

# WASHINGTON COUNTY, ILLINOIS



## REVISED ZONING ORDINANCE

ADOPTED MAY 12, 2009

**WASHINGTON COUNTY, ILLINOIS**

**REVISED ZONING  
ORDINANCE**

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Ordinance No. 009-04

## WASHINGTON COUNTY REVISED ZONING ORDINANCE

BE IT ORDAINED by the County Board of Washington County, Illinois, as follows:

### ARTICLE I - GENERAL PROVISIONS

#### Section 1-1 PURPOSE

In accordance with State Law (55 ILCS 5/5-12001), this Ordinance regulates lots, structures, uses, and similar matters in order to preserve, protect, and promote the public health, safety, and general welfare through implementation of the County's comprehensive plan. More specifically, this Ordinance is intended to assist in achieving the following objectives:

- (a) To encourage the development of buildings and uses on appropriate sites in order to maximize county-wide social and economic benefits while accommodating the particular needs of all residents both rural and urban;
- (b) to discourage development on inappropriate sites, especially on prime agricultural land and near livestock operations;
- (c) to ensure the current Washington County Land Evaluation and Site Assessment (LESA) system will be a factor in each rezoning decision;
- (d) to protect and enhance the character and stability of sound existing residential, commercial, and industrial areas, and to gradually eliminate nonconforming uses and structures;
- (e) to conserve and increase the value of taxable property throughout the County;
- (f) to ensure the provision of adequate light, air, and privacy for the occupants of all buildings;

- (g) to protect property from damage caused by fire, flooding, and adverse soil and topographical conditions;
- (h) to provide adequate and well-designed off-street parking areas for all buildings and uses, and to reduce vehicular congestion on the public streets and highways; and
- (i) to provide for the efficient administration and fair enforcement of all the substantive regulations set forth herein.

#### Section 1-2 JURISDICTION

This Ordinance shall be applicable throughout Washington County, except within the corporate limits of municipalities which have adopted local zoning ordinances

#### Section 1-3 INTERPRETATION

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

#### Section 1-4 DISCLAIMER OF LIABILITY

- (a) Except as may be provided otherwise by statute or ordinance, no official, board member, agent, or employee of the County shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Ordinance. (*See* "Local Governmental and Governmental Employees Tort Immunity Act", 745 ILCS 10/1-101).
- (b) Any suit brought against any official, board member, agent, or employee of the County, as a result of any act required or permitted in the discharge of his duties under this Ordinance, shall be defended by the State's Attorney until the final determination of the legal proceedings.

#### Section 1-5 SEPARABILITY

If any provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Ordinance.

#### Section 1-6 REPEAL OF PRIOR ORDINANCE

The ordinance entitled "Washington County Zoning Ordinance" adopted August 14, 1979, effective January 1, 1980 and amended October 14, 1980, December 9, 1980, June 7, 1981, June 1, 1986, May 13, 1997, September 15, 1998, August 14, 1999, July 11, 2000, August 8,

2000, October 8, 2002, and May 11, 2004 is hereby repealed and readopted as the Washington County Revised Zoning Ordinance as of the effective date of this Ordinance except as changed by this revised ordinance, and to the extent whereby continuing activities or violations regulated by said previous ordinances are being administered.

Section 1-7 WHEN EFFECTIVE

This Ordinance shall take effect after its final passage, approval, and publication as provided by law, on the effective date set forth below.

The Zoning Board of Appeals having completed its legal duties, this Ordinance is passed by the Washington County Board this 12<sup>th</sup> day of May, 2009. (See 55 ILCS 5/5-12001).

Aye 14

Nay 1

Abstain 0

Effective date: May 12, 2009.

Attest:

Thomas Ganz  
County Clerk

David A. Meyer  
County Board Chairman

THOMAS GANZ

DAVID A. MEYER

## ARTICLE 2 - DEFINITIONS

### Section 2-1 CONSTRUCTION OF TERMS

In construing the intended meaning of terminology used in this Ordinance, the following rules shall be observed:

- (a) Words and phrases shall have the meanings respectively ascribed to them in Section 2-2 unless the context clearly indicates otherwise; terms not defined in Section 2-2 shall have their standard English dictionary meanings.
- (b) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.
- (c) Words used in the present tense shall include the future tense.
- (d) Words used in the singular number shall include the plural number, and the plural the singular.
- (e) The term "shall" is mandatory; the term "may" is discretionary.
- (f) All distances shall be measured to the nearest integral foot; six (6) inches or more shall be deemed one (1) foot.
- (g) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.
- (h) A general term that follows or is followed by enumeration of specific terms shall not be limited to the enumerated class unless expressly limited.

### Section 2-2 SELECTED DEFINITIONS

**ABANDONED VEHICLE:** Any motor vehicle or other vehicle in a state of disrepair, rendering the vehicle incapable of being driven in its condition; or any vehicle or that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.

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

**ABUTTING:** Having a common lot line or district line. Synonym for "adjacent" and "contiguous."

**ACCESS WAY:** A curb cut, ramp, driveway, or other means for providing vehicular access to an off-street parking.

**ACCESSORY BUILDING/STRUCTURE/USE:** Any building, structure or use which:

- (a) is subordinate to and serves a principal building or use;
- (b) is subordinate in area, extent or purpose to the principal building or use;
- (c) Contributes to the comfort, convenience or necessity of occupants of the principal building or use served;
- (d) is located on the same zoning lot as the principal building or use served;
- (e) does not change the basic character of the premises as determined by its principal use.

**ADMINISTRATOR:** The official appointed by the County Board of Washington County to administer this Ordinance, or his representative. (Synonymous with "Zoning Administrator.")

**AGRICULTURE:** Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, apiculture, horticulture, floriculture, or animal/poultry husbandry. The term "agriculture" encompasses buildings occupied as residences by persons engaged in agricultural activities. In addition, it includes accessory uses and structures customarily incidental to agricultural activities. Buildings occupied as residences by persons not engaged in agriculture shall not be considered as being used for agricultural purposes, even though they are located on agricultural land; and said buildings are subject to the provisions of this Ordinance.

**AGRICULTURAL LAND, PRIME:** Land best suited for producing food, feed, forage, fiber, and oilseed crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically when treated and managed according to modern farming methods.

**AISLE:** A vehicular traffic way within an off-street parking area, used as a means of access/egress from parking spaces.

**ALLEY:** A public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

**ALTER:** To change the size, shape, or use of a structure.

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

**ANCHOR:** Any approved device used to keep a mobile home firmly attached to the stand on which it is placed.

**ANTENNA:** A device by which radio signals are transmitted, received, or both.

**ANTIQUÉ VEHICLE:** Means any operable motor vehicle or other vehicle twenty-five (25) years of age or older.

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

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

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

**BOARD OF APPEALS:** The Zoning Board of Appeals of Washington County, Illinois.

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

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

**BUILDING:** Any covered structure permanently affixed to land and designed or used to shelter persons or chattels. The term includes a mobile home (but excludes any single-wide mobile home) or prefabricated building which shall be permanently affixed to a permanent foundation and connected to the required utilities. The term does not include travel trailers or recreational vehicles. All buildings require the issuance of a building permit prior to the commencement of activity to locate upon a site. *(Revised by ordinance on 10/08/2002)*

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

**BUILDING LINE:** The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the centerline of the existing street or road.

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

- (a) size or height of a structure;
- (b) location of exterior walls at all levels in relation to lot lines, street, or other structures;
- (c) lot area; and
- (d) yards or setbacks.

**CENTERLINE:**

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

**CERTIFICATE OF ZONING COMPLIANCE, INITIAL:** A permit issued by the Administrator indicating that proposed construction work is in conformity with the requirements of this Ordinance and may, therefore, proceed.

**CERTIFICATE OF ZONING COMPLIANCE, FINAL:** A permit issued by the Administrator indicating that a newly completed structure complies with all pertinent requirements of this Ordinance and may, therefore, be occupied or used. When issued upon an immobilized mobile home or manufactured home/building, the Final Certificate of Zoning Compliance (building permit) supersedes any vehicular title which may have been issued by another jurisdiction. *(Revised by ordinance on 10/8/2002)*

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

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



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

**COMMERCIAL USE/ESTABLISHMENT:** Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

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

**CONFORMING:** In compliance with the applicable provisions of this Ordinance.

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

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

**COUNTY:** Washington County, Illinois.

**DAY CARE CENTER:** See "Nursery School."

**DEBRIS:** The rubbish or remains of anything which has decomposed or physically broken down with time, or anything that has been destroyed or broken up.

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

**DERELICT VEHICLE:** Any inoperable, unregistered, discharged motor vehicle, regardless of title, have lost its character as a substantial property and left unattended without justification on the owner's land contrary to the public policy expressed in Section 3-14 of this Ordinance.

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

**DEVELOP:** To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefore.

**DIMENSIONS:** Refers to both lot depth and lot width.

**DISTRICT, ZONING:** A portion of the territory of the county wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of this Ordinance.

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

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

**DWELLING, MULTIPLE-FAMILY:** A building or portion thereof containing three (3) or more dwelling units.

**DWELLING, SINGLE-FAMILY:** A dwelling containing one dwelling unit and intended for the occupancy of one family.

**DWELLING, TWO-FAMILY:** A dwelling containing two (2) dwelling units, a duplex.

**DWELLING UNIT:** One or more rooms designed for or used as living quarters by one family. A "dwelling unit" always includes a bathroom and a kitchen.

**EASEMENT:** A right to use another person's real property for certain limited purposes.

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

**ENLARGE:** To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use. Synonym for "extend" and "expand."

**ERECT:** To build, construct.

**EXISTING:** Actually constructed or in operation on the effective date of this Ordinance.

**FAMILY:** One person, or two or more persons related by blood, marriage, or legal adoption, or not more than three (3) unrelated persons, maintaining a common household in a dwelling unit.

**FAA:** The Federal Aviation Administration of the United States Department of Transportation.

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

**FCC:** The Federal Communications Commission, an independent United States government agency directly responsible to the U.S. Congress. The FCC was established by the Communications Act of 1934 and is charged with regulating interstate and international communications by radio, television, wire, satellite and cable.

**FLOOR AREA, GROSS:** The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes basement floors; attic floor space; halls, closets, stairwells space devoted to mechanical equipment; and enclosed porches.

**FRONTAGE:** The lineal extent of the front (street-side) of a lot.

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

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

**HEREAFTER:** Any time after the effective date of this Ordinance.

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

**HOME OCCUPATION:** Any business, profession, or occupation conducted for gain entirely within a dwelling or on residential premises in conformity with the provisions of this Ordinance.

**HISTORIC VEHICLE:** Any motor vehicle or other vehicle twenty-five (25) years of age or older.

**IMMOBILIZE:** As applied to a mobile home, "immobilize" means to remove the wheels, tongue, and hitch and/or to place on a permanent foundation. The term implies that, once affixed to a permanent foundation, the destruction of said foundation would be necessary in order to move the dwelling to another location. (*Revised by ordinance on 10/8/2002*)

**INOPERABLE MOTOR VEHICLE:** Any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power.

**INTENSIFY:** To increase the level or degree of.

**INTERSECTION:** The point at which two or more public rights-of-way (generally streets) meet.

**JUNK:** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

**JUNK YARD:** Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used-lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including establishments where such uses are conducted entirely within a completely enclosed building, and not including establishments for the sale, purchase or storage of used cars in operable condition, or storage of materials incidental to manufacturing operations.

**LAND EVALUATION AND SITE ASSESSMENT (LESA):** A system of land evaluation used to rate farmland for its agricultural productivity based upon soils information. LESA was adopted by Resolution of the Washington County Board in 1986.

**LOT:** A tract of land intended as a unit for the purpose (whether immediate or future) of transfer of ownership or development. A "lot" may or may not coincide with a "lot of record." "Lot" is synonymous with "tract," "plot," and "site."

**LOT OF RECORD:** An area of land designated as a lot on a plat of subdivision or described by metes and bounds in a deed, and recorded with the Washington County Recorder of Deeds.

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

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

**LOT COVERAGE:** The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

**LOT DEPTH:** The average horizontal distance between the front lot line and the rear lot line of a lot.

**LOT LINE, FRONT:** Any lot boundary abutting a street or road.

**LOT LINE, REAR:** An interior lot line which is most distant from and most nearly parallel to the front lot line.

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

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

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

**MANUFACTURED HOME:** A home constructed in a factory according to the National Manufactured Housing Construction and Safety Standards (HUD Code) as of July 1, 1976. A manufactured home is transportable in one or more sections and built on a permanent chassis and designed to be used as a dwelling with a permanent foundation and connected to the required utilities. The average width and/or length of the living area (excluding garages, carports, porches or attachments) of a manufactured home shall not exceed a ratio of 3 to 1. A manufactured home must have a minimum 3/12 pitch roof, a 6-inch minimum eave overhang, and must have a living area of not less than nine hundred (900) square feet. All manufactured homes require building permits, must display a HUD construction standards decal, and must meet all adopted federal and/or local adopted building codes.

**MATERIALLY:** As applied to the impact of one thing on another, "materially" means significantly or substantially.

**MOBILE HOME:** A factory-fabricated single family home, transportable on wheels in one or more sections, and which is built on a permanent chassis and designed to be used as a dwelling, containing complete kitchen and sanitary facilities, manufactured according to the National Manufactured Housing Construction and Safety Standard (HUD Code) as of July 1, 1976. To be identified as a mobile home the average width and/or length of the living area (excluding garage, carports, porches or attachments) shall be in excess of a ratio of 3 : 1 and not less than nine hundred (900) square feet. All mobile homes require a Special Use Permit, must display HUD construction standard decal, and have hitch and axles removed in accordance with Section 5-6 of this Ordinance. Mobile homes are not required to be attached to a permanent foundation but must be hooked up to a public water and sewer system when available.

**MOBILE HOME PARK:** A parcel not less than two (2) acres in area in single ownership/control, developed with facilities for accommodating occupied mobile homes.

**MOBILE HOME STAND:** The part of a mobile home space beneath the mobile home that includes the concrete slab or runners on which the home is placed and to which it is anchored.

**MODULAR HOME:** Is a factory built home constructed in one or more sections. The average width and/or length of the living area (excluding garages, carports, porches or attachments) of all modular homes shall not exceed a ratio of 3:1, and must have a minimum 3/12 pitch roof with residential style siding and roofing, a 6-inch minimum eave overhang, and must have a minimum living area of not less than nine hundred (900) square feet. Unlike a manufactured home, which must adhere to a national code for construction, the modular home is regulated by the State of Illinois Department of Public Health. These homes must be placed on a permanent foundation which extends below frost depth. All wheels and towing devices must be removed. All modular homes require a Building Permit and are required to meet the National Manufactured Home Construction and Safety Standards (HUD Code) and display a yellow seal in the shape of the State of Illinois on the electrical panel box.

**NONCONFORMING:** As applied to a lot, structure, or use, "nonconforming" means (1) lawfully existing on the effective date of this Ordinance or pertinent amendment thereto but (2) not in compliance with the applicable provisions set forth herein.

**NOTICE OF NUISANCE (Notice to Abate):** The Zoning Administrator or any other person so designated by the County Board Chairman may issue a written notice for removal of trash, garbage, debris, weeds or grass. Such nuisances shall be removed by the owner or owners within fifteen (15) days after such notice has been duly served.

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

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

**NURSING HOME:** A building used as a medical care facility for persons needing long-term nursing care and medical service but do not require acute intensive hospital care.

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

**OVERLAY DISTRICT:** A zoning district superimposed over one or more standard (primary) zoning districts or portions thereof for the purpose of controlling special development problems.

**PARKING AREA/LOT, OFF STREET:** Land that is improved in accordance with this Ordinance and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An "off-street parking lot", depending on the circumstances of its use, may be either a principal use or an accessory use.

**PARKING SPACE, OFFIC STREET:** An area at least twenty (20) feet long and ten (10) feet wide within an off-street parking area or garage, used for the storage of one (1) passenger motor vehicle.

**PERMANENT FOUNDATION:** A foundation which extends into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, poured wall, or mortared brick extending into the ground below the frost line shall satisfy the requirement for a permanent foundation. In addition, piers may be used, extending into the ground

below the frost line, and sufficient in number to properly support the structure, provided the support beams are affixed to the permanent perimeter foundation. *(Added by ordinance 10/08/2002)*

**PERMITTED USE:** Any use as of right which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to the district(s) and use(s).

**PERSON:** Any individual, firm, association, organization, or corporate body.

**PLANNING COMMISSION:** The Washington County Regional Planning Commission.

**PREMISES:** A lot and all the structures and uses thereon.

**PRINCIPAL BUILDING/STRUCTURE/USE:** The main structure erected on or the main use occupying a lot as distinguished from an accessory (subordinate) structure or use.

**PROPERTY LINE:** See "Lot Line."

**RECONSTRUCT:** As applied to nonconforming structures, "reconstruct" means to rebuild after partial or total destruction.

**RECREATIONAL VEHICLE:** A term encompassing any type of vehicle used primarily for pleasure such as travel trailers, motor homes, campers, boats, snowmobiles, four-wheelers, etc.,

**REFUSE:** Garbage (food wastes) and trash but not sewage or industrial wastes.

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

**REPAIR:** To restore to sound condition, but not to reconstruct.

**RESIDENCE:** A person's home or other dwelling place. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a single family residence shall not exceed a ratio of 3:1. A site constructed single family residence must be placed on a full perimeter permanent foundation extending below the frost depth, and must have a minimum 3/12 pitch roof. All site-built residences must have a minimum of nine hundred (900) square feet of living area.

