family dwellings
- C. Any other similar uses deemed to be consistent

### 16.1 Permitted Accessory Uses

- A. Any permitted accessory use in an “R-2” District

### 16.2 When Authorized By Special Use

- A. Bed and breakfast inns
- B. Boarding and lodging houses
- C. Any other similar uses deemed to be consistent

### 16.3 Height Regulations

- A. No principle structure shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height and no accessory structure shall exceed one (1) story, fifteen feet (15') in height, except as provided in **Section 9.1.**

### 16.4 Lot Area and Yard Requirements

The following minimum requirements shall be observed and shall be served by central or municipal sewerage systems.

Number of Stories	Lot Area (sq. ft.)	Lot Area per Family (sq. ft.)	Front Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard Depth
1 to 1-1/2	5,000 – single 6,000 - duplex	3,000	50 ft.	25 ft.	6 ft.	15 ft.	30 ft.
2 to 2-1/2	5,000 – single 6,000 - duplex	3,000	50 ft.	25 ft.	8 ft.	20 ft.	30 ft.

## ONE TO SIX FAMILY RESIDENCE DISTRICT – “R-4”

### ARTICLE XVII – “R-4” ONE TO SIX FAMILY RESIDENCE DISTRICTS

#### 17.0 Permitted Principal Uses

- A. All permitted uses allowed in an “R-3” District
- B. Boarding and lodging houses
- C. Public and parochial schools and churches not less than 20 feet from any lot in an “R” District
- D. Any other similar uses deemed to be consistent

#### 17.1 Permitted Accessory Uses

- A. All permitted accessory uses in an “R-3” District
- B. Other uses incidental to a permitted use

#### 17.2 When Authorized by Special Use

- A. Care home, large residential
- B. Any use authorized by Zoning Board of Appeals in an “R-3” District
- C. Nursing homes at least fifty feet (50') from any lot line
- D. Halfway house/group home
- E. Day care centers licensed by the State of Illinois
- F. Private clubs, lodges, union halls
- G. Parking lots accessory to use in an adjoining or less restrictive district when abutting or directly across an alley.
- H. Any other similar uses deemed to be consistent

#### 17.3 Height Regulations

No principle structure shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height, and no accessory structure shall exceed one (1) story fifteen feet (15') in height, except as provided in **Section 9.1**.

#### 17.4 Lot Area and Yard Requirements

The following minimum requirements shall be observed along with bufferyard requirements as described in **Section 37.9**. And shall be served by central or municipal sewerage systems.

Number of Stories	Minimum Lot Area (sq. ft.)	Lot Area per Family (sq. ft.)	Front Lot Width	Front Yard Depth	Side Yard Width	Side Yard Sum	Rear Yard Depth
1 to 1-1/2	5,000	2,000	50 ft.	25 ft.	6 ft.	15 ft.	30 ft.
2 to 2-1/2	5,000	2,000	50 ft.	25 ft.	8 ft.	20 ft.	30 ft.

## MULTIPLE FAMILY DWELLING DISTRICT – “R-5”

### ARTICLE XVIII – “R-5” MULTIPLE FAMILY DWELLING DISTRICT

#### 18.0 Permitted Principal Uses

- A. All permitted uses in an “R-4” District
- B. Dwellings, multiple family
- C. Any other similar uses deemed to be consistent

#### 18.1 Permitted Accessory Uses

- A. Any permitted accessory use in an “R-4” District
- B. Other uses incidental to a permitted use

#### 18.2 When Authorized by Special Use

- A. Any use authorized by Zoning Board of Appeals in an “R-4” District
- B. Any other similar use deemed to be consistent

#### 18.3 Height Regulations

- A. No principle structure shall exceed six (6) stories or seventy-five feet (75') in height at the required front, side and rear yard lines, other than as provided in **Section 9.1**. No accessory building shall exceed one (1) story or fifteen feet (15') in height, except as provided in **Section 9.1**.

#### 18.4 Lot Area and Yard Requirements

The following minimum requirements shall be observed along with bufferyard requirements as described in **Section 37.9**. And shall be served by central or municipal sewerage systems.

Number of Stories	Minimum Lot Area (sq ft)	Required Lot Area per Family for Multi-Family Structures (sq. ft.)	Front Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard Depth
1	na	2,000	50 ft.	30 ft.	6 ft.	12 ft.	30 ft.
2	na	2,000	50 ft.	30 ft.	6 ft.	15 ft.	30 ft.
3	na	2,000	50 ft.	30 ft.	8 ft.	20 ft.	35 ft.
4	na	2,000	50 ft.	30 ft.	10 ft.	25 ft.	40 ft.
5	na	2,000	50 ft.	30 ft.	12 ft.	30 ft.	45 ft.
6	na	2,000	50 ft.	30 ft.	14 ft.	35 ft.	50 ft.

## MULTI-FAMILY RESIDENCE DISTRICT – “R-6”

### ARTICLE XIX – “R-6” MULTI-FAMILY RESIDENCE DISTRICT

#### 19.0 Permitted Principal Uses

- A. Any permitted use in an “R-5” District
- B. Housing designed for the elderly
- C. Any other similar uses deemed to be consistent by the Zoning Board of Appeals

#### 19.1 Permitted Accessory Uses

- A. Any permitted accessory use in an “R-5” District
- B. Other uses incidental to a permitted use

#### 19.2 When Authorized by Special Use

- A. Any use authorized by Zoning Board of Appeals in an “R-5” District
- B. Any other similar use deemed to be consistent by the Zoning Board of Appeals

#### 19.3 Height Regulations

No principle structure shall exceed twelve (12) stories or one hundred fifty feet (150') in height at the required front, side and rear yard lines, other than as provided in **Section 9.1**. No accessory building shall exceed one (1) story or fifteen feet (15') in height.

#### 19.4 Lot Area and Yard Requirements

The following minimum requirements shall be observed along with bufferyard requirements as described in **Section 37.9**. And shall be served by central or municipal sewerage systems.

Number Of Stories	Minimum Lot Area (sq. ft.)	Required Lot Area per Family for Multi Family Structures (sq. ft.)	Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard Depth
1	na	2,000	50 ft.	30 ft.	6 ft.	12 ft.	30 ft.
2	na	2,000	52 ft.	33 ft.	6 ft.	12 ft.	30 ft.
3	na	2,000	55 ft.	30 ft.	8 ft.	16 ft.	35 ft.
4	na	2,000	65 ft.	30 ft.	10 ft.	22 ft.	40 ft.
5	na	2,000	75 ft.	30 ft.	12 ft.	27 ft.	45 ft.
6	na	2,000	85 ft.	30 ft.	14 ft.	33 ft.	50 ft.
7	na	2,000	95 ft.	30 ft.	18 ft.	42 ft.	55 ft.

Number Of Stories	Minimum Lot Area (sq. ft.)	Required Lot Area per Family for Multi Family Structures (sq. ft.)	Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard Depth
8	na	2,000	105 ft.	30 ft.	22 ft.	51 ft.	60 ft.
9	na	2,000	115 ft.	30 ft.	26 ft.	60 ft.	65 ft.
10	na	2,000	125 ft.	30 ft.	30 ft.	69 ft.	70 ft.
11	na	2,000	135 ft.	30 ft.	34 ft.	78 ft.	75 ft.
12	na	2,000	150 ft.	30 ft.	38 ft.	87 ft.	80 ft.

## **MOBILE HOME/MANUFACTURED HOUSING DISTRICT – “R-7”**

### **ARTICLE XX – “R-7” MOBILE HOME/MANUFACTURED HOUSING DISTRICT**

#### **20.0 Permitted Principle Uses**

- A.** Foster family homes
- B.** Unrelated group family uses
- C.** Mobile home parks (see Mobile Home Ordinance of the Rock Island County)
- D.** Any other similar uses deemed to be consistent



## UNIVERSITY/COLLEGE DISTRICT – “U-1”

### ARTICLE XXI – “U-1” UNIVERSITY/COLLEGE DISTRICT

#### 21.0 General Description

This district is established to provide an area for colleges, universities, seminaries and other such institutions of higher education. The intent of the district is to establish an area in which institutions of higher education may operate compatibly with surrounding residential and business areas.

#### 21.1 Permitted Principal Uses

- A. Colleges, universities, seminaries and other such institutions of higher education consisting of any number of educational, residential (apartment/dormitories, dormitories), cultural and recreational buildings and parking areas with all associated buildings located not less than thirty feet (30') from any residentially zoned private property or one or two family used lot
- B. Community residence with appropriate permits and at least one thousand feet from any other community residence
- C. Dwellings, one and two family
- D. Essential services and municipal, administrative or public services, buildings or properties excluding warehouses, storage yards and garages with all associated buildings at least twenty feet (20') from residentially zoned private property
- E. Foster family homes
- F. Parochial buildings such as schools, churches, and parish buildings, public libraries and public safety and municipal government buildings located not less that twenty feet (20') from any residentially zoned private property
- G. Unrelated group homes
- H. Any other similar uses deemed to be consistent

#### 21.2 Permitted Accessory Uses

- A. Accessory uses permitted in an R-1 District
- B. Other uses incidental to a permitted use

#### 21.3 When Authorized by Special Use

- A. Boarding and lodging house
- B. Fraternities and sororities
- C. Hospitals, sanitariums and nursing homes with any associated building at least fifty feet (50') from any residentially zoned private property
- D. Any other similar use deemed to be consistent by the Zoning Board of Appeals

**21.4 Restrictions**

- A. All buildings affiliated with institutions of higher education shall be not less than thirty feet (30') from residentially zoned lots or existing one and two family used lots.
- B. Private school buildings and public buildings shall be not less than twenty feet (20') from the side lot line in an "R" District.
- C. Small residential care homes shall be one thousand feet (1,000') from any other community residence, shall be state or locally licensed and shall have a certificate of occupancy from the building inspector.

**21.5 Height Regulations**

- A. No structure shall exceed thirty five feet (35') for the principle structure and fifteen feet (15') for an accessory structure.
- B. To places of public assembly such as churches, schools and other permitted public and semi-public buildings not to exceed six (6) stories or seventy five feet (75'), provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

**21.6 Lot Area and Yard Requirements**

The following minimum requirements shall be observed with both principle and accessory buildings and along with bufferyard requirements as described in **Section 37.9**. No accessory building shall be located in a front yard.

Number of Stories	Lot Area (sq. ft.)	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum Width	Rear Yard Depth
1 to 1-1/2	5,000	50 ft.	25 ft.	6 ft.	15 ft.	30 ft.
2 to 2-1/2	5,000	50 ft.	25 ft.	8 ft.	20 ft.	30 ft.

## CONSERVATION DISTRICT – “C-1”

### ARTICLE XXII –“C-1” CONSERVATION DISTRICT

#### 22.0 General Description

The C-1 District is intended for environmental protection and preservation. Land parcels within this District will include wetland, marshes, swamps, scenic areas, hillsides of excessive slopes, water courses, aquifer recharge areas, watershed protection areas, wildlife habitat, rough terrain, and areas subject to siltation and erosion.

#### 22.1 Permitted Principal Uses

- A. Open space
- B. Any other similar uses deemed to be consistent

#### 22.2 When Authorized by Special Use

- A. Agriculture and commercial summer gardens including agricultural buildings but not permanent dwellings not to exceed 750 square feet and no more than one (1) building per five (5) acre tract but not the raising of livestock
- B. Campgrounds, wilderness
- C. Forestry activities and nurseries
- D. Public parks, passive
- E. Inns or other dining places on and within five hundred feet (500') of a highway or primary thoroughfare and with any structure at least four hundred feet (400') from any residentially zoned private property, church, school, or human care institution
- F. Outdoor rifle, trap or skeet shooting range at least six hundred feet (600') from any residentially zoned private property, church, school or human care institution subject to other state and federal guidelines
- G. Parking areas and equipment and materials storage yards accessory to principle uses in adjoining districts within one thousand feet (1,000') of a railroad, highway or primary thoroughfare and at least six hundred feet (600') from any residentially zoned private property, church, school, or human care institution
- H. Recreation vehicle parks on and within five hundred feet (500') of a highway or primary thoroughfare and with any structure at least four hundred feet (400') from residentially zoned private property, church, school, or human care institution
- I. Any other use deemed to be consistent by the Zoning Board of Appeals

## CONSERVATION DISTRICT- “C-2”

### ARTICLE XXIII – “C-2” CONSERVATION DISTRICT

#### 23.0 General Description

The C-2 District is intended to provide for the conservation and preservation of land, while allowing for development that will make use of its natural beauty and allow for its enjoyment.

#### 23.1 Permitted Principal Uses

- A. All uses when reviewed by Zoning Board of Appeals in a C-1 District
- B. Public parks, playgrounds
- C. Any other similar uses deemed to be consistent

#### 23.2 Permitted Accessory Uses

- A. Accessory uses incidental to a permitted principle use other than a permanent residence.

#### 23.3 When Authorized by Special Use

- A. Country clubs
- B. Community centers, private or public
- C. Recreational uses, open air such as swimming pools, tennis courts, baseball and football fields and golf ranges, with buildings and outdoor storage when abutting a highway or primary thoroughfare
- D. Church, school, or human care institution
- E. Inns or other dining places on and within five hundred feet (500') of a highway or primary thoroughfare and with any structure at least four hundred feet (400') from any residentially zoned private property, church, school, or human care institution
- F. Outdoor rifle, trap or skeet shooting range at least six hundred feet (600') from any residentially zoned private property, church, school or human care institution subject to other state and federal guidelines
- G. Parking areas and equipment and materials storage yards accessory to principle uses in adjoining districts within one thousand feet (1,000') of a railroad, highway or primary thoroughfare and at least six hundred feet (600') from any residentially zoned private property, church, school, or human care institution
- H. Recreation vehicle parks on and within five hundred feet (500') of a highway or primary thoroughfare and with any structure at least four hundred feet (400') from residentially zoned private property, church, school, or human care institution
- I. Any other use deemed to be consistent by the Zoning Board of Appeals

## OFFICE DISTRICT – “O-1”

### ARTICLE XXIV – “O-1” OFFICE DISTRICT

#### 24.0 General Description

The office of district set forth herein is established to promote public welfare, convenience, comfort, and orderly growth of the community. These objectives include, but are not limited to the following:

- A. To provide means of transitional use of land between commercial and residential uses.
- B. To promote, enhance, and conserve quality of the manmade environment.
- C. To protect the worth of property.
- D. To promote the most desirable use of land.
- E. To provide an appropriate district for functions separate from those dealing in sales, repair, recreation, storage, processing, assembly, lodging, and eating.
- F. To separate those functions which are obtrusive, quiet, do not generate large quantities of waste, noise, odor or traffic, use heavy machinery, require docking facilities or separate service entrances and which do not make use of large illuminated displays or signs, from those which do.
- G. To provide a use district for offices for those who provide services only including instruments of service.
- H. To provide a district of less intense use and to encourage lower density use and retention of open space.
- I. To make use of areas which are not appropriate for other uses.
- J. To control the growth of other districts.
- K. Day Care Home and Center
- L. To make less valuable land available for use other than residential.

#### 24.1 Permitted Principal Uses

- A. Church
- B. Community service offices
- C. Consultant offices
- D. Dwelling above the ground floor
- E. Funeral Home
- F. Hospital and special care facilities
- G. Nursing Home

- H. Offices providing clerical administration
- I. Professional offices
- J. Schools and facilities for academic instruction
- K. Any other similar uses deemed to be consistent by the Zoning Board of Appeals

**24.2 Permitted Accessory Uses**

- A. Accessory uses incidental to a permitted principle use other than a permanent residence.

**24.3 When Authorized by Special Use**

- A. Dwellings
- B. Any other similar uses deemed to be consistent

**24.4 Height Regulations**

- A. No principle structure shall exceed two (2) stories or thirty feet (30') in height, and no accessory structure shall exceed one (1) story or fifteen feet (15') in height, except as provided in **Section 9.1**.

**24.5 Lot Area and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in **Section 37.9**. No accessory building shall be located in a front yard.

Number of Stories	Lot Area (sq. ft.)	Lot Width	Front Yard Depth	Side Yard Width	Side Yard Sum Width	Rear Yard Depth
All Stories	No more than 50% building coverage 5,000 – single 6,000 - duplex	None	15 ft. or same as adjacent R District	None	15 ft.	15 ft.

## NEIGHBORHOOD BUSINESS DISTRICT – “B-1”

### ARTICLE XXV – “B-1” NEIGHBORHOOD BUSINESS DISTRICT

#### 25.0 General Description

The Neighborhood Business District is intended to permit the development of retail sales and personal services required to meet the day-to-day needs of a fully developed neighborhood. Stores, businesses and offices in this zone should be useful to the majority of the neighborhood residents. The convenience nature of the various business uses located in this District requires them to be in close proximity to residences and is intended to include a narrow range of retail services and convenience goods.

#### 25.1 Permitted Principal Uses

- A. All uses within this zone must be confined to 2,500 internal square feet of the principle structure
- B. Antique or custom furniture shop with incidental upholstery
- C. Bakery limited to goods for retail on the premises
- D. Banks or similar financial enterprises
- E. Barber or beauty shop
- F. Bicycle sales and service
- G. Business or professional office such as attorney, architect, engineer, dentist, physician etc.
- H. Camera or photographic supply store
- I. Clinics, private, for human care
- J. Costume rental
- K. Day Care Center or Home
- L. Delicatessen
- M. Dry cleaning pick-up station
- N. Dwelling, above ground floor
- O. Health/recreational and physical training club
- P. Hobby shop
- Q. Interior decorating shop including upholstery and drapery making
- R. Laundromat
- S. Locksmith
- T. Music studio

- U. Restaurant, not drive-in or drive-thru
- V. Retail uses such as drugstore, florist, grocery, ice cream shop, meat market, appliance, shoe, variety, stationary, book, clothing, packaged liquor sales and candy stores with all activities, except for automobile off-street parking and loading facilities as permitted or required in this district, shall be conducted wholly within an enclosed building
- W. Churches
- X. Any other similar uses deemed to be consistent

**25.2 Permitted Accessory Uses**

- A. Other uses incidental to a permitted use

**25.3 When Authorized by Special Use**

- A. Auto accessory store
- B. Club or lodge
- C. Bus transfer station
- D. Convenience store
- E. Nursing home
- F. Any other similar uses deemed to be consistent

**25.4 Uses Prohibited**

- A. Any commercial or manufacturing use except that which is clearly necessary for the conduct of a permitted retail business or service on the premise.

**25.5 Lot Area and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in **Section 37.9**. No accessory building shall be located in a front yard.

Height	Front Yard Depth	Side Yard Width	Rear Yard Depth	Other
35 ft. or same as adjacent R District	25 ft. or same as adjacent R District	None except same as adjacent R District	10 ft. or same as adjacent R District	In accordance with performance standards



## CENTRAL BUSINESS DISTRICT – “B-2”

### ARTICLE XXVI – “B-2” CENTRAL BUSINESS DISTRICT

#### 26.0 General Description

The Central Business District is intended to be a high density, compact, pedestrian oriented shopping, office, service and entertainment area. This District is one of high traffic generation and is thus located where there can be a concentration of a variety of commercial activities.

#### 26.1 Permitted Principal Uses

- A. Any use permitted in a B-1 District and allowing for retail establishments with greater than 2,500 square feet
- B. Art galleries and studios
- C. Auction house
- D. Bar, dance hall, cocktail lounge or night club, private clubs, lodges, union halls, tavern, micro-brewery when enclosed and with building(s) and outside storage at least one hundred feet (100') from any residentially zoned private property
- E. Bicycle sales and repair
- F. Blueprinting, photostating, print shop and duplicating establishments
- G. Bus terminal, railroad station, freight terminal or other public transportation terminal
- H. Business or trade school
- I. Catering within a building
- J. Ceramic products manufacture for sale on premises
- K. Church
- L. Conservatory for retail sale on premises only
- M. Commercial parking lot
- N. Custom rental
- O. Custom dressmaking, millinery, tailoring or shoe repair for retail sales on premises only
- P. Drapery and mattress manufacture for sale on premises
- Q. Department stores
- R. Employment agency
- S. Engraving or lithographing
- T. Funeral home
- U. Garage, public

- V. Hardware or paint supply store without outdoor sales or storage
- W. Hotel/motel
- X. Laboratories, medical and dental
- Y. Laundry or dry cleaning shop when enclosed and with building(s) and outside storage at least one hundred feet (100') from any residentially zoned private property
- Z. Meeting halls, clubs, fraternal organizations and lodges
- AA. Mirror and glazing shop, glass cutting
- BB. Pawn shop
- CC. Pet shops, but not animal hospitals
- DD. Picture framing
- EE. Plumbing, electrical, heating, and air conditioning supply stores or show rooms without outdoor sales or storage and without repairs or fabrication
- FF. Public utility collection office
- GG. Public, customer or accessory parking lot
- HH. Radio, television and CATV stations, not transmitting towers
- II. Second-hand stores and rummage shops
- JJ. Taxidermist
- KK. Theater, indoor
- LL. Travel bureau and ticket office
- MM. Upholstering shop for furniture
- NN. Any other similar type use not specifically permitted herein which would have economic compatibility with the established uses on adjoining properties
- OO. Any other similar uses deemed to be consistent

**26.2 Permitted Accessory Uses**

- A. Permitted accessory uses in a B-1 District
- B. Assembly of small electrical appliances, instruments, small computers and other electronic devices.
- C. Other uses incidental to a permitted use.

**26.3 When Authorized by Special Use**

- A. Any use permitted on review in a B-1 District
- B. Auto accessory store

- C. Auto repair, minor
- D. Transmission and receiving equipment for radio, television, cable, and telephone
- E. Any other similar uses deemed to be consistent

**26.4 Lot Area and Yard Requirements**

The following minimum requirements shall be observed with both principle and primary buildings along with bufferyard requirements as described in **Section 37.9**. No accessory buildings shall be located in a front yard.

Height	Front Yard Depth	Side Yard Width	Rear Yard Depth	Other
None	None	None except same as adjacent R District	None except same as adjacent R District	In accordance with Performance Standards

## COMMUNITY BUSINESS DISTRICT – “B-3”

### ARTICLE XXVII – “B-3” COMMUNITY BUSINESS DISTRICT

#### 27.0 General Description

The Community Commercial District is intended to provide for major businesses which serve a significant segment of the population. The District may provide for a variety of retail goods and services, along with large traffic generators requiring access from major thoroughfares and a reliance on motor vehicle oriented trade. The district is dominated by uses with indoor operations, although some may have limited outdoor activities. Development in the District is encouraged in a manner which minimizes traffic hazards and interference with other uses in the vicinity.