**RESTRICTIVE:** Tending to keep within prescribed limits.

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

**RIGHT-OF-WAY, PUBLIC:** A strip of land which the owner/subdivider has dedicated to a unit of government for streets, alleys, or other public purposes.

**ROOF LINE:** The edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

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

**SEASONAL DWELLING:** A structure used on a part-time basis for recreational purposes--not a primary residence (i.e., weekend cabin).

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

**SERVICE USE/ESTABLISHMENT:** Any use or establishment wherein services are provided for remuneration either to individuals or to other firms.

**SETBACK:** The minimum horizontal distance from the lot line in question to the side of the structure facing that lot line or to the edge of the area of operation of the principal use (in the case of a use which does not involve a structure).

**SETBACK LINE:** See "Building Line."

**SIGHT TRIANGLE:** The area of the corner lot closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic.

**SIGN:** Any display of posters, placards, hoardings, handbills, writings, pictures, images, murals and logos or devices for informational or advertising purposes, together with any frame or support thereof.

**SIGN, GROUND (OR FREESTANDING) :** A sign supported by one or more upright poles, columns or braces placed in or on the ground and not attached to any building or structure.

**SIGN, OFF-PREMISES:** Any sign visible from a public right-of-way identifying or advertising a business, person, activity, goods, products or services not located on the premises where the sign is located or maintained.

**SIGN, TEMPORARY:** Any sign which contains information which is not permanent in character. Such signs include, but are not limited to, political signs, real estate signs, garage sale signs and the like.

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

**SPECIAL USE PERMIT:** A permit issued in accordance with the provisions of this Ordinance to regulate development of a special use.

**STOP ORDER:** A type of corrective action order used by the Administrator to halt work in progress that is in violation of this Ordinance.

**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 a way for pedestrian use only.

**STREET, PRIVATE:** Any street providing access to abutting property that is not maintained by and dedicated to the County or other unit of government.

**STRINGENT:** Binding, exacting.

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

**STRUCTURE, IMPERMANENT:** A structure intended for temporary or transient human shelter, or for temporary storage of goods or possessions, and existing or enduring for a limited time only. Impermanent structures are not attached to a permanent foundation, and are commonly a travel trailer, recreational vehicle or similar structure intended for mobile uses.

**STRUCTURE, TEMPORARY:** Any structure that is not attached to a permanent foundation.

**TEMPORARY USE:** A use established for a fixed period of time with the intent of discontinuing such use upon the expiration of the time period. These uses may have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of the Zoning Ordinance. Temporary uses are generally subject to all regulations as would be applied to a permanent principal or accessory use located in the same zone, except as provided by permit for a specified period of time.

**TOPOGRAPHY:** The relief features or surface configuration of an area.

**TRAVEL TRAILER:** A mobile structure designed for temporary occupancy.

**TRAVEL TRAILER PARK:** A lot developed with facilities for accommodating temporarily occupied travel trailers.

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

**VARIANCE:** A relaxation of the strict application of the lot size, setbacks, or other requirements applicable to a particular lot, structure, or use.

**WEED:** As defined in this Ordinance shall include but not be limited to the following: Burdock, Ragweed (Giant), Ragweed (Common), thistle, Cocklebur, Jimson, Blue Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp, Johnson Grass and all other noxious weeds.

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

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

**YARD, FRONT:** A yard which is bounded by the side lot lines, front lot lines, and the building line.

**YARD, REAR:** A yard which is bounded by side lot lines, rear lot lines, and the rear yard line.

**YARD, SIDE:** A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

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



**ZONING MAP:** The map and any amendments thereto, designating zoning districts, and incorporated into this Ordinance by reference.

**ZONING ADMINISTRATOR:** The official appointed by the County Board of Washington County to administer this Ordinance. (Synonymous with "Administrator.")

ARTICLE 3 - ADMINISTRATION AND ENFORCEMENT

Section 3-1 ZONING ADMINISTRATOR

The office of Zoning Administrator of Washington County is hereby re-established and continued. The Administrator shall be appointed by the County Board Chairman with the advice and consent of the County Board, and shall continue to hold office at the pleasure of the County Board. The Administrator is hereby authorized and directed to administer and enforce the provisions of this Ordinance. This broad responsibility encompasses, but is not limited to, the following specific duties:

- (a) to review and pass upon applications for initial and final certificates of zoning compliance,
- (b) to inspect land, structures, and uses to determine compliance with this Ordinance, and where there are violations, to initiate appropriate corrective action;
- (c) to review and forward to the Zoning Board of Appeals all applications for special use permits, variances, appeals, and amendments;
- (d) to maintain up-to-date records of this Ordinance including, but not limited to, the district map, certificates of zoning compliance, special use permits, variances, interpretative decisions of the Board of Appeals, amendments, and all applications related to any of these matters;
- (e) to periodically review the provisions of this Ordinance to determine whether revisions are needed, and to make recommendations on these matters to the Board of Appeals at least once each year;
- (f) to provide information to the general public on matters related to this Ordinance; and
- (g) to perform such other duties as the County Board may from time to time prescribe;
- (h) to notify the Washington County "911" Emergency Office of all new construction; and
- (i) to notify Washington County Supervisor of Assessments of all new construction.

Section 3-2 INITIAL CERTIFICATES OF ZONING COMPLIANCE

Upon the effective date of this Ordinance, no lot shall be created, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated, or reconstructed until an initial certificate of zoning compliance has been issued. (See Section 4-13, Agricultural Exemption) The Administrator shall not issue an initial certificate of zoning compliance unless, following consultation with technically qualified persons as necessary, he/she determines that the proposed work conforms to the applicable provisions of this Ordinance.

3-2.1 APPLICATION:

Every applicant for an initial certificate of zoning compliance shall submit to the Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable. (NOTE: Filing fee generally required.)

Items of Information:

- (a) name and address of the applicant;
- (b) name and address of the owner or operator of the proposed lot, structure, or use, if different from (a);
- (c) brief, general description/explanation of the proposal;
- (d) location of the proposed lot, use, or structure, and its relationship to adjacent lots, uses, or structures;
- (e) area and dimensions of the site for the proposed finished grade;
- (f) height and setbacks of the proposed structure;
- (g) number and size of proposed dwelling units, if any;
- (h) location and number of proposed parking/loading spaces and access ways;
- (i) identification and location of all existing or proposed utilities, whether public or private;
- (j) documentation of age and pictures to show proof of condition of proposed mobile home; and
- (k) any other pertinent information that the administrator may require.

3-2.2 DURATION OF CERTIFICATE:

Initial certificates of zoning compliance shall be valid for one year, or until revoked for failure to abide by a corrective action order. The Administrator may renew initial certificates of zoning compliance for successive one-year periods upon written request, provided the applicant is making a good faith effort to complete the authorized work.

Section 3-3 FINAL CERTIFICATES OF ZONING COMPLIANCE

No lot or part thereof recorded or developed after the effective date of this Ordinance, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Ordinance shall be used, occupied, or put into operation until a final certificate of zoning compliance has been issued. (See Section 4-13, Agricultural Exemption) The Administrator shall not issue a final certificate of zoning compliance until he has determined, by inspection, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plan. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Ordinance.

Section 3-4 CORRECTIVE ACTION ORDERS

Whenever the Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon, is in violation of this Ordinance, he shall so notify the responsible party, and shall order appropriate corrective action.

3-4.1 CONTENTS OF ORDER:

The order to take corrective action shall be in writing and shall include:

- (a) a description of the premises sufficient for identification;
- (b) a statement indicating the nature of the violation;
- (c) a statement of the remedial action necessary to effect compliance;
- (d) the date by which the violation must be corrected;
- (e) a statement that the alleged violator is entitled to a conference with the Administrator if he so desires;
- (f) the date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing; and
- (g) a statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

3-4.2 SERVICE OF ORDER:

A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

- (a) served upon him personally;
- (b) sent by registered mail to his last known address; or
- (c) posted in a conspicuous place on or about the affected premises.

3-4.3 STOP ORDERS:

Whenever any work is being done in violation of an initial certificate of zoning compliance, the Administrator's corrective action order may state that the violation must cease immediately. (See Subsection 3-4.1(d).) In such case, the corrective action order is equivalent to a stop order. Failure to comply with stop order may result in notification of the Washington County State's Attorney's Office and may result in the possible imposition of fines.

Section 3-5 EMERGENCY MEASURES

Notwithstanding any other provisions of this Ordinance, whenever the Administrator determines that any violation of this Ordinance poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

Section 3-6 COMPLAINTS

Whenever any violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

Section 3-7 FILING FEES

By resolution, the County Board shall establish (and may amend from time to time) a schedule of filing fees for the various permits and procedures listed in this Ordinance. Said fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures, the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid by the applicant to the County Treasurer's Office. A schedule of filing fees is included in Attachment A. All fees are non-refundable.

Section 3-8 PENALTIES

- (a) Any person who is convicted of a violation of this Ordinance shall be guilty of a Class B misdemeanor and shall be fined not less than Twenty Dollars (\$20) nor more than Five Hundred Dollars (\$500), plus costs. Each day that a violation continues shall be considered a separate offense.
- (b) In addition to the penalty imposed by paragraph (a) above, in case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building structure or land is used in violation of the Ordinance, the County of Washington, by and through the Office of the Zoning Administrator and the Washington County State's Attorney, or any person the value or use of whose property is or may be affected by such violation, in addition to other remedies, may institute any appropriate action or proceeds in the Circuit Court of Washington County to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business, or use in or about said premises.

Nothing contained in this section shall prevent the County from taking any other lawful action that may be necessary to secure compliance with this Ordinance.

ARTICLE 4 - GENERAL SUBSTANTIVE REGULATIONS

Section 4-1 ESTABLISHMENT OF DISTRICTS

In order to implement the regulatory scheme of this Ordinance so to achieve the objectives stated in Section 1-1, all the territory of Washington County other than territory within the corporate limits of municipalities which have adopted local zoning ordinances is hereby divided into the following zoning districts:

<u>Name of District</u>	<u>Designation</u>	<u>Minimum Area of District*</u>
Agricultural	A	40 acres
Rural Single-Family Residential	R-1	2 acres
Urban Residential	R-2	1 acre
Neighborhood Business	NB	½ acre
Commercial	C	2 acres
Industrial	I	2 acres
Flood Plain Overlay	O-FP	none
Highway Interchange Overlay	O-H	5 acres
Residential Overlay	O-R	5 acres

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

Section 4-2 ZONING MAP AND DISTRICT BOUNDARIES

The boundaries of the listed zoning districts are hereby established or re-established as shown on the official zoning map of the County. This official zoning map, including all notations and other information thereon, is hereby made a part of this Ordinance by reference. The official zoning map shall be kept on file in the Administrator's office.

4-2.1 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION:

In determining with precision what territory is actually included within any zoning district, the

Administrator shall apply the following rules:

- (a) Where a district boundary is indicated on the zoning map approximately follows any of the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:
  - 1. Centerline of any street, alley, or highway -- such centerline.
  - 2. Lot line -- such lot line.
  - 3. Railroad tracks -- right-of-way line of such tracks.
  - 4. Stream -- center of such stream.
  - 5. Section, fractional, or survey lines -- such lines.
  
- (b) Whenever any street, alley, or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.

Section 4-3 GENERAL PROHIBITION

Hereafter, it shall be unlawful to:

- (a) erect, use, occupy, enlarge, alter, relocate, or reconstruct any structure or part thereof;
- (b) create any lot; or
- (c) use, occupy, or develop any lot or part thereof. . .

except in conformity with the provisions of this Ordinance.

Section 4-4 UNLISTED USES PROHIBITED

Any use not specifically listed as permitted or allowed by special use permit within a particular zoning district shall be deemed prohibited in that district until the County Board rezones the property in question or otherwise amends this Ordinance in accordance with Section 10-5.

Section 4-5 MEETING MINIMUM REQUIREMENTS

Except as specifically provided otherwise elsewhere in this Ordinance, every lot must meet the minimum area, minimum dimensions, and minimum setbacks requirements of the district in which it is located independently; that is, without counting any portion of an abutting lot.

Section 4-6 ACCESS REQUIRED

No building shall be erected on any lot unless such lot abuts or has permanent easement of access to a public road or a private road that conforms to the standards set forth in the Washington County Subdivision Regulations.

Section 4-7 FRONT SETBACKS - CORNER/THROUGH LOTS

Every lot with multiple frontages (such as corner or through lots) shall meet the front setback

requirement of the district in which it is located on every side that abuts a street or road.

4-7.1 SIGHT TRIANGLE REQUIREMENT

In residential districts, except in zoning districts where no front yard setback is required, on all corner lots a visual clearance area is required where nothing shall be erected, placed, planted, or allowed to grow to a height more than three (3) feet higher than the curb level, or three (3) feet higher than the center line grade of intersecting streets where there is no curb, within twenty-five (25) feet of the intersection of the street lines.

Section 4-8 INTRUSIONS INTO YARDS

To the extent indicated below, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements.

<u>Features</u>	<u>Maximum Intrusion</u>
(a) Cornices, chimneys, planters or similar architectural features	Two (2) feet.
(b) Fire escapes	Four (4) feet.
(c) Patios	No limit.
(d) Porches, if unenclosed and at ground level	Six (6) feet.
(e) Balconies	Four (4) feet.
(f) Canopies, roof overhangs	No limits, unless required for visual obstruction.
(g) Fencing.	No limits, unless required for visual obstruction

Section 4-9 EXCEPTIONS TO HEIGHT LIMITS

- (a) **Necessary Appurtenances:** Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent ordinances of the County.
- (b) **Intersections:** On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining these street lines at points thirty (30) feet from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between two (2) and ten (10) feet above the level of the adjacent street.
- (c) **Airport Hazard Areas:** Notwithstanding any other provision of this Ordinance, all structures erected within any airport hazard area, as defined by State law, shall conform to the location, height, and identification requirements imposed by the Illinois Department of Aeronautics pursuant to "An Act relating to Airport Zoning" (620 ILCS 25/1 and "An Act in relation to Zoning to Eliminate Airport Hazards" (620 ILCS 30/1-30/12).

Section 4-10 SEWERS, SEPTIC TANKS

In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:



- (a) Whenever the public sanitary sewer system is reasonably available (that is, when the distance from the property in question to the nearest public sewer with available capacity does not exceed three hundred (300) feet for a single family residence and not greater than one thousand (1,000) feet for a commercial establishment, subdivision or multi-family dwelling) all sewage shall be discharged into such system, whether or not a private sewer system is more convenient. A connection is practical when it can be completed using customary sewer lines. The need to annex an improvement, other than a single family residence, to a municipality in order to connect to the municipal sanitary sewer system does not make the municipal sanitary sewer system unavailable.
  
- (b) Whenever the public sewer system is not reasonably available, a private sewer system (whether central or individual) shall be installed and used. A permit issued by the Washington County Health Department must be issued for any private sewage disposal system and each shall be designed, constructed, operated, and maintained in conformity with the following requirements:
  - 1. Illinois Private Sewage Disposal Licensing Act. 225 ILCS 225/1 et seq., and any subsequent amendments or revisions thereto;
  - 2. Illinois Private Sewage Disposal Code 77 Ill. Adm. Code 905, and any subsequent amendments or revision thereto;
  - 3. pertinent, current regulations issued by the Illinois Environmental Protection Agency; and
  - 4. applicable County or local codes and ordinances, particularly the Washington County Private Sewage Disposal Ordinance and The Land Subdivision Ordinance of Washington County and any subsequent amendments or revisions thereto.

The Administrator shall not issue any initial certificate of zoning compliance unless, following consultation with technically qualified persons as necessary he/she is satisfied that these requirements will be met.

#### Section 4-11 ONE DWELLING PER LOT

Except as specifically provided otherwise herein (the important exceptions being multiple-family complexes, mobile home parks, and residences in agricultural districts occupied by persons engaged in agricultural activities), or as provided in Section 5-1.2 regarding temporary non-farm dwellings, only one dwelling may be situated on any zoning lot or lot of record. **Thus, for example, it shall generally be unlawful to place a mobile home on any lot on which there is an existing dwelling.**

#### Section 4-12 ACCESSORY USES

Any accessory use (see Section 2-2, "Selected Definitions") shall be deemed permitted in a particular zoning district if such accessory use is:

- (a) accessory to a principal structure or use that is allowed in that zoning district as of right (permitted uses) or by virtue of the fact that a special use permit has been granted; and
  
- (b) in compliance with the restrictions set forth in Subsection 4-12.1.

**4-12.1 ACCESSORY USE RESTRICTIONS:**

- (a) Height. No accessory use shall be higher than:
1. fifteen (15) feet in any residential district; or
  2. twenty-five (25) feet in any other zoning district except the Agricultural District where, due to the special needs of farmers, there shall be no height limit on accessory structures.
- (b) Setbacks.
1. In the Commercial or Industrial District, no accessory use shall encroach into any part of any yard (front, side, or rear) that is required by the minimum setback regulations of the particular district.
  2. In the Neighborhood Business District or in any residential district, accessory uses are prohibited in any required front yard, but permitted in any side or rear yard provided such accessory uses are not closer than seven (7) feet to any side or rear lot line.
  3. In any Agricultural District, accessory uses are prohibited in any front yard, but permitted in any side or rear yard, provided such accessory uses are not closer than twenty-five (25) feet to any side or rear lot line.
  4. Any previously "grandfathered" accessory structure that was in use or not vacant, may be rebuilt, remodeled, or a new structure may be constructed on the previous location.
- (c) Use As Dwelling. Use of any accessory structure as a dwelling is strictly prohibited in every zoning district with the exception of accessory structures used to house seasonal hired labor in agricultural zones.

**Section 4-13 AGRICULTURAL EXEMPTION**

The provisions of this Ordinance shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes as defined herein, or with respect to the erection, maintenance, repair, alteration, remodeling, or extension of buildings or structures, uses, or to be used solely for agricultural purposes upon such land; except that said structures are required to meet building setback requirements applicable in the district in which the structure is to be built. Should said land or structure cease to be used solely for agricultural purposes, then and only then, shall the other provisions of this Ordinance apply (255 ILCS 5/5-12001).

To obtain an Agricultural Exemption the applicant must provide proof that he or she own a minimum of *forty (40)* acres and must complete a Certificate of Agricultural Exemption, at the Washington County Zoning Office, stating that said structure being built is solely for agricultural purposes. (*Revised by ordinance 09/15/1998*)

Upon the passage of this Ordinance, all newly constructed residential dwellings, including mobile homes for residents or hired seasonal workers or tenants, in the Agricultural District, must obtain a permit (see Attachment A). All additions to an existing residential dwelling in Agricultural Districts, over the minimum amount, in dollars, required by Attachment B, will be required to obtain a permit (see Attachment A). These permits normally do not require public hearings.

4-13.1 VARIANCE TO MINIMUM:

Because of the irregular shapes of some parcels, the Zoning Administrator shall have the authority to administratively grant a variance of 5% or less to the minimum 40 acre lot size requirement for an Agricultural Exemption, as set forth in Section 4-13, without a hearing before the Zoning Board of Appeals. However, before such variation may be granted, a Notice of the Intent to Grant such variation shall be sent by certified mail to all adjoining landowners. If any adjoining landowner files a written objection with the Zoning Enforcement Officer within fifteen (15) days of the receipt of such notice, the variation shall not be considered by the Zoning Administrator under this section. Said variance shall be processed in accordance with the terms of the administrative authority as provided for under the ILCS as amended.

Section 4-14 INOPERABLE AND ABANDONED VEHICLES

4-14.1 POLICY:

Pursuant to 55 ILCS 5/5-1092, the County Board of Washington County, finding that inoperable or abandoned vehicles constitute a traffic hazard; are a danger to children and others; are a fire hazard; are a threat to natural resources; invite acts of vandalism which produce a scenic blight, and adversely affect the land values of the County, does hereby declare it to be a public nuisance to store any inoperable or abandoned motor vehicles, whether on public or private property, as follows:

1. On any lot within municipal boundaries not subject to municipal zoning (R-2 District)
2. On any lot within an Urban Residential (R-2 District) , or any lot within a Rural Residential (R-1) district
3. On any lot within a Neighborhood Business (NB) District, a Commercial (C) District or an Industrial (I) District unless on the premises of a business engaged in the wrecking or junking of motor vehicles.
4. On any lot within the Agricultural (A) District unless said vehicle is screened from public view by opaque fencing , or obscured by dense landscaping.

However, nothing in this Section shall apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over twenty-five (25) years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

4-14.2 APPLICATION:

This Ordinance shall apply to the following: abandoned vehicle, inoperable antique vehicle, inoperable motor vehicles, and derelict vehicles as defined as follows:

- (a) ABANDONED VEHICLE. Any motor vehicle or other vehicle in a state of disrepair, rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.
- (b) HISTORIC VEHICLE. Any motor vehicle or other vehicle twenty-five (25) years of age or older.
- (c) HIGHWAY. A public or private way for motor vehicle travel. The term "highway" includes a street, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, land, place, drive, court and similar designations, but excludes an alley or a way for pedestrian use only.

- (d) **INOPERABLE MOTOR VEHICLE:** Any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power.
- (e) **DERELICT VEHICLE.** Any inoperable, unregistered, discharged motor vehicle, regardless of title, have lost its character as a substantial property and left unattended without justification on the owner's land contrary to the public policy expressed in Section 4-14 of this Ordinance.

#### 4-14.3 PRESUMPTION THAT VEHICLE IS INOPERABLE

Any of the following conditions shall raise the presumption that a vehicle is inoperable under the provisions of this Section:

- (a) Absence of an effective registration plate or without current registration sticker.
- (b) Placement of the vehicle or parts thereof upon jacks, blocks, chains, or other supports.
- (c) Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets, roads and highways.

#### 4-14.4 ENFORCEMENT.

1. **ENFORCEMENT OFFICER.** The Enforcement Officer for the provisions of Section 4-14 shall be Washington County Zoning Administrator, and the Washington County Sheriff shall enforce removal of any inoperable vehicle found to be in violation by the Zoning Administrator.
2. **COMPLAINTS:** Upon receipt of a signed written complaint, the Enforcement Officer shall have authority to issue a letter to any person violating any of the provisions of this Section advising of the violation and providing ten (10) days for the violation to be voluntarily remedied.
3. **NOTICE TO ABATE NUISANCE.** With respect to violations of Section 4-14.1 that are not voluntarily remedied, the Enforcement Officer shall issue a Notice to Abate providing seven (7) days notice to abate the existing nuisance. Said notice shall advise the violator of the violation and demand that the violation be remedied within seven (7) days. The decision of the Zoning Administrator is subject to appeal by a hearing before the Zoning Board of Appeals, and the Notice to Abate shall provide information on requesting such appeal.
4. **SERVICE OF NOTICE -** Notices shall be deemed to have been properly served when the Notice to Abate has been delivered personally to the registered owner, agent, or premises and/or the storage site concerned, or such notice has been sent by certified mail to the last known address of such person or persons.
5. **REVIEW BY STATE'S ATTORNEY:** If the violation has not been remedied within seven (7) days from the issuance of a Notice to Abate Nuisance, and in the absence of an application for appeal, the Washington County State's Attorney will be requested to review the violation and render an opinion for the enforcement officer.

6. REMOVAL BY SHERIFF OR DESIGNEE: If the violating inoperable motor vehicle or parts thereof have not been removed within seven (7) days from the issuance of a Notice to Abate Nuisance, and in the absence of an application to appeal the Enforcement Officer's decision, the Washington County Sheriff, his designee or agent, with concurrence from the State's Attorney, shall be authorized by this ordinance to remove, or cause to be removed, the inoperable motor vehicle or parts thereof from the premises where the violation occurred. The Office of the Zoning Administrator shall keep an account of the expense of the abatement.
  
7. VIOLATION - \_FINES : Any person who violates Section 4-14.1 above and fails to abate the nuisance and/or refuses to obey any provisions of Section 4-14.1 after having been given notice of violation shall, upon conviction be fined an amount not to exceed \$500 plus court costs for each offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Such person shall, in addition, be responsible for reasonable and customary costs and expenses incurred by the Washington County Sheriff, his designee, or agents in enforcing the provisions of this Section, including the costs of removal.

4-14.5 ABANDONMENT:

- (a) Highway. The abandonment of a motor vehicle or other vehicle or part thereof on any highway in the County is unlawful and subject to penalties as set forth herein.
  
- (b) Private Property. The abandonment of a motor vehicle or other vehicles or any part thereof on private or public property other than a highway, in view of the general public anywhere in this County is unlawful, except on property of the owner or bailee of such abandoned vehicle.
  
- (c) Owner's Property. A motor vehicle or other vehicle or any part thereof so abandoned on the owner's property or an inoperable motor vehicle on owner's property in public view from a public highway right-of-way may be authorized for removal by or upon the order of the Sheriff after a waiting period of seven (7) days or more has expired from the date of personal service on a resident of the property where the vehicle is located.

4-14.6 POSSESSION OF VEHICLE BY OTHER PARTY; TOWING:

When an abandoned, inoperable, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this county, not the owner of the vehicle, such person shall immediately notify the Sheriff's office when the vehicle is within the corporate limits of the County. Upon receipt of such notification, the Sheriff, or his designated representative shall authorize a towing service to remove and take possession of the abandoned, inoperable, lost, stolen or unclaimed motor vehicle or other vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow until the vehicle is claimed by the owner or any other person legally entitled to possession thereof, or until it is disposed of as provided in this Ordinance.

4-14.7 REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES - TOWING OR HAULING AWAY:

- (a) When a vehicle is abandoned or left unattended on a highway in an urban district ten (10) hours or more, its removal by a towing service may be authorized by the Sheriff's Office of the County.
  
- (b) When a vehicle is abandoned, or left unattended on a highway other than a toll highway, interstate highway or expressway outside of an urban district for twenty-four (24) hours or more, its removal by a towing service may be authorized by the Sheriff's Department.

- (c) When an abandoned, unattended, wrecked, burned, or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway, or its physical appearance is causing an impediment to traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by the Sheriff's Department.
- (d) When a vehicle removal from either public or private property is authorized by the Sheriff's Department, the owner of the vehicle will be responsible for all towing costs.

4-14.8 SHERIFF'S RESPONSIBILITIES:

When a motor vehicle or other vehicle is authorized to be towed away, as provided herein, the Sheriff's Department shall keep and maintain a record of the vehicle towed, listing by colors, year or manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of the tow, location towed from, location towed to, reason for towing and the name of the deputy authorizing the tow.

4-14.9 UNKNOWN OWNER:

When the Sheriff's Department does not know the identity of the registered owner or other legally entitled person, they will cause the motor vehicle registration records of the State of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.

After authorizing the impoundment, the Sheriff will cause the stolen motor vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police Department for stolen or wanted information of the vehicle. The information determined from these record searches will be used by the Sheriff's Department in sending notification by certified mail to the owner or legally entitled person, advising where the vehicle is held, requesting a disposition be made and setting forth public sale information.

4-14.10 STATE POLICE INFORMATION:

When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration filed of this State or from the registration files of a foreign state, if applicable the Sheriff's Department shall notify the Illinois State Police for the purposes of identifying the vehicle's owner, or other person legally entitled to the possession of the vehicle.

4-14.11 PUBLIC SALE; RECLAMATION:

Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided in Section 4-14.13, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the Sheriff's Department, proof of ownership, or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this section until all towing and storage charges have been paid.

4-14.12 NOTIFICATION; NEW CAR; MAIL:

Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle four (4) years of age or newer remains unclaimed by the registered owner or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided herein, the Sheriff shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where

the vehicle has been impounded. At least ten (10) days prior the sale, the Sheriff's Department shall cause a notice of the time and place to be sent by certified mail to the registered owner or other person known by the Sheriff's Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

In those instances where the certified notification specified herein has been returned by the postal authorities to the Sheriff's Department, due to the addressee having moved, or being unknown at the address obtained from the registration records of this State, the sending of second certified notice will not be required.

#### 4-14.13 NOTIFICATION "FOR SALE":

- (a) New Car. When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost, inoperable or unclaimed vehicle of seven (7) years of age or newer cannot be determined by any means provided for in this Ordinance, the vehicle may be sold as provided herein, or disposed of in the manner authorized by this Ordinance, without notice to the registered owner or other person legally entitled to the possession of the vehicle.
- (b) Old Car. When an abandoned or inoperable vehicle of more than seven (7) years of age is impounded as specified by this Ordinance, it will be kept in custody for a minimum of ten (10) days for the purpose of determining ownership, the contacting of the registered owner by the U.S. Postal Service, public service, or in person for a determination of disposition and an examination of the Illinois State Police stolen motor vehicle files for theft and wanted information. At the expiration of the ten (10) day period without the benefit of disposition information being received from the registered owner, the Sheriff will authorize the disposal of the vehicle as junk. An exception to the above is provided if, in the opinion of the Sheriff's Deputy processing the vehicle, it has value of two hundred dollars (\$200.00) or more and can be restored to safe operating condition. In this event, the agency may authorize its purchase as salvage and the Secretary of State may issue a salvage certificate if the vehicle is bonded in the manner as provided for certificates of title under 625 ILCS 5/3-100.
- (c) Antique Vehicle. A motor vehicle or other vehicle classified as an antique vehicle may, however, be sold to a person desiring to restore such vehicle.

#### 4-14.14 SHERIFF'S RECORD FOR DISPOSED VEHICLE:

When a motor vehicle or other vehicle in the custody of the Sheriff's Department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in the Ordinance, a report of the transaction will be maintained by the Sheriff's Department for a period of one (1) year from the date of the sale or disposal.

#### 4-14.15 PUBLIC SALE PROCEEDS:

When a vehicle located within this County is authorized to be towed away by the Sheriff and disposed of as set forth in this Ordinance, the proceeds of the public sale or disposition, after the deduction of towing, storage and processing charges shall be deposited in the County General Fund.

#### 4-14.16 LIABILITY OF COUNTY:

Any Sheriff's Deputy, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided in this Ordinance.

4-14.17 REMEDY:

The State's Attorney of Washington County is authorized to seek injunctive relief against the owner of any abandoned or inoperable motor vehicle that violates this Ordinance. The State's Attorney of Washington County is not limited to injunctive relief and may proceed with any other remedy allowed by law.

4-14.18 PENALTY:

- (a) Anyone found abandoning a motor vehicle, 1) or other vehicle or part thereof on any highway; or 2) on any private or public property in view of the general public; or 3) on the owner's property after seven (7) days notice of such, is guilty of a petty offense and is punishable by a fine not to exceed five hundred dollars (\$500.00). Each day of violation is a new offense.
- (b) Anyone found keeping an inoperable vehicle on private property or the owner's property after seven (7) days notice of such is guilty of a petty offense and punishable by a fine not to exceed five hundred dollars (\$500.00). Each day of violation is a new offense.

Section 4-15 WEEDS

4-15.1 DEFINITION:

"Weeds", as used in the Ordinance shall include, but not be limited to the following: Burdock, Ragweed (Giant), Ragweed (Common), Thistle, Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp, Johnson Grass and all other noxious weeds.

4-15.2 DECLARED NUISANCE:

It is hereby declared to be a nuisance for the owner or owners of subdivision lots in residential areas in the unincorporated areas of the county or any part thereof, to refuse or neglect to cut weeds, as defined by the Washington County Zoning Ordinance when such weeds have reached a height in excess of twelve (12) inches.

4-15.3 NOTICE OF NUISANCE:

Upon receipt of a written complaint, the Zoning Administrator or any other person so designated by the County Board Chairman may issue a written Notice to Abate for removal of weeds or grass. Such weeds or grass shall be cut by the owner or owners within fifteen (15) days after such notice has been duly served.

4-15.4 SERVICE OF NOTICE:

Service of the notice provided for herein shall be effected by mailing a written copy of such notice to the last known address of each owner or owners.

4-15.5 ABATEMENT:

If the owner or owners so notified does not abate the nuisance within fifteen (15) days, the Office of the Zoning Administrator may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or owners.

4-15.6 LIEN IMPOSED:

The cost of abatement of said nuisance shall be considered a lien upon the subdivision lot affected, superior to all other liens and encumbrances, except tax liens; provided that within sixty (60) days



after such cost and expense has been incurred, the County or person performing the service by authority of the County in his or its own name filed notice of lien in the Washington County Recorder of Deed's Office in the County in which such subdivision lot is located. The notice shall consist of a sworn statement setting out:

- (a) a description of the subdivision lot sufficient for identification thereof;
- (b) the amount of money representing the cost and expense incurred or payable for the service; and
- (c) the date or dates when such cost and expense was incurred by the County. However, the lien shall not be valid as to any purchaser whose rights in and to such subdivision lot have arisen subsequent to the weed cutting and prior to the filing of such notice, and the lien of the County shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such subdivision lot arise prior to the filing of such notice.

4-15.7 PAYMENT:

Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense by the owner or persons interested in such property after notice of lien has been filed, the lien shall be released by the County or person in whose name the lien has been filed and release shall be filed for record in the same manner as filing notice of the lien.

4-15.8 FORECLOSURE OF LIEN:

Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the County after lien is in effect for sixty (60) days.

4-15.9 PENALTY:

Any person violating this Ordinance shall, upon conviction, be fined according to the provision of Section 3-8.

Section 4-16 GARBAGE, TRASH AND DEBRIS

4-16.1 DEFINITION:

GARBAGE, TRASH, AND DEBRIS includes but is not limited to tree branches, grass clippings, yard trimmings, leaves, garbage, paper, cardboard, cartons, boxes, barrels, wood, lumber, concrete, appliances, furniture, glass, bottles, crockery, tin cans, vehicle parts, boats, furniture and any other manufactured or constructed object which has outlived its usefulness in its original form (notwithstanding the fact that the object may have scrap value or could be reconditioned with substantial repair) where such object, due to its present condition and/or visibility, may reasonably be construed to be unsightly, dangerous, or unsanitary. As used herein the phrase "garbage, trash, and debris" does not include inoperable vehicles.

4-16.2 DECLARED A NUISANCE:

It is hereby declared to be a nuisance for the owner or owners of property in the unincorporated areas of the county to refuse or neglect to remove garbage, trash or debris as defined by the Washington County Zoning Ordinance.

4-16.3 NOTICE OF NUISANCE:

Upon receipt of a written complaint, the Zoning Administrator or any other persons so designated by the County Board Chairman may issue a written Notice to Abate for removal of garbage, trash, or debris. Such garbage, trash, or debris shall be removed by the owner or owners within fifteen (15) days after such notice has been duly served.

4-16.4 SERVICE OF NOTICE:

Service of notice provided for herein shall be effected by mailing a written copy of such notice to the last known address of each owner or owners.