#### 27.1 Permitted Principal Uses

- A. Any uses permitted in a B-2 District, except dwellings and Day Care Homes
- B. Amusement centers, indoor, including bowling alleys, pool halls, billiard parlors, skating rinks, arcades and other similar uses
- C. Auto/pickup sales of a two ton capacity or less and service enclosed and with building(s) and outside storage at least one hundred feet (100') from residentially zoned private property
- D. Car wash, enclosed and with building(s) and outside storage at least one hundred feet (100') from residentially zoned private property. Designed for passenger vehicles and pickups, excluding commercial vehicles.
- E. Drive-in or fast food restaurant
- F. Exterminating shop
- G. Fabric or floor covering sales
- H. Hospital or clinic for small animals with no long term kennel use and at least one hundred feet (100') from residentially zoned private property
- I. Any other similar type use not specifically listed herein, and which has economic compatibility with the established uses on adjoining properties
- J. Any other similar uses deemed to be consistent by the Zoning Board of Appeals

#### 27.2 Permitted Accessory Uses

- A. Permitted accessory uses in a B-2 District
- B. Other uses incidental to a permitted use

#### 27.3 When Authorized by Special Use

- A. Any use permitted on review in a B-2 District
- B. Car wash, multiple bays

C. Recreational uses, open air such as swimming pools, tennis courts, baseball fields and golf ranges, with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property

D. Any other similar uses deemed to be consistent by the Zoning Board of Appeals

**27.4 Uses Prohibited**

A. Dwelling

**27.5 Lot Area and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in **Section 37.9**. No accessory building shall be located in a front yard.

Height	Front Yard Depth	Side Yard Width	Rear Yard Depth	Other
45 ft.	20 ft. or same as adjacent R District	None except same as adjacent R District	10 ft. or same as adjacent R District	In accordance with Performance Standards

## HIGHWAY/INTENSIVE BUSINESS DISTRICT – “B-4”

### ARTICLE XXVIII – “B-4” HIGHWAY/INTENSIVE BUSINESS DISTRICT

#### 28.0 General Description

The Highway Commercial District is intended to permit development of service uses relating to expressways or along other major arterial thoroughfares. This district permits uses that, by their nature, tend to generate heavy traffic usage. This district also provides for functions and businesses which may be characterized by outdoor display, storage and/or sale of merchandise, by repair of motor vehicles, and by outdoor commercial amusement and recreational activities not completely enclosed.

#### 28.1 Permitted Principal Uses

- A. Any use permitted in a B-3 District
- B. Auto repair, major, with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- C. Agricultural implement sales and services with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- D. Air conditioning and heating sales and service with outdoor fabrication and repairs
- E. Bath house or boat house with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- F. Boat sales with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- G. Building material sales yard, wholesale business with warehouses as specified in this ordinance, at least 100' from residentially zoned private property
- H. Carpenter and cabinet shop with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- I. Semi, tractor trailer and large commercial truck wash
- J. Contractors offices and shops within building
- K. Feed and seed store, wholesale
- L. Greenhouse with outside storage permitted
- M. Kennels with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- N. Motor vehicle dealerships with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property

- O. Recreational uses, public open air, such as swimming pools, tennis courts, baseball fields, and golf ranges with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- P. Sign painting shop and similar establishment with building(s) and outdoor storage at least one hundred feet (100') residentially zoned private property
- Q. Travel trailer sales and service with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- R. Any other similar uses deemed to be consistent.

**28.2 Permitted Accessory Uses**

- A. Permitted accessory uses in a B-3 District
- B. Other uses incidental to a permitted principle use

**28.3 When Authorized by Special Use**

- A. Any uses permitted on review in a B-3 District
- B. Auditorium
- C. Mini-warehousing with structures at least one hundred feet (100') from residentially zoned private property

**28.4 Prohibited Uses**

- A. Dwelling

**28.5 Lot Area and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in **Section 37.9**. No accessory building shall be located in a front yard.

Height	Front Yard	Side Yard	Rear Yard	Other
45 ft.	20 ft. or same as adjacent "R"	None except same as adjacent "R"	10 ft. or same as adjacent "R"	In accordance with Performance Standards

# OFFICE/RESEARCH PARK AND TECHNOLOGY DISTRICT – “ORT”

## ARTICLE XXIX – “ORT” OFFICE/RESEARCH PARK AND TECHNOLOGY DISTRICT

### 29.0 General Description

To provide for large attractively landscaped low-density sites primarily along an interstate or expressway corridor. The area is appropriate for regional and/or national businesses and offices, including research activities and some specialized unobjectionable ultra-light industrial activities which take advantage of the transportation corridor but are low intensity and sufficiently restricted to be compatible with adjacent residential and commercial development. This may include manufacturing, processing, packaging, assembly or treatment of finished or semi- finished products from previously prepared materials. This district is intended to have a green/open space atmosphere conducive to quality development with the preservation of significant natural features. No outdoor storage is allowed in this district and all operations must be in an enclosed building.

### 29.1 Permitted Principal Uses

- A. Offices for the following occupations: executive, administrative, professional, accounting, writing, clerical, drafting, sales and engineering excluding medical and dental offices
- B. Computer manufacture, electronic assembly
- C. Custom cabinet shop
- D. Custom drapery manufacture
- E. Data processing and computer centers including computer programming and software development, training, and service and maintenance of electronic data processing equipment
- F. Research and development, technical training and related activities for industrial, scientific and business enterprises, and design of pilot or experimental products
- G. Mattress manufacture with retail activities
- H. Printing, publishing, duplicating and photographic processing
- I. Processing and assembly of engineering, laboratory, scientific, and research instruments and associated equipment
- J. Prosthetic manufacture
- K. Laboratories for research, development, and testing of medical, optical, dental and pharmaceutical products
- L. Hotel/motel
- M. Trade or industrial schools, personnel training center
- N. Any other similar uses deemed to be consistent.



## **29.2 Permitted Accessory Uses**

- A. Bar/cocktail lounge incidental to hotel/motel and/or restaurant
- B. Child care center when accessory to permitted principle use
- C. Convention center, assembly hall, display hall, or similar use when accessory of hotel/motel
- D. Retail business intended to serve the permitted uses within the district and not dependent upon direct visits of retail customers
- E. Residence of caretaker or security personnel
- F. Other uses incidental to permitted principle use

## **29.3 Uses on Review by Special Use**

- A. Bank
- B. Restaurant, excluding drive-in/thru
- C. Medical clinic
- D. Essential public services
- E. Hospital
- F. Museum
- G. Post office
- H. Parking lots, public or private
- I. Day care center
- J. Convention center, assembly hall, display hall, or similar use
- K. Manufacturing when accessory to permitted principle use
- L. Radio/television station
- M. Any other uses deemed to be consistent by the Zoning Board of Appeals

## **29.4 Prohibited Uses**

- A. Adult uses
- B. Auto service station
- C. Mini-warehousing
- D. Restaurant, drive-in
- E. Retail except as noted
- F. Residential except as noted
- G. Freight terminal

- H. Auto salvage yard
- I. Disposal or storage of toxic waste
- J. Outdoor advertising, off premise

**29.5 Lot Area and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in **Section 37.9**. No accessory building shall be located in a front yard.

Minimum Lot Area	Height	Front Yard	Side Yard	Rear Yard	Other
20,000 sq. ft.	45 ft.	50 ft.	15 ft.	20 ft.	In accordance with Performance Standards

## LIGHT INDUSTRIAL DISTRICT – “I-1”

### ARTICLE XXX – “I-1” LIGHT INDUSTRIAL DISTRICT

#### 30.0 General Description

The Light Industrial District is intended to provide for the development of most types of industry with regulations designed to protect adjacent properties.

#### 30.1 Permitted Principal Uses

- A. Agricultural farming, cultivation but not Farm animals or livestock
- B. Apparel and other products manufactured from textiles
- C. Assembly of products from finished materials and parts
- D. Automobile Repair – Major
- E. Bottling and canning of soft drinks
- F. Bus terminal, railroad station, freight terminal or other public transportation terminal
- G. Cabinet making
- H. Contractor’s offices and shops
- I. Essential Services
- J. Exterior Communication Devices
- K. Fleet vehicle storage
- L. Food processing
- M. Fur repair and storage
- N. Laboratories
- O. Laundry, dry cleaning, dyeing except walk-in/drive-up
- P. Motor Freight Terminal
- Q. Pawnshop with no exterior display or storage
- R. Photo processing involving photo engraving
- S. Printing and binding
- T. Recreational Facilities (Recreation, Outdoor -Passive, Public)
- U. Refuse Equipment Operation
- V. Semi, tractor trailer and large commercial truck wash
- W. Wholesaling, warehousing and storage, except mini-warehousing

- X. Any other similar uses deemed to be consistent

**30.2 Permitted Accessory Uses**

- A. Company provided day-care
- B. Company provided cafeteria
- C. Company provided on-site recreation
- D. Indoor sales incident to Light Industrial uses
- E. Offices
- F. Truck Parking area or yard
- G. Other accessory uses incidental to a permitted use

**30.3 Prohibited Uses**

- A. Uses prohibited in an Office/Research Park and Technology District
- B. Disposal or storage of toxic waste
- C. Dwellings

**30.4 When Authorized by Special Use**

- A. Adult regulated uses subject to **Section 8.18**
- B. Airstrips/runways and heliports
- C. Aircraft hangars/tiedowns
- D. Commercial excavation of natural materials and improvements of a stream, lake or river channel and removal of dirt and or topsoil, quarry, borrow pits.
- E. Concrete batch plants
- F. Landscape contractors, tree and yard waste services
- G. Storage, personal

**30.4 Lot Area and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in **Section 37.9**. No accessory building shall be located in a front yard.

Height	Front Yard	Side Yard	Rear Yard	Other
45 ft.	20' for 1 - 3 stories, if > 3 stories, then 40% of building height	15 ft.	20 ft.	In accordance with Performance Standards

## GENERAL INDUSTRIAL DISTRICT – “I-2”

### ARTICLE XXXI – “I-2” GENERAL INDUSTRIAL DISTRICT

#### 31.0 General Description

The General Industrial District is intended to provide for large scale manufacturing facilities not otherwise permitted which have potential significant external impacts to adjacent properties.

#### 31.1 Permitted Principal Uses

- A. Any use permitted in an I-1 District
- B. Any other use which, in the opinion of the Zoning Board of Appeals, is of similar character to those specified above
- C. Any of the following uses, when at least two hundred (200) feet from any residentially zoned private property and at least one hundred (100) feet from any other district, except an I-1 District or when authorized by the Zoning Board of Appeals
- D. Acetylene manufacturing in excess of fifteen (15) pounds per square inch
- E. Acid manufacture
- F. Aircraft, assembly and testing
- G. Ammonia, chlorine or bleach powder manufacture
- H. Animal black, lamp black, bone black or graphite manufacture
- I. Asbestos and asbestos products manufacture
- J. Automobile, tractor trailer, farm implement assembly or manufacture
- K. Blast furnaces, steel works or rolling mills
- L. Bleaching, cleaning and dyeing plant
- M. Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metal working shops
- N. Box and crate manufacture
- O. Brewing or distilling of liquors
- P. Brick manufacture
- Q. Bulk station
- R. Candle or sperm oil manufacture
- S. Cans and other types of containers manufacture
- T. Celluloid or pyroxyline manufacture, or explosive or inflammable cellulose or manufacture or storage

- U.** Cement, lime, gypsum, plaster or plaster of paris manufacture
- V.** Chalk manufacture
- W.** Charcoal manufacture
- X.** Chemicals, the manufacture or use of, except those which may be inflammable or explosive
- Y.** Coffin manufacture
- Z.** Cooperage works
- AA.** Cotton ginning and cotton wadding
- BB.** Cottonseed oil manufacture
- CC.** Creosote manufacture or treatment
- DD.** Dextrin, starch or glucose manufacture
- EE.** Disinfectant, insecticide or poison manufacture
- FF.** Distillation of coal, petroleum, refuse, grain, wood or bones except in the manufacture of gas
- GG.** Dyes, aniline, ink pigments and others manufacture
- HH.** Emery cloth or sandpaper manufacture
- II.** Enameling, lacquering or japanning
- JJ.** Explosive manufacture or storage except for small arms ammunition
- KK.** Fertilizer, compost - manufacture or storage
- LL.** Fish curing, smoking or packing, fish oil manufacture or refining
- MM.** Flammable liquids storage not to exceed a total of twenty-five thousand (25,000) gallons
- NN.** Flour, grain or feed milling or processing
- OO.** Foundry works
- PP.** Gas-generation or storage for illumination or heating
- QQ.** Gelatin, vegetable and animal manufacture
- RR.** Glass blowing and manufacture
- SS.** Grain elevators
- TT.** Hair or hair products manufacture
- UU.** Hemp products manufacture
- VV.** Linoleum, oil cloth or oiled goods manufacture
- WW.** Lumber, preserving treatment, processing, sawmills and planing mills manufacture
- XX.** Machinery, heavy manufacture and repair

- YY.** Match manufacture
- ZZ.** Meat, packing and processing except slaughtering and glue and size manufacture, but not stockyards or slaughterhouses
- AAA.** Metal stamping and extrusion of metal products manufacture and plating
- BBB.** Motor testing or internal combustion motors manufacture
- CCC.** Oil, shellac, turpentine, varnish or enamel manufacture
- DDD.** Paper and pulp manufacture
- EEE.** Perfume manufacture
- FFF.** Petroleum or flammable liquids production and refining
- GGG.** Pickle, sauerkraut, sausage manufacture
- HHH.** Porcelain products manufacture
- III.** Poultry slaughterhouse, including packing and storage for wholesale
- JJJ.** Railroad equipment manufacture
- KKK.** Rock crushing
- LLL.** Rubber products, including tires and tubes and tire recapping
- MMM.** Rubber manufacture and processing
- NNN.** Sandblasting or cutting
- OOO.** Sewage disposal plant or incinerator, sanitary landfill, recycling or composting operation except by the municipality
- PPP.** Shoe blacking or polish or stove polish manufacture
- QQQ.** Soap manufacture
- RRR.** Steam power plant, except where accessory to a permitted principle use
- SSS.** Stone and monument works employing power driven tools
- TTT.** Storage, curing or tanning of raw, green or salted hides or skins when refrigerated storage is provided
- UUU.** Storage of flammable liquids when facilities are located at least six hundred feet (600') from any "R" District and at least three hundred feet (300') from any other district except "I" Districts and are enclosed by a fence at least eight feet (8') in height
- VVV.** Sugar refining
- WWW.** Tar distillation or asphalt roofing or waterproofing manufacture
- XXX.** Vinegar manufacture
- YYY.** Wax products manufacture

**ZZZ.** Wire or rod drawing - nut, screw or bolt manufacture

**AAAA.** Wool scouring and pulling

**BBBB.** Yeast manufacture

**CCCC.** Any other similar uses deemed to be consistent

### **31.2 Permitted Accessory Uses**

**A.** Permitted accessory uses in an I-1 District

**B.** Other uses incidental to a principle use

### **31.3 When Authorized by Special Use**

**A.** An establishment which has the potential to be dangerous or extremely obnoxious. Included are those which explosives are stored, petroleum is refined, natural and liquid gas and other petroleum derivatives are stored and/or distributed in bulk, radioactive material are compounded, pesticides and certain acids are manufactured, and hazardous waste is treated or stored as the establishments's principle activity

**B.** Automobile salvage and wrecking operations, and industrial metal and waste salvage operations and junk yards not less than one hundred feet (100') from any non "I" District and one thousand feet (1,000') from any State or Federal highway enclosed on all sides with natural objects, plantings, fences, or other appropriate means, a minimum of 8 feet high from grade for the entire border of the operation. In addition, operations within 1,000 feet of a federal or State Highway System, screening by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the system is required where feasible. No pile of scrap, salvage, or other material shall be higher than the fence or screening measured from grade to the fence or screenings lowest point, and measured from grade to the scrap or salvaged materials highest point.

**C** Asphalt plant

**D.** Aviation facilities, private and public

**E.** Landfill, construction debris, rubble, or sanitary

**F.** Recycling centers and stations

**G.** Resource extraction

**H.** Scrap and salvage services

**I.** Shooting range

**J.** Transfer station for waste

**K.** Disposal or storage of toxic waste

**L.** Any other similar uses deemed to be consistent

**J.** Adult regulated uses subject to **Section 8.18**



**31.4 Prohibited Uses**

- A. Any prohibited use in an I-1 District, except auto salvage yard

**31.5 Lot Area and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in **Section 37.9**. No accessory building shall be located in a front yard.

Height	Front Yard	Side Yard	Rear Yard	Other
75 ft.	< 50 ft. then 20 ft.> 50 ft. then 40% of bldg. height	15 ft.	< 50 ft. then 20 ft.> 50 ft. then 30 ft.	In accordance with Performance Standards

## PLANNED UNIT DEVELOPMENT DISTRICT – “PUD”

### ARTICLE XXXII – “PUD”– PLANNED UNIT DEVELOPMENT DISTRICT

#### 32.0 Purpose

The purpose of the planned unit development (PUD) district is to promote to the extent possible:

- A. A maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the other sections of this ordinance.
- B. A Permanent preservation of common open space and recreation areas and facilities.
- C. A pattern of development to preserve natural vegetation, topographic, and geologic features.
- D. A creative approach to the use of land and related physical facilities that results in better development, design and the construction of aesthetic amenities.
- E. An efficient use of the land resulting in more economic networks of utilities, streets, and other facilities.
- F. A land use which promotes the public health, safety, comfort, morals, and welfare.

The PUD district is intended to provide for a development incorporating a single type or a variety of related uses which are planned and developed as a unit but departs from the normal standards and requirements of other sections of this ordinance.

The planned unit development may provide amenities not otherwise required by law and may establish facilities and open space greater than the minimums required by law. Such development may consist of conventionally subdivided lots or provide for development by a land use and zoning plan which establishes the location and extent of the features of the planned unit development in keeping with the purpose of the plan.

The foregoing purposes and principles shall not be interpreted to permit the reduction of standards set forth in this section.

#### 32.1 Procedure

The owner, owners, or bona fide buyer of any tract of land may petition the Zoning Board of Appeals for a change to the PUD zoning district in accordance with Article 6. A planned unit development shall be authorized in accordance with the following procedures:

##### A. Application procedure.

- 1. The application for a rezoning to the PUD zoning district shall be accompanied by an application plan meeting the requirements of **32.2.a.** of this section and show evidence that the proposed development will conform to the official County plan and to the purpose of the PUD district set forth in **32.0** of this section. The Zoning Board of Appeals shall grant or deny said application pursuant to the provisions contained in **Article 6**. Approval of the PUD zoning district shall constitute an expression of

approval by the Zoning Board of Appeals of the application plan as a guide to the preparation of the preliminary PUD plan. The applications shall be accompanied by a filing fee in an amount equal to that prescribed by **Article 6**.

2. To reduce the number of steps involved in the approval of a planned unit development, a preliminary PUD plan meeting the requirements of **32.1.b.** and **32.2.b.** of this section may be submitted in lieu of an application plan required in (a) above. This type of application shall be accompanied by a filing fee in an amount equal of one hundred dollars (\$100.00) plus an amount equal to that prescribed by **1.2(a)(2)** of this section.

**B. Approval of the preliminary plan.**

1.
  - a. Supporting data in accordance with **32.2.b.** this section.
  - b. Copies of the preliminary PUD plan and supporting data shall be submitted to the Administrative Officer for certification as to conformity with these regulations, recommendations, and suggestions regarding the overall design, if any.
  - c. Copies of the preliminary PUD plan shall be submitted to the Zoning Board of Appeals who shall hold public hearings on the application for a preliminary PUD plan giving notice of the times and places as required by state law by publishing a notice thereof at least once in a publication having general circulation within the county. Following the public hearings, a recommendation of approval or denial of the preliminary PUD plan shall be made by the Zoning Board of Appeals to the County Board. If needed, the Zoning Board of Appeals shall review the preliminary PUD plan and grant or deny any exceptions or variances needed.
2. Findings: The Zoning Board of Appeals shall set forth the reasons for the recommendation, and said recommendation shall set forth how the proposal would be in the public interest, including but not limited to findings of facts on the following:
  - a. In what respects the proposed plan is consistent with the stated purpose of the planned unit development requirements.
  - b. The extent to which the proposed plan meets the requirements and standards of the planned unit development district.
  - c. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to the density, dimension, area, bulk and use, and the reasons why such departures are deemed to be in the public interest.
  - d. The physical design of the proposed plan and the manner in which said design makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, and furthers the amenities of light, air, recreation, and visual enjoyment.
  - e. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.

- f. The desirability of the proposed plan to physical development, tax base, and economic well-being of the entire community.
  - g. The conformity with the intent and spirit of the comprehensive plan.
  - h. Specific points noted on the plan that have impact on its design, function, and visibility in the community.
3. Following receipt of the recommendation by the Zoning Board of Appeals and approval by the County Board, the Zoning Board of Appeals shall, within sixty (60) days, recommend approval, modification within limits of a minor change, or disapproval of the planned unit development plan. As a condition to the approval of the preliminary PUD plan, the Zoning Board of Appeals shall set forth findings of fact in accord with **32.1** of this section on which they base their approval and describing how the proposal meets the standards of **32.3** of this section.
  4. All conditions, documents, and plans required by the Zoning Board of Appeals must be delineated on the plat or agreed to in writing prior to Zoning Board of Appeals approval.
  5. The Zoning Board of Appeals may require such special conditions as they may deem necessary to insure conformance with the intent of all comprehensive plan elements, the stated purpose of the planned development district and established county policies.
  6. Approval of a preliminary planned unit development plan shall not constitute approval of the final plan. Rather it shall be deemed an expression of approval to the layout submitted on the preliminary plan as a guide to the preparation of the final plan which will be submitted for approval of the county. The final plan shall be approved as the final land use and zoning plan if it conforms substantially with the preliminary land use and zoning plan.

(Note: The final plan may be considered as a preliminary and final plan and may be submitted for preliminary and final approval, if all of the land is to be developed at one time, and if all requirements hereof are met.)

7. The provisions of Article 6 shall be applicable to the preliminary PUD plan.

**C. Approval of final plan.** The final planned unit development plan shall be submitted to the Administrative Officer who shall refer same to the Zoning Board of Appeals. The final PUD plan shall conform to the preliminary PUD plan as approved or subject to minor changes, and may be submitted in stages with each stage reflecting the approved preliminary plan; provided, however, that such stage conforms to all requirements of these regulations. The required procedure for approval of a final plan shall be:

1. A final planned unit development plan and other supporting data required for approval shall be in accord with the provisions of **32.2** of this section. Final plans must be submitted for approval in accordance with agreed-to scheduling, but not later than five (5) years from the approval of the preliminary plan by the Zoning Board of Appeals. The Zoning Board of Appeals may grant an extension in time or the developer may resubmit an application; in the event that same is not done, the Zoning Board of Appeals shall initiate such zoning changes as it deems necessary to preserve the public interest. If construction falls more than two (2) years behind the schedule filed with the final plan, the plan becomes subject to revocation. The Administrative Officer shall

monitor all pending PUD projects and inform the Zoning Board of Appeals of those six (6) months or more behind schedule.