4-16.5 ABATEMENT:

If the owner or owners so notified do not abate the nuisance within fifteen (15) days, the Zoning Administrator may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or owners.

4-16.6 LIEN IMPOSED:

The cost of abatement of said nuisance shall be considered a lien upon the lot affected, superior to all other liens and encumbrances, except tax liens; provided that within sixty (60) days after such cost and expense has been incurred, the County or person performing the service by authority of the County in his or its own name filed notice of lien in the Washington County Recorder of Deed's Office.. The notice shall consist of a sworn statement setting out:

- (a) a description of the lot or subdivision lot sufficient for identification thereof;
- (b) the amount of money representing the cost and expense incurred or payable for the service; and
- (c) the date or dates when such cost and expense was incurred by the County. However, the lien of the County shall not be valid as to any purchaser whose rights in and to the real estate have arisen after the removal of the garbage, trash, or debris and before the filing of such notice, and the lien of the County shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to the real estate arise prior to the filing of such notice.

4-16.7 PAYMENT:

Notice of such lien claim shall be mailed to the owner of the real estate if his address is known. Upon payment of the removal costs by the property owner or persons interested in the property, the lien shall be released by the County or the person in whose name the lien has been filed, and the release may be filed of record as in the case of filing notice of lien.

4-16.8 FORECLOSURE OF LIEN:

The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics' liens. An action to foreclose this lien shall be commenced within 2 years after the date of filing notice of the lien.

4-16.9 PENALTY:

Any person violating this Ordinance shall, upon conviction, be fined according to the provision of Section 3-8.

(55 ILCS 5/5-1118)

ARTICLE 5 - REGULATIONS FOR SPECIFIC DISTRICTS

Section 5-1 "A" AGRICULTURAL DISTRICT

The carrying out of agricultural activities has long been, and continues to be, an important part of the way-of-life for Washington County residents, and such activities provide a large portion of the income derived by the County's population. Thus, to promote and protect this mainstay of the local economy, it has been established as official policy that the County should protect, preserve, and encourage the pursuit of agriculture by its residents. The creation of the "A" Agricultural District is an integral part of that policy. The "A" District encompasses sparsely developed areas which, because of the fertility of the soil, topography, the availability of water, and other factors, including the suitability of the land for the raising of animals, have high agricultural productivity. The regulations for this district are intended to preserve such prime agricultural land by severely restricting the encroachment or non-agricultural uses and structures. The owners and renters of property, whether farm or non-farm, in this district should realize that they will likely encounter the smells, sights and sounds attendant to agricultural operations.

5-1.1 PERMITTED USES:

Provided all pertinent requirements of this Ordinance are met (see especially Section 5-10), the following uses are permitted in the "A" District:

Agriculture, including all of the uses and structures included in the definition of agriculture set forth in Section 2-2

Animal hospitals and veterinarian offices, provided that adequate safeguards are taken to protect adjacent properties from any adverse effects resulting from such uses

Carnivals and picnics sponsored by a government entity or a civic organization, provided that adequate safeguards are taken to protect adjacent properties from any adverse effects resulting from such operations, and that such carnivals and picnics do not last more than seven (7) days

Churches and other places of formal worship

Cemeteries

Commercial grain elevators and storage facilities

Detached single-family dwellings

Government uses of the County or Township

Home occupations in accordance with Section 7-2

Kennels

Non-commercial recreational uses

Oil wells and drilling operations

Parks

Club houses

Railroad tracks and accessory equipment, but not including classification yards, terminal facilities, or maintenance facilities

Rental of farm dwellings by the owner of the farm on which they are located to persons not engaged in farming, provided that no lot separate from the farm is created, that the buildings are rented as single-family dwellings, and that the buildings existed before the effective date of this Ordinance.

Farm dwellings existing before the effective date of this Ordinance may be sold as non-farm dwellings, provided at least two acres is deeded with the dwelling, and provided further that, notwithstanding any contrary provision of this Ordinance, the property owner may demolish the farm dwelling and replace it with a new non-farm dwelling ( Revised by Ordinance 8/14/1999 to include as a permitted use rather than a special use)

Accessory uses in accordance with Section 4-12

#### 5-1.2 SPECIAL USES:

The following uses shall be permitted in the "A" District only upon the issuance of a special use permit in accordance with the provisions of Section 10-2:

Agricultural product processing plants

Airports

Commercial carnivals, circuses, and similar temporary, transient amusement activities not sponsored by a government entity or civic organization

Commercial recreational uses, including fishing lakes

Commercial trucking operation

Government uses of a municipality

#### Coal-fired Power Plant Facility

*(added by ordinance on 05/11/2004 resulting from ZTA #001-04. Description below)*

A coal-fired, electric power generation facility, together with an underground coal mining facility, aboveground coal handling equipment, underground coal mine shaft appurtenances and facilities located above ground, coal conveying and transportation systems from the mine facility to the electric power generation facility, electric substations, switchyard, and transmission line and interconnection facilities, temporary ash storage facilities and ash disposal transportation facilities, fuel transportation and storage facilities, water storage lakes or similar facilities, together with any and all appurtenant, supporting and necessary facilities associated with the aforesaid facilities; provided, however, that prior to the operation of any such facilities, the following permits shall be duly issued to the permittee:

1. Illinois Department of Natural Resources Dam Construction Permit, issued to permittee by Illinois Department of Natural Resource if construction of water storage lake or facility involves dam construction.
2. Construction Permit – Prevention of Significant Deterioration of Air Quality (PSD) Approval, NSPS-NESHAP Emission Units issued by the State of Illinois.
3. Permit to Construct a Water Intake Structure and Withdraw Water issued by the Illinois Department of Natural Resources, Office of Water Resources.
4. Nationwide permits No. 7 Outfall Structures, No. 12 Utility Line Discharges, No. 14 Linear Transportation Project, No. 33 Temporary Construction, Access and Dewatering, issued by the U.S. Army Corps of Engineers.
5. National Pollutant Discharge Elimination System Permit issued (by) the Illinois Environmental Protection Agency, Bureau of Water.

Washington County acknowledges the intent of the State of Illinois to address environmental concerns of the State of Illinois on a unified statewide basis. If the Board is otherwise satisfied that the special use permit should be granted to the permittee, but the above referenced permits have not yet been issued to the permittee by the State of Illinois, then upon a showing by the permittee that the permittee is in the proves of filing application for the above-referenced permits, the Board shall proceed to issue the special use permit subject to and conditioned upon the issuance of such permits prior to the operation of the facilities authorized to be constructed by the special use permit, and the permittee may proceed to construct the permitted facilities.

Structure built pursuant to a Special Use Permit granted under this Section shall be exempt from the maximum height restriction contained in Section 4-9.

Permanent or temporary residence in a flood plain

Rented or leased seasonal dwellings

Stockyards

Temporary non-farm dwellings, including mobile homes, on the same lot as another principal use used as shelter by a family member, tenant farmer, or farm laborer. Special uses under this provision shall be limited to one special use permit per parcel of land.

Not-for-profit recreation use

Mobile home on separate lot.

Utility substations, including electrical substations, gas regulation stations, transmission tower, cellular phone towers when height is 200 feet or more, and similar facilities. *(Rev. by Ord. 7/11/2000)*

Non-Agricultural uses providing certain goods or services to that immediate area of the County wherein said use is to be located. Such non-agricultural uses will have unique characteristics and potential for impact on the immediate surrounding land that such impact requires consideration through the public hearing process. Said process shall include application to, and public hearing before, the County Zoning Board of Appeals for recommendation. The County Board shall have the final decision upon said Special Use Permit which may contain restrictions, as determined by the County Board, to protect the health, safety and welfare of the surrounding land owners, and the County in general. The Washington County Board reserves the right to approve, deny, or modify, with or without restrictions, any special use permit. Application does not guarantee approval of the Special Use Permit.

Section 5-2 "R-1" RURAL SINGLE- FAMILY RESIDENTIAL DISTRICT

As stated in Section 5-1, the preservation of agricultural land has been established as County policy. However, it is recognized that some present and future county residents may desire to reside in a low-density, non-farm yet rural setting. Thus, the "R-1" Rural Single-Family Residential District has been created to accommodate this desire. The "R-1" District is not intended to restrict agricultural operations, though; indeed, the owners and renters of land within the "R-1" District should realize that they will likely encounter the smells, sights, and noises attendant to agricultural operations.

The "R-1" Rural Single-Family Residential District encompasses various hilly/wooded areas scattered throughout the county's rural environs. The topography, soils, heavy tree cover, and other characteristics of these areas--and the consequent difficulty of extending public utilities and services to them--impose significant constraints on both large-scale farming and intensive urban development. However, land in this district is well-suited for low-density residential development and related uses. Thus, the district regulations are designed to encourage construction of single-family homes on large lots and to discourage development of incompatible uses.

5-2.1 PERMITTED USES:

Provided all pertinent requirements of this Ordinance are met (see especially Section 5-10), the following uses are permitted in the "R-1" District:

Agriculture, including all of the uses and structures included in the definition of agriculture set forth in Section 2-2

Cemeteries

Churches and other places of formal worship

Detached single-family dwellings

Government uses of the County or Township

Home occupations in accordance with Section 7-2

Institutional uses such as convents, retreat houses, etc.

Non-commercial recreational uses

Parks

Railroad tracks and accessory equipment, but not including classification yards, terminal facilities, or maintenance facilities

Schools

Accessory uses in accordance with Section 4-12

5-2.2 SPECIAL USES:

The following uses shall be permitted in the "R-1" District only upon the issuance of a special use permit in accordance with the provisions of Section 10-2:

Commercial recreational uses, including fee fishing lakes  
Government uses of a municipality

Manufactured homes on individual lots, provided all applicable requirements of this Ordinance are met (see Sections 5-10 and 7-5)

Mobile home parks in compliance with Section 7-6

Permanent or temporary residence in a flood plain

Temporary non-farm dwellings, including mobile homes, on the same lot as another principal use

Travel trailer parks in conformity with State requirements

Utility substations, including electrical substations, gas regulation stations, transmission towers, cellular phone towers when height is 200 feet or more, and similar facilities (*Rev. by Ord. 7/11/2000*)

Certain non-Residential uses providing certain goods or services to that immediate area of the County wherein said use is to be located. Such non-residential uses will have unique characteristics and potential for impact on the immediate surrounding land that such impact requires consideration through the public hearing process. Said process shall include application to, and public hearing before, the County Zoning Board of Appeals for recommendation. The County Board shall have the final decision upon said Special Use Permit which may contain restrictions, as determined by the County Board, to protect the health, safety and welfare of the surrounding land owners, and the County in general. The Washington County Board reserves the right to approve, deny, or modify, with or without restrictions, any special use permit. Application does not guarantee approval of the Special Use Permit.

### Section 5-3 "R-2" URBAN RESIDENTIAL DISTRICT

The "R-2" Urban Residential District encompasses land within or near municipalities areas that are best suited for the development of various housing types and compatible uses. The regulations for this district are intended to stabilize and preserve sound existing neighborhoods developed at varying densities, and to promote construction of new single-family houses, duplexes, and multi-family dwellings.

#### 5-3.1 PERMITTED USES:

Provided all pertinent requirements of this Ordinance are met (see especially Section 5-10), the following uses are permitted in the "R-2" District:

Agriculture, including all of the uses and structures included in the definition of agriculture set forth in Section 2-2, provided that adequate safeguards are taken to protect adjacent properties from any adverse effects resulting from such operations. Agricultural operations in existence prior to the effective date of this Ordinance shall be exempt from the requirements of this Section.

Boarding houses

Churches and other places of formal worship

Clinics, medical/dental

Clubs or lodges, but not those which have as their chief activity a service customarily carried on as a business

Convenience stores

Day care centers

Detached single-family dwellings and duplexes

Government uses of the County, Township, or Municipality

Home occupations in accordance with Section 7-2

Parks, playgrounds

Schools

Accessory uses in accordance with Section 4-12

#### 5-3.2 SPECIAL USES:

Mobile homes on individual lots, provided all applicable requirements of this Ordinance are met (see Sections 5-10 and 7-5)

Hospitals and nursing homes

Mobile home parks in conformity with Section 7-6

Multiple-family dwellings

Permanent or temporary residence in a flood plain

Railroad tracks and accessory equipment, but not classification yards, terminal facilities, or maintenance facilities

Temporary dwellings, including mobile homes, on the same lot as another principal use

Utility substations, including electrical substations, gas regulation stations, transmission tower, cellular phone towers when height is 200 feet or more, and similar facilities. *(Rev. by Ord. 7/11/2000)*

#### Section 5-4 "NB" NEIGHBORHOOD BUSINESS DISTRICT

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

#### 5-4.1 USE RESTRICTIONS:

(a) Retail Only. Every commercial or service establishment located in this district shall deal directly with consumers.



- (b) There shall be no manufacture, processing, or treatment of products other than those which are clearly incidental and essential to the retail business conducted on the same premises.
- (c) Such uses, operations, or products shall not cause objectionable odor, dust, smoke, noise, vibrations, or other similar nuisances.
- (d) Enclosed Buildings. All commercial, service, and storage activities shall be conducted within completely enclosed structures.
- (e) No Drive-ins. No commercial or service establishment shall offer goods or services directly to customers waiting in parked motor vehicles, or sell food or beverages for consumption on the premises in parked motor vehicles. Thus, service stations, drive-in restaurants, etc. are excluded from this district.
- (f) Access Ways. Any access way (driveway) to any off-street parking lot or loading berth shall be located at least ten (10) feet from any lot line.
- (g) Refuse Containers. All refuse generated by any establishment located within this district shall be stored in tightly-covered containers placed in a visually-screened area.
- (h) Screening. Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence, or closely-planted shrubbery) at least six (6) feet high and of sufficient density to completely block the view from the adjacent residential property shall be provided.

5-4.2 PERMITTED USES:

Provided all pertinent requirements of this Ordinance are met (see especially Subsection 5-4.1 above and Section 5-10), the following uses are permitted in the "NB" District:

Barber, beauty shops/supply stores

Churches

Drugstores

Governmental uses of the County

Grocery or food stores

Ice cream and/or candy stores

Package liquor stores

Professional offices

Self-service laundromats

Small maintenance and repair shops

Stores selling books, video tapes, stationery, school supplies, etc.

5-4.3 SPECIAL USES:

Gasoline service stations

Governmental uses other than those of the County

Restaurants

Taverns

Utility Substations, transmission towers, and cellular phone towers when height is 200 feet or more  
*(Rev. by Ord. 7/11/2000)*

Any business operated in mobile structure

Section 5-5 "C" COMMERCIAL DISTRICT

The "C" Commercial District encompasses those areas--primarily within unzoned municipalities or on the outskirts of municipalities--where a wide variety of goods and services is available to the general public at retail or wholesale.

5-5.1 WHEN SCREENING IS REQUIRED:

Screening approved by the Administrator--which may include a wall, solid fence, or closely planted shrubbery at least six (6) feet high and of sufficient density to completely block the view from the adjacent residential property--shall be installed along the side and rear lot lines of any lot that abuts any residential district.

5-5.2 PERMITTED USES:

Provided all pertinent requirements of this Ordinance are met (see especially Section 5-10), the following uses are permitted in the "C" District:

Churches and other places of formal worship

Commercial uses/establishments

Government uses of the County, Township, or Municipality

Offices

Service uses/establishments

Utility substations, transmission tower, and cellular phone towers when height is 200 feet or more  
*(Rev. by Ord. 7/11/2000)*

Accessory uses in accordance with Section 4-12

5-5.3 SPECIAL USES:

Detached single-family dwellings and duplexes

Section 5-6 "I" INDUSTRIAL DISTRICT

The "I" Industrial District encompasses areas where manufacturing and processing plants, research facilities, warehouses, and similar uses may locate without detriment to the remainder of the county. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

5-6.1 USE RESTRICTIONS:

- (a) No Nuisances. No production, processing, cleaning, servicing, testing repair, sale, or storage of goods, materials, or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties. Unreasonable interferences include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.
- (b) Activities Enclosed. All production, processing, cleaning, servicing, testing, or repair activities shall be conducted within completely enclosed buildings. Storage and sale activities may be open to the sky, but shall be enclosed by a wall or fence (whether solid or chain-link), including gates, at least eight (8) feet high.
- (c) Buffer Strips. Wherever any industrial use located in this district abuts any residential district or the Commercial District a ten (10) foot wide view and noise control buffer strip shall be installed. Such buffer strip shall consist of densely planted shrubbery that is at least four (4) feet high when planted and that can be expected to reach a height of ten (10) feet when full-grown.

5-6.2 PERMITTED USES:

Provided all pertinent requirements of this Ordinance are met (see especially Subsection [5-6.1](#) above and Section 5-10), the following uses are permitted in the "I" District;

Assembly, manufacturing, or processing of any commodity from raw or semi-finished material

Commercial and service uses, wholesale

Government uses

Research and development facilities

Utility substations

Warehouses and storage yards

Accessory uses in accordance with Section 4-12

5-6.3 SPECIAL USES:

Underground mining, loading, and hauling of coal or other minerals, provided that the provisions of Section 7-9 are met

Sanitary landfills

Junk yards, but only in accordance with Section 5-4

Surface mining, loading and hauling of coal, sand, gravel, topsoil or other aggregate or minerals, provided that the provisions of Section 5-8 are met

Section 5-7 "O-FP" FLOOD PLAIN OVERLAY DISTRICT

The "O-FP" Flood Plain Overlay District delineates areas of the county that, in the absence of flood protection measures, are subject to periodic flooding which may result in injury to or loss of life and property, disruption of private and governmental services, impairment of the tax base, and the need for extraordinary relief measures. The purpose of this district is to alert property owners and residents to the potential flood hazards associated with the land included in this district. Although it is not a requirement of this Ordinance, owners of property located in this district are encouraged to limit development of this land to (1) uses which inherently have low flood damage potential and (2) to other uses allowed in the primary districts (those districts overlain by the "O-FP" District), provided adequate protective measures have been taken.