2. The final plan and supporting data shall be submitted to the Zoning Board of Appeals for certification that the final plan is in conformity with these regulations and in agreement with the approved preliminary plan.
3. After review of the final plan, the Zoning Board of Appeals shall submit the planned unit development plan to the County Board with a recommendation for approval, disapproval, or approval with minor modifications as reviewed at the public hearing. Any changes or modifications which arise subsequent to the public hearing shall be specifically noted and referred to the Administrative Officer who shall determine whether the change constitutes a major or minor change and whether another public hearing is required.
4. The Zoning Board of Appeals shall, within sixty (60) days, approve, disapprove, or extend the time period for another sixty (60) days in taking action on the final plan.
5. All conditions, documents, and plans required by the Board must be delineated on the plan or agreed to in writing prior to Board approval.

**D. Recording the final planned unit development plan.** The construction of any public improvement in the planned unit development shall be initiated only after recording of the final PUD plan has been recorded with the county recorder, and shall be issued in full conformance with this ordinance.

**E. Changes in the planned unit development.** The planned unit development shall be developed according to the approved and recorded final plan, recorded approved plan and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees and assigns, and shall limit and control the use of premises and location of structures in the planned unit development project as set forth therein.

1. Major changes. A change in the approved preliminary PUD plan or final PUD plan which alters the concept or intent of the planned unit development including a change in usage, the configuration, increase in floor area or the height of buildings, an increase in intensity, a reduction of proposed open space, a change in road locations or standards, a change in the final governing agreement, provisions or covenants, or other major changes, shall be approved only by submission of a new preliminary PUD plan in accordance with the procedures as previously set forth for the approval of preliminary and final PUD plans. All approved major changes in the final PUD plan shall be recorded with the county recorder as amendments to the final PUD plan.
2. Minor changes. The Administrative Officer may approve minor changes in the planned unit development which do not change the concept or intent of the development, without going through the “preliminary approval” steps. Minor changes shall be any change not defined as a major change.

## 32.2 Specific Content

The planned unit development plans and supporting data shall include at least the following information:

### A. Application stage:

1. **General site information.** Data regarding site conditions, and characteristics, available community facilities and utilities, existing covenants and other related information.
2. **Sketch plan.** A drawing in simple sketch form showing the proposed location and extent of the land uses, streets, lots, and other features.

### B. Preliminary plan stage:

1. Design plan. A drawing of the planned unit development shall be prepared at a scale of either one inch equals one hundred (100) feet or one inch equals fifty (50) feet, or such other scale that may be recommended by the Administrative Officer. Any change in scale between the preliminary and final plan shall be accompanied by a signed statement from the developer attesting that there have been no modifications. All plans shall show the general location of proposed streets (public and private), all buildings and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings and shall include:
  - a. Boundary lines: Bearing and distances.
  - b. Easements: General location, width, and purpose.
  - c. Public and private streets on and adjacent to the tract: Street names, right-of-way widths, existing or proposed centerline elevations, pavement type, walks, curbs, gutters, culverts, distance to nearest intersection, etc.
  - d. Utilities (public or private) on and adjacent to the tract: Location, size and invert elevations of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines and street lights on the tract. The direction and distance to the nearest usable water mains and sewers anticipated to be utilized by the development and elevations of sewers. Drainage district boundaries and appropriate design criteria necessary for storm drainage plans.
  - e. Existing ground elevations on the tract: For land that slopes less than one-half of one ( $\frac{1}{2}$  of 1) percent, show one foot contours; show spot elevations at all breaks in grades along all drainage channels or swales and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than one-half of one ( $\frac{1}{2}$  of 1) percent show two (2) foot contours.
  - f. Subsurface conditions on the tract, if required by the Zoning Board of Appeals: Location and results of tests made to generally ascertain subsurface soil, rock, and ground water conditions; depth to ground water unless test pits are dry at a depth of five (5) feet: The location and results of soil percolation tests if individual sewage disposal systems are proposed.

- g.** Other conditions are on the tract: Water courses, flood plains, marshes, rock outcrop, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, accessory buildings and other significant features.
  - h.** Other conditions on adjacent land: Approximate direction and gradient of ground slopes, including any embankments or retaining walls; character and general location of buildings, including a notation on the front setback, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences; owners of adjacent unplanted land; for adjacent platted land refer to subdivision plan by name and show approximate percent built up; typical lot size and dwelling type.
  - i.** Zoning on and adjacent to the tract.
  - j.** Proposed public improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.
  - k.** Open space: All parcels of land intended to be dedicated for public use of all property owners with the purpose indicated.
  - l.** General location, purpose, and height, in feet or stories of each building other than single-family residences on individually platted lots.
  - m.** Map data: Name of development, north point and scale, date of preparation, acreage of site and name and address of developer, designer, and engineer.
  - n.** Miscellaneous: Such additional information as may be required by the Zoning Board of Appeals or found in the subdivision control ordinance.
- 2.** Character. Explanation of the character of the planned unit development and the reasons why it has been planned to take advantage of the flexibility of these regulations.
  - 3.** Ownership. Statement of present and proposed ownership of all land within the project, including present tract designation according to official records in offices of the County recorder.
  - 4.** Schedule. Development schedule indicating:
    - a.** Stages in which project will be built with emphasis on area, density, use and public facilities such as open space to be developed with each stage shall be shown on the plan and through supporting graphic material.
    - b.** Completion date or dates of new construction for above and below ground facilities, utilities, and buffer planting. See also **13(a)** of this section.
    - c.** If different land use types are to be included within the planned unit development, the schedule must normally include the mix of uses to be built in each stage.
  - 5.** Covenants. Proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned development and any of its common open space.
  - 6.** Density. Provide information on the density of residential uses and the number of dwelling units by type.

7. Use. Provide a list of uses planned for the ancillary and nonresidential uses.
8. Service facilities. Provide information on all service facilities and off- street parking facilities.
9. Architectural plans. Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the building and the number, size, and type of dwelling units.
10. Facilities plans (public and/or private). Preliminary plans for:
  - a. Roads, including classification, width of right-of-way, width of pavement, typical construction details, and plan and profile drawings.
  - b. Sanitary sewers.
  - c. Storm drainage and erosion.
  - d. Water supply system, if required by the Zoning Board of Appeals.
  - e. Lighting program, if required by the Zoning Board of Appeals.
  - f. Grading.

**C. Final plan stage.**

1. **Final detailed plan.** A final land use and zoning plan shall be prepared. The purpose of the land use and zoning plan is to designate the land subdivided into conventional lots as well as the division of other land, not so treated, into common open areas and building areas. The final land use and zoning plan shall include, but not be limited to:
  - a. An accurate legal metes and bounds description of the entire area under immediate development within the planned development.
  - b. A subdivision plan of all subdivided lands in the same form and meeting all the requirements of a normal subdivision final plan.
  - c. An accurate legal metes and bounds description of each separate unsubdivided use area, including common open space.
  - d. Designation of the exact location of all buildings to be constructed in unsubdivided areas.
  - e. Tabulations on separate subdivided use area, including land area, number of buildings, number of dwelling units, and dwelling units per acre.
  - f. Architectural plans unless waived by the Zoning Board of Appeals during the preliminary stage.
2. **Common open space documents.** All common open space shall be either conveyed to a municipal or public corporation, conveyed to nonprofit corporation or entity established for the purpose of benefitting the owners and residents of the planned unit development or retained by the developer with legally binding guarantees, in a form approved by the County attorney, that the common open space will be permanently preserved and maintained as open area. All land conveyed to a nonprofit corporation or like entity shall be subject to the right of said corporation to impose a legally enforceable lien for maintenance and improvement of the common open space.



3. **Engineering data.** All public utilities or improvements required by the County in the development of a planned unit development shall be constructed only after the approval of the final plan. Supporting data to be submitted with the final plans shall include final engineering drawings (construction plans), as required by the Zoning Board of Appeals.
4. **Guarantee deposit.** Prior to the acceptance by the Zoning Board of Appeals of public utilities and improvements, the contractor(s) for the owner of the land shall furnish to the County a good and sufficient bond with surety to secure to the County the actual construction and installation of such public utilities or improvements according to the County specifications within two (2) years from the date of approval by the County Board of the final plan or a petition to the Zoning Board of Appeals to provide the required public facilities or improvements and to assess the cost thereof against the subdivided property in accordance with the local requirements regarding special assessments; provided, however, that the subdivider or property owners shall be responsible for any differences between the cost of the public utilities or improvements and the amount that can be legally assessed by the County against the subdivided property, and shall furnish the necessary waivers to permit the assessment of the entire costs of the public utilities or improvements. A maintenance bond shall be provided for the repairs necessitated by defects in material or workmanship not to exceed four (4) years from the date of completion as certified by the County Board.
5. Certificates, seals, and signatures required for the dedication of lands and recording document, as set forth in the subdivision regulations.
6. **Covenants.** Final agreements, provisions, or covenants which will provide for the use, maintenance, and continued protection of the planned unit development, if applicable.

### 32.3 Standards

The planned unit development must meet the following standards:

- A. **Comprehensive Plan.** A planned unit development must conform with the intent and spirit of the comprehensive plan.
- B. **Size.** The site of the total planned unit development must be under single ownership and/or unified control and be not less than sixty thousand (60,000) square feet in area.
- C. **Compatibility.** The uses permitted in a planned unit development must be of a type and so located so as to exercise no undue detrimental influence upon surrounding properties.
- D. **Space.** Space between buildings shall be subject to approval during the review process.
- E. **Yards:**
  1. The required yards along the periphery of the project should be at least equal in width or depth to that of the adjacent zoning district.
  2. All other yards shall be subject to approval during the review process.
- F. **Parking Requirements.** Adequate, adjacent parking shall be provided based on design and use.

- G. Traffic.** That adequate provision be made to provide ingress and egress so designed as to minimize traffic congestion in the public streets. The Zoning Board of Appeals or Board may require a professional traffic engineer to investigate and submit a traffic study.
- H. Other Standards.** The planned unit development may depart from strict conformance with the required density, dimension, area, height, bulk, use, and other regulations for the standard zoning districts and other provisions of this ordinance to the extent specified in the preliminary land use and zoning plan and documents authorizing the planned unit development so long as the planned unit development project will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. All new construction shall conform to Board specifications and regulations.

#### **32.4 Conditions and Guarantees**

Prior to the granting of any planned unit development, the Zoning Board of Appeals may stipulate such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation and other elements of planned unit development as deemed necessary for the protection of the public interest, improvement of the development, protection of the adjacent area and to secure compliance with the standards specified in **Section 32.3**. In all cases in which planned unit developments are granted, the Zoning Board of Appeals shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

## **RIVERFRONT CORRIDOR OVERLAY DISTRICT – “RCO”**

### **ARTICLE XXXIII – RIVERFRONT CORRIDOR OVERLAY DISTRICT (RCO)**

#### **33.0 General Description**

The intent of the Riverfront Corridor Overlay District (RCO) is:

- A. To recognize, preserve, maintain and promote economically viable uses that are a benefit to the County;
- B. To maximize public benefit for further development of the riverfront area;
- C. To provide for improved scenic and aesthetic controls;
- D. To recognize the riverfront area as a visual, environmental and recreational resource that affect and benefits the County as a whole;
- E. To protect adjacent properties from the negative effects of incompatible development;
- F. To establish a physically attractive pattern of development for the general welfare of the County.

The RCO extends along the Mississippi River and Rock River in the corporate limits of the County of Rock Island. The exact boundary of the RCO is delineated on the official County zoning map. The Riverfront Corridor Overlay District regulations supplement and control (where inconsistent) the regulations of underlying district(s). All other applicable provisions and standards of the Zoning Ordinance and other pertinent ordinances shall remain in effect.

#### **33.1 Permitted Principle Uses**

- A. All uses permitted by right in the underlying zoning district(s).

#### **33.2 Other Uses**

- A. Uses authorized by the Zoning Board of Appeals.

#### **33.3 Applicable Regulations**

- A. All requirements of the underlying zoning district(s) concerning site planning, building height, lot area, and yard depths shall remain applicable except where modified by the following sections.

#### **33.4 Public Pedestrian/Bike Easement**

For the benefit of the public, access to or along the riverfront is encouraged. This will serve to provide open areas and vehicle-free areas for use by the general public. The desired design standards for such access are as follows:

- A. A public pedestrian/bike easement of at least twenty (20) feet in width running in continuous length through the property for properties ordering the river. The easement shall be adjacent to the riverfront by an alternative location may be proposed if the riverfront location is not

possible.

- B. The easement should connect to any adjacent public pedestrian/bike easement in a physically logical and efficient manner.
- C. Such pedestrian/bike easements should be located in a safe and logical fashion and be usable by pedestrians and bicyclists.

### **33.5 Development Incentives**

- A. If a public pedestrian/bike easement of a least twenty (20) feet in width running continuously through the property is provided by the owner, the maximum building height allowable may be increased up to four (4) stories, not to exceed fifty (50) feet. The granting of this increase shall also be dependent upon design and topographical considerations.
- B. If a public pedestrian/bike easement of at least twenty (20) feet in width running continuously through the property is provided by the owner, the required setbacks from public right-of-way may be varied as long as design, floodplain, safety, topographic and view considerations are satisfactorily addressed; provided, however the setback may not be reduced to less than ten (10) feet.
- C. For every four hundred (400) square feet of dedicated public pedestrian easement which is at least twenty (20) feet wide that is provided by the owner, one parking space may be deducted from the required parking total. This provision shall not apply to residential use within the RCO. Regardless of waivers or exemptions herein above granted or the requirements set forth in the off-street parking regulations of the County of Rock Island, required parking spaces shall never be reduced to less than fifty percent (50%) of the normal required total number of spaces.

### **33.6 Site Plan Requirement**

All applicants for proposed uses in the RCO shall be required to submit a site plan for review and recommendation by the Zoning Board of Appeals and approved by the Zoning Board of Appeals prior to, or in conjunction with, a zoning change, Special Use Permit or building permit. The Zoning Board of Appeals shall review site plans for proposed uses requiring approval. The site plan shall include the following information:

- A. A drawing(s) at a scale of one hundred (100) feet or less to the inch indicating:
- B. The legal description of the property;
- C. Existing topography and the proposed finished grade of the site, shown with contour intervals of two (2) feet;
- D. Location and description of existing and proposed utility services on and adjacent to the development, including sanitary sewers, storm sewers, water mains, fire hydrants, and other utilities;
- E. All existing and proposed easements;
- F. The location and size of each existing and proposed structure or use on the site;
- G. The location and width of streets adjacent to or on the property;

- H. The dimensions and capacities of parking areas and loading areas, including the location and type of illumination and landscaping;
- I. The types of surfacing, such as paving, turf or gravel to be used on the site;
- J. A drainage plan for the site;
- K. The location and height of all existing proposed walls, fences, and screen plantings, landscaping and buffer areas;

### 33.7 Traffic Analysis

A traffic study shall be required for developments that are expected to generate large volumes of traffic to and from a site. The appropriate official shall determine if a traffic study is required for a site. The analysis shall be performed by a registered professional engineer. The analysis shall include the anticipated or projected trip generation per day (ADT) and peak hourly traffic resulting from the proposed use; access points and driveways to and from the site; parking areas and number of parking spaces; stacking areas, sight distances from the access points; distance from proposed access points to existing intersections and driveways within five hundred (500) feet; and other information necessary for proper review by the County.

### 33.8 Performance Standards for Site Development

- A. **Landscaping and Screening** - Commercial, industrial, office and multi-family developments shall be required to provide landscaping or screening adequate to achieve the following objectives:
  1. To screen incompatible land uses and protect residential areas from negative effects such as noise, glare and litter;
  2. To provide a visually attractive site design;
  3. To encourage the creative use of landscaping to frame or enhance views and vistas and discourage the obstruction of existing views; and
  4. To be sensitive to the environmental nature of the riverbank by limiting its alteration except as necessary.
- B. **Illumination** - Exterior lighting on buildings or in yard and parking areas shall not produce any hazards, nuisances, or unsightly glare for adjacent land uses, pedestrians and motorists.
- C. Refer to **Articles 8, 35, 36 and 37** for specific development.
- D. Signs freestanding

### 33.9 Submission of Site Plan

A site plan shall be submitted at the time of application for a rezoning, an authorized use, and if applicable, for a variance. If only a building the site plan shall be submitted at the time of application for the permit. The site plan shall be submitted to the appropriate official. A processing fee of twenty-five (\$25) dollars shall be paid to the County at the time the site plan is submitted. This fee shall not be required if the site plan is submitted at the same time as an application for a zoning change or authorized use.

### **33.10 Review Process**

Upon receiving a site plan, the appropriate official shall schedule a public hearing for review by the Zoning Board of Appeals. The Zoning Board of Appeals shall review and make a recommendation to the Zoning Board of Appeals for site plans requiring a zoning change, or only a building or sign permit. The Zoning Board of Appeals shall review and take final action on site plans requiring a zoning change, or only a building or sign permit. The Administrative Officer shall review and approve site plans for uses requiring Zoning Board of Appeals authorization or variances, if applicable. A site plan approved by the Zoning Board of Appeals shall not require other authority review before the issuance of a building permit.

### **33.11 Notice of Public Hearing**

If a site plan is submitted as part of an application for a zoning change, authorized use or variance, the appropriate notification procedure established in the Zoning Ordinance shall be followed. If only a building or sign permit is required, at least fifteen (15) days before the public hearing, a notice stating the time and place of the hearing shall be placed in a newspaper of general circulation in the County. Notice shall also be delivered personally or by mail at least five (5) days before the hearing to the applicant, respective owners of record or property adjoining or adjacent to the subject parcel, and the Zoning Board of Appeals.

### **33.12 Findings of Fact**

Site plans reviewed by the Zoning Board of Appeals, shall be approved, approved with conditions, or disapproved. In any case, the reviewing body shall make the following specific findings of fact concerning the site plan:

- A.** Whether the proposed development conforms to the standards and requirements of the Riverfront Corridor Overlay District;
- B.** Whether the proposed development is consistent with the land use recommendations and development policies;
- C.** Whether the proposed development is designed to prevent traffic congestion and access problems along adjacent streets;
- D.** Whether the proposed development is an attractive design and an efficient use of land;
- E.** Whether the proposed development is compatible with adjacent land uses and is designed to protect adjacent properties from adverse effects such as noise, glare, litter and unattractive features;
- F.** Whether the proposed development will be adequately served by public facilities; and
- G.** Whether the proposed development will have any negative environmental or physical impacts on the site or on adjacent properties.

### **33.13 Exemptions From Site Plan Requirements**

One and two family residences are exempt from the site plan requirements of the RCO. In addition, a site plan shall not be required for the renovation or expansion of an existing structure or use unless access points would be changed or a substantial increase in traffic to the site would be generated.

### **33.14 Amendments to Approved Site Plans**

Any amendment or change to an approved site plan must be submitted to the appropriate official for review. The appropriate official shall determine if the proposed amendment is a major change requiring review and approval by the appropriate public body. Minor changes can be approved by the appropriate official.

### **33.15 Site Plan Review Requirements Outside RCO District**

Riverfront Corridor Overlay District site plan review requirements that also apply County- wide for site plans requiring a zoning change, authorized use and/or variances. The same notification and public hearing process shall also be followed.

**ARTICLE XXXIV – ADDITIONAL REQUIREMENTS, EXCEPTIONS AND MODIFICATIONS**

**34.0 Additional Requirements, Exceptions and Modifications**

The requirements and regulations specified herein before this Ordinance shall be subject to the additional requirements, exceptions, modifications and interpretations in the following:

Height limitations stipulated elsewhere in this Ordinance shall not apply:

- A.** To barns, silos or other farm buildings, provided these are not less than fifty (50) feet from every lot line, to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, on private but not commercial communication towers and facilities to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if in the opinion of the appropriate official, such structures would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Zoning Board of Appeals.
- B.** To places of public assembly such as churches, schools, and other permitted public and semi-public buildings not to exceed six (6) stories or seventy-five (75) feet, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- C.** To bulkheads, conveyors, derricks, elevators, penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height. Where a permitted use requires greater height. Where a permitted use requires greater heights than specified, it may be authorized by the Zoning Board of Appeals.
- D.** To hospitals, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width and depth by an additional one-half ( $\frac{1}{2}$ ) foot over the side and rear yards required for the highest building otherwise permitted in the district.



## ARTICLE XXXV – PERFORMANCE STANDARDS

### 35.0 Compliance With Provisions

- A. **New Uses:** Any use established in the business or industrial zones after the effective date hereof shall comply with the minimum performance standards contained in this Article.
- B. **Existing Uses:** Existing business and industrial uses which are not in compliance with the performance standards contained in this Article are exempt, except where a use did not comply with performance standards in effect prior to the effective date hereof (effective date).

Conditions which do not comply shall not be increased in scope or magnitude. Such uses shall be permitted to be enlarged or altered, provided the addition or change conforms with the applicable performance standards.

### 35.1 Certification May be Required

When necessary, the Appropriate official may require of the applicant certification by a registered professional engineer or other qualified person, at the expense of the applicant, that the performance standards for a proposed use can be met.

### 35.2 Smoke Emissions

The emission of smoke from any operation or activity shall not exceed a density or equivalent opacity permitted by the Illinois EPA.

### 35.3 Particulate Matter

No person shall operate or cause to be operated any process which emits particulate air contaminants exceeding the air quality standards of the **Illinois Environmental Protection Agency (IEPA)** or its successor.

- A. Prior to the County issuing a certificate of occupancy, an applicant must submit to the appropriate official documentation of the IEPA approval of the applicant's "application and permit to install or alter equipment or control equipment" if such a permit is required under the applicable IEPA standards.
- B. In the event the IEPA lowers its air quality standards, the IEPA standards in effect on the adoption date of this ordinance shall remain applicable. Under these circumstances, prior to the County issuing a building permit, an applicant must submit to the Appropriate Official documentation from a licensed engineer demonstrating that the use complies with the IEPA standards (on the adoption date of this ordinance).
- C. In the event the IEPA raises its air quality standards, the new IEPA standards shall apply, and the applicant must comply with the requirements of **35.3.b** of this Section.

### 35.4 Toxic Matters

The release of airborne toxic matter from any operation or activity shall not exceed the fractional quantities permitted below of the threshold limit values adopted by the **American Conference of**

**Governmental Industrial Hygienists.** If a toxic substance is not listed, verification that the proposed level of toxic matter will be safe and not detrimental to the public health or injurious to plant and animal life will be required. The measurement of toxic matter shall be on the average of any twenty-four (24) hour sampling period.

- A. All B Zones and the I-UL Zone.** In all B zones and in the I-UL zone, the release beyond lot lines of airborne toxic matter shall not exceed one-eighth (1/8) of the threshold limit values.
- B. I-1 and I-2 Zones.** In the I-1 and I-2 zones, the release of airborne toxic matter shall not exceed one-eighth (1/8) of the threshold limit values beyond zone boundary lines.

**35.5 Vibration**

Earth borne vibrations from any operation or activity shall not exceed the displacement values below. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three (3) mutually perpendicular directions. The maximum vector resultant shall be less than the vibration displacement permitted. The maximum displacements shall be determined by the following formula:

$$D = \frac{K}{f}$$

where

D = displacement in inches

K = a constant given in table below

f = the frequency of the vibration transmitted through the ground in cycles per second

Zone and Place of Measurement	Continuous	Impulsive (at least 1 second rest between pulses which do not exceed 1 second duration)	Less Than 8 Pulses Per 24 Hour Period
B Zones and I-UL Zone: At Lot Line	0.003	0.006	0.015
I-1 Zone and I-2 Zone:			
1. At Zone Boundary Line	0.030	0.060	0.150
2. At R Zone, Recreational Area or School Boundary Line	0.003	0.006	0.015

**35.6 Glare Illumination**

See Illumination Provisions, Article 36.

**35.7 Sewage Waste**

Sewers and sewage discharge shall meet the appropriate County code and all IEPA requirements.

**35.8 Storage**

- A. The open storage of materials and equipment shall except for sales display shall be subject to the following requirements:
  - 1. Storage of materials and equipment shall be completely screened from view. An eight foot (8') solid wall fence with a level 'A' bufferyard as described in **Article 37** will be required.
  - 2. All combustible material shall be stored in such a way as to include, where necessary, access drives to permit free access of firefighting equipment.
- B. The bulk storage of flammable liquids and chemicals, when stored in above- ground tanks, shall occur no closer than the lot line or any principle building than the distance indicated by the following table:

Capacity Per Container (Gallons)		Minimum Separation Distances Above Ground Containers
Less than	125	None
125 to	250	10 Feet
251 to	500	10 Feet
501 to	2,000	25 Feet
2,001 to	30,000	50 Feet
30,001 to	70,000	75 Feet
70,001 to	90,000	100 Feet

The distance may be reduced to not less than ten feet (10') for a single container of one thousand two hundred (1,200) gallons capacity or less, provided such a container is at least twenty-five feet (25') from any other container or more than one hundred twenty-five (125) gallons capacity.

- C. The underground bulk storage of flammable liquids shall be located in accordance with the Uniform Fire Code regarding tank storage underground, except the minimum distance between such underground tanks and any R zone boundary shall be at least ten feet (10').

**35.9 Screening**

See bufferyard requirements as described in Article 37.

**35.10 Noise**

The following requirements shall apply in all districts:

- A. The sound pressure level, to be measured as described below, shall not exceed the following decibel levels in the designated octave bands when adjacent to the designated types of use districts:

Octave Band, Cycles Per Second	Districts	Sound Level, In Decibels
	<u>B-1, B-2, B-3</u>	<u>All Residential</u>
0 to 75	73	58
76 to 150	69	54
151 to 300	65	50
301 to 600	61	46
601 to 1,200	55	40
1,201 to 2,400	48	33
2,400 to 4,800	41	26
Over 4,800	35	20

- B.** Objectionable sounds of an intermittent nature which are not easily measured shall be controlled so as not to become a nuisance to adjacent uses.
- C.** Method of Measurement: Measurement is to be made at the nearest boundary of the nearest residential area or at any other point along the boundary where the level is higher. The sound levels shall be measured with a sound level meter and associated octave band filter as prescribed by the American Standards Association.

## **ARTICLE XXXVI – ILLUMINATIONS PROVISIONS**

Parking Facility and Exterior Security Lighting:

### **36.0 Purpose**

The purpose of this section is to establish lighting requirements for personal safety and crime prevention while regulating any spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses near a light source to promote personal and traffic safety and to prevent the creation of public nuisances.

### **36.1 Lighting Plan**

Except for single family and two family dwellings, plans for required parking lot and security lighting shall be approved by appropriate officials and the police department prior to approval and issuance of permits. Plans, at appropriate scale, shall be based on accurate, approved final site plans and shall depict all exterior lighting as to its location, orientation and configuration. This must include, but not be limited to:

- A. Luminaire height;
- B. Luminaire and standard technical specifications;
- C. Intensity of illumination measured at the least point of illumination and the greatest point of illumination when measured from ground level;
- D. Type of light source (Metal Halide, High Pressure Sodium, etc.);
- E. Hours of illumination; and
- F. Photometric plan superimposed on the site plan for each classification of lighting with points no greater than 30 feet apart.

### **36.2 Illumination Performance Standards**

- A. Lighting standards in all zoning districts except those containing single family and two family dwellings:
  - 1. Wall or roof lighting may be used to illuminate the pedestrian walkways, entrance areas, and yard areas within 30 feet of the building. No wall or roof lighting shall be used to illuminate areas for motor vehicle parking or access unless the police department and the appropriate officials find the following:
    - a. That the proposed lighting is not in conflict with the stated purpose in this section.
    - b. That the proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
    - c. The proposed luminaire has a cutoff angle of less than or equal to 66 degrees.
  - 2. Any open area used for motor vehicle parking, storage, or access shall be illuminated with free-standing luminaries. Free-standing luminaries are permitted to be a maximum of 30 feet in height with a 3 foot support, for a maximum height from the ground of

33 feet. When a luminaire is located within 500 feet of a protected residential property, the maximum permitted luminaire height shall be 25 feet. All measurements shall be taken from the average elevation of the finished grade within 10 feet of the structure or fixture to the highest point of the luminaire. All luminaries must have a total cutoff angle equal to or less than 90 degrees. The use of exterior lighting with a cutoff angle greater than 90 degrees shall be permitted only when the police department and appropriate official find the following:

- a. That the lighting is not in conflict with the stated purpose in this section;
- b. That the proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
- c. The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.

3. In no instance shall Low Pressure Sodium fixtures be used to illuminate non-protected residential property unless the police department find the following:

- a. That the proposed lighting is not in conflict with the stated purpose in this section;
- b. That the proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
- c. The color distortion effect of Low Pressure Sodium lighting will not create a hindrance to crime prevention and investigation.

**B.** Intensity of lighting in all zoning districts except those containing single family and two family dwellings:

1. The amount of illumination attributable to exterior lighting from a property shall not exceed 1 foot-candle when measured at any boundary line with an adjoining property. This provision may be waived by the issuing authority when:

- a. The proposed lighting is not in conflict with the stated purpose of this section;
- b. The proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
- c. The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.

2. All parking lot and parking structure lighting located within 300 feet of a protected residential property line may be illuminated not more than one (1) hour before the start of business and shall be extinguished within one (1) hour after the end of business except as approved by the police department after finding the following:

- a. The property has been identified as an area where the incidence or potential for crime warrant additional lighting;
- b. Additional lighting is required to increase visibility of a property which is not readily accessible for police during routine patrol; and
- c. The use of timers, sensors, or other devices that produce a reduced lighting level that does not conflict with the stated purpose in this section.

**C. Glare/Illumination**

In all zoning districts, any lighting shall be arranged to reflect the light away from adjoining property. A person shall not conduct a use that has a source of illumination that produces glare clearly visible beyond a property line or creates a sensation of brightness within a visual field so as to cause annoyance, discomfort, or impairment of vision. The use of lenses, deflectors, shields, louvers, or prismatic control devices shall be used to eliminate nuisance and hazardous lighting to facilitate compliance with this requirement.

**D. Parking structures**

Luminaries used for illumination of designated pedestrian walkways in parking structures shall be of a significantly different color value than luminaries used for illuminating vehicle parking and drive aisles.

**36.3 Compliance**

Any new lighting installed after the effective date of this ordinance shall be in compliance with the requirements of this ordinance. Any lighting in existence before the effective date of this ordinance that does not comply with its requirements shall be considered legally non-complying and may remain, subject to the following provisions:

**A. Alterations to existing lighting**

1. When policies and support structures are removed and replaced for reasons other than acts of God or accidents, they must be replaced with luminaries, policies and supports that comply with this section; and
2. When luminaries are replaced, they must be replaced with luminaries that comply with all provisions of this section.

**B. Removal and replacement of parking lot surface**

When less than 50% of the gross area of the parking lot surface on a particular site is removed and replaced, only the parking area replaced must be provided with lighting in compliance with this section. If greater than 50% of the parking area on a particular site is removed and replaced at one time, the entire parking lot on the site where the construction activity occurs must be in full compliance with this section.

1. A parking lot or portion thereof is “removed and replaced” when any portion of the existing parking surface material is removed and a new surface is installed.

**C. New parking lots or parking lot additions**

When a new parking lot or addition to an existing parking lot is constructed, the new lot or lot addition must be provided with lighting in compliance with this section.

**D. New structures, additions, or replacements**

When a site is improved with new structures, or additions to, or replacements of existing structures, the lighting for the new structure, addition or replacement on the site must be upgraded with complying lighting. The parking lot lighting must be upgraded with

complying lighting over a portion of the parking area that is equivalent to the amount of parking that would be required for the new structure, addition or replacement. In the event that the new structure, addition or replacement is accompanied by new or replaced parking area, the amount of upgraded lighting area shall be that required under this section.

**E. Change of type of occupancy**

When the type of occupancy of a site is changed, the lighting for the site shall be upgraded, to comply with this section for the structure and the parking lot be upgraded for the required parking for the occupancy as established in this code. For purpose of determining the type of occupancy of a site, the occupancy classifications of the County code shall be utilized.

**F. Unoccupied sites**

When a site has been unoccupied for a period of one year, the lighting shall be upgraded to fully comply with this section prior to any reoccupation of the site.

**G. Development application**

When a development application is made for a site, the County Board may, as a condition of approval, require compliance with any or all of the performance standards of this section and the extent of compliance required in such cases may be greater than that otherwise required in this section, if deemed reasonably necessary to protect the public health, safety, or welfare and to achieve the proposes of this section.

**36.4 Point of Measurements**

Any light intensity measurement taken at the property line shall be measured at the greatest point of illumination of said property line. Any measurements to determine the minimum and maximum lighting levels internal to a site will be measured by positioning the meter horizontally at ground level at the greatest and least points of artificial illumination.

**36.5 Applicability**

Modifications to the requirements of this section may be approved as part of a final development plan for a planned development overlay district, pursuant to the provisions provided:

- A.** That any deviations from lighting standards established by this section are clearly delineated in the plan submission reviewed by the planning commission and approved by the County Board;
- B.** That any deviations are consistent with the purposes of this section;
- C.** That the minimum light level proposed provides a minimum of 75 percent of the illumination required in this section;
- D.** That the height of support poles above grade does not exceed the maximum permitted by this section by more than 25 percent, except that no development shall be allowed for increased support pole height within 500 feet of a protected residential property; and
- E.** That no increase in glare occurs as a result of deviation from the adopted standards.



# LANDSCAPE AND BUFFERYARD REQUIREMENTS

## ARTICLE XXXVII – LANDSCAPE AND BUFFERYARD REQUIREMENTS

### **37.0 Site Plans**

If a building or parking lot permit is applied for and no zoning action is required, an administrative site plan approval will be required.

### **37.1 Site Plan Review**

An application for a building or parking lot permit shall promptly be forwarded to the appropriate officials. Review must be completed within fifteen (15) days of the receipt by the County of a complete site plan review application. If, in the judgment of the appropriate officials, the site plan review application does not contain sufficient information to enable the appropriate County officials to properly carry out its responsibilities, the appropriate officials may request additional information from the applicant. In that event, the fifteen (15) day period previously referred to shall be suspended, pending the receipt of all information requested by the appropriate officials.

### **37.2 Appeal Process**

If the appropriate officials approve a site plan, a building or parking permit may then be issued. If the appropriate officials do not approve a site plan, the applicant may appeal the appropriate officials' decision to the Zoning Board of Appeals. A notice of appeal must be filed with the appropriate official no later than fifteen (15) days after receipt by the applicant of the decision of the appropriate officials.

### **37.3 Exemption From Site Plan Requirements**

One and two family residences are exempt from County-wide site plan review requirements. In addition, site plans shall not be required for renovation or expansion of an existing structure or use unless access points would be changed or a substantial increase in traffic to the site would be generated.

### **37.4 Parking Lots**

- A. Permits for Off-Street Parking Lots** - No person shall expand an existing parking lot or construct a new parking lot of five (5) spaces or more without having first obtained a written permit, issued by the appropriate official, or his designee representative. Prior to obtaining a permit for such expansion or new construction, the applicant shall submit to the appropriate official or his designated representative, a landscape/site plan as required in the Zoning Ordinance, and plans showing the construction specifications for all off-street parking lots and he shall provide for proper inspection of construction.
- B. Construction** - All off-street parking lots required to obtain a permit as identified in the above section shall be laid to the line and grade of, and shall conform to surface thickness and other specifications of the appropriate County official or his designated representative.
- C. Landscaping and Screening Requirements for Off-Street Parking Lots** - The provisions of this section for the installation and maintenance of landscaping and screening

requirements are intended to protect the character and stability of residential, commercial, industrial and conservation areas, and to enhance the aesthetic and visual image of the County.

1. Parking lots of five (5) or more spaces shall be set back ten feet (10') from the front property line(s). Landscaping requirements with the front yard(s) include that the yard be seeded or sodded with lawn. Rock cover may be used, but may not exceed twenty percent (20%) of the landscaped front yard setback. In addition, one canopy tree for every five (5) parking spaces and a minimum of five percent (5%) ground cover landscape coverage of shrubs and evergreens/conifers shall be required.

The ten foot (10') front yard setback may be reduced to five feet (5') if there is a continuous twenty-six inch (26") solid wall/fence or shrubbery hedge provided. Sodding, rock ground cover, canopy tree and ground cover landscape coverage requirements will still be applied if a solid wall/fence is provided. Sodding and/or rock ground requirements will still be applied if a shrubbery fence is provided.

2. Parking lots of five (5) or more spaces shall be set back five feet (5') from side and rear property lines. Landscaping requirements within the side and rear yards include that the yard be seeded or sodded with lawn. Rock ground cover may be used, but may not exceed twenty percent (20%) of the landscaped side and rear yard setback. In addition, one canopy tree for every five (5) parking spaces and a minimum of five percent (5%) ground landscape coverage of shrubs and evergreens/conifers shall be required.

When a side and/or rear yard is adjacent to a residential use, a continuous four foot (4') solid wall/fence or shrubbery hedge shall also be provided with the five foot (5') setback yard. If a four foot (4') shrubbery hedge is provided, canopy tree and ground landscape coverage shall not be required.

3. Wherever landscaping and screening requirements may interfere with traffic vision, the height and placement shall be determined by the County Engineer.
4. Trees and other landscaping shall be of a species which are hardy to the area and have measured diameters of such identified in the Minimum Standards for Plantings section of this appendix. Prohibited trees are identified in the section so identified in this appendix.
5. Subject to the approval of the appropriate official, alternate landscaping plans may be substituted for consideration.
6. A landscape/site plan will be required to be submitted for staff review prior to issuing a parking lot development permit for parking lots of five (5) spaces or more. The following basic standards should be set:
  - a. Drawn to scale;
  - b. Identify location of landscaping or other features;
  - c. Specify nature of materials (i.e., species, variety, etc.);
  - d. Specify number of plants, shrubs, trees, etc., by species.
7. Landscaping and screening must be maintained in good condition, free of refuse and

debris, and provide a healthy, neat and orderly appearance at least equal to the original installation. It shall be the owner's responsibility to see that the landscaping is maintained.

- D. Appeal Process** - If the appropriate officials approve a site plan, a parking lot permit may then be issued. If the appropriate officials do not approve a site plan, the applicant may appeal the appropriate officials' decision to the Zoning Board of Appeals. A notice of appeal must be filed with the appropriate official no later than fifteen (15) days after receipt by the applicant of the decision of the appropriate officials.

### 37.5 Bufferyard Requirements

- A. Intent** – The provisions of this section are to provide specific landscape screening and bufferyard requirements to reduce the incompatibility between zoning districts of different intensity and type. These bufferyards will lessen the adverse impact of more intense land uses upon residential areas and/or other areas of less intense use by reducing noise, visual and other environmental impacts.
- B. Requirements** – In addition to landscaping and screening requirements for off-street parking areas, bufferyard standards will also apply for site plans requiring a zoning change, special use permit and non-exempt site plan review requirements. The bufferyard requirement is determined by the difference between the zoning district of the subject property and the zoning district of adjacent properties. The specific requirements are identified in the following sections and the accompanying table: "Schedule of Bufferyard Requirements." Landscaping and screening requirements for off-street parking areas apply to the side of the property abutting a public street right-of-way. A list of prohibited trees is provided in the section entitled "Prohibited Trees".
- C. Description of Bufferyards A through D**

- 1. Type A Buffer** – The standard buffer within Type A is eight feet (8') wide and contains the following number of required plants per one hundred feet (100'):
- a. 1 canopy tree;
  - b. 1 understory tree;
  - c. 6 shrubs;
  - d. 1 evergreen/conifer.

Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type A buffer, each with a different amount of required plantings reflected as a multiplier of the required plant units per one hundred feet (100'). The alternatives include the following:

- a. Twenty-foot (20') wide buffer with fifty percent (50%) of the required plant units per one hundred feet (100').
- b. Sixteen-foot (16') wide buffer with sixty percent (60%) of the required plant units per one hundred feet (100').
- c. Twelve-foot (12') wide buffer with eighty percent (80%) of the required plant units per one hundred feet (100').

- d. Four-foot (4') wide buffer with ninety percent (90%) of the required plant units and a continuous hedge set back three feet (3') from the property line or fence.

2. **Type B Buffer** – The standard buffer with Type B is ten feet (10') wide and contains the following number of required plant per one hundred feet (100'):

- a. 2 canopy trees;
- b. 2 understory trees;
- c. 6 shrubs;
- d. 2 evergreens/conifers.

Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type B buffer, each with a different amount of required plantings. Type B buffer alternatives range from a twenty-five foot (25') wide buffer with fifty percent (50%) of the required plantings to a five-foot (5') wide buffer with ninety percent (90%) of the required plantings and a continuous hedge or fence.

3. **Type C Buffer** – The standard buffer within Type C is fifteen feet (15') wide and contains the following number of required plantings per one hundred feet (100'):

- a. 3 canopy trees;
- b. 2 understory trees;
- c. 9 shrubs;
- d. 3 evergreens/conifers.

Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type C buffer, each with a different amount of required plantings. Type C buffer alternatives range from a twenty-five foot (25') wide buffer with sixty percent (60%) of the required plantings to a six foot (6') wide buffer with ninety percent (90%) of the required plantings and a continuous fence.

4. **Type D Buffer** – The standard buffer within Type D is fifteen feet (15') wide and contains the following number of required plants per one hundred feet (100'):

- a. 3 canopy trees;
- b. 2 understory trees;
- c. 15 shrubs;
- d. 5 evergreens/conifers.

Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type D buffer, each with a different amount of required plantings. Type D buffer alternatives range from a twenty-five foot (25') wide buffer with sixty percent of the required plantings to an eight-foot (8') wide buffer with ninety percent (90%) of the required plantings and a continuous fence.

### 37.6 Minimum Standards For Plantings

- A. **Canopy Trees** - Two inches (2") diameter, six inches (6") above ground level, and ten feet (10') in height when planted.
- B. **Understory Tree** - One inch (1") diameter, six inches (6") above ground level, and six feet (6') in height when planted.
- C. **Shrubs** - Twenty-four inches (24") in height when planted; forty percent (40%) or more must reach a mature height of six feet (6') or more.
- D. **Evergreens/Conifers** - Two inches (2") in diameter, six inches (6") above ground level, and six feet (6') in height when planted. Twenty feet (20') minimum height at maturity.

### 37.7 Prohibited Trees

The following weak-wooded trees and generally undesirable trees for urban conditions shall be prohibited for use in meeting any of the landscaping/screening requirements for off-street parking areas and/or bufferyard requirements:

- A. Ailanthus (tree of heaven)
- B. Box Elder
- C. European Mountain Ash
- D. European White Birch
- E. Poplar
- F. Siberian Elm
- G. Silver Maple
- H. Willow
- I. Cottonwood
- J. All fruit bearing including Crab Apple, Bradford Pear, Purple-Leaf Plum, Mulberry, Russian Olive
- K. Sweet Gum
- L. Hawthorne
- M. Pin Oak
- N. Gingko

### 37.8 Maintenance of Landscaping and Screening

Bufferyard landscaping and screening must be maintained in good condition, free of refuse and debris and provide a healthy, neat and orderly appearance at least equal to the original installation. It shall be the owner's responsibility to see that the landscaping is maintained.

37.9 Schedule of Bufferyard Requirements

Zoning of Adjacent Property

SUBJECT PROPERTY	R-1	R-4	O-1	B-1	B-2	B-3	B-4	U-1	ORT	C-1	C-2	I-1	I-2
	R-2 R-3	R-5 R-6											
R-1 R-2 R-3	N	N	N	N	N	N	N	N	N	N	N	N	N
R-4 R-5 R-6	A	N	N	N	N	N	N	N	N	B	B	N	N
O-1	A	A	N	N	N	N	N	N	N	B	B	N	N
B-1	B	A	N	N	N	N	N	N	N	B	B	N	N
B-2	C	B	N	N	N	N	N	N	N	B	B	N	N
B-3	C	B	C	N	N	N	N	N	C	B	B	N	N
B-4	C	C	C	N	N	N	N	A	C	B	B	N	N
U-1	C	C	N	N	N	N	N	N	N	B	B	N	N
ORT	D	D	N	N	N	N	N	N	N	B	B	N	N
C-1	N	N	N	N	N	N	N	N	N	N	N	N	N
C-2	A	N	N	N	N	N	N	N	N	N	N	N	N
I-1	C	C	D	B	A	N	N	B	C	C	C	N	N
I-2	D	D	D	B	A	A	A	C	C	D	D	N	N

**A.** Approximate bufferyard requirement:

A – 8 feet (8') in width;

B – 10 feet (10') in width;

C – 15 feet (15') in width;

D -- 15 feet (15') in width;

N – No buffer required.

**B.** Position of property abutting public right-of-way is governed by landscaping for parking lot requirements.

## DEVELOPMENT IN A SFHA

### ARTICLE XXXVIII – DEVELOPMENT IN A SPECIAL FLOOD HAZARD AREA

#### AN ORDINANCE REGULATING DEVELOPMENT IN FLOODPLAIN AREAS

Be it ordained by the County Board of **Rock Island County**, Illinois as follows:

#### **38.0 Purpose.**

This ordinance is enacted pursuant to the police powers granted Rock Island County, Illinois by the County Statutory Authority in 55 ILCS 5/5-1041 and 5/5-1063 in order to accomplish the following purposes:

- A. To prevent unwise developments from increasing flood or drainage hazards to others;
- B. protect new buildings and major improvements to buildings from flood damage;
- C. to promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding.
- D. to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- E. maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- F. make federally subsidized flood insurance available, and
- G. to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

#### **38.1 Definitions.**

For the purposes of this ordinance, the following definitions are adopted:

**Base Flood** – The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in **Section 38.2** of this ordinance.

**Base Flood Elevation (BFE)** – The elevation in relation to mean sea level of the crest of the base flood.

**Basement** – That portion of a building having its floor sub-grade (below ground level) on all sides.

**Building** – A walled and roofed structure, including gas or liquid storage tank, that is principally above ground, including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.