Section 5-8 "O-H" HIGHWAY INTERCHANGE OVERLAY DISTRICT

5-8.1 - HIGHWAY INTERCHANGE OVERLAY (H) INTENT

The purpose of the Highway Interchange Overlay district is to provide a district for commercial activities, which depend on good vehicular accessibility, visibility and generate large amounts of traffic. Uses within this district tend to serve regional or major community trade areas as well as local commercial and business needs. Sites will be of suitable lands, which can be appropriately buffered from surrounding uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.

5-8.2 PRINCIPALLY PERMITTED USES:

The following uses are permitted.

1. All principally permitted uses within the Commercial District

5-8.3 ACCESSORY USES

Accessory uses, building and structures customarily incidental and subordinate to any of the permitted uses including:

- (a) Uses or spaces related to the developed portions of the district;
- (b) Accessory uses for dwellings
- (c) Signage
- (d) Parking
- (e) Temporary buildings incidental to construction
- (f) Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities of permitted uses
- (g) Automatic Teller Machines;
- (h) Recycling collection points;
- (i) The rental of trucks and trailers (only permitted to be displayed in the side or rear of the property)
- (j) Recreation uses

5-8.4 SPECIAL USES

The following uses and appropriate accessories subject to the approval and condition of the Zoning Board of Appeals provided: (a) the activity is an integral and subordinate function of a permitted Highway Interchange use or service; or (b) the arrangement of use, building, or structure will be compatible with the organization of permitted and accessory uses to be protected in the district:

All special uses in the Commercial District

5-8.5 DENSITY

The density of use in a Highway Interchange district shall not exceed 15,000 square feet of gross floor area per acre of land.

5-8.6 MINIMUM DISTRICT SIZE

The minimum size and extent of a Highway Interchange district shall not be less than five (5) acres of contiguous private property.

5-8.7 MINIMUM STANDARDS

See Section 5-10 Chart for dimensional standards

Section 5-9 "O-R" RESIDENTIAL OVERLAY DISTRICT

5-9.1 INTENT.

The Residential Overlay District is intended to encourage compatible residential development in and around the existing municipalities.

5-9.2 DEFINITION

The Residential Overlay "O-R" District shall be defined as follows:

- a) Any incorporated municipality within Washington County that has not adopted its own local zoning ordinance or;
- b) Any area within 1,320 feet (1/4 mile) of the corporate limits of any incorporated municipality in Washington County.

5-9.3 DENSITY

The following requirements must be met within the Overlay District:

- (a) The minimum lot size shall be 43,560 square feet (1 acre) if neither public water or public sewer service are provided.
- (b) The minimum lot size shall be 21,780 square feet (1/2 acre) if public water service and public sewer is provided.
- (c) Each lot shall meet the minimum Setback and minimum Height Restrictions that are required for the "R-2" District as established in Section 5-10.
- (d) Flood Plain and wetland areas may not be used to calculate minimum lot area; and
- (e) Development is limited to Single Family Residential uses.

5-9.4 MINIMUM DISTRICT SIZE

The minimum size and extent of a Residential Overlay District district shall not be less than five (5) acres of contiguous private property.

5-9.5 PERMITTED USES:

Any use permitted in the “R-1” and “R-2” Districts

5-9.6 SPECIAL USES:

Any Special Use as identified in the “R-1” and “R-2” Districts

Section 5-10 LOT SIZE, SETBACK AND HEIGHT RESTRICTIONS BY DISTRICT

(See chart on following page)

\*\*\* By ZTA #001-04 and subsequently adopted by ordinance on 5/11/2004, Structures built pursuant to a Special Use Permit granted for “Coal-Fired Power Plant Facility” shall be exempt from the maximum structure height restrictions contained in this section.

**Section 5-10: LOT SIZE, SETBACK AND HEIGHT RESTRICTIONS BY DISTRICT**

Every lot or the principal structure (as the case may be) shall comply with the minimum lot size, minimum setbacks, and maximum height restriction for the particular district in which said lot/principal structure is located.

RESTRICTIONS	"A" DISTRICT	"R-1" DISTRICT	"R-2" DISTRICT	"NB" DISTRICT	"C" DISTRICT	"I" DISTRICT	"O-H" DISTRICT	"O-R" DISTRICT
a) <u>Minimum District Area</u>	40 acres	2 acres	1 acre	1/2 acre	2 acre	2 acre	5 acre	5 acres
b) <u>Minimum Lot Area</u>	40 acres 2 acres per dwelling	2 acres	6,000* sq. ft. Or 2,500 sq. ft. per dwelling unit whichever is greater	6,000* sq. ft.	6,000* sq. ft.	20,000 sq. ft.	6,000* sq. ft.	6,000* sq. ft. Or 2,500 sq. ft. per dwelling unit whichever is greater
c) <u>Minimum Lot Width</u> (at established building line)	800 ft.	150 ft.	50 ft.	50 ft.	50 ft.	125 ft.	50 ft.	50 ft.
d) <u>Minimum Lot Depth</u>	800 ft.	150 ft.	100 ft.	100 ft.	100 ft.	150 ft.	100 ft.	100 ft.
e) <u>Minimum Setbacks</u> 1. From front lot line (measured from centerline of road) 2. From side lot line 3. From rear lot line	75 ft.	75 ft.	50 ft.	**	50 ft.	50 ft.	50 ft.	50 ft.
f) <u>Maximum Structure Height</u>	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	None	35 ft.	35 ft.

\* Except that when a private sewerage system dependent upon a soil absorption system is to be used, the minimum lot area shall be forty thousand (40,000) sq. ft.

\*\* Establishments located in this district must conform to the front and side setbacks of the least restrictive adjacent district

## ARTICLE 6 - PLANNED UNIT DEVELOPMENT

### SECTION 6-1 INTENT AND PURPOSE.

This Article establishes provisions for uses of land within the County to provide for a Planned Unit Development (PUD). The purpose of this Article, Planned Unit Development, is to achieve the objectives enumerated in Section 1-1 GENERAL PROVISIONS (the general intent and purpose of the ordinance) and the following additional objectives:

- (a) to provide a regulatory mechanism whereby the County can be assured that upon completion, approved development projects will substantially conform to the plans or models which constituted the basis for the County's issuance of the necessary zoning, subdivision, and/or building permit;
- (b) to permit development of a wide variety of housing types and other structures and uses in a single comprehensively planned project;
- (c) to preserve the natural topography, scenic features, mature trees, and historic structures existing on sites proposed for development;
- (d) to encourage innovative site layouts and coordinated architectural treatment of different housing types and other structures;
- (e) to ensure the provision of useable common open space in planned developments, and to spur installation of amenities therein;
- (f) to facilitate the economical installation of standard streets, sewers, utilities, and other improvements.

#### 6-1.1 COMPLIANCE WITH ORDINANCES GENERALLY REQUIRED:

Except as specifically provided otherwise in this section, planned unit developments (including all structures and uses therein) shall, at a minimum, be built in conformity with all applicable ordinances including this (Zoning) Ordinance and the Subdivision Ordinance.

#### 6-1.2 DISTRICTS WHERE ALLOWED.

Planned unit developments may be built in any Zoning District, but only upon the issuance of a special use permit by the County Board.

#### 6-1.3 PERMISSIBLE DEVIATION FROM ORDINANCE REQUIREMENTS.

The planned unit development concept is intended to afford both the developer and the County considerable flexibility in formulating development proposals. Consequently, PUDs may deviate from generally applicable ordinance requirements without a variance provided that the proposed deviation is of a type listed below.

- (a) **Mixed Uses.** PUDs may include all types of residential structures and any other uses approved by the County Board; provided, in approving such mixed uses, the County Board may attach any conditions necessary to protect the public welfare.



- (b) **Lot and Structure Requirements.** In PUDs the County Board may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PUD are appropriately interrelated and property abutting the PUD is adequately protected from any potential adverse impacts of the development. "Lot and structure requirements" means minimum individual lot area, width and depth; minimum setbacks; and maximum structure height.
- (c) **Location of Parking/Loading Spaces.** By permission of the County Board, off-street parking and loading spaces in the PUDs need not be located in accordance with generally applicable requirements. The minimum number of spaces, however, shall not be less than the number required as per Article 8.

SECTION 6-2 PRELIMINARY DEVELOPMENT PLANS.

Every applicant for preliminary PUD approval shall comply with the procedural requirements of this section. The required procedures are as follows:

- (a) filing development plan with the Administrator;
- (b) review of the development plan by the Planning Commission;
- (c) public hearing by the Board of Appeals as per the requirement of Section 10-2.
- (d) recommendation by the Zoning Board of Appeals to the County Board regarding approval/rejection of the development plan; and
- (e) action by the County Board on the development plan.

6-2.1 APPLICATION, INFORMATION REQUIRED.

Every applicant for approval of a preliminary PUD development plan shall submit to the Zoning Administrator, in narrative or graphic form, the items of information listed below:

- (a) Written Documents:
  - 1. legal description of the total site for proposed developments;
  - 2. names and addresses of all owners of property within or adjacent to the proposed PUD;
  - 3. statement of the planning objectives to be achieved by the PUD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
  - 4. development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed;
  - 5. statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.;

6. data indicating:

- a) total number and type of proposed dwelling units;
- b) gross and net acreage of parcel;
- c) acreage of gross usable open space; and
- d) area of any commercial or industrial uses.

(b) Graphic Materials:

- 1. existing site conditions including contours at (5) foot intervals and locations of water courses, flood plains, unique natural features, and wooded areas;
- 2. proposed lot lines and plot designs;
- 3. proposed location, size in square feet, and general appearance of all existing and proposed buildings (both residential and non-residential) and other structures and facilities;
- 4. locations and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common, open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;
- 5. existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership -- public or private -- should be included where appropriate);
- 6. existing and proposed pedestrian circulation system and proposed treatments of points of conflict;
- 7. existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines;
- 8. general landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;
- 9. enough information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent area; and
- 10. any additional information required by the County to evaluate the character and impact of the proposed PUD.

SECTION 6-3 ADVISORY REPORT OF PLANNING COMMISSION, CRITERIA  
CONSIDERED.

The Planning Commission shall submit to the Zoning Board of Appeals a written advisory report concerning acceptance/rejection of the development plan. In deciding what their advice should be, the Planning Commission shall consider the following criteria:

- (a) the extent to which the proposed development is consistent with the County's Comprehensive Plan and with the purposes of this Ordinance and of all other applicable codes and ordinances;

- (b) the extent to which the proposed development deviates from the regulations that are generally applicable to the property (including but not limited to, the use and lot and building regulations of the district), and the apparent merits (if any) of said deviations;
- (c) whether the proposed design of the PUD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural features, and so forth;
- (d) the compatibility of the proposed PUD with adjacent properties and surrounding area; and
- (e) any other reasonable criteria that the Planning Commission may devise.

SECTION 6-4 PUBLIC HEARING BY ZONING BOARD OF APPEALS.

After the Planning Commission has submitted their advisory report the Zoning Board of Appeals shall hold a public hearing as per the requirements of Sections 10-1.7 and 10-2. Within a reasonable time following the hearing, the Board of Appeals shall file a report of the hearing and its advisory report with the County Board accompanied by the advisory report of the Planning Commission.

6-4.1 ADVISORY REPORT OF ZONING BOARD OF APPEALS, CRITERIA CONSIDERED .

Within a reasonable time after the public hearing, the Board of Appeals shall submit their advisory report to the County Board. In deciding what their advice should be, the Board of Appeals shall consider the following factors:

- (a) whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;
- (b) the effect the proposed special use would have on the value of neighboring property and on the county's overall tax base;
- (c) whether there are any facilities near the proposed special use (such as schools or hospitals) that require special protection.

SECTION 6-5 DECISION BY COUNTY BOARD.

After the Zoning Board of Appeals has submitted the advisory reports, the County Board, by resolution, shall either approve or disapprove the preliminary PUD development plan. The County Board shall not approve any preliminary PUD development plan unless:

- (a) the State's Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and
- (b) the proposed PUD, as evidenced by the development plan, complies with all applicable codes and ordinances.

SECTION 6-6 FINAL DEVELOPMENT PLANS.

With respect to the preparation, submission, and review of PUD final development plans, the developer and this County shall comply with the regulations of the following subsections:

- (a) **Filing, Information Required.** Not later than one (1) year after the approval of the preliminary development plan, the applicant shall file his final development plan for the first stage of the proposed PUD. Said final development plan shall contain in final form all the items of information listed in **Section 6-2** plus the following:
  - 1. proof that the developer has acquired legal title to all land within the PUD or has executed a binding agreement with all the owners of such land giving him effective control over its development;
  - 2. legal description of each lot to be individually owned and each parcel to be held in common;
  - 3. articles of incorporation and bylaws of the Homeowners' Association;
  - 4. restrictive covenants and any other legal instruments required by the State's Attorney guaranteeing the proper upkeep and use of the common open space and recreational facilities therein; and
  - 5. legal instruments dedicating streets and other improvements to this County or conveying same to the Homeowners' Association (as the case may be).
  
- (b) **Advisory Report.** Not later than **sixty (60)** days after the application for final development plan approval is filed, the Planning Commission--following consultation with the Administrator, the County Engineer, and the State's Attorney -- shall submit a written advisory report to the County Board. The Commission's advisory report shall fully discuss the extent to which the final development plan conforms to the approved preliminary development plan and to all applicable codes and ordinances.
  
- (c) **Action By County Board.** At their next regularly scheduled meeting following submission of the Planning Commission's advisory report, the County Board shall, by resolution, either approve or disapprove the PUD final development plan. The County Board shall not approve any final development plan unless:
  - 1. the developer has posted a performance bond or deposited funds in escrow in the amount the County Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and
  - 2. the State's Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and
  - 3. the proposed PUD, as evidenced by the final development plan, complies with all applicable codes and ordinances and substantially conforms to the approved preliminary development plan.

SECTION 6-7 CHANGES IN APPROVED PLANS

No changes shall be made to any approved PUD development plan except as follows:

- (a) Minor changes if required by engineering or other circumstances not foreseen at the time the final development plan was approved.
- (b) All other changes shall require a public hearing before the Zoning Board of Appeals and a resolution by the County Board.
- (c) No approved change shall have any effect until it is recorded with the Washington County Recorder of Deeds as an amendment to the recorded copy of the development plan.

SECTION 6-8 FAILURE TO BEGIN DEVELOPMENT.

Substantial amount of construction has not begun within the time stated in the approved construction schedule, the development plan shall lapse upon written notice to the applicant from the County Board and shall be of no further effect. However, in its discretion and for good cause, the Board may extend for a reasonable time the period for the beginning of construction. If a final development plan lapses as per this section:

- (a) the special use permit shall be automatically revoked;
- (b) any building permits shall automatically become null and void; and
- (c) all regulations applicable before the PUD was approved shall automatically be in full effect.

ARTICLE 7 - SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES

Section 7-1 APPLICABILITY OF ARTICLE

This Article establishes lot and structure requirements, design standards, and use limitations for specific, potentially troublesome, structures and uses. These regulations apply in every zoning district where the specific structure or use is permitted; but if more stringent regulations are applicable in any particular district, such regulations shall prevail.

Section 7-2 HOME OCCUPATIONS

A "home occupation" means any business, profession, or occupation conducted for gain or support entirely within any dwelling or on any residential premises. No home occupation shall be established or conducted except in conformity with the following regulations:

- (a) Unrelated Employees. A home occupation shall employ not more than one individual who is unrelated to the family residing on the premises.
- (b) Floor Space. In residential districts, the total area used for a home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling, or three hundred (300) square feet, whichever is less.
- (c) Dwelling Alterations. A dwelling shall not be altered to accommodate a home occupation in such a way as to materially change the residential character of the building.
- (d) Outdoor Storage. Outdoor (unenclosed) storage on the premises of equipment or materials used in connection with a home occupation is prohibited in residential districts.
- (e) Nuisances. A home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical interference noticeable at or beyond the lot lines.
- (f) Parking. Every home occupation shall provide two off-street parking spaces in addition to the usual requirements for the dwelling (See Section 8-6). Said parking spaces shall be located on the same lot as the dwelling.
- (g) Sign. A home occupation may display only one identification/advertising sign. The area of said sign shall not exceed six (6) square feet.

Section 7-3 HOSPITALS, NURSING HOMES

- (a) The lot on which any hospital or sanitarium is situated shall have a minimum width and depth of two hundred (200) feet, and a minimum area of five (5) acres.
- (b) The lot on which any nursing home is situated shall have a minimum width and depth of two hundred (200) feet, and a minimum area of two (2) acres.
- (c) The principal building of any hospital, sanitarium, or nursing home shall be located at least twenty-five (25) feet from all lot lines.

Section 7-4 JUNK YARDS

- (a) No part of any junk yard (see definition in Section 2-2) shall be located closer than five hundred (500) feet to the boundary of any residential district.
- (b) All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a wall, solid fence, or closely planted shrubbery at least ten (10) feet high and of sufficient density to block the view from adjacent property.