**Critical Facility** – Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

**Development** – Any man-made change to real estate including, but not necessarily limited to:

1. Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building
2. substantial improvement of an existing building;
3. installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year;
4. installation of utilities, construction of roads, bridges, culverts or similar projects;
5. construction or erection of levees, dams, walls or fences;
6. drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
7. storage of materials including the placement of gas and liquid storage tanks, and

“Development” does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

**Elevation Certificate** – A FEMA form used to record the elevations of a building. Completing the form requires that a survey be conducted by a registered professional engineer or land surveyor. The elevation certificate is used to determine insurance rates for Post-FIRM structures and can be used to support a *Letter of Map Amendment* (LOMA) application.

**FEMA** – Federal Emergency Management Agency

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

**Flood Fringe** – That portion of the floodplain outside of the regulatory floodway.

**Flood Insurance Rate Map** – A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHS) within a community. This map



includes insurance rate zones and may or may not depict floodways and show base flood elevations.

**Flood Insurance Study** – An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Floodplain and Special Flood Hazard Area (SFHA)** – These two terms are synonymous. Those lands within the jurisdiction of the County that are subject to inundation by the base flood. The floodplains of the Rock River, North Channel Rock River, Coal Creek, Coal Creek Tributary, Eckhart Creek, Kyte Creek, Meridosia Ditch Creek, Mississippi River, Mill Creek, Shaffer Creek, Sylvan Slough, Un-named Creek and Tributary to un-named Creek numbers 1,2 and 3 are generally identified on the countywide Flood Insurance Rate Map of Rock Island County prepared by the Federal Emergency Management Agency and dated April 5<sup>th</sup>, 2010. Floodplain also includes those areas of known flooding as identified by Rock Island County.

**Floodproofing** – Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

**Floodproofing Certificate** – A form published by the Federal Emergency management agency that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.

**Flood Protection Elevation (FPE)** – The elevation of the base flood plus two feet (2') of freeboard at any given location in the floodplain.

**Floodway** – That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of the Rock River, North Channel Rock River, Coal Creek, Coal Creek Tributary, Eckhart Creek, Kyte Creek, Meridosia Ditch Creek, Mississippi River, Mill Creek, Shaffer Creek, Sylvan Slough, Un-named Creek And Tributary to un-named Creek numbers 1,2 and shall be as delineated on the countywide Flood Insurance Rate Map of Rock Island County prepared by FEMA and dated April 5<sup>th</sup>, 2010. The floodways for each of the remaining floodplains of the Rock Island County shall be according to the best data available from the Federal, State, or other sources.

**Freeboard** – An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

**Historic Structure** – Any structure that is:

1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
3. Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.
4. Individually listed on a local inventory of historic places that has been certified by the

Illinois Historic Preservation Agency, or a historic landmark designated by the city under its authority as a certified local government.

**IDNR/OWR** – Illinois Department of Natural Resources/Office of Water Resources.

**Lowest Floor** – the lowest floor of the lowest enclosed area (including basement) of a structure . An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built or altered so as to render the structure in violation of the applicable non-elevation design requirements of Section 3-2-38.6 of this ordinance.

**Manufactured Home** – A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities and is registered with the State of Illinois as a Manufactured Home.

**Manufactured Home Park or Subdivision** – A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale designed for the placement of Manufactured homes

**Manufactured Home Park or Subdivision, Existing** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Manufactured Home Park or Subdivision, Expansion to an Existing** – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Manufactured Home Park or Subdivision, New** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

**New Construction** – Structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

**NFIP** – National Flood Insurance Program.

**Recreational Vehicle or Travel Trailer** – A vehicle which is:

1. built on a single chassis;
2. four hundred (400) square feet or less in size;
3. designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**Repetitive Loss Structure** – A structure having flood related damages on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

**SFHA** – See definition of floodplain.

**Start of Construction** – Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

**Structure** – (see "Building")

**Substantial Damage** – Damage of any origin sustained by a structure whereby the cumulative percentage of damage during a ten year period ending on the date of the last damage event equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. The term includes “Repetitive Loss Structures” (see definition).

**Substantial Improvement** – Any reconstruction, rehabilitation, addition or improvement of a structure taking place during the life of the structure in which the cumulative percentage of improvements:

equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or

increases the floor area by more than twenty percent (20%)

“Substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2. any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

**Violation** – The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

### **38.2 Base Flood Elevation.**

This ordinance’s protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

- A.** The base flood elevation for the floodplains of Rock River, North Channel Rock River, Coal Creek, Coal Creek Tributary, Eckhart Creek, Kyte Creek, Meridosia Ditch Creek, Mississippi River, Mill Creek, Shaffer Creek, Sylvan Slough, Un-named Creek and Tributary to un-named Creek numbers 1,2 and 3 shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of Rock Island County, Illinois prepared by the Federal Emergency Management Agency and dated April 5<sup>th</sup>, 2010.
- B.** The base flood elevation for each floodplain delineated as an “AH Zone” or AO Zone” shall be that elevation (or depth) delineated on the county wide Flood Insurance Rate Map of Rock Island County, Illinois.
- C.** The base flood elevation for each of the remaining floodplains delineated as a “A Zone” on the countywide Flood Insurance Rate Map of Rock Island County, Illinois, shall be according to the best data available from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

### **38.3 Duties of the Director of The Rock Island County Dept. of Zoning & Building Safety.**

The Director of the Rock Island County Department of Zoning & Building Safety shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of Rock Island County, Illinois, meet the requirements of this ordinance. Specifically, the Director of the Rock Island County Department of Zoning & Building Safety shall:

- A.** cause development permits to be processed in accordance with Section 3-2-38.4;
- B.** ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 3-2-38.5;
- C.** ensure that the building protection requirements for all buildings subject to Section 3-2-38.6 are met and maintain a record of the “as-built” elevation of the lowest floor (including basement), Elevation Certificate or flood proofing certificate;
- D.** assure that all subdivisions and annexations meet the requirements of Section 3-2-38.7;
- E.** ensure that water supply and waste disposal systems meet the Public Health standards of Section 3-2-38.8;
- F.** if a variance is requested, ensure that the requirements of Section 3-2-38.10 are met and

- maintain documentation of any variances granted;
- G.** inspect all development projects and take any and all penalty actions outlined in 3-2-38.10 as a necessary to ensure compliance with this ordinance;
- H.** assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- I.** notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- J.** provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- K.** cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance;
- L.** maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance;
- M.** perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain, and
- N.** maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

#### **38.4 Development Permit.**

No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Director of Rock Island County Department of Zoning & Building Safety. The Director of the Rock Island County Department of Zoning & Building Safety shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

- A.** The application for development permit shall be accompanied by:
  1. drawings of the site, drawn to scale showing property line dimensions;
  2. existing grade elevations and all changes in grade resulting from excavation or filling;
  3. the location and dimensions of all buildings and additions to buildings;
  4. the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 3-2-38.6 of this ordinance, and
  5. cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a registered contractor may also meet this requirement.
- B.** Upon receipt of an application for a development permit, the Director of Rock Island County Department of Zoning & Building Safety shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore

not subject to the requirements of this ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance.

The Director of Rock Island County Department of Zoning & Building Safety shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

The Director of Rock Island County Department of Zoning & Building Safety shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Director of Rock Island County Department of Zoning & Building Safety shall not issue a permit unless all other federal, state, and local permits have been obtained.

### **38.5 Preventing Increased Flood Heights and Resulting Damages.**

Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- A.** Except as provided in Section 3-2-38.5(B) of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:
  - 1.** Bridge and culvert crossings of streams in rural areas meeting the following conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:
    - a.** the crossing will not result in an increase in water surface profile elevation in excess of 1.0 feet, and
    - b.** the crossing will not result in an increase in water surface profile elevation in excess of one half (0.5) feet at a point one thousand (1,000) feet upstream of the proposed structure.
    - c.** There are no buildings in the area impacted by the increases in water surface profile.
    - d.** The proposed bridge or culvert crossing will not involve straightening, enlarging, or relocating the existing channel.
    - e.** The design must be certified by a licensed professional engineer in the State of Illinois and the designs must meet the conditions of an IDNR/OWR permit.
    - f.** The design must be certified by a second licensed professional engineer.
  - 2.** Barge fleeting facilities meeting the following conditions of IDNR/OWR Statewide Permit Number 3:
    - a.** The permit is only applicable when deadmen, pier cells, or other similar anchorage devices have been permitted by the U.S. Army Corps of Engineers.
  - 3.** Aerial utility crossings meeting the following conditions of IDNR/OWR Statewide Permit Number 4;

- a. The utility line must be constructed above the existing 100-year flood elevation or attached to an existing bridge.
  - b. A utility line attached to an existing bridge shall be constructed above the low cord elevation of the bridge.
  - c. No supporting towers or poles shall be located in a river, lake or stream.
  - d. Supporting towers including foundation and poles shall be designed and located so as to not cause an obstruction of flood flows by trapping debris.
  - e. All disturbed areas shall be returned to pre-construction grades and re-vegetated.
  - f. All Illinois Commerce Commission, National Electrical Safety Code, and federal requirements must be met.
4. Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5:
- a. The boat dock must not extend more than fifty (50) feet into a waterway and no more than one quarter (1/4) of the width of the waterway and shall not extend beyond the navigational limited established by the IDNR and Corps of Engineers.
  - b. The width of the boat dock shall not be more than ten (10) feet.
  - c. For L-Shaped or T-shaped docks, the length of that portion parallel to the shoreline must not exceed fifty percent (50%) of the landowner's shoreline frontage nor fifty (50) feet..
  - d. Docks must be aligned so as not to cross the projection of property lines into the waterway or come within ten (10) feet of the projected property line.
  - e. Dock posts must be marked by reflective devices.
  - f. The boat dock must be securely anchored to prevent detachment during times of high wind or water.
  - g. Metal drums or containers may not be used as buoyancy units unless they are filled with floatation foam. Containers which previously stored pesticides, herbicides, or any other toxic chemicals are not permissible.
  - h. This permit does not authorize any other related construction activity such as shore protection or fill.
  - i. Non-floating boat docks must be constructed in a manner which will minimize obstruction to flow.
  - j. At any future date, the permittee must agree to make necessary modifications to the dock as determined by the IDNR or Corp of Engineers
5. Minor, non-obstructive activities meeting the following conditions of IDNR/OWR Statewide Permit Number 6:
- a. the following activities (not involving fill or positive change in grade) are covered by this permit:
    - i. The construction of underground utility lines, wells, or septic tanks not crossing a lake or stream.

- ii. The construction of light poles, sign posts, and similar structures.
  - iii. The construction of sidewalks, driveways, athletic fields (excluding fences), patios, and similar structures.
  - iv. The construction of properly anchored, unwalled, open structures such as playground equipment, pavilions, and carports.
  - v. The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten (10) square feet in any dimension. Only one such building on a property is authorized by this statewide permit and this ordinance.
  - vi. The raising of existing buildings, provided no changes are made to the outside dimensions of the building and the placement of fill is not involved.
6. Outfall Structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7:
- a. Any outfall structure, including any headwall or end-section, shall not extend riverward or lakeward of the existing adjacent natural bank slope or adjacent bank protection.
  - b. The velocity of the discharge shall not exceed the scour velocity of the channel soil, unless channel erosion would be prevented by the use of riprap or other design measures.
  - c. Outlets from drainage ditches shall not be opened to a stream until the ditch is vegetated or otherwise stabilized to minimize stream sedimentation.
  - d. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
7. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:
- a. In all cases, the crossing shall be placed beneath the bed of the river, lake or stream and, unless the crossing is encased in concrete or entrenched in bedrock, a minimum of three (3) feet of cover shall be provided. The river, lake or stream bed shall be returned to its original condition.
  - b. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
  - c. Any utility crossing carrying material which may cause water pollution, as defined by the Environmental Protection Act (415 ILCS 5), shall be provided with shut-off valves on each side of the body of water to be crossed.
  - d. If blasting is to be utilized in the construction of the crossing, the permittee shall notify the IDNR/OWR at least ten (10) days prior to the blasting date to allow monitoring of any related fish kills.



8. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9:
- a. Only the following materials may be utilized in urban areas: stone and concrete riprap, steel sheet piling, cellular blocks, fabric-formed concrete, gabion baskets, rock and wire mattresses, sand/cement filled bags, geotechnical fabric materials, natural vegetation and treated timber. Urban areas are defined as: areas of the State where residential, commercial, or industrial development currently exists or, based on land use plans or controls, is expected to occur within ten (10) years. (The Department should be consulted if there is a question of whether or not an area is considered urban).
  - b. In addition to the materials listed in Section 6(8)(a), other materials (e.g. tire revetments) may be utilized in rural areas provided all other conditions of this permit are met.
  - c. The following materials shall **not** be used in any case: auto bodies, garbage of debris, scrap lumber, metal refuse, roofing materials, asphalt or other bituminous materials, or any material which would cause water pollution as defined by the Environmental Protections Act (415 ILCS 5).
  - d. The affected length of shoreline, stream bank, or channel to be protected shall not exceed, either singularly or cumulatively, one thousand (1000) feet.
  - e. All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action.
  - f. Materials shall be placed in a way which would not cause erosion or the accumulation of debris on properties adjacent to or opposite the project.
  - g. Materials shall not be placed higher than the existing top of the bank.
  - h. Materials shall be placed so that the modified bank full-width and cross-sectional area of the channel will conform to or be no more restrictive than that of the natural channel upstream and downstream of the site.  
  
For projects involving continuous placement of riprap along the bank, toe of the bank or other similar applications, in no case shall the cross-sectional area of the natural channel be reduced by more than ten percent (10%) nor the volume of material placed exceed two (2) cubic yards per lineal foot of the stream bank or shoreline. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.
  - i. If broken concrete is used, all protruding materials such as reinforcing rods shall be cut flush with the surface of the concrete and removed from the construction area and pieces of said concrete shall have no dimension wider than 12 inches.
  - j. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of construction.
  - k. In the case of seawalls and gabion structures on lakes, the structure shall be constructed at or landward of the water line as determined by the normal pool elevation, unless:

- i. It is constructed in alignment with an existing seawall(s) or gabion structure(s), and
    - ii. the volume of material placed, including the structure, would not exceed two (2) cubic yards per lineal foot.
  - l. Excess material excavated during the construction of the bank or shoreline protection shall be placed in accordance with local, state, and federal laws and rules, shall not be placed in a floodway.
- 9. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10:
  - a. The accessory structure or building addition must comply with the requirements of the local floodplain ordinance.
  - b. The principle structure to which the project is being added must have been in existence on the effective date of this permit (July 25, 1988).
  - c. The accessory structure or addition must not exceed five hundred (500) square feet in size and must not deflect floodwaters onto another property, and
  - d. must not involve the placement of any fill material.
  - e. No construction shall be undertaken in, or within fifty (50) feet of the bank of the stream channel.
  - f. The accessory structure or addition must be properly anchored to prevent its movement during flood conditions.
  - g. Only one accessory structure or addition to an existing structure shall be authorized by this permit; plans for any subsequent addition must be submitted to IDNR/OWR for review.
  - h. Disturbances of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas shall be seeded or otherwise stabilized upon completion of construction.
- 10. Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11:
  - a. The affected length of the stream shall not either singularly or cumulatively exceed one thousand (1000) feet.
  - b. The project shall not include the construction of any new channel; all work must be confined to the existing channel or to reestablishing flows in the natural stream channel, and
  - c. the cross-sectional area of the dredged channel shall conform to that of the natural channel upstream and down stream of the site.
  - d. Dredged or spoil material shall not be disposed of in a wetland and shall be either:
    - i. removed from the floodway;
    - ii. used to stabilize an existing bank provided no materials would be placed higher than the existing top of bank and provided the cross-

sectional area of the natural channel would not be reduced by more than ten percent (10%), nor the volume of material placed exceed two (2) cubic yards per lineal foot of streambank;

- iii. used to fill an existing washed out or scoured floodplain area such that the average natural floodplain elevation is not increased;
  - iv. used to stabilize an existing levee provided the height of the levee would not be increased nor its alignment changed;
  - v. placed in a disposal site previously approved by the Department in accordance with the conditions of the approval, or
  - vi. used for beach nourishment, provided the material meets all applicable water quality standards.
- e. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be seeded or otherwise stabilized upon completion of construction.

**11.** Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR statewide Permit Number 12:

- a. A licensed professional engineer shall determine and document that the existing structure has not been the cause of demonstrable flood damage. Such documentation shall include, at a minimum, confirmation that:
  - i. No buildings or structures have been impacted by the backwater induced by the existing structure, and
  - ii. there is no record of complaints of flood damages associated with the existing structure.
- b. A licensed professional engineer shall determine that the new structure will provide the same or greater effective waterway opening as the existing structure. For bridge widening projects the existing piers and the proposed pier extensions must be in line with the direction of the approaching flow upstream of the bridge.
- c. The project shall not include any appreciable raising of the approach roads. (This condition does not apply if all points on the approaches exist at an elevation equal to or higher than the 100-year frequency flood headwater elevation as determined by a FEMA flood insurance study completed or approved by IDNR/OWR).
- d. The project shall not involve the straightening, enlargement or relocation of the existing channel of the river or stream except as permitted by the Department's Statewide Permit Number 9 (Minor Shoreline, channel and Streambank Protection Activities) or Statewide Permit Number 11 (Minor Maintenance Dredging Activities).
- e. The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above conditions.

**12.** Temporary construction activities meeting the following conditions of IDNR/OWR statewide Permit Number 13:

- a. No temporary construction activity shall be commenced until the individual

permittee determines that the permanent structure (if any) for which the work is being performed has received all required federal, state and local authorizations.

- b. The term “temporary” shall mean not more than one construction season. All temporary construction materials must be removed from the stream and floodway within one year of their placement and the area returned to the conditions existing prior to the beginning of construction. Any desired subsequent or repetitive material placement shall not occur without the review and approval of the IDNR/OWR.
- c. The temporary project shall be constructed such that it will not cause erosion or damage due to increases in water surface profiles to adjacent properties. For locations where there are structures in the upstream floodplain, the temporary project shall be constructed such that all water surface profile increases, due to the temporary project, are contained within the channel banks.
- d. This permit does not authorize the placement or construction of any solid embankment or wall such as a dam, roadway, levee, or dike across any channel or floodway.
- e. No temporary structure shall be placed within any river or stream channel until a licensed professional engineer determines and documents that the temporary structure will meet the requirements of Special Condition Number 3 of this statewide permit. Such documentation shall include, at a minimum, confirmation that no buildings or structures will be impacted by the backwater induced by the temporary structure.
- f. The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above condition.
- g. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of the removal of the temporary construction.
- h. Materials used for the project shall not cause water pollution as defined by the Environmental Protection Act (415 ILCS 5).

13. Any Development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.

B. Other development activities not listed in 6(A) may be permitted only if:

- 1. permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or
- 2. sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

### 38.6 Protecting Buildings.

A. In addition to the damage prevention requirements of 3-2-38.5 of this ordinance, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following

situations:

1. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000) or seventy (70) square feet.
  2. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively over the life of the structure. If substantially improved, the entire structure must meet the flood protection standards of this section.
  3. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively over a ten year period ending on the date of the last damage event. If substantially damaged, the entire structure must meet the flood protection standards of this section.
  4. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).
  5. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
  6. Damage to a Repetitive Loss Structures as defined in 3-2-38.1.
  7. **Exception** – An existing post-FIRM structure may be rebuilt with the first finished floor at greater than one foot (1') above the Base Flood Elevation provided ALL of the following conditions are met:
    - a. The structure is 100% compliant with all other flood damage prevention provisions of this ordinance prior to the damage event, and
    - b. the first finished floor is shown to be one foot (1') or more above the Base Flood Elevation by a fully executed elevation certificate, and
    - c. said damage is caused by a NON-FLOOD event, and
    - d. the first finished floor structural members including sheathing and the foundation will require no repairs during reconstruction.
- B.** Residential or non-residential buildings can meet the building protection requirements by one of the following methods:
1. The building may be constructed on permanent land fill in accordance with the following:
    - a. The lowest floor (including basement) shall be at or above the flood protection elevation.
    - b. The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation.
    - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.

- d. The fill shall be composed of rock or soil and not incorporated debris or refuse material, and
  - e. shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.
2. The building may be elevated on solid walls in accordance with the following:
- a. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.
  - b. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
  - c. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation. If engineered openings are used, a copy of the International Code Council Evaluation Report is required. This report shall reference the model number of the vents used, specifies the number of vents required for a specific area size located below the BFE, and lists installation requirements, and
  - d. the foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
    - i. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
    - ii. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
    - iii. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or
    - iv. in lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
3. The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
- a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

- b. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade. If engineered openings are used, a copy of the International Code Council Evaluation Report is required. This report shall reference the model number of the vents used, specifies the number of vents required for a specific area size located below the BFE, and lists installation requirements, and
  - c. The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.
  - d. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.
  - e. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
  - f. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
  - g. Utility systems within the crawlspace must be elevated above the flood protection elevation.
- C. Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:
- 1. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
  - 2. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
  - 3. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
  - 4. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.
- D. Manufactured homes or travel trailers to be permanently installed on site shall be:
- 1. Elevated to or above the flood protection elevation in accordance with 3-2-38.6(B), and
  - 2. anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.
- E. Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of section 3-2-38.6(D) unless the following conditions are met:
- 1. The vehicle must be either self-propelled or towable by a light duty truck.

2. The hitch must remain on the vehicle at all times.
  3. The vehicle must not be attached to external structures such as decks and porches
  4. The vehicle must be designed and used solely for recreation, camping, travel, or seasonal use and not as a permanent dwelling.
  5. The vehicle with all area expansions extended must be no larger than four hundred (400) square feet.
  6. The vehicle's wheels must remain on axles and inflated.
  7. Air conditioning units must be permanently attached so as to be safe for movement out of the floodplain.
  8. Propane tanks, electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation.
  9. The vehicle must be licensed and titled as a recreational vehicle or park model, and
  10. must either:
    - a. entirely be supported by jacks, or
    - b. have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by used of the hitch jack.
- F. Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:
1. The garage or shed must be non-habitable.
  2. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
  3. The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
  4. The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.
  5. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
  6. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
  7. The garage or shed must have at least one permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area. . If engineered openings are used, a copy of the International Code Council Evaluation Report is required. This report shall reference the model number of the vents used, specifies the number of vents required for a specific area size located below the BFE, and lists installation requirements.
  8. The garage or shed must be less than ten thousand dollars (\$10,000) in market value or replacement cost whichever is greater or less than five hundred (500) square feet.



9. The structure shall be anchored to resist floatation and overturning.
10. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
11. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

### **38.7 Subdivision Requirements**

The Rock Island Board shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

A. New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of 3-2-38.5 and 3-2-38.6 of this ordinance. Any proposal for such development shall include the following data:

1. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
2. the boundary of the floodway when applicable, and
3. a signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

### **38.8 Public Health and Other Standards**

A. Public health standards must be met for all floodplain development. In addition to the requirements of 3-2-38.5 and 3-2-38.6 of this ordinance. The following standards apply:

1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of 3-2-38.6 of this ordinance.
2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.

5. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.
6. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

### **38.9 Carrying Capacity and Notification.**

For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

In addition, Rock Island County shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

### **38.10 Variances.**

Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the Rock Island County Zoning Board of Appeals for a variance. The Zoning Board of Appeals shall be the final decision making entity, subject to the appeals process outlined in 3-2-6.1 of the Rock Island County Code of Ordinances. The Zoning Board of Appeals may attach such conditions to the granting of a variance as it deems necessary to further the intent of this ordinance.

- A. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
  1. The development activity cannot be located outside the floodplain.
  2. An exceptional hardship would result if the variance were not granted.
  3. The relief requested is the minimum necessary.
  4. There will be no additional threat to public health, safety or creation of a nuisance.
  5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
  6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and
  7. all other state and federal permits must be obtained.
- B. The Rock Island County Zoning Board of Appeals shall cause to notify an applicant in writing that a variance from the requirements of the building protections standards of 3-2-38.6 that would lessen the degree of protection to a building will:
  1. Result in increased premium rates for flood insurance up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage;

2. increase the risk to life and property, and
  3. require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.
- C.** Variances to the building protection requirements of 3-2-38.6 of this ordinance which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in “Historic Structures”, may be granted using criteria more permissive than the requirements of 3-2-38.5 and 3-2-38.6 of this ordinance subject to the conditions that:
1. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
  2. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

**38.11 Disclaimer of Liability.**

The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of Rock Island County, Illinois or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

**38.12 Penalty.**

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance. Upon due investigation, the Rock Island County Department of Zoning & Building Safety may determine that a violation of the minimum standards of this ordinance exists. The Rock Island County Department of Zoning & Building Safety shall notify the owner in writing of such violation.

- A.** If such owner fails after ten (10) days notice to correct the violation:
1. The Rock Island County Department of Zoning & Building Safety Shall either:
    - a. make application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance.
    - b. Make application to the Municipal Code Enforcement System for remedies that may include requirements for performance or fines as allowed by law.
  2. Any person who violates this ordinance shall upon conviction thereof be fined not less than fifty dollars (\$50) or more than Five hundred (\$500) for each offense.
  3. each week a violation is present or allowed to continue constitutes a separate violation, and
  4. the Rock Island County Department of Zoning & Building Safety shall record a notice of the violation on the title of the property.

- B.** The Director of the Rock Island County Department of Zoning & Building Safety shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

The Director of the Rock Island County Department of Zoning & Building Safety is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

No site development permit shall be permanently suspended or revoked until a hearing is held by the Rock Island County Zoning Board of Appeals. Written notice of such hearing shall be served on the permittee and shall state:

1. The grounds for the complaint, reasons for suspension or revocation, and
2. the time and place of the hearing.

At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Rock Island County Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked.

- C.** Nothing herein shall prevent Rock Island County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

### **38.13 Abrogation and Greater Restrictions.**

This ordinance repeals and replaces other ordinances adopted by the Rock Island County Board to fulfill the requirements of the National Flood Insurance Program including: NOVEMBER 19<sup>th</sup>, 2002. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### **38.14 Severability.**

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

### **38.15 Effective Date.**

This ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

## ARTICLE XXXIX – SIGNS

### 39.0 Purpose and Intent

This Sign Ordinance is hereby enacted by the County of Rock Island, Illinois, to assure compatibility of signs with surrounding land usage, to conserve property value in all districts, to protect the public investment in streets and highways, to promote the safety and recreational value of public travel, and to strengthen the economy of the County. All signs hereinafter erected or maintained, except official traffic and street signs, shall conform to the provisions of this Ordinance.

#### A. Definitions

As used in this Ordinance unless the context otherwise indicates:

1. **Attached Signs.** A sign which is bolted, nailed, painted, or in any way affixed to an outside building wall.
2. **Attached Projecting Sign.** Any sign which is attached to a building or other structure and extends beyond the surface of that portion of building or structure to which it is attached.
3. **Attached Wall Sign.** All flat signs of solid face construction which are placed against a building or other structure and attached to the exterior front, rear, or side wall of any building or other structure.
4. **Erect.** To build, construct, attach, hang, place, suspend or affix signs.
5. **Facia Sign.** A single-faced, attached sign which is attached flat against and parallel to its supporting wall.
6. **Facing.** The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.
7. **Flashing Sign.** A sign, the illumination of which is not kept constant in intensity at all times when in use. Illuminated signs which indicate the time, temperature, weather or similar public service information shall not be considered "flashing signs."
8. **Freestanding Sign.** As regulated by this Ordinance, any sign supported by uprights or braces placed into the ground and not attached to any building or structure other than said braces or uprights.
9. **Freestanding Elevated Sign.** Any sign supported by a metal pole or poles, placed into the ground with the base line of the sign not less than ten (10) feet above the ground over which it is erected.
10. **Freestanding Ground Sign.** Any sign supported by uprights or braces placed into or upon the ground with the base line of that sign not more than ten (10) feet above the ground over which it is erected, and not attached to any building.
11. **Illuminated Sign.** Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as part of the sign proper.
12. **Incombustible Material.** Any material which will not ignite at or below a

temperature of one thousand two-hundred (1200) degrees Fahrenheit and will not continue to burn or glow at that temperature.

13. **Indirectly Illuminated Sign.** Any illuminated, non-flashing sign whose illumination is derived from an external, artificial lighting source.
14. **Marquee Sign.** Any sign attached to, or an integral part of a hood or canopy of permanent construction projecting from the wall or a building over the entrance to that building. For the purpose of this Ordinance, marquee signs shall be considered as attached signs when determining the allowable square foot area and total square foot area of all permitted signs, and shall be of the fascia type. No marquee sign shall extend more than two (2) feet above the marquee structure.
15. **Obsolete Sign.** Any on-premises sign or facing which no longer advertises a bona fide business conducted or product sold on the premises.
16. **On Premise Sign.** Any sign identifying the occupant of the property upon which it is located and/or advertising goods or services available thereon.
17. **Outdoor Advertising Sign (Billboard or Poster Panel).** A sign which directs attention to a business, product, service or activity not necessarily conducted, sold or offered upon the premises where such sign is located.
18. **Person.** Any human being, firm, legal entity, partnership, association, corporation, company or organization of any kind.
19. **Portable Sign.** Any sign which is of a movable nature, which advertises products, places, services or things not commonly advertised on permanent structures.
20. **Roof Sign.** As regulated by this Ordinance, any sign erected, constructed and maintained wholly upon or over the roof of any building with the principle means of support on the roof structure.
21. **Sign.** A name, identification, description, display or illumination which is affixed to, painted or represented directly or indirectly, upon a building structure or piece of land which advertises or directs attention to an object, product, place, activity, person, institution, organization or a business.
22. **Sign Area.** Sign area shall include the extreme points or edges of the sign, excluding molding and the supporting structure which does not form a part of the sign proper. The area of a sign composed of characters or words attached directly to a building or wall surface shall be the smallest triangles or parallelograms which enclose a related group of words, symbols, characters or figures. All faces of a multiple faced sign shall be included in computing sign area except back-to-back outdoor advertising and double-face on premise signs, the area of which shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area (see Appendix).

### 39.1 General Regulations

- A. Exemptions.** The provisions and regulations of this ordinance shall not apply to the following signs:
1. Hours and business numbers identifying the address of a parcel of land.
  2. Announcement or professional signs and name plates in residential zoning districts identifying the occupant of a parcel of land and not exceeding one (1) square foot in area.
  3. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal.
  4. Flags bearing the official design of a nation, state, municipality, educational institution, or non-profit organization.
  5. Traffic or other municipal signs, such as legal notices, railroad crossings, danger and other emergency signs as may be approved by the County Board.
  6. Community special event signs approved by the County Board.
  7. Bulletin boards not over twelve (12) square feet in area for public, charitable or religious institutions when the same are located on the premises of said institutions set back ten (10) feet from all property lines.
  8. Signs used exclusively for traffic direction, on private streets or in parking areas, not exceeding ten (10) square feet in area and not illuminated. Such signs shall be placed so as not to cause traffic or pedestrian hazards.
  9. Non-electric or electric signs which do not require approval of the Economic Development Office, inside buildings which are visible from the outside, and all other signs inside buildings which are not visible from the outside.
  10. Community information signs advertising events or promotions not conducted on the premises which are sponsored by religious, charitable, business or other associations and organizations.
  11. Credit card signs or stickers affixed to windows.
- B. Permits Required.** It shall be unlawful for any person to erect, structurally alter, or relocate within the County of Rock Island, any sign as defined in this Ordinance except temporary signs, without first obtaining an erection permit from the Economic Development Office and making payment of the fee as required by this section. All signs that have electrical provisions shall, in addition, be subject to the provisions of the Electrical Code and the permit fees required thereunder.
1. Every applicant, before being granted an erection permit hereunder, shall pay a permit fee for each such sign and sign structure regulated by this Ordinance. Unless otherwise specified in this Ordinance, each sign shall be considered a separate structure requiring its own permit.
    - a. Permit fees shall be based on the market value of the sign at the time when said permit is applied for.

- b. The permit fee shall be five (5) dollars for the first two-hundred (200) dollars of valuation and two (2) dollars for each additional two-hundred (200) dollars of valuation or part thereof up to one-thousand (1000) dollars of valuation. Each additional one- thousand (1000) dollars of valuation or part thereof shall be assessed a permit fee of five (5) dollars.
  - 2. The owner of any building to which a sign is to be attached, said sign to encroach or hang over public right-of-way shall, before any permit be granted for construction or installation of said sign, furnish the County of Rock Island satisfactory evidence of liability insurance coverage in an amount of not less than one hundred thousand (100,000) dollars liability coverage on account of any one (1) accident, from an insurance company authorized to do business in the State of Illinois, with an endorsement thereon holding the County of Rock Island harmless from any claims or causes of action arising out of the installation or maintenance of said sign. The owner of any building to which a sign has been attached prior to the passage of this Ordinance, which said sign encroaches or hangs over public right-of-way, shall comply with the insurance requirements of this section within thirty (30) days after enactment of this Ordinance.
  - 3. It shall be the duty of the Economic Development Office, upon filing of an application for an erection permit, to examine such plans, specifications, and other data relating to the proposed sign and sign structure. If it appears that the proposed sign and sign structure is in compliance with all the requirements of the Building Code, this Ordinance and all other laws and ordinances of the County of Rock Island, the Economic Development Office shall then issue an erection permit. If the work authorized under an erection permit has not been completed within six (6) months after date of issuance, said permit shall become null and void, except that if good cause is shown, the Economic Development Office may extend the permit for not more than one (1) consecutive six (6) month period.
  - 4. The application for an erection permit of a sign in which electrical wiring and connections are to be used shall be submitted to the Economic Development Office. The Economic Development Office shall examine the plans and specifications respecting all wiring and connections to determine if the same complies with the Electrical Code of the County of Rock Island and then shall issue an electrical permit if the said plans and specifications comply with said code.
- C. **Application for Erection Permit.** Application for erection permits shall be made upon applications provided by the Economic Development Office and shall contain or have attached thereto the following information:
  - 1. Name, address and telephone number of the person erecting the sign.
  - 2. Location of building, structure or lot to which or upon which the sign is to be attached or erected.
  - 3. Name, address and telephone number of the applicant.
  - 4. Written consent of the owner or authorized representative of the building, structure or land to which or on which the sign is to be erected.
  - 5. When requested by the Economic Development Office, blueprints or drawings of the



plans and/or specifications and method of construction, attachment to the building or in the ground, and the position of the sign in relation to nearby buildings, structures or other signs.

6. When requested by the Economic Development Office, a copy of stress sheets and calculations showing that sign and sign structure are designed for dead load and wind pressure in any direction in the amount required by this and other laws and ordinances of the County of Rock Island.
  7. Location and size of the proposed sign.
  8. Proof of insurance policy of bond.
  9. Such other information as the Economic Development Office may require to show full compliance with this and all other ordinances of the County.
- D. Revocation of Permit.** The Economic Development Office is hereby authorized and empowered to revoke any permit issued by him or her upon failure of the holder thereof to comply with any provisions of this Ordinance.
- F. Structural and Fabrication Regulations.** All signs shall be built, constructed and erected in accordance with the Building Code, other ordinances of the County of Rock Island and the "Maintenance and Improvement Manual" published by the Outdoor Advertising Association of America, Inc.
1. **Design of Signs.** Every freestanding elevated sign including the frames and poles or supports and footings, and every attached projecting sign, including frames, braces and supports thereof, shall be designed by a structural or manufacturer's engineer in conformance with wind pressure and dead load requirements established in this Ordinance and in accordance with the Building Code and other ordinances of the County of Rock Island.
  2. **Erection of Signs.** Every elevated freestanding sign shall be erected under the supervision of an experienced construction superintendent or manufacturer's representative capable of interpreting the construction and erection drawings required in order to assure conformance with all provisions of this Ordinance.
  3. **Markings on Signs.** In addition to sign markings as required in the Electrical Code, every sign hereafter erected shall have permanently affixed on the exterior of the sign the date of erection and the permit number, which shall not be covered in any future reconditioning or painting of said sign.
  4. **Treating Required.** The owner of any sign (existing or proposed) shall be required to have it properly painted, galvanized or otherwise treated to prevent rust and deterioration of all parts and supports of the said sign.
  5. **Wind Pressure and Dead Load Requirements.** All signs shall be designed and constructed to withstand wind pressure and to receive dead loads as required in the Building Code or any other ordinance of the County of Rock Island.
  6. **No Glass Permitted.** No glass shall be permitted except in the lighting mechanism.

7. **Lights.** Lights shall be permitted on signs providing they are made of corrosion-resistant materials. The lights shall be provided with proper lenses concentrating the illumination upon the area of the sign and preventing glare upon the street or adjacent property. All lighted signs in residential zoning districts, or on property which adjoins or abuts a residentially used property along the front or side lot lines shall be of the illuminated type.
  8. **Electrical Connections.** All electrical connections shall be weather-tight.
  9. **Movable Parts to Be Secure.** Any movable part of any sign such as the cover of a service opening, shall be securely fastened.
  10. **Face of Sign Shall Be Smooth.** All signs or other advertising structures which are constructed at the property line, or within five (5) feet thereof, and are less than ten (10) feet above the ground over which they are located, shall not have a surface with nails, tacks or wires that protrude therefrom, except electrical reflectors and devices which may extend over the top and in front of the advertising structures.
  11. **Letters to Be Secure.** All letters, figures, characters or representatives in cutout or irregular form maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure and shall comply with Building Code requirements.
  12. **Materials Required.** The support structures of all freestanding elevated and roof signs for which a permit is required under this Ordinance, shall be constructed of incombustible material, excluding trim.  
  
The facings of freestanding elevated and roof signs and facings and supports of freestanding ground, attached projecting, attached wall and outdoor advertising signs are allowed to be constructed of combustible materials if it is determined that they do not increase the fire hazard of the structure.
  13. **Supplementary Signs.** No supplementary sign or other appendage may be hung from or supported by an approved sign or its support if it will adversely affect the structure of the approved sign or make the approved sign non-conforming.
- E. **Signs Not to Constitute a Traffic Hazard.** No sign as regulated by this Ordinance shall be erected at the intersection of any street, alley or driveway in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "**STOP,**" "**LOOK,**" "**DANGER,**" or any other word, phrase or symbol, or character in such manner as to interfere with, mislead or confuse traffic.

## 39.2 Attached Signs

### A. Location and Size

1. Attached signs are permitted in all B-1 Neighborhood Commercial, B-2 Central Commercial, B-3 Community Commercial, B-4 Highway Business District, I-1 Light Industrial and I-2 General Industrial zoning districts. At no time shall any sign project more than eight and one-half (8 ½) feet from the building surface, nor more than eighteen (18) inches into public right-of-way, whichever is more restrictive. Every attached sign, excluding fascia signs, shall be placed at least ten (10) feet above the ground over which it is erected. These limits include the space necessary to allow for installation hardware. Signs located on canopies and/or awnings will be considered attached signs for the purpose of calculating the area. Requirements in the Uniform Building Code will be used to determine the distance of allowable projection into the public right-of-way.
2. Attached on-premises signs may have an aggregate area of two (2) square feet for each linear foot of building frontage facing a street, but the maximum total area of all permitted on-premises attached signs shall not exceed five hundred (500) square feet per establishment per street facing. Permitted signs may be placed on any facade of the building. The printed copy of graphics portion of a fascia sign shall not exceed eighty (80) percent of any linear frontage of the building.
3. Outdoor advertising signs shall not exceed three hundred (300) square feet per face. On streets and highways within the jurisdiction of this Ordinance no outdoor advertising sign may be established within fifteen hundred (1500) feet of any other outdoor advertising sign facing the same direction measured on either side of the street. Such spacing between structures does not apply to structures separated by buildings or other structures in such a manner that only one sign located within the above mentioned spacing distance is visible from the highway at any one time.
4. No attached sign shall extend more than four (4) feet above the facade of the building to which it is attached. A sign which is attached parallel to any building or structure shall not project beyond the ends of the wall to which it is attached.
5. In the case of a lot or building facade with frontage on more than one street, attached signs may be permitted on each street in accordance with the regulations of this Ordinance. In no case shall allowable sign area be transferred from one street-facing facade to another street-facing facade.
6. Attached signs identifying churches, fraternities or other similar uses in residential zoning districts shall be of the fascia type, shall not exceed thirty (30) square feet in area, and shall be limited to one (1) sign (attached or freestanding) on the premises of said use.
7. Attached signs for Special Use Permits granted by the County Board shall be allowed only when authorized by said Board, and shall conform to the requirements of **36.6.d.**
8. If the projecting attached sign is illuminated, the reflectors shall be provided with the proper glass lenses concentrating the illumination upon the area of the sign and preventing glare upon the street or adjacent property.

9. The distance measured between the principle faces of any attached projecting sign shall not exceed eighteen (18) inches.
10. No attached projecting sign shall be secured with wire, strips of wood or nails, nor shall any projecting sign be hung or secured to any other sign.
11. All attached wall signs shall be safely and securely attached to the building wall by means of metal anchors, bolts or expansion screws of not less than 3/8 inch in diameter, embedded in said wall at least five (5) inches; provided, however, that such signs may rest in, or be bolted to strong, heavy metal brackets or saddles set not over six (6) feet apart, each of which shall be securely fixed to the wall as herein before provided. In no case shall any attached wall sign be secured with wire, strips of wood, or nails.
12. Attached signs identifying uses affiliated with a college, university or seminary, subject to the use meeting the thirty (30) foot separation requirement from any residentially zoned or one or two family used lot (as specified in the U-1 University/College district) shall be of a fascia type and shall not exceed thirty (30) square feet in area.

### **39.3 Freestanding Signs**

#### **A. Location and Size**

1. Freestanding signs are permitted in B-1 Neighborhood Business District, B-2 Central Business District, B-3 Community Business District.
2. Freestanding signs shall conform to the height regulations of the Zoning Ordinance with a maximum height of twenty-five (25) feet. However, within six hundred sixty (660) feet of the interstate highway, exit ramps excluded, one sign on a standard per premise may be erected to exceed the forty (40) foot limitation providing it does not exceed a height of five (5) feet above the center line of the nearest pavement, ramps excluded, of the interstate road and can be seen from said point.
3. Freestanding on-premise signs and their supporting structures are permitted within one (1) foot of the front property line when the area of such sign is not greater than one hundred (100) square feet. For each additional ten (10) square feet in area, such sign shall be set back an additional one (1) foot.
4. No freestanding sign shall be nearer than two (2) feet to any other sign, building or structure, providing, however, that a sign of continuous panels shall be considered as one (1) sign for this provision.
5. In the B-1, B-2, and B-3 districts all freestanding signs must be on- premise, with a total area of signage not exceeding one (1) square foot per linear foot of lot frontage, with total signage not exceeding 500 square feet total per lot and shall not exceed 12 feet in height from grade to the top of the sign and supporting structure (250 square feet per side total). Freestanding on-premise signs in the B-4, I-1, and I-2 Districts may have two (2) square feet of area per linear foot of lot frontage, and total signage not exceeding 900 square feet per lot (450 square feet per side total).
6. Outdoor advertising signs shall not exceed three hundred (300) square feet per face. On streets and highways within the jurisdiction of this Ordinance, no outdoor advertising sign may be established within fifteen hundred (1500) feet of another

outdoor advertising sign facing the same direction measured on either side of the same street. Such spacing between signs does not apply to signs separated by buildings or other structures in such a manner that only one sign located within the above mentioned spacing distance is visible from the highway at any one time.

- a. Outdoor advertising signs shall be no nearer the street than the building line established by this Ordinance.
  - b. Outdoor advertising signs shall not be located within fifty (50) feet of any R-1 Residential Dwelling or SE Suburban Estates zoning district.
  - c. Outdoor advertising signs shall not exceed twenty-five (25) feet in height.
7. In the case of a lot with frontage on more than one street, freestanding signs in accordance with paragraphs **39.3.a(4)**, **39.3.a(5)** and **39.3.a(6)** above may be permitted on each street. In no case shall allowable sign area be transferred from one street frontage to another street frontage.
  8. Freestanding signs identifying churches, fraternities or other similar uses in residential zoning districts shall not exceed thirty (30) square feet in area nor six (6) feet in height from the top of the sign to the ground, shall be limited to one (1) sign (attached or freestanding) on the premises of said use, and shall be set back at least ten (10) feet from all lot lines.
  9. Freestanding signs for Special Use Permits granted by the County Board shall be allowed only when authorized by said Board, and shall conform to the requirements of **39.6.d**
  10. Freestanding signs shall have an open space not less than two (2) feet between the base line of said sign and the ground level. This open space may be filled in with a platform or decorative lattice work which does not close off more than one-half ( $\frac{1}{2}$ ) of any square foot of such open space.
  11. No part of a freestanding sign shall be located over the public right-of-way.
  12. The area around pole, or between poles or similar supports of freestanding elevated signs shall be kept open for maximum visibility to conform in all respects to provisions in **39**.
  13. Freestanding signs identifying uses affiliated with a college, university or seminary, subject to use meeting the thirty (30) foot separation requirement from any residentially zoned or one or two family used lot (as specified in the U-1 University/College district) shall not exceed thirty (30) square feet in area, nor six (6) feet in height from the top of the sign to the ground and shall be set back at least ten (10) feet from all lot lines.