Section 7-5 MANUFACTURED HOME OR MOBILE HOME ON INDIVIDUAL LOT

7-5.1 DEFINITIONS

**AFFIDAVIT OF AFFIXATION:** An affidavit executed by all persons who have such a legal ownership interest in the manufactured home and the real property to which the manufactured home has become affixed stating that the manufactured home is affixed to the real property described in the deed or other instrument which has been duly recorded in the office of the recorder of deeds, thus becoming an improvement to the land.

**MANUFACTURED HOME:** A home constructed in a factory according to the National Manufactured Housing Construction and Safety Standards (HUD Code) as of July 1, 1976. A manufactured home is transportable in one or more sections and built on a permanent chassis and designed to be used as a dwelling with a permanent foundation and connected to the required utilities. The average width and/or length of the living area (excluding garages, carports, porches or attachments) of a manufactured home shall not exceed a ratio of 3 to 1. A manufactured home must have a minimum 3/12 pitch roof, a 6-inch minimum eave overhang, and must have a living area of not less than nine hundred (900) square feet. All manufactured homes require an Affidavit of Affixation to be filed with the County Recorder, a building permit, must display a HUD construction standards decal, and must meet all adopted federal and/or local adopted building codes.

**MOBILE HOME:** A factory-fabricated single family home, transportable on wheels in one or more sections, and which is built on a permanent chassis and designed to be used as a dwelling, containing complete kitchen and sanitary facilities, manufactured according to the National Manufactured Housing Construction and Safety Standard (HUD Code) as of July 1, 1976. To be identified as a mobile home the average width and/or length of the living area (excluding garage, carports, porches or attachments) shall be in excess of a ratio of 3 : 1 and not less than nine hundred (900) square feet. **All mobile homes require a Special Use Permit**, must display HUD construction standard decal, and have hitch and axles removed in accordance with Section 7-6 of this Ordinance. Mobile homes are not required to be attached to a permanent foundation but must be hooked up to a public water and sewer system when available,

**MODULAR HOME:** Is a factory built home constructed in one or more sections and assembled on site. The average width and/or length of the living area (excluding garages, carports, porches or attachments) of all modular homes shall not exceed a ratio of 3:1, and must have a minimum 3/12 pitch roof with residential style siding and roofing, a 6-inch minimum eave overhang, and must have a minimum living area of not less than nine hundred (900) square feet. Unlike a manufactured home, which must adhere to a national code for construction, the modular home is regulated by the State of Illinois Department of Public Health. These homes must be placed on a permanent foundation which extends below frost depth. All modular homes require a Building Permit, an Affidavit of Affixation to be filed with the County Recorder, and are required to meet the National Manufactured Home Construction and Safety Standards (HUD Code) and display a yellow seal in the shape of the State of Illinois on the electrical panel box.

PERMANENT FOUNDATION: A continuous perimeter foundation of materials such as mortared concrete block, mortared brick, or concrete which extends into the ground below the frost depth.

RESIDENCE: A person's home or other dwelling place. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a single family residence shall not exceed a ratio of 3:1. A site constructed single family residence must be placed on a full perimeter permanent foundation extending below the frost depth, and must have a minimum 3/12 pitch roof. All site-built residences must have a minimum of nine hundred (900) square feet of living area.

#### 7-5.2 INSTALLATION GUIDELINES

- (a) All manufactured homes and modular homes must rest wholly on a permanent foundation to which the manufactured home or modular home is secured with foundation bolts at least one-half inch in diameter, spaced at intervals of no more than six (6) feet and within one (1) foot of the corners, and embedded at least seven (7) inches into concrete foundations or fifteen (15) inches in block or brick foundations or basement. All wheels and touring devices must be removed.
- (b) All mobile homes shall be installed in compliance with the Illinois Manufactured Home Tie-down Code (77 Illinois Administrative Codes 870)
- (c) No person shall place any mobile home on an individual lot (as opposed to in a mobile home park) except in conformity with the following regulations:
  - 1. No mobile home shall be placed on any individual lot without first obtaining a special use permit.
  - 2. Same Lot Size/Setbacks. No mobile home shall be placed on any individual lot unless the district's minimum lot size and set-back requirements are strictly observed.
  - 3. One Per Lot. Not more than one (1) mobile home shall be placed on any individual lot.
  - 4. Stand. Every mobile home shall be placed on a stand to provide adequate support therefore. The stand shall extend the length of the supports of the mobile home, and shall consist of either six-(6) inch thick reinforced concrete runners or a four-(4) inch thick reinforced concrete slab, or piers.
  - 5. Anchors. Anchors capable of withstanding a vertical tension force of four thousand eight hundred (4,800) pounds shall be installed at the corners of every mobile home stand or as otherwise necessary for protection against high winds. Every mobile home shall be securely tied down to such anchors.
  - 6. Skirting. Every mobile home shall be skirted with fire-resistant material. The skirting shall be equipped with an inspection door at least twenty-four (24) inches wide to allow access to the underside of the home.
  - 7. Tie-Down Requirement. Every-mobile home shall meet all Illinois Department of Public Health tie-down requirements.
  - 8. Age and Condition Requirement. No mobile home shall be older than ten (10) years at the time of application or shall be in such condition as determined by the Zoning Administrator to be unsafe or unsightly and therefore would be a detriment to Washington County.
  - 9. Vacancy. Any mobile home determined to be vacant or unoccupied for one year or more must be removed.



Section 7-6 MOBILE HOME PARKS

After the effective date of this Ordinance, no mobile home park shall be established except in conformity with the requirements of the subsections below:

7-6.1 COMPLIANCE WITH ILLINOIS LAW:

Every mobile home park shall, at a minimum, conform to the requirements of:

- (a) "An Act to provide for, license, and regulate mobile homes and mobile home parks" (210 ILCS 115/1 et. seq.), as amended from time to time, and
- (b) "Rules and Regulations for Mobile Home Parks," Illinois Department of Public Health, Consumer Protection Division, as amended from time to time.
- (c)

7-6.2 MOBILE HOME PARK MINIMUM LOT AREA, SETBACKS, ETC.:

- (a) Minimum Lot Area: No mobile home park shall be located on a tract less than two (2) acres in area.
- (b) Minimum Dimensions: No mobile home park shall be developed on any tract that is less than two hundred fifty (250) feet in both width and depth.
- (c) Minimum Setbacks: No part of a mobile home or other structure in any mobile home park shall be situated closer than twenty-five (25) feet to any lot line of the park.
- (d) Maximum Height: No structure in any mobile home park shall be more than thirty-five (35) feet in height.

7-6.3 MOBILE HOME SPACE MINIMUM LOT SIZE AND SETBACK REQUIREMENTS:

Individual mobile home spaces shall be considered as lots and shall meet the following requirements:

- 1. Minimum lot size: Four thousand (4,000) sq feet.
- 2. Minimum lot depth: One hundred (100) feet.
- 3. Minimum lot width: Forty (40) feet.
- 4. Minimum setback requirements:
  - From front lot line: Twenty (20) feet.
  - From rear lot line: Ten (10) feet.
  - From side lot line: Five (5) feet on one side,  
twenty (20) ft on the other side.
- 5. Minimum distance to a building on an adjacent lot: Twenty (20) feet.

7-6.4 MOBILE HOME SPACE IMPROVEMENTS:

Each mobile home space shall be improved in accordance with the following requirements:

- (a) Mobile Home Stand. Each space shall have a stand to provide adequate support for the placement and tie-down of the mobile home. The stand shall extend the length of the supports of the mobile home, and shall consist of either six- (6) inch thick reinforced concrete runners or a four- (4) inch thick reinforced concrete slab.
- (b) Anchors. No mobile home in a mobile home park shall be immobilized, but anchors capable of withstanding a vertical tension force of four thousand eight hundred (4,800) pounds shall be installed at the corners of each stand or as otherwise necessary for protection against high winds. Every mobile home shall be securely tied down to such anchors.
- (c) Off-Street Parking. Each mobile home space shall have two off-street parking spaces.
- (d) Skirting. Each mobile home shall be skirted with fire-resistant material to enhance the appearance of the park and to prevent rodent harborage. The skirting shall be equipped with an inspection door at least twenty-four (24) inches wide to allow access to the underside of the home.
- (e) Tie Down Requirements. Every mobile home shall meet all Illinois Department of Public Health tie down requirements.

7-6.5 STREETS AND UTILITIES:

All streets and utilities (water, sewers, electricity, etc.) in any mobile home park shall conform to the requirements of the Washington County Subdivision Ordinance. All streets within a mobile home park shall be under private ownership and maintenance.

Section 7-7 SANITARY LANDFILLS

Any person who intends to establish or conduct a sanitary landfill within Washington County shall obtain a permit from the Illinois Environmental Protection Agency indicating that the sanitary landfill fully complies with the "Solid Waste Rules and Regulations" or other regulations promulgated by the IEPA pursuant to the authority granted by State law.

Section 7-8 SURFACE MINING

It shall be unlawful for any operator to engage in surface mining in Washington County until a permit has been properly obtained from the Illinois Department of Mines and Minerals and the operator has posted a performance bond in accordance with the provisions of applicable State Statutes and State regulations.

It shall be the policy of the County to take any lawful measure to prevent the issuance of a permit for any proposed surface mining operation involving:

- (a) prime agricultural land; or
- (b) land located within one thousand (1,000) feet of any significant existing development, especially residential development.

7-8.1 RECLAMATION PLANS:

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

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

Section 7-9 UNDERGROUND MINING

It shall be unlawful for any operator to engage in underground mining in Washington County until a permit has been properly obtained from the Illinois Department of Mines and Minerals.

7-9.1 SPECIFIC REQUIREMENTS:

The following requirements must be met as a condition for obtaining a special use permit for underground mining activities:

- (a) No open pit or shaft shall be less than five hundred (500) feet from an existing residence or Residence District established by this Ordinance; and
- (b) All buildings or structures for screening, crushing, washing, mixing, or storage shall be located not less than one thousand (1,000) feet from an existing residence or any Residence District established by this Ordinance.

Section 7-10 OIL DRILLING OPERATIONS

It shall be unlawful for any operator to engage in oil drilling operations in Washington County until a permit has been properly obtained from the Illinois Department of Mines and Minerals.

Oil wells and oil storage tanks shall conform to the setback requirements of the zoning district in which they are located.

Section 7-11 SCREENING

Any screening (see definition in Section 2-2) must conform to the front yard (any yard that abuts a street or road) setback requirements of the district in which it is located unless it is of a height or type that does not obstruct or physically interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct, or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.

Section 7-12 TELECOMMUNICATIONS TOWERS

7-12.1 AUTHORITY

Pursuant to 55 ILCS 5/5-12001.1, this Section shall apply to the facilities, as defined in 7-12.2 of this Ordinance, of a telecommunications carrier. The provisions of this Section shall not abridge any rights created by or authority confirmed in the federal "Telecommunications Act of 1996", P.L. 104-104

## 7-12.2 DEFINITIONS:

As used in this Section, unless the context otherwise requires:

**ANTENNA** means an antenna device by which radio signals are transmitted, received, or both;

**EQUIPMENT HOUSING** means a combination of one or more equipment building or enclosures housing equipment that operates in conjunction with the antennas of a facility, and the equipment itself.

**FAA** means the Federal Aviation Administration of the United States Department of Transportation;

**FACILITY** means that part of the signal distribution system used or operated by a telecommunications carrier under a license from the FCC consisting of a combination of improvements and equipment including (1) one or more antennas, (2) a supporting structure and the hardware by which antennas are attached, (3) equipment housing; and (4) ancillary equipment such as signal transmission cables and miscellaneous cables and miscellaneous hardware;

**FACILITY LOT** means the zoning lot on which a facility is or will be located;

**FCC** means the Federal Communications Commission;

**HEIGHT** of a facility means the total height of the facility's supporting structure and any antennas that will extend above the top of the supporting structure; however, if the supporting structure's foundation extends more than 3 feet above the uppermost ground level along the perimeter of the foundation, then each full foot in excess of 3 feet shall be counted as an additional foot of facility height. The height of a facility's supporting structure is to be measured from the highest point of the supporting structure's foundation;

**HORIZONTAL SEPARATION DISTANCE** means the distance measured from the center of the base of the facility's supporting structure to the nearest point on the common lot line between the facility lot and the nearest residentially zoned lot. If there is no common lot line, the measurement shall be made to the nearest point on the lot line of the nearest residentially zoned lot without deducting the width of any intervening right of way;

**PRINCIPAL RESIDENTIAL BUILDING** has its common meaning but shall not include any building under the same ownership as the land of the facility lot. "Principal Residential Building" shall not include any structure that is not designed for human habitation;

**QUALIFYING STRUCTURE** means a supporting structure that is (1) an existing structure, if the height of the facility, including the structure, is not more than 15 feet higher than the structure just before the facility is installed, or (2) a substantially similar, substantially same-location replacement of an existing structure, if the height of the facility, including the replacement structure, is not more than 15 feet higher than the height of the existing structure just before the facility is installed;

**SUPPORTING STRUCTURE** means a structure, whether an antenna tower or another type of structure, that supports one or more antennas as part of a facility;

**TELECOMMUNICATIONS CARRIER** means a telecommunications carrier as defined in the Public Utilities Act as of January 1, 1997;

7-12.3 LOCATING GUIDELINES

In choosing a location for a facility, a telecommunications carrier shall consider the following:

- (a) A non-residentially zoned lot that is not used for residential purposes is the most desirable location.
- (b) A residentially zoned lot that is not used for residential purposes is the second most desirable location.
- (c) A residentially zoned lot that is 2-acres or more in size and is used for residential purposes is the third most desirable location.
- (d) A residentially zoned lot that is less than 2-acres in size and is used for residential purposes is the least desirable location.

The size of the lot shall be the lot's gross area in square feet without deduction of any unbuildable or unusable land, any roadway, or any other easement.

7-12.4 DESIGN GUIDELINES

In designing a facility, a telecommunication carrier shall consider the following guidelines:

- (a) No building or tower that is part of a facility should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
- (b) Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries of the facility.
- (c) No facility should encroach onto an existing septic field.
- (d) Existing trees more than 3 inches in diameter should be preserved if reasonably feasible during construction. If any tree more than 3 inches or more in diameter is removed during construction a tree 3 inches or more in diameter of the same or a similar species shall be planted as a replacement if reasonable feasible. Tree diameter shall be measured at a point 3 feet above ground level.
- (e) If any elevation of a facility faces an existing, adjoining residential use within a residential zoning district, low maintenance landscaping should be provided on or near the facility lot to provide at least partial screening of the facility.
- (f) Fencing shall be installed around a facility.
- (g) Any building that is part of a facility located adjacent to a residentially zoned lot should be designed with exterior materials and colors that are reasonably compatible with the residential character of the area.

7-12.5 EXISTING FACILITIES

The following provisions shall apply to all facilities established before May 12, 2009 (the effective date of this Revised Zoning Ordinance):

- (a) Except as provided in this Section, no yard or set back regulations shall apply to or be required for a facility.

- (b) A facility may be located on the same zoning lot as one or more other structures or uses without violating any ordinance or regulation that prohibits or limits multiple structures, buildings, or uses on a zoning lot.
- (c) No minimum lot area, width, or depth shall be required for a facility, and unless the facility is to be manned on a regular, daily basis, no off-street parking spaces shall be required for a facility. If the facility is to be manned on a regular, daily basis, one off-street parking space shall be provided for each employee regularly at the facility. No loading facilities are required.
- (d) No portion of a facility's supporting structure or equipment housing shall be less than 15 feet from the front lot line of the facility lot or less than 10 feet from any other lot line.
- (e) No bulk regulation or lot coverage, building coverage, or floor area ratio limitations shall be applied to a facility or to any existing use or structure coincident with the establishment of a facility. Except as provided in this Section, no height limits or restrictions shall apply to a facility.
- (f) Review of a Certificate of Zoning Compliance application for a facility shall be completed within 30 days. If a decision of the County Board is required to permit the establishment of a facility, the County's review of the application shall be simultaneous with the process leading to the County Board's decision.
- (g) The improvements and equipment comprising the facility may be wholly or partly freestanding or wholly or partly attached to, enclosed in, or installed in or on a structure or structures.

#### 7-12.6 NEW FACILITIES

The following provisions shall apply to all facilities established after May 12, 2009 (the effective date of this Zoning Ordinance Revision):

- (a) A facility is permitted if its supporting structure is a qualifying structure or if both of the following conditions are met:
  - 1. The height of the facility shall not exceed 200 feet; and
  - 2. The horizontal separation distance to the nearest principal residential building shall not be less than the height of the supporting structure; except that if the supporting structure exceeds 99 feet in height, the horizontal separation distance to the nearest principal residential building shall be at least 100 feet or 80% of the height of the supporting structure, whichever is greater. Compliance with this paragraph shall only be evaluated as of the time that a Certificate of Zoning Compliance application is submitted. If the supporting structure is not an antenna tower this paragraph is satisfied.
- (b) Application and Review:
  - 1. Any application for a facility as defined in subsection 7-12.2 shall be made in writing to, and in the form as required by, the Zoning Administrator.