## **39.4 Roof Signs**

### **A. Location and Size**

1. Roof signs are permitted only in B-3 Community Commercial, B-4 Highway/Intensive Commercial, I-1 Light Industrial and I-2 General Industrial zoning districts.

2. For the purposes of this Ordinance, roof signs shall be considered as attached signs when determining the allowable square foot area and total square foot area of all permitted signs.

**B. Erection**

1. No roof sign shall be erected or maintained with the face thereof nearer than five (5) feet to the outside wall toward which the sign faces; however, if the sign is under twenty (20) square feet, it shall not be erected with the face thereof nearer than one (1) foot to the outside wall toward which the sign faces.
2. All roof signs shall have a space at least five (5) feet in height between the base of the sign and roof level, and have at least five (5) feet clearance between the vertical supports thereof.
3. Every roof sign shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods, or braces. When erected upon buildings which are not constructed of entirely fireproof material, the bearing plates of said sign shall bear directly upon masonry walls and intermediate steel columns in the building. No roof sign shall be supported or anchored to the wooden framework of a building.

- C. Inspection of Roof.** No sign shall be placed upon a roof unless said roof has been determined by an architectural or structural engineer to have sufficient strength to safely carry the proposed sign, together with the signature and seal of the architectural or structural engineer making said inspection shall be placed upon or attached to all plans for proposed roof signs before a permit will be issued.

**39.5 Temporary Signs**

**A. Location and Size.**

1. Temporary signs which advertise real estate for sale, rent or lease, or advertise a subdivision being developed shall be restricted to six (6) square feet in area when located on residentially-zoned property of less than two (2) acres, and shall be removed upon completion of the sale, rent or lease of the property or sale of all lots in the subdivision. Such signs shall be located on the property and shall be located not less than ten (10) feet from any street right-of-way.
2. Temporary signs which advertise real estate for sale, rent or lease, or advertise a subdivision being developed, shall be restricted to ninety-six (96) square feet in area when located on property of two (2) or more acres. Said signs shall be located on the property, shall be located not less than ten (10) feet from any street right-of-way lines and shall be removed upon completion of the sale, rent, lease or the property or sale of all lots in the subdivision.
3. Temporary signs which advertise contractors, engineers, developers, architects, etc., for a site being developed shall be restricted to a total area of ninety-six (96) square feet in area, not less than ten (10) feet from any street right-of-way line or in conformance with the setback regulations of the zoning district in which it is located, whichever is least restrictive. Such signs shall be removed upon completion of the development and issuance of an occupancy permit by the Economic Development Office.

4. Non-electric, temporary signs placed in windows of buildings with commercial or industrial uses which advertise sales, specials, or close-outs shall be restricted to illumination by normal lighting of the building. Such signs shall be removed upon termination of the sale, special or close-out.
  5. Temporary signs may be erected pertaining to the candidacy of federal, state and local elected officials or other voting issues, shall not exceed six (6) square feet per face in residential zoning districts and thirty-two (32) square feet in other zoning districts. Said signs may be erected not more than thirty (30) days preceding the election and shall be removed within three (3) days after the election.
- B. Erection.** Every temporary sign shall be attached to a wall or pole with steel cables, bolts or other suitable fastenings or firmly affixed into the ground so as to prevent movement.

### 39.6 Permitted Signs for Nonconforming Uses

- A. Signs Permitted upon Approval.** A sign or signs pertaining to a nonconforming use on the premises may be permitted upon approval by the Zoning Board of Appeals only after all of the following conditions are satisfied, and only if a sign would be allowed on the premises if said use were properly zoned.
1. It is the intent of this section to allow nonconforming uses to have one sign for the purpose of identification but because of the nature of nonconforming uses, they shall be more restrictive than those allowed for permitted uses. All signs under this section shall comply with all other applicable sections of this Ordinance.
  2. Signs on nonconforming uses may be replaced only with signs of the same size or smaller, at the same location on the building or premises (or in a less conspicuous location) and of the same lighting (or less), but shall not be in violation of any other section of this Ordinance.
  3. Only one (1) sign shall be permitted on the premises of a nonconforming use except signs regulatory for parking areas.
  4. If no sign existed on the premises during the six (6) months immediately preceding application for a sign permit under this section, the following regulations shall apply:
    - a. A freestanding or attached sign shall not exceed fifteen (15) square feet in area.
    - b. A freestanding sign shall not exceed six (6) feet in height from the top of the sign to the ground, and shall be set back at least ten (10) feet from all lot lines.
    - c. An attached sign shall be of the fascia type only.
    - d. No flashing lights or rotating signs shall be allowed.
    - e. No roof signs shall be allowed.

### 39.7 Prohibited Signs

- A. Signs Not Permitted.** The following signs shall not be permitted, erected or maintained in any zoning district:
1. Except for traffic warning devices and signs giving public service information such as,

but not limited to, time, date, temperature, weather, or similar information, signs which incorporate in any manner moving, scintillating, or revolving lights, or signs with flashing lights having a change frequency of less than five (5) seconds.

2. Any revolving sign with a rotation frequency more than eight (8) revolutions per minute.
3. String lights other than holiday decorations.
4. Any sign which obstructs free passage from one part of a roof to any other part and free ingress or egress from a required door, window, fire escape, roof opening or other required exit-way.
5. Portable signs.
6. Freestanding banners, spinners, except as the County Board may authorize temporarily for civic or non-profit organizations.

**B. Removal of Signs.** It is the intent of this section to recognize that the eventual elimination, as expeditiously as it is reasonable, of existing signs that are not in conformity with the provisions of this Ordinance, inasmuch as subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this Ordinance. It is also the intent of this section that any elimination of nonconforming, obsolete, unsafe and unlawful signs shall be affected so as to avoid any unreasonable invasion of established private rights.

1. **Prohibited Signs.** All signs prohibited by **39.7.a**, except for **39.7.a(1)** and **39.7.a(2)**, shall be removed or made conforming within ninety (90) days of the adoption of this Ordinance. Within ninety (90) days after adoption of this Ordinance, existing, non-exempt signs shall be removed by the owner. Newly erected, prohibited signs shall be removed within seven (7) days of owner receiving notice from the County.
2. **Nonconforming Signs.** A nonconforming sign may be continued and shall be maintained in good condition, but it shall not be:
  - a. Changed to another nonconforming sign.
  - b. Structurally altered, except for normal maintenance and copy changes as long as maintenance does not exceed twenty-five (25) percent of the replacement value of the sign at one time.
  - c. Expanded.
  - d. Re-established after damage or destruction if the estimated expense of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the Economic Development Office.
  - e. Moved to another location unless brought into conformance.
3. **Unsafe and Unlawful Signs.** If the Economic Development Office finds that any sign regulated herein is structurally unsafe; constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment, defined as having no active copy on an outdoor advertising sign within the past ninety (90) days or the advertisement of a business, concern or use which has been closed for greater than ninety



(90) days; is not kept in good repair; is capable of causing electrical shocks to persons likely to come in contact with it; or is unlawfully installed, erected or maintained; the Economic Development Office shall give written notice to the permittee and/or owner thereof.

4. **Removal of Signs (Obsolete Signs).** All obsolete signs shall be removed by the property owner within ninety (90) days after adoption of this Ordinance and/or ninety (90) days after termination of business, whichever comes first. Removal of obsolete signs shall include the supporting structure, exclusive of any building.
5. **Maintenance Provision.** The owner of any sign requiring a permit shall be required to maintain an exterior which is properly painted, galvanized or otherwise treated to prevent rust and deterioration of all parts, including lighting and supports. *All signs shall be required to be adequately maintained and shall not become tattered, torn, frayed, ragged, shredded, unkempt or the like.* The sign shall be repaired within sixty (60) days following notice from the County of a violation.

### 39.8 Administration and Appeal

- A. **Administration.** This Sign Ordinance shall be administered by the Economic Development Office according to his or her obvious responsibilities according to the meaning of the language contained herein. Upon a presentation of proper credentials, these persons or their duly authorized representatives may enter at reasonable times any building, structure or premises in the County of Rock Island to perform any duty imposed upon them by this Ordinance.
- B. **Right of Appeal.** Any person aggrieved by any ruling of any person charged with the administration of the Ordinance may take an appeal to the appropriate appeal board: Building Board of Appeals or the Zoning Board of Appeals.
- C. **Jurisdiction**
  1. Appeals taken from requests relating to construction shall be filed with the Economic Development Office and shall be subject to the procedures established by those respective commissions, and are not subject to the provisions of this section.
  2. In addition to the jurisdiction authorized in Article V, of the Rock Island County Zoning Resolution, the Zoning Board of Appeals hereinafter referred to as "the Board," is hereby vested with the following jurisdiction and authority:
    - a. To hear and decide appeals from and review any order, requirement, decision or determination made by any person charged with the administration of this Ordinance, except appeals relating to the construction as identified under **39.8.c(1)** of this Ordinance. The Board may reverse or affirm, wholly or in part, or may modify or amend the order, requirement or decision or determination appealed from to the extent and in the manner that the Board may decide to be fitting and proper on the premises, and to that end, the Board shall also have all the power of the officer from whom the appeals are taken.
    - b. To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.
    - c. To hear and pass upon applications for variances from a strict application of the

terms of this Ordinance, in the manner and subject to the standards set out in 39.8.f of this Ordinance.

- D. Provision of Regulation.** The creation, membership and meeting rules, application process and fee, and stay of proceedings provisions for the Board, as established under Article V of the Rock Island County Zoning Resolution shall apply to all appeals and variances from the Sign Ordinance.
- E. Hearing of Appeals**
1. An appeal of a decision shall be taken within thirty-five (35) days after such decision is made.
  2. All final administrative decisions of the Board under this section shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act" of the State of Illinois, approved May 8, 1945 and all amendments and modifications thereto. The term "administrative decision" is defined as in the "**Administrative Review Act.**"
- F. Variances**
1. The Board may vary the application of this Ordinance in harmony with its general purpose and intent, in accordance with the procedure set forth herein, where there are practical hardships in the way of carrying out the strict letter of any provisions of this Ordinance. Any such variance shall be granted only after a public hearing before the Board.
  2. A variance may be granted only when special circumstances involving size, shape, topography, location or surroundings affect the property referred to in the application, when denial of said application would cause unreasonable or unnecessary hardship, and when said sign will not cause substantial injury to the value of other property in the vicinity nor be detrimental to the public safety or welfare and the neighborhood in which it is located.
  3. **Decisions of the Board.** All decisions and findings of the Board, on appeal or upon application for a variance, after a hearing, shall in all instances be final administrative determinations and shall be subject to review by court as may be provided by law.
- G. Penalties.** Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five (25) dollars nor more than five hundred (500) dollars. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
- H. Separability.** If any section, subsection, sentence, any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.
- I. Conflict of Cause.** All ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as they do so conflict.
- J. Effective Date.** This ordinance shall be in full force and effect from and after its passage and approval, as required by law.

## **ARTICLE XL – WIND ENERGY**

### AN ORDINANCE REGULATING THE DEVELOPMENT OF WIND ENERGY SYSTEMS

- 40.0 Authority.
- 40.1 Purpose.
- 40.2 Applicability.
- 40.3 Definitions.
- 40.4 Standards.
- 40.5 Permit Requirements.
- 40.6 Restoration Requirement.
- 40.7 Special Use Permit Procedure.
- 40.8 Building Permit Procedure.
- 40.9 Signal Interference.
- 40.10 Violations.
- 40.11 Administration and Enforcement.
- 40.12 Penalties.
- 40.13 County Highway and Township Road Agreements
- 40.14 Wind Energy System Owner and Property Owner Restoration Agreement.
- 40.15 Severability.

#### **40.0 Authority**

This ordinance is adopted pursuant to authority granted by ILCS Chapter 55 Counties Division 5-12 Zoning and Section 5/5-1063 Building Construction, Alteration, Maintenance.

#### **40.1 Purpose**

The purpose of this ordinance is to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a wind energy system and to allow for the orderly development of land, protect property values and esthetic conditions within the county. This ordinance does not repeal, abrogate, annul, impair, or interfere with any existing ordinance.

#### **40.2 Applicability**

This ordinance applies to all unincorporated lands within the boundaries of Rock Island County.

#### **40.3 Definitions**

In this section the following definitions shall apply:

**Agricultural Wind System** – A wind system that has a nameplate capacity of less than the average electrical usage for the previous 12 months on the specific farm being served. A wind energy system that creates more energy than is needed for agricultural uses will have the excess sold back to the grid, and thus, is NOT exclusively for agricultural uses, and is NOT exempt from the requirements of this ordinance.

**Board** – The Zoning Board of Appeals.

**Building Code** – The Rock Island County Building Code as amended.

**Code Administrator** – The Zoning/Building Administrator/ the Director of Zoning & Building.

**Comprehensive Plan** – The Rock Island County Land Use Plan as amended.

**County Board** – The Rock Island County Board.

**County Engineer** – The Rock Island County Engineer.

**Department** – The Zoning/Building Department

**Large Wind System** – A wind energy system that has a nameplate capacity of more than 50 kilowatts, a total height of more than 100 feet, a blade diameter of more than 30 feet, and one or more wind towers with turbines.

**Small Wind System** – A wind energy system that has a nameplate capacity of 50 kilowatts or less, a total height of 100 feet or less, a blade diameter of 30 feet or less, and one OR MORE wind towers with turbines.

**Total Height** – The vertical distance from ground level to the tip of a wind turbine blade when the tip is at its highest point.

**Wind Energy System** – Equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

**Wind Farm System** – A wind energy system that includes two or more wind towers.

**Wind Tower** – The monopole, freestanding, or guyed structure than supports a wind turbine generator.

**Zoning Ordinance** – The Rock Island County Zoning Ordinance as amended.

#### 40.4 Standards

##### A. Location

1. A large wind energy system may only be located in areas that are zoned AG-1 Agricultural Preservation District, AG-2 General Agricultural District, I-1 Light Industrial District or I-2 General Industrial District, with a Special Use Permit and Building Permits. A small wind system may be located in areas that are zoned AG-1 Agricultural Preservation District, AG-2, General Agricultural District, SE-1, Suburban Estates Low Density District, I-1 Light Industrial District or I-2 General Industrial District, with a Special Use Permit and Building Permits.
2. A large wind energy system shall be located 1000 feet or more from an occupied structure on an adjoining property and 1.1 times total tower height or more from occupied structure on subject property, measured from wind tower base.
3. A small wind energy system shall be located 1.1 times total tower height or more from an

occupied structure on adjoining property and 80% total tower height or more from occupied structure on subject property measured from wind tower base.

**B. Setbacks**

1. A small wind system must be set back from all property lines of the parcel on which it is located and from any right-of-way a distance 1.1 times total tower height measured from wind tower base.
2. A large wind system must be set back minimum distances as follows:
  - a. 1.1 times total tower height from any and all public/private right- of-way lines measured from wind tower base.
  - b. 100 feet from all other property lines measured from the tip of the blade when located parallel with the ground.

**C. Spacing and Density**

A wind energy system shall be separated from any other wind energy system by a minimum of 200 feet measured from the tips of the blades when the blades are parallel with the ground.

**D. Structure**

A wind energy system shall be of monopole construction to the extent practicable. If monopole construction is not practicable, a wind tower must be of freestanding construction to the extent practicable. If monopole or freestanding construction is not practicable, a wind tower may be guyed.

**E. Height**

The total height of a wind energy system shall be 500 feet or less.

**F. Clearance**

The vertical distance from ground level to the tip of a wind turbine blade when the blade is at its lowest point must be at least 25 feet.

**G. Access**

All wind towers located in a wind energy system, including any climbing aids, shall be secured against unauthorized access by means of a locked barrier or security fence 6' in height.

**H. Electrical Wires**

All electrical wires associated with a wind energy system, other than wires necessary to connect the wind turbine to its base and to overhead collection lines, shall be located underground. The Board may vary this requirement upon proof of hardship.

**I. Lighting**

As required by the Federal Aviation Administration. Required lighting must comply with FAA minimum requirements and, whenever possible, be at the lowest intensity allowed using red lights at night. If more than one lighting alternative is available, the alternative that causes the least visual disturbance must be used.

**J. Equipment**

UNLESS LOCATED UNDERGROUND, any electrical equipment associated with a wind energy system shall be located under the sweep area of a blade assembly to the extent practicable.

**K. Appearance, Color and Finish**

The exterior surface of any visible components of a wind energy system must be a non-reflective, neutral color. Wind towers and turbines in an established wind farm system that are located within 1000 feet of each other must be of uniform design, including tower type, color, number of blades, and direction of blade rotation to the extent practicable.

**L. Signs**

No wind turbine, tower, building, or other structure associated with a wind energy system may be used to advertise or promote any product or service. No word or graphic representation, other than appropriate warning signs and owner identification, may be placed on a wind turbine, tower, building, or other structure associated with a wind energy system so as to be visible from any public road.

**40.5 Permit Requirements**

**A. Special Use Permit**

A special use permit approved by the County Board is required for each wind energy system except for a Agricultural Wind System as defined in this section. See this Ordinance, Article XI, section 6.3, Special Uses.

**B. Building Permit**

A building permit is required for the installation of each wind energy system except for an Agricultural Wind System as defined in this section. See Rock Island County Building Code as amended.

**C. Expiration**

A Special Use Permit issued pursuant to this ordinance expires if:

1. The wind energy system is not installed and functioning within 5 years from the date the permit is issued; or
2. The wind energy system is out of service or otherwise unused for a continuous 12- month period. See 40.06 of this section. The Board may grant reasonable extensions to the 5 year and 12 month deadlines provided action to amend the inactivity has been active

and consistent though the time period involved. For purposes of this section, placing the system for sale or intending to use the system at a future date does NOT constitute active and consistent activity.

**D. Fees**

1. The application for a special use permit must be accompanied by the fee required for each wind energy system.
2. The application for a building permit must be accompanied by the fee required for each wind energy system.
3. An Agricultural Wind System as defined in this section is exempt from zoning and building fees.

**E. Financial Assistance**

1. REASONABLE EVIDENCE of financial ability to construct, maintain and decommission the Wind Energy System is a condition precedent to the issuance of any special use or building permit under this ordinance.
2. Rock Island County and/or the property owner leasing land for a wind energy system may require a performance bond, surety bond, escrow account, letter of irrevocable letter of credit or other financial assurance to Rock Island County and/or the property owner for each wind energy system that guarantees the performance of the restoration requirement set forth in Section 40.06.

**40.6 Restoration Requirement**

- A. A wind energy system that is out of service for a continuous 12-month period will be deemed to have been abandoned. The Code Administrator may issue a Notice of Abandonment to the owner of a wind energy system that is deemed to have been abandoned. The Code Administrator shall withdraw the Notice of Abandonment if the Board approves a reasonable extension based on hardship conditions. Efforts to operate the system must be shown to have been active and consistent though the time period involved. For purposes of this section, placing the system for sale or intending to use the system at a future date does NOT constitute active and consistent activity.
- B. The owner of a wind energy system shall provide the Code Administrator with a written Notice of Termination of Operations if the operation of a wind energy system is terminated.
- C. Within 8 months of receipt of Notice of Abandonment or within 8 months of providing Notice of Termination of Operations, the owner of a wind energy system must:
  1. Remove all wind turbines, aboveground improvements, and outdoor storage; and
  2. Remove all foundations, pads, and underground electrical wires to a depth of 4 feet below the surface of the ground; and
  3. Remove all hazardous material from the property and dispose of the hazardous material in accordance with federal and state law.
  4. Failure to comply with any of the conditions or restrictions imposed on a special use permit shall be deemed a violation of the Zoning Ordinance.

- D. All Code Administrator determinations may be appealed to the Board.

#### 40.7 Special Use Permit Procedure

- A. Special use permit applications shall be submitted to the Code Administrator. The application must be on a form approved by the Code Administrator and must be accompanied by 10 copies of a scaled drawing, other descriptive information sufficient to enable the Committee and Board to determine whether the requirements of this ordinance will be satisfied, and such other information as may be specified on the application form. The Code Administrator will review the application materials for completeness and may request that the applicant provide additional information. When the Code Administrator determines that the application is complete, the Code Administrator will forward it to the Board.
- B. The Board will conduct a meeting and hearing on the application within 60 days after application submittal and minimum 15 day public notice. Following the public meeting and hearing the Board will submit recommendations and finding of facts to the County Board.
- C. The County Board may grant a special use permit if it determines that the requirements of this ordinance are met and that granting the permit will not unreasonably interfere with the orderly land use and development plans of the county. Both the Board and County Board may include conditions in the permit as provided if those conditions preserve or protect the public health, safety and property values. Both the Board and County Board may consider the following factors when setting conditions:
  - 1. Proposed ingress and egress.
  - 2. Proximity to transmission lines to link the system to the electric power grid.
  - 3. Number of wind turbines and their location.
  - 4. Nature of land use on adjacent and nearby properties.
  - 5. Location of other wind energy systems in the surrounding area.
  - 6. Surrounding topography.
  - 7. Proximity to residential structures, residential zoning districts, or areas identified for future residential use.
  - 8. Design characteristics that may reduce or eliminate visual obtrusiveness.
  - 9. Possible adverse effects on migratory birds, raptors, and other animals and wildlife.
  - 10. Possible adverse effects of stray voltage, interference with broadcast signals, shadow effect, and noise.
  - 11. Impact on the orderly development, property values, and esthetic conditions within the county.
  - 12. Recommendations of interested parties that may be affected by the wind energy system.
  - 13. Any other factors that are relevant to the proposed system.
- D. The Board may consider variances to one or more of the factors. See Rock Island County



Zoning Ordinance Article XI, Section 6.0, Variances.

- E. The Committee and Board recommendations, finding of facts and any conditions will be recorded in the minutes and forwarded to the County Board for final determination.
- F. The County Board final decision to approve or reject the special use permit application may be appealed to the Circuit Court.

#### **40.8 Building Permit Procedure**

- A. Building permit applications shall be submitted to the Code Administrator. The application must be on a form approved by the Code Administrator and must be accompanied by two copies of a drawing that shows the proposed location and distance of the wind energy system with reference to the property lines of the parcel on which it is located; any residence, business, or public building on an adjacent parcel; the right-of-way of any public road that is within 500 feet; and such other information as may be specified on the application form. Construction plans prepared and sealed by a structural engineer licensed to practice in Illinois stating and illustrating compliance with the Rock Island County Building Code as amended will be required for each wind energy system. Special inspections by approved 3<sup>rd</sup> party inspection agencies will be required and costs to be paid directly from the developer in addition to all other necessary fees. A copy of the FAA permit for lighting, if necessary, will also be required.
- B. The Code Administrator should issue a permit or deny the application within one month of the date on which the application is received.
- C. The Code Administrator will issue a building permit for a wind energy system if the application materials show that the proposed tower location meets the requirements of this ordinance, building code and the special use permit issued by the County Board.
- D. If the application is approved, the Code Administrator will return one copy of the drawing with the building permit and retain the other copy with the application.
- E. If the application is rejected, the Code Administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected.
- F. The building permit must be conspicuously posted on the premises so as to be visible to the public at all times until construction or installation of the tower is complete.
- G. All Code Administrator determinations may be appealed to the Board.

#### **40.9 Signal Interference**

The owner of a wind energy system must take such reasonable steps as are necessary to prevent, eliminate, or mitigate any interference with cellular, radio or television signals caused by the wind energy system.

#### **40.10 Violations**

It is unlawful for any person to construct, install, maintain, modify, or operate a wind energy system that is not in compliance with this ordinance or with any condition contained in a special use or building permit issued pursuant to this ordinance. See applicable Zoning Ordinance, Building Code and ILCS sections.

**40.11 Administration and Enforcement**

- A. This ordinance shall be administered by the Code Administrator.
- B. The Code Administrator may enter any property for which a special use or building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met as specified by statute, ordinance and code.

**40.12 Penalties**

- A. Zoning – petty offense. Maximum \$500 fine with each day a violation continues uncorrected constituting a separate offense. Building – petty offense. Maximum \$500 fine with each day a violation continues uncorrected constituting a separate offense.
- B. Nothing in this section shall be construed to prevent the county from using any other lawful means to enforce this ordinance.

**40.13 County Highway and Township Road Agreements**

Each wind energy system shall have a written agreement with County Engineer and respective Township Highway Commissioner(s) regarding use of county/township road, bridges and right-of-way. Performance/surety bonds or other financial assurance documents may be required to guarantee the performance of the road agreements.

**40.14 Wind Energy System Owner/Property Owner Restoration Agreement**

Each wind energy system lease shall have a signed agreement between wind energy system owner and property owner regarding restoration requirements as discussed in this ordinance.

**40.15 Severability**

The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

## **ARTICLE XLI – FEES, PENALTIES**

### **41.0 Fees**

All applications for Map Amendments, Special Uses, and Variances filed for or on behalf of the property owner, shall be accompanied by payment of a fee as adopted by the Rock Island County Board from time to time. No application shall be considered complete and subject to review by the Zoning Board of Appeals until such fee has been paid. Where a LESA (Land Evaluation Site Assessment) report is required, the appropriate fee will be collected and forwarded to the Rock Island County Soil and Water Conservation District for the preparation of the LESA report.

### **41.1 Penalties**

Any person, firm or corporation, agent employee, or contractor of such who violates, disobeys, omits, neglects, or refuses to comply with or who resists enforcement of any provisions of this Ordinance, shall upon conviction forfeit not less than twenty-five (\$25.00) dollars nor more than two hundred (\$200.00) dollars for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County jail of Rock Island County until said forfeiture and costs are paid, for a period not exceed thirty (30) days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

## **ARTICLE XLII – VALIDITY AND REPEAL**

### **42.0 Validity**

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

### **42.1 Conflict and Repealer**

All Resolutions or parts of Resolutions in conflict with the provisions of this Ordinance are hereby repealed, but this Ordinance is specifically intended to supplement and not to conflict with the Airport Zoning Ordinance of the Metropolitan Airport Authority of Rock Island County, Illinois. If any Resolutions or private deeds and covenants of a similar nature to the terms of this Ordinance are in effect, the most restrictive requirement shall apply.

## **ARTICLE XLIII – WHEN EFFECTIVE**

This Ordinance shall take effect and be in full force from and after adoption and publication as provided by law.

**APPENDICES**

SAMPLE YARD SETBACKS..... 187

SITE DISTANCE TRIANGLE..... 190

BUILDING HEIGHT..... 191

ZONING MAP MATRIX ..... 192

RURAL LIVING CONTRACT..... 193

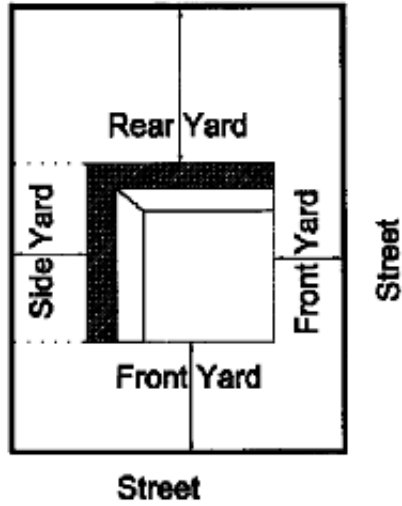
LAND USE MAP ..... 198

ZONING MAP ..... 199

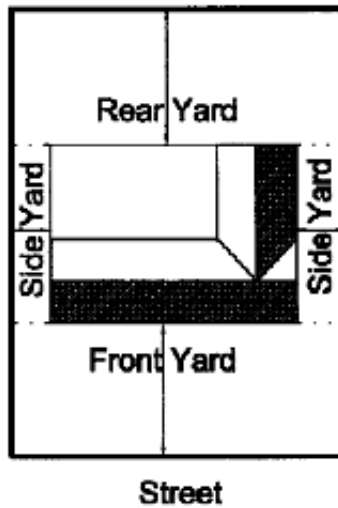
# SAMPLE YARD SETBACKS

## SAMPLE YARD SETBACKS

### Corner Lot

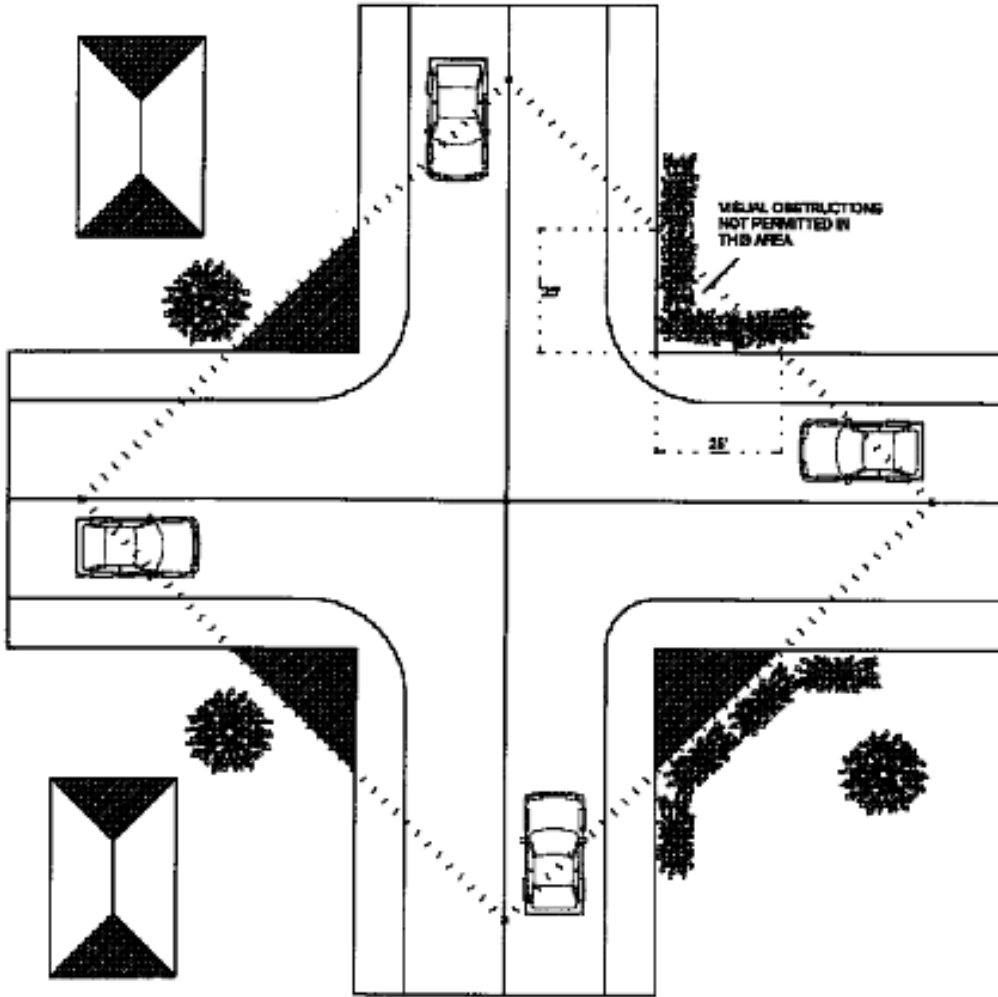


### Interior Lot

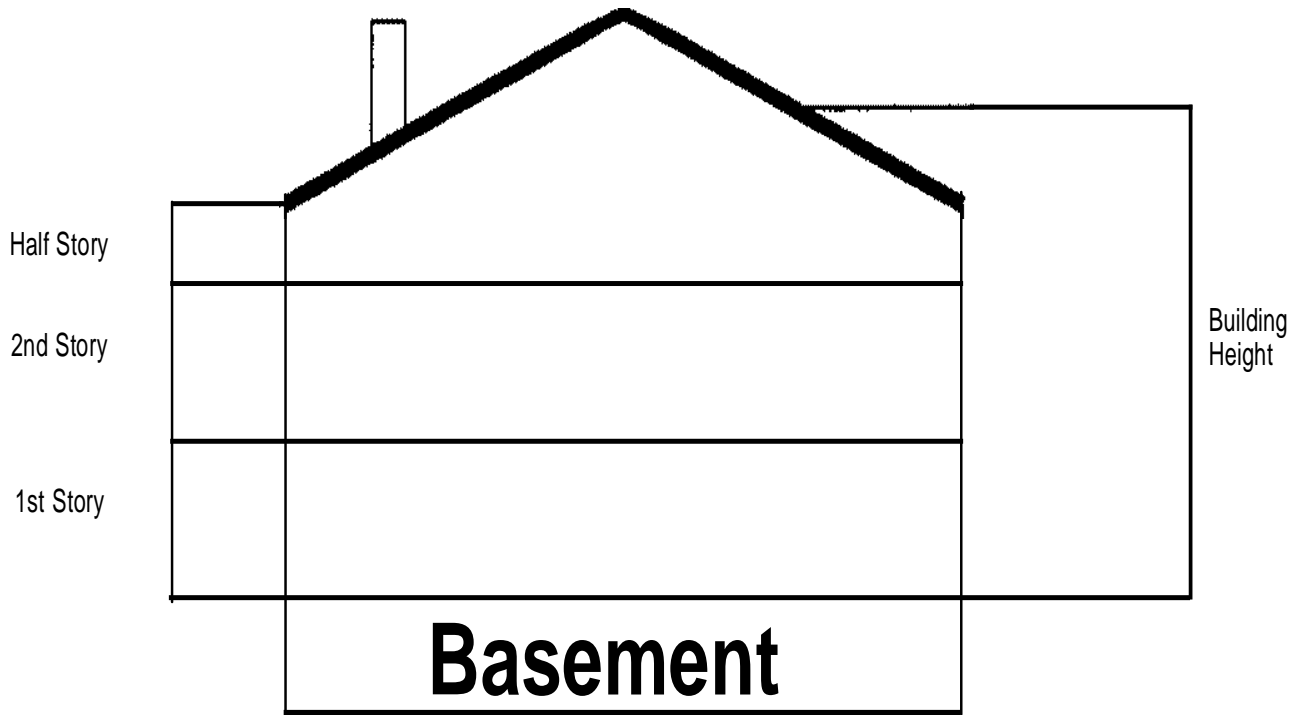


# SITE DISTANCE TRIANGLE

## SITE DISTANCE TRIANGLE



# BUILDING HEIGHT



## ZONING MAP MATRIX

**The existing Zoning Districts as mapped will be reclassified as designated below, effective with the adoption of the Unified Zoning Ordinance.**

AG-1 as mapped as Preservation on the 1998 Proposed Land Use Map

AG-2 as mapped as Low Density on the 1998 Proposed Land Use Map

SE-1 currently SE where no part of the zoned area is adjoined by Medium Density or a High Density on the 1998 Long Range Land Use Map.

SE-2 currently SE where any portion of the zoned area is adjoined by a Medium Density or High Density on the 1998 Long Range Land Use Map.

R-1 currently R-1

R-2 currently R-2

R-3 New District

R-4 New District

R-5 New District

R-6 New District

R-7 New District (Mobile Home Parks currently as SU)

U-1 New District

C-1 New District

C-2 New District

O-1 New District

B-1 currently C-1

B-2 New District

B-3 currently C-2

B-4 currently C-3

ORT New District

I-1 currently M-1

I-2 currently M-2

PUD New District



## **ROCK ISLAND COUNTY RURAL LIVING CONTRACT**

Introduction: Life in the rural areas of the County is different from life in the city. County governments may not be able to provide the same level of service that city governments provide. To that end, we are providing you with the following information to help you make an informed decision before you purchase a parcel of land in rural Rock Island County.

1. Agriculture: Some of the people who feed this nation (and the world) work right here in Rock Island County. If you are going to move your family into their work area, it is important you understand how their job, work environment, and hours of operation may affect you.
  - Farmers often work around the clock, especially during planting and harvest time. It is possible that adjoining agriculture uses from lighting and noise may disturb your peace and quiet 24 hours a day.
  - Land preparation and other agricultural operations, as well as rural roads, cause dust, especially during windy and dry weather.
  - Farmers occasionally burn ditches and fields to keep them free of debris and weeds. This is a normal part of a farming operation, and this may create objectionable smoke. During these burns it may be necessary to stay inside or leave your residence for a short time if you have a sensitivity to it.
  - Chemicals (mainly fertilizers, pesticides and herbicides) are often used in agricultural activities and may be applied via irrigation systems, ground vehicles or various aircraft. You may be sensitive to these substances and some people may actually have allergic reactions. They may “drift” causing damage to your landscaping. Make sure you leave enough of a buffer area from YOUR property line to avoid damage. These are necessary tools for agricultural areas of our County, and you must be aware of/ prepared to deal with their application.
  - Farm animals are raised in the country and they can generate odors that can be very strong at times. They also make noise, draw insect populations, and sometimes get loose from their pasture or holding areas. In the city, large numbers of animals near your residence would be a nuisance, in the rural areas, your residence is the nuisance as large numbers of animals belong here. If you build a home 15 ft. from your property line, the farmer has the right to place a large number of cattle or hogs on his property. Please be aware that farmers are within their rights, and you have accepted the consequences by choosing your proximity to the property line.
  - Agriculture is an important part of the Rock Island County economy. If you choose to live in the work area of farmers, you cannot expect County government to intervene in the normal day-to-day operations of your agri-business neighbors. In fact, we are more likely to require you to stay out of his or her way as this is their workplace and you have made the decision to build a home in their work area.
  - Farmers must move their equipment between fields. Every time you are running late, a large piece of slow-moving farm equipment will be on the road in front of you. They may take up both lanes so you cannot pass. Anticipate these delays and be patient, keeping their, your, and

other's safety at the forefront.

- Farm animals can be dangerous and can attack humans. Children need to know that it may not be safe to enter pens where farm animals are kept, even the little cute ones. It is your responsibility to teach your children respect for livestock, property and property lines of your neighboring farmer.
- Livestock animals being herded from one location to another have the right-of-way on County roads and highways. You MUST yield to them even if it delays you.
- Insects may be more of a problem in the country than they are within city limits. Insects feeding on actively growing crops or emerging from cropland can migrate to landscaping and gardens adjacent to cropland. It will be your responsibility to control them if they become a nuisance.
- Farm, hay, pasture and timber ground is not open for your use to hunt, ride ATV's, etc. unless you have requested and been given permission to do so by the owner or tenant. These areas are also not to be used as dumping grounds.

2. Access: The fact that you can drive to your property does not necessarily guarantee that you have legal ingress/egress or that your guests and emergency service vehicles can achieve that same level of access at all times. You cannot assume that you have an automatic easement across someone else's property to enter your property. Also consider:

- Emergency response times (sheriff, fire suppression, medical care, etc.) may be much longer than in an incorporated city. Under some extreme conditions, you may find that emergency response is extremely slow due to circumstances beyond their control. Some fire, ambulance and search and rescue services in Rock Island County are volunteer and may provide limited services. Check with the departments or organizations that provide these services if you are contemplating residing in their jurisdictions.
- Rock Island County has its own road system to take care of, and there are also 18 Township road districts totaling hundreds of miles of roads, ranging from paved to unimproved dirt roads. There are also a number of roads that are Private Drives, and these may have a homeowners association to whom you pay dues, which is responsible for the maintenance of roads, bridges, plowing etc.
- Rock Island County can experience adverse weather conditions that may cause damage to roads. It is wise to determine who is responsible for the maintenance of the roads providing access to your property.
- Many large construction vehicles and some fire and rescue vehicles cannot navigate small, narrow roads. If you plan to build, it is prudent to check out construction and emergency vehicle access. Remember, it may be more expensive to build a rural residence due to delivery fees and the time required for building materials to reach your site.
- School buses travel only on maintained public roads that have been designated as school bus routes by the local school district (some subdivision roads are private). In order for your child or children to get to school, you may be responsible to drive your children to the nearest County road or designated school bus route. Please check with the appropriate school district for school locations and routes.

- In extreme weather, even the best County maintained roads could become impassable. You may miss work or appointments.
  - Dust, again, is an unpleasant fact of life for most rural residents. If your road is unpaved, it is unlikely that any one of the nineteen highway districts will pave it in the foreseeable future. Remember that unpaved roads are not always smooth and you may experience increased vehicle maintenance costs when regularly traveling on rural County roads.
  - Mail delivery may not always be available to some rural areas of the County. Ask the postmaster to describe the system for your area. This may also apply to package delivery services as well.
3. Services: Water, sewer, electric, fire, telephone and other services may be unavailable or have more frequent interruptions. Repairs may take longer due to their rural nature. Cellular communications may be a problem in some areas of Rock Island County.
- Sewer service is not available to sites located outside city limits. You will need to use an approved subsurface sewage (septic) system or other treatment process. The type of soil, depth to ground water or bedrock, slope, etc. will be very important in determining the cost and function of your subsurface sewage system. Ask for assistance from the Rock Island County Health Department (309-794-7061) for information on how to get a system approved or inspected.
  - Most unincorporated areas do not have access to a water supply for domestic use, so you will need to locate an alternate supply. The most common method is use of a well. The cost for drilling and pumping may be considerable and the quality and quantity of water (also known as the yield) can vary considerably from location to location and seasonally.
  - It is important to determine the proximity of electric power because it can be expensive to extend power lines to very remote areas. In addition, if you have special power requirements, it is important to know what level of service can be provided to your property. Natural Gas may not be available and Propane is more expensive.
  - Power outages can occur in outlying areas with a greater frequency than in cities. A loss of electrical power can also interrupt a private water supply from a well. Extended power outages may also cause a loss of food in freezers or refrigerators and power outages may cause problems with computers. It may be important to be able to survive temporarily in severe weather with no utilities if you live in the country.
  - Trash removal may be more expensive in rural areas. It is illegal to create your own trash dump, even on your own property. Know the cost for trash removal prior to making the decision to move into the country. In some cases, the only option may be to haul your trash to a local landfill (state and County law prohibits burning of domestic trash in a burn barrel). Recycling services may not be available in rural areas.
4. Your property: There are many issues that can affect your property. It is important to research them before purchasing land in rural areas of the County. Easements may require you to allow the construction of roads, power lines, water lines, sewer lines, etc. across your land. There may be easements that have not been recorded by the County or as part of the original property. Check these issues carefully.

- You may be provided with a map of your property, but unless the land has been surveyed and pins placed by a licensed surveyor, you should not assume that the map is accurate.
  - Fences that separate properties are sometimes misaligned with the actual property lines. A survey of the land by a licensed surveyor is the only way to confirm the location of property lines. Illinois law can require you to pay for half of your agricultural neighbors fence if it needs repaired or replaced. (Illinois law says you may be responsible for the right half of the fence line as you are facing it from your property.)
  - Before you purchase that home with the beautifully manicured 5 acre yard, (or 10 acres or 2 acres) you should consider the effort required to maintain it. A large yard requires a lot of time and work, and if you decide to split your acreage to make the yard smaller, the County may not allow it. (There are areas where 40 acres is the smallest lot size allowed, and parcels of five acres or less cannot have grass higher than 12 inches.)
  - The surrounding properties may not remain as they are indefinitely. If you are moving to the country on a small piece of ground, anticipate that others will do the same thing, even right next to your property. Also, be aware that vacant ground or crop ground may have cattle or hogs on it next year.
  - Flowing water can be a hazard, especially to young children. Before you decide to locate your home near an active ditch, canal or other water conveyance, consider the possible danger to your family and your responsibility to take safety measures.
  - If you are purchasing a parcel close to a city or within a city area of impact (1.5 miles from the city border), annexation in the future is a possibility. If you live near a school, future development is likely, and will be encouraged by the County.
5. Mother Nature: Residents of the County may experience more problems when the elements and earth turn unfriendly. Here are some thoughts for you to consider:
- Black ice or icy conditions on rural roadways is always a probability.
  - The topography of the land can give you an indication of where the water will flow during large precipitation events. When property owners fill in natural drainages, they may cause the water that once drained naturally to drain through unwanted areas potentially causing property damage to you or your neighbor's property.
  - Floodplains have been designated by the United States Geologic Survey (USGS) within the County. Portions of the County require special building considerations if located within the floodplains. It is advisable to consult Rock Island County Zoning & Building Office before buying or building.
  - Nature can provide you with some wonderful neighbors. However, even harmless wildlife can cross the road unexpectedly and cause traffic accidents. Rural development encroaches on the traditional habitat of animals that may be dangerous. In general, it is best to enjoy wildlife from a distance. It is important that you handle your pets and trash properly so that they will not create problems for you and/or the wildlife.

In Conclusion: Rock Island County is a wonderful place to live, work, and raise a family. This contract is designed to provide information that will help enhance the quality of life here. Respect your agri-neighbor's livelihood and property, and be aware that your actions may impact your neighbors, human and otherwise. While the information presented here is intended as a guideline and an introduction into some of the realities of rural living, you may discover other issues that have not been covered by this document. We encourage you to research and examine all aspects of country living prior to moving to a rural setting so you will enjoy the country and not have any unpleasant surprises.

Rock Island County elected officials, administration and staff pride themselves on their accessibility. By participating in the publication of the Rural Living Contract, Rock Island County is in no way divesting itself of its responsibility to its constituents, rather, is attempting to make clear to constituents what those responsibilities are. We offer this publication in the sincere hope that it will help you better understand how things work in Rock Island County.

-----

I/we have read the above and not only understand the items mentions, but understand the more general concept of rural living, and I/we hereby agree to live according to these concepts, whether specifically mentioned or implied.

\_\_\_\_\_ Parcel \_\_\_\_\_

\_\_\_\_\_ Township \_\_\_\_\_

\_\_\_\_\_ Address \_\_\_\_\_

Date \_\_\_\_\_

## Land Use Map

**Zoning Map**