2. The date of filing such an application shall be the date that a full and complete application is received by the Zoning Administrator.
  3. Within 30 days from the date of filing of the application, the Zoning Administrator shall review said application to determine if the conditions of Subsection 7-12.6(a) are met. If those conditions are met, the Zoning Administrator shall issue a permit allowing the construction of the facility in conformance with the application;
  4. If the Zoning Administrator finds that the proposed facility does not meet the criteria of Subsection 7-12.6 he shall make written findings as to the respects that the proposed facility fails to meet those criteria.
- (c) Unless a facility is permitted under paragraph (a) of this Subsection, a facility can be established only after the County Board gives its approval for a Special Use following consideration of the provision of paragraph (b) of Subsection 7-12.7, but no other matters.

7-12.7 DECISIONS

- (a) The County Board action on an application for Special Use for a facility shall be in accordance with the following procedures:
1. A public hearing shall be conducted by the Zoning Board of Appeals. Notice of the hearing shall be published at least 15 days before the hearing in a newspaper of general circulation in the county.
  2. The hearing shall be conducted in accordance with the rules of procedure of the Washington County Zoning Board of Appeals. The Zoning Board of Appeals shall consider the matters in paragraph (b) of this Subsection, but no other matters.
  3. The Zoning Board of Appeals shall make written findings of fact as to the provisions of paragraph (b) of this sub-Section.
  4. At the conclusion of the hearing, the Zoning Board of Appeals shall, upon a majority vote of the members present, make a recommendation to the County Board as to whether the application for Special Use should be approved or denied.
  5. The County Board may give its approval to the application after the hearing by the Zoning Board of Appeals, but only by the favorable vote of a majority of the members present at a meeting held no later than 75 days after the submission of a complete application by the telecommunication carrier. If the County Board fails to act on the application within 75 days after its submission, the application shall be deemed to have been approved.
- (b) For purposes of paragraph (c) of Subsection 7-12.6 and paragraph (a) 2 of this Subsection, the following siting considerations, but no other matter, shall be considered by the Zoning Board of Appeals and County Board:
1. the criteria in subsection 7-12.3 of this Section;
  2. whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;

3. the benefits to be derived by the users of the services to be provided or enhanced by the facility, and whether public safety and emergency response capabilities would benefit by the establishment of the facility;
4. the existing uses on adjacent and nearby properties; and
5. the extent to which the design of the proposed facility reflects compliance with subsection 7-12.4 of this Section.

## SECTION 7-13 SIGNS

### 7-13-1. PURPOSE AND INTENT

The purpose of this article is to provide regulation and control of the location, size, content and placement of signs throughout the County in order to promote signs which are safe and compatible with their surroundings; promote the public health, safety, and welfare, and minimize the possible adverse effect of signs on nearby public and private property. After the effective date of this revised ordinance no signs shall be erected in the unincorporated areas of the County except in conformity with the requirements of this section.

### 7-13.2 SIGNS IN ALL DISTRICTS:

The following signs are allowed in all districts:

- (a) Temporary signs not exceeding 12 square feet in area advertising the sale or lease of real estate when located upon property to which the sign refers and when not located closer than 10 feet to a lot line which signs shall be removed upon sale or lease of property.
- (b) Temporary ground signs advertising future use or development of property on which such signs are located may be maintained subject to the provisions of this section, provided such signs do not exceed 30 square feet in area or remain longer than six months. "For Rent" and "For Lease" signs in commercial and industrial districts for new buildings shall not exceed 48 square feet or remain more than 90 days after the building is completed.
- (c) Church or public building signs.
- (d) Traffic or other signs permitted on public highway right-of-way by the public body having control of the highway.

### 7-13.3 SIGNS IN THE COMMERCIAL "C" AND INDUSTRIAL "I" DISTRICTS

In addition to those signs allowed under Section 7-13.1, in the "C" District and "I" Districts, there may be roof signs, wall signs, projecting signs, post signs, marquee signs and awning signs. The total square foot area of roof signs, wall signs, projecting signs, marquee signs and awning signs shall not exceed one-fifth (1/5) of the total square foot area of the face of the building on which they are placed. There shall not be more than one post sign for each 100 feet of street or road frontage. No post sign shall extend closer than ten (10) feet to a lot line. All portions of post signs must be erected and maintained behind the building line.

### 7-13.4 OFF-PREMISES ADVERTISING GROUND SIGNNS IN THE AGRICULTURAL DISTRICT:

In the "A" district and all Interchange districts, there may be, as a special use, ground signs, or Billboard signs, for off-premises advertising of not more than 1,600 square feet per face or a total of 3,200 square feet for all faces; and further provided that no sign may be placed within one mile of an R-1 District, and further provided that there shall be at least one and one-half miles distance between signs on the same side of any such public highway. All signs shall be securely anchored at least 10 feet distant from any property line and shall not be more than 40 feet in height. Because of the



special characteristics of the agricultural areas of the County and the special nature of these signs, these “special uses” require a case-by-case review, and may be allowed only by permission of the County Board by an ordinance issuing the special use permit.

**7-13.5 HOME OCCUPATION SIGNS**

Premises used for a home occupation may display only one name plate, and said name plate must be attached to a building on the premises. No other signs may be displayed. The maximum allowable total sign area for Home Occupation Signs in all districts shall be six (6) square feet.

**7-13.6 OTHER RESTRICTIONS ON SIGNS**

The following restrictions apply to all signs in any District:

- (a) No sign shall be located in such manner as to obstruct or physically interfere with the effectiveness of an official traffic sign, signal or device, or any motor vehicle operator’s view of approaching, merging or intersecting traffic.
- (b) No sign shall move in any manner
- (c) No sign shall have blinking or flashing lights
- (d) The light from any illuminated sign shall be shaded, shielded or directed so that light is not cast directly onto property of any Residential structure

## ARTICLE 8 - OFF-STREET PARKING

### Section 8-1 APPLICABILITY OF ARTICLE

Off-street parking shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Ordinance.

#### 8-1.1 EXISTING OFF-STREET PARKING:

- (a) Existing off-street parking located on the same lot as the use served shall not be reduced or if already less than, shall not be further reduced--below the requirements and standards for similar new structures or uses.
- (b) When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, off-street parking equivalent to any maintained at the time of such damage or destruction shall be restored, but additional off-street parking need not be provided.
- (c) Whenever the use of any structure or premises is intensified through addition of dwelling units, increased floor area, greater seating capacity, etc., additional off-street parking commensurate with such increases in use-intensity shall be provided.
- (d) Whenever the existing use of a structure is changed to a different use, off-street parking shall be provided as required herein for such new use.

### Section 8-2 PARKING LOT DESIGN STANDARDS

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

#### 8-2.1 SPACES:

Each required off-street parking space shall be at least ten (10) feet wide and twenty (20) feet long. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.

#### 8-2.2 INTERIOR AISLES:

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

#### 8-2.3 ACCESS WAYS:

- (a) Parking lots shall be designed so that ingress to or egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.
- (b) No access way to any parking area shall be located within thirty (30) feet of any corner formed by the intersection of the rights-of-way of two or more streets. At intersections where traffic control devices are installed, the Administrator may increase this requirement as necessary to prevent hazards.

- (c) Parking area access ways and public streets shall be aligned to form--as closely as feasible--right angles.
- (d) The access way to every parking lot located in the Commercial or Industrial District shall be at least twenty-four (24) feet wide unless two one-way drives, each twelve (12) feet wide, are provided.

8-2.4 SURFACING:

Parking lots shall be graded and improved with crushed rock at least four (4) inches thick, treated with a dust palliative approved by the Administrator.

Section 8-3 LOCATION OF OFF-STREET PARKING

All off-street parking shall be located in conformity with the following requirements:

- (a) For Dwellings. Parking spaces accessory to dwellings shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards. Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved to allow another vehicle to enter/exit the parking area.
- (b) For Commercial/Industrial Uses.
  - 1. Every off-street parking space accessory to any commercial or industrial use shall be located within five hundred (500) feet of the use served; provided, that no portion of any parking lot for non-residential uses shall extend into any residential district or into the Agricultural District except by written permission of the Administrator.
  - 2. In the Commercial or Industrial District, off-street parking facilities for different buildings or uses may be provided collectively; but only if the total number of spaces so located together is not less than the sum of the separate requirements (if any) for each use, and only if all other pertinent regulations are observed.

Section 8-4 COMPUTATION OF REQUIRED PARKING SPACES

In computing the number of parking spaces required by this Ordinance, the Administrator shall apply the following rules:

- (a) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. "Employee parking" means "one parking space shall be required per one and one-half (1½) employees," unless otherwise stated.
- (b) In computing parking space requirements on the basis of building floor area, the gross floor area shall be used.
- (c) Whenever it is necessary to translate gross parking lot area into number of parking spaces, three hundred fifty (350) square feet of gross area shall be deemed one parking space.

- (d) If computation of the number of parking spaces required by this Ordinance results in a fractional space, any fraction of one-half ( $\frac{1}{2}$ ) or more shall be counted as one space.
- (e) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking spaces shall be counted as part of the off-street parking spaces required for another structure or use.

Section 8-5 DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES

If provided, all off-street loading facilities shall conform to the minimum standards indicated below:

- (a) **Size of Space.** Every off-street loading space shall be at least twelve (12) feet wide and sufficiently long to accommodate the type of-vehicle expected to use the space. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.
- (b) **Access Way.** Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least twelve (12) feet wide.
- (c) **Surfacing.** Every off-street loading area shall be improved with a compacted stone base at least seven (7) inches thick.

Section 8-6 NUMBER OF PARKING SPACES REQUIRED

Off-street parking spaces shall be provided as indicated in the table on the following page. For any use that is not listed in the table, the same number of parking spaces shall be provided as is required for the most similar listed use. The Administrator shall make the determination of similarity.

8-6.1 USES AND SPACES REQUIRED (CHART)

USE	PARKING SPACES REQUIRED
<b><u>Dwelling and Lodges</u></b>	
Hotels, motels, boarding houses, lodges	1 space per lodging unit, plus employee parking
Mobile homes (including those in mobile home parks)	2 spaces per mobile home
Multiple-family dwellings 1 Bedroom or less 2 or more Bedrooms	1.5 spaces per dwelling unit 2 spaces per dwelling unit
<b><u>Educational, Institutional, Recreational</u></b>	
Churches	1 space per 4 seats in the largest seating area
Hospitals	1 space per 2 beds, plus employee parking
Libraries, Museums	1 space per 500 sq. ft. of floor area
Nursing Homes	1 space per 5 beds
Schools Elementary, middle, junior high school  Senior High School	1 space for every 20 students that building is designed to accommodate, plus employee parking  1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater.
<b><u>Commercial, Office, Service</u></b>	
All commercial, service or office uses, unless specifically indicated below	1 space per 300 sq. ft. of floor area
Banks, Savings and Loans  Walk-in facility Drive-up facility	1 space per 300 sq. ft. of floor area, plus employee parking 5 spaces per teller window
Beauty and Barber Shops	2 spaces per chair, plus employee parking
Furniture and Appliance Stores	1 space per 600 sq. ft. of floor area
Home Occupations	1 space per 150 sq. ft. of floor area devoted to the home occupation in addition to parking requirements for the dwelling
Offices, Medical/Dental	1 space per 200 sq. ft. of floor area or 3 spaces per professional, whichever is greater
Mortuaries	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room
Restaurants, refreshment stands  Sit-Down Drive-In	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater 1 space per 25 sq. ft. of building floor area
Service Stations	2 spaces per service stall plus employee parking
Taverns	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater
Theaters	1 space per 4 seats in the largest seating area
Vehicle sales (autos, boats, RV's, trailers, etc.)	1 space per 600 sq. ft. of enclosed floor area, plus 1 space per 2,500 sq. ft. of open lot area.

## ARTICLE 9 - NONCONFORMITIES

### Section 9-1 PURPOSE OF ARTICLE

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

### Section 9-2 NONCONFORMING LOTS

Any vacant lot that does not conform to one or more of the lot size (area, dimensions) requirements of the district in which it is located may be developed for any use permitted in that district, provided such vacant lot:

- (a) was recorded in the Washington County Recorder of Deeds office prior to the effective date of this Ordinance (or any pertinent amendment thereto), and
- (b) is at least thirty (30) feet wide; and
- (c) no health hazards will be created by such use.

#### 9-2.1 TWO OR MORE LOTS IN COMMON OWNERSHIP:

If two or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Ordinance, and if one or more of those lots does not meet the minimum lot width, depth, and area requirements of the district in which it is located, the land involved shall be considered an individual parcel. No portion of any such parcel shall be developed except in compliance with this Ordinance, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Ordinance.

### Section 9-3 NONCONFORMING STRUCTURES

Any otherwise lawful structure which exists on the effective date of this Ordinance but which could not be erected under the terms of this Ordinance because of requirements/restrictions on lot size, height, setbacks, or other characteristics of the structure or its location on the lot may lawfully remain, subject to the following provisions. Nonconforming dwelling units are not subject to the following provisions, and may lawfully remain.

- (a) Enlargement, Alterations. No such structure shall be enlarged or altered in any way which increases its nonconformity.
- (b) Relocation. No such structure shall be relocated unless, after relocation, it will conform to all the regulations of the district in which it is located.

- (c) Reconstruction. No such structure which is destroyed or damaged by any means shall be reconstructed if the Administrator determines that the cost of such reconstruction exceeds fifty percent (50%) of the structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the Administrator determines the estimated cost of reconstruction is less than fifty percent (50%) of the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided such work starts within six (6) months from the date the damage occurred and is diligently pursued to completion.

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

#### Section 9-4 NONCONFORMING USES

Any otherwise lawful use existing on the effective date of this Ordinance which would not be allowed under the terms of this Ordinance may lawfully continue subject to the following provisions. Dwelling units are not subject to the following provisions, and may lawfully remain.

- (a) Maintenance. Any structure housing a nonconforming use may be maintained through ordinary repairs.
- (b) Expansion of Use. No nonconforming use shall be expanded so as to occupy a larger portion of the structure or lot than was occupied on the effective date of this Ordinance.
- (c) Change of Use. A nonconforming use shall not be changed except to a use permitted under the applicable district regulations.
- (d) Relocation. No nonconforming use shall be moved, in whole or in part, unless such use, upon relocation, will conform to all pertinent regulations of the district in which it is proposed to be located.
- (e) Discontinuance of Use. When a nonconforming use is discontinued for twelve (12) consecutive months or for thirty (30) months during any three-year period, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

#### Section 9-5 NONCONFORMITIES UNDER PERMIT AUTHORITY

The regulations of this Article shall not affect the terms of any permit issued prior to the effective date of this Ordinance or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

## ARTICLE 10 - SPECIAL PROCEDURES AND PERMITS

### Section 10-1 BOARD OF APPEALS ESTABLISHED

The Zoning Board of Appeals of Washington County is hereby re-established and continued in accordance with Illinois law. (55 ILCS 5/5-12001.)

#### 10-1.1 MEMBERSHIP, CHAIRMAN, RESIDENCY:

The Board of Appeals shall consist of seven(7) members appointed by the County Board Chairman with the advice and consent of the County Board. At the time of his appointment, one Board of Appeals member shall be named as chairman by the County Board Chairman; if the chairman's office becomes vacant, the County Board Chairman shall designate a new chairman. All members of the Board of Appeals shall be residents of Washington County. Failure to maintain residency in Washington County shall be cause for removal from the Board.

#### 10-1.2 TERM OF OFFICE, VACANCIES:

Each member of the Board of Appeals shall hold office for five (5) years from the date of his appointment, and until his successor has been selected and qualified; provided, however, that the initial appointees to the Board of Appeals shall serve respectively for the following terms; one for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years. The County Board may remove any member of the Board of Appeals for cause, after a public hearing. Vacancies on the Board of Appeals shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of new member.

#### 10-1.3 COMPENSATION:

Each member of the Board of Appeals shall be compensated for his services on a per diem basis with a mileage allowance for travel. The amount of said compensation shall be determined by the County Board, and shall be paid out of the County treasury.

#### 10-1.4 MEETINGS, QUORUM:

All meetings of the Board of Appeals shall be held at the call of the chairman and at such times and places within the County as the Board of Appeals may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. ~~Five (5)~~ Four (4) members of a seven (7) member Board of Appeals shall constitute a quorum; and the affirmative vote of a ~~five (5)~~ four (4) of the seven (7) members shall be necessary to authorize any action of the Board of Appeals. (Amended 01/08/2013, Ordinance # 013-01)

#### 10-1.5 RECORDS:

The Board of Appeals shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order, or decision of the Board of Appeals shall be filed in the Washington County Zoning Office, and shall be a public record.



10-1.6 LIMITATION ON AUTHORITY:

1. Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change the Zoning Ordinance or the Districts Map: such authority is reserved to the County Board.
2. Neither the Zoning Administrator nor the Zoning Board of Appeals shall exercise their powers so as to:
  - a) Deprive an owner of a parcel of its use or maintenance for the purpose to which it was lawfully devoted at the time of the enactment of this Ordinance, or subsequent amendments or revisions thereto;
  - b) Impose regulations or require additional permits for Bona Fide Agricultural Uses.

10-1.7 RULES OF PROCEDURE GOVERNING PUBLIC HEARINGS

- (a) All public hearings of the Zoning Board of Appeals shall be subject to the Illinois Open Meetings Act (5 ILCS 120/)
- (b) The Chairman may impose reasonable limitations on evidence or testimony presented by persons and parties, such as time limits and barring repetitious, irrelevant, or immaterial testimony. Time limits, if imposed, shall be fair, and equally administered. The Board of Appeals shall not be bound by strict rules of evidence; however, irrelevant, immaterial, or unduly repetitious evidence shall not be admissible. The Chairman may impose reasonable conditions on the hearing process based on the following factors:
  - 1) The complexity of the issue.
  - 2) Whether the witness possesses special expertise.
  - 3) Whether the testimony reflects a matter of taste or personal opinion or concerns a disputed issue of fact.
  - 4) The degree to which the witness's testimony relates to the factors to be considered in approving or denying the proposal
  - 5) Such other factors appropriate for the hearing
- (c) The Chairman may take such actions as are required to maintain an orderly and civil hearing.
- (d) Proof of lawful notice shall be introduced into evidence before the Board of Appeals.
- (e) A record of proceedings shall be made as directed by the Board of Appeals.
- (f) In addition to the Applicant, any person may appear and participate at the hearing.
- (g) The County of Washington shall be a party in every proceeding, and need not appear.
- (h) In addition to the Applicant, any person may appear and participate at the hearing.
- (i) People participating shall identify themselves for the record, either orally or in writing, and indicate if an attorney represents them. Any person participating, other than the Applicant, shall be referred to in these rules as Interested Person.

- (j) The examination of a witness shall not be used by the questioner to offer testimony or evidence of the questioner.
- (k) All persons offering testimony at a public hearing shall testify under oath. An attorney shall be sworn if he or she offers testimony but not if her or she is questioning witnesses, summarizing testimony of witnesses, or addressing the Board of Appeals.
- (l) The order of presentation of evidence at a public hearing shall generally be as follows, but may be modified as determined by the Chairman:
  - 1) Identification of Applicant and Interested Persons
  - 2) Submittal of Proof of Notice
  - 3) Testimony and other evidence by Applicant
  - 4) Board of Appeals examination of Applicant's witnesses and other evidence
  - 5) Cross-examination of Applicant's witnesses and other evidence by Interested Persons
  - 6) Testimony and other evidence by Interested Persons
  - 7) Board of Appeals examination of Interested Persons' witnesses and other evidence.
  - 8) Cross-examination by Applicant of Interested Persons' witnesses and other evidence.
  - 9) In some cases re-examination may be allowed.
  - 10) Report by Zoning Administrator, if any.
  - 11) Summary/Closing by Applicant
  - 12) Summary/Closing by Interested Persons
  - 13) Rebuttal/Closing by Applicant
- (m) At the conclusion of an evidentiary portion of the public hearing, the Board of Appeals, among other actions, may move to deliberate its decision on the evidence presented, or continue the hearing to a date, time, and location certain.
- (n) A written decision shall be prepared which shall include findings of fact and the Zoning Board of Appeals' recommendation or decision based upon the record.
- (o) These Rules for Public Hearing may be amended by a vote of a majority of the Zoning Board of Appeals.

#### Section 10-2 SPECIAL USE PERMITS

This Ordinance divides the County into various districts, and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation, and other factors. Such "special uses" require careful case-by-case review, and may be allowed only by permission of the County Board.

##### 10-2.1 APPLICATION:

Every applicant for special use permit shall submit to the Administrator, in narrative or graphic form, the items of information enumerated below. (Every special use permit application shall also be filed with the Soil and Water Conservation District as per State law [\(70 ILCS 405/22.02a\)](#) and; if the land in question is within one and one-half (1½) mile of a municipality, with the Clerk of that municipality.) The Administrator shall promptly transmit the completed application, and any comments or recommendation he might wish to make, to the Board of Appeals. (Note: Filing fee required.)

Items of Information:

- (a) name and address of the applicant;
- (b) name and address of the owner or operator of the proposed structure or use, if different from paragraph 10-2.1(a);
- (c) nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (d) location of the proposed use or structure, and its relationship to existing adjacent uses or structures;
- (e) area and dimensions of the site for the proposed structure or uses;
- (f) existing topography of the site (USGS ten-foot contour data is acceptable), and proposed finished grade;
- (g) existing and proposed screening, landscaping, and erosion control on the site, including the parking area;
- (h) height and setbacks of the proposed structures;
- (i) number and size of proposed dwelling units, if any;
- (j) documentation of age and pictures to show proof of condition of proposed mobile home;
- (k) number and location of proposed parking and loading spaces and access ways;
- (l) identification and location of all existing or proposed utilities, whether public or private; and
- (m) any other pertinent information that the Administrator may require.

10-2.2 PUBLIC HEARING NOTICE:

The Board of Appeals shall hold a public hearing on every special use permit application within a reasonable time after said application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed special use shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

- (a) by first class mail to the applicant and to all parties whose property is adjacent to the property for which the special use permit is sought; and
- (b) by publication in a newspaper of general circulation within the County

10-2.3 ADVISORY REPORT, FACTORS CONSIDERED:

Within a reasonable time after the public hearing, the Board of Appeals shall submit their advisory report to the County Board. In deciding what their advice should be, the Board of Appeals shall consider the following factors:

- (a) whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;
- (b) the effect the proposed special use would have on the value of neighboring property and on the county's overall tax base;
- (c) whether there are any facilities near the proposed special use (such as schools or hospitals) that require special protection.

10-2.4 ACTION BY COUNTY BOARD:

The County Board shall act on every request for a special use permit at their next regularly scheduled meeting following submission of the Board of Appeals' advisory report. The County Board may grant a special use permit by an ordinance passed by a simple majority vote of all members then holding office.

10-2.5 LIMITATION ON SPECIAL USE PERMITS:

- (a) The Zoning Board of Appeals may recommend to the County Board, and the County Board may stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use permit as are deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein.
- (b) The Zoning Board of Appeals may recommend, and the County Board may require, such evidence and guarantees as may be deemed necessary to ensure that the conditions stipulated are being, and will continue to be, fully complied with.
- (c) Unless the County Board otherwise states with respect to a particular application, **special uses do not run with the land** and are granted only to the applicant for the stated purpose and with the conditions imposed by the County Board.
- (d) Upon a public hearing, a special use permit may be revoked by the County Board as follows:
  - 1. For a violation of the codes and ordinances of Washington County including but not limited to the zoning ordinance.
  - 2. For a violation of the district regulations.
  - 3. For a violation of or non-compliance with the conditions, limitation, or requirements contained in the special use permit or in these regulations.

Section 10-3 APPEALS

Any person aggrieved by any decision or order of the Administrator in any matter related to the interpretation or enforcement of any provision of this Ordinance may appeal to the Zoning Board of Appeals. Every such appeal shall be made and treated in accordance with Illinois law (55 ILCS 5/5-12001) and the provisions of this section.

10-3.1 FILING, RECORD TRANSMITTAL:

Every appeal shall be made within forty-five (45) days of the matter complained of by filing with the Administrator and the Board of Appeals a written notice specifying the grounds for appeal. (Every

appeal shall also be filed with the Soil and Water Conservation District as per State law (70 ILCS 405/22.02a) and, if the land in question is within one and one-half (1½) miles of a municipality, with the Clerk of that municipality.) Not more than five (5) working days after the notice of appeal has been filed, the Administrator shall transmit to the Board of Appeals all records pertinent to the case. (Note: Filing fee required.)

10-3.2 STAY OF FURTHER PROCEEDINGS:

An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Board of Appeals, after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Board of Appeals or the circuit court grants a restraining order for due cause, and so notifies the Administrator.

10-3.3 PUBLIC HEARING, NOTICE:

The Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing any interested party (including any school district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath. Notice indicating the time, date, and place of the hearing and briefly describing the issue to be decided shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

- (a) by first class mail to the petitioner and to all parties whose property is adjacent to the premises to which the appeal pertains; and
- (b) by publication in a newspaper of general circulation within the County.

10-3.4 DECISION BY BOARD OF APPEALS:

The Board of Appeals shall render a decision on the appeal within a reasonable time after the hearing. The Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from to the extent and in the manner that they deem appropriate. In so doing, the Board of Appeals has all the powers of the Administrator.

Section 10-4 VARIANCES

A variance is a relaxation of the requirements of this Ordinance that are applicable to a particular lot, structure, or use. Every request for a variance shall be treated in accordance with Illinois law (55 ILCS 5/5-12001) and the provisions of this section.

10-4.1 APPLICATION:

Every application for a variance shall be filed with the Administrator on a prescribed form. (Every variance application shall also be filed with the Soil and Water Conservation District as per State law (70 ILCS 405/22.02a) and, if the land in question is located within one and one-half (1½) miles of a municipality, with the Clerk of that municipality.) The Administrator shall promptly transmit said application to the Board of Appeals together with any recommendation or comments he may wish to make. The application shall contain sufficient information to allow the Board to make an informed decision, and shall include, at a minimum, the following: (Note: Filing fee required.)

- (a) name and address of the applicant;
- (b) location of the lot, structure, or use for which the variance is sought;

- (c) relationship of said lot, structure, or use to adjacent lot, structures, or uses;
- (d) specific section(s) of this Ordinance containing the regulations which, if strictly applied, would cause a serious problem; and
- (e) any other pertinent information that the Administrator may require.

10-4.2 PUBLIC HEARING, NOTICE:

The Board of Appeals shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to them. At the hearing any interested party (including any school district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath. Notice of the hearing shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

- (a) by first class mail to the applicant and to all parties whose property is adjacent to the property for which the variance is sought; and
- (b) by publication in a newspaper of general circulation within the county.

10-4.3 CONTENTS OF NOTICE:

The notice of a public hearing on a variance request shall include the following information:

- (a) date, time, and place of said hearing;
- (b) name and address of the applicant;
- (c) the particular location of the real estate for which the variation is requested by legal description and street address, and if no street address then by locating such real estate with reference to any well-known landmark, road, or intersection;
- (d) whether or not the applicant is acting for himself or in the capacity of agent or representative of a principal, and stating the name and address of the true principal;
- (e) whether the applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of twenty percent (20%) of all outstanding stock of such corporation;
- (f) whether the applicant, or his principal if other than the applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true owners of such business or entity;
- (g) whether the applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint ventures, syndicate members or members of the unincorporated voluntary association; and
- (h) a brief statement describing the proposed variance.

10-4.4 STANDARDS FOR VARIANCES:

The Board of Appeals shall not grant any variance unless, based upon the evidence presented to them, they determine that:

- (a) the proposed variance is consistent with the general purposes of this Ordinance (See Section 1-1); and
- (b) strict application of the district requirements would result in great practical difficulties or hardship to the applicant, and prevent a reasonable return on the property; and
- (c) the proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship, and allow a reasonable return on the property; and
- (d) the plight of the applicant is due to circumstances not of his own making; and
- (e) the circumstances engendering the variance request are peculiar and not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and
- (f) the variance, if granted, will not alter the essential character of the area where the premises in question are located nor materially frustrate implementation of the County Comprehensive Plan.

10-4.5 TERMS OF RELIEF, FINDINGS OF FACT:

The Board of Appeals shall render a decision on every variance request within a reasonable time after the public hearing. They shall specify the terms of relief granted (if any) in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Board of Appeals' reasons for granting or denying any requested variance.

Section 10-5 REZONINGS AND TEXT AMENDMENTS

The County Board may amend this Ordinance in accordance with State law (55 ILCS 5/5-12001) and the provisions of this section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the County Board, the Administrator, the Board of Appeals, the County Planning Commission, or any party in interest.

10-5.1 FILING:

Every proposal to amend this Ordinance shall be filed with the Administrator on a prescribed form, and shall include such information as the Administrator considers necessary to allow the County Board to make an informed decision. The person proposing an amendment shall also file a copy of his proposal with the Soil and Water Conservation District (70 ILCS 405/22.02.a) and, if the land in question is located within one and one-half (1½) miles of a municipality, with the Clerk of that municipality. The Administrator shall promptly transmit copies of the proposal, together with any comments or recommendation he may wish to make, to the Board of Appeals. (Note: Filing fee required.)

10-5.2 PUBLIC HEARING, LOCATION:

The Board of Appeals shall hold a public hearing on every amendment proposal within a reasonable time after said proposal has been submitted to them. Said hearing shall be held at the County Courthouse. At the hearing any interested party (including any school district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath.

10-5.3 NOTICE OF PUBLIC HEARING:

Notice indicating the time, date, and place of the public hearing, and the nature of the proposed amendment shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

- (a) by first class mail to the applicant and to all parties whose property is adjacent to the property that would be rezoned (in the case of rezoning); and
- (b) by publication in a newspaper of general circulation within the County.

10-5.4 ADVISORY REPORT:

Within a reasonable time after the public hearing, the Board of Appeals shall submit an advisory report to the County Board. Said advisory report shall include a recommendation regarding adoption of the proposed amendment, and the reasons therefore. If the proposed amendment involves a rezoning, the advisory report shall include findings of fact concerning each of the following matters:

- (a) existing use(s) and zoning of the property in question;
- (b) existing use(s) and zoning of other lots in the vicinity of the property in question;
- (c) suitability of the property in question for uses already permitted under existing regulations;
- (d) suitability of the property in question for the proposed use and based upon the current Washington County Land Evaluation and Site Assessment (LESA) system;
- (e) suitability of the property in question for the proposed use noting the proximity of livestock operations;
- (f) the trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last rezoned; and
- (g) the effect the proposed rezoning would have on implementation of the County Comprehensive Plan.

10-5.5 ACTION BY COUNTY BOARD:

The County Board shall act on every proposed amendment at their next regularly scheduled meeting following submission of the aforementioned advisory reports. The County Board may pass any proposed amendment by simple majority vote except as indicated below.

EXCEPTIONS: The favorable vote of at least three-fourths of all the members of the County Board is required to pass an amendment to this Ordinance in the following instances:

- (a) in the case of a written protest against a proposed amendment, filed with the County Clerk, and signed or acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered; or
- (b) in the case of a written protest against a proposed amendment, when the proposed amendment is of an initiated parcel number change of an original parcel number, filed with the County Clerk and signed by the owners of twenty percent (20%) of the frontage of the original parcel proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley from the original parcel number, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage of the original parcel number proposed to be altered;



- (c) in the case of a written protest against a proposed amendment that affects land located within one and one-half (1½) miles of the limits of a zoned municipality, provided that said written protest is:
  - 1. submitted by the particular zoned municipality with limits nearest adjacent to the affected property; and
  - 2. signed and acknowledged by the City Council or by the President and Board of Trustees of said municipality; and
  - 3. filed with the County Clerk.

Section 10-6 TEMPORARY USES

The Zoning Administrator may issue a permit for a temporary use provided it meets the requirements of this Section. The permit shall be issued for a specified period of time and may contain health, safety, traffic, and other restrictions, and may require such assurances or guarantees of compliance with conditions as is reasonable and appropriate under the circumstances. A fee may be assessed for the issuance of a temporary use permit.

10-6.1. TEMPORARY USES PERMITTED:

- (a) Temporary Shelter: The temporary use, for a time period of more than 3 weeks, of a building, structure (including impermanent structures), or use of land that does not conform to the regulations prescribed elsewhere in this Ordinance for the zoning district in which it is located. The permit shall be issued for a specific period of time not exceeding six (6) months, but may be renewed or extended by the Zoning Administrator upon application and adequate evidence of need.
- (b) When a natural disaster renders any residence unfit for habitation, the temporary use of a travel trailer or recreational vehicle located on the parcel is permitted during the rehabilitation or construction of a new residence. The temporary shelter shall be removed from the parcel after a final certificate of zoning compliance has been issued following construction of a new residence.
- (c) Amusement Activities including the operation or conducting of an amusement activity on a temporary basis within any zoning district. The Zoning Administrator may request a report be submitted with respect to any public health aspect of the proposal and with respect to any traffic or public safety aspect of the proposal if appropriate. The permit shall be issued for a specific period of time not exceeding ten (10) days, with the exception of certain special seasonal/holiday activities at the Zoning Administrator's discretion for which the permit shall be issued for a specific period not exceeding sixty (60) days. The permit shall contain such conditions as are necessary for protection of public health and safety, or the regulation of traffic, and the Zoning Administrator may require such assurance of guarantee of compliance with conditions as is reasonable and appropriate under the circumstances.
- (d) This permit is in addition to any zoning certificate, air pollution device, construction or operating permit or other license required by law for any proposed activity or facility. No more than two (2) temporary amusement activity permits shall be issued in any calendar year with regard to any particular private property; however this limitation shall not apply to public property, nor to property not held for private or corporate profit and used exclusively for religious worship, for schools and colleges, or for purposes purely charitable.

- (e) Contractor's Offices and Construction Equipment Sheds are permitted upon the issuance of a temporary use permit in any district where the use is accessory to a construction project. No contractor's office or equipment shed shall contain sleeping or cooking accommodation, except as necessary to accommodate security personnel. Any contractor's office shall be removed upon completion of the construction project.
- (f) Inoperable vehicles where the owner is engaged, on a continuing and on-going basis, in the restoration of such vehicle to an operable condition. A maximum of 1 permit each can be issued for 3 separate project cars per owner's parcel.

10-6.2. TEMPORARY USES PROHIBITED:

- (a) A temporary use permit shall not be issued for the intended, on-going and extended human habitation of an impermanent structure.
- (b) A temporary use permit shall not be issued to a person utilizing a travel trailer or other recreational vehicle for use as living quarters unless that individual has a permanent residence elsewhere.

Attachment A

SCHEDULE OF FILING FEES

	<u>Filing Fee</u>	<u>Publication Cost</u>
Zoning Certificate of Compliance	<i>\$100.00</i>	
Special Use Permit	<i>\$100.00</i>	<i>\$25.00</i>
Zoning Map Amendment	<i>\$100.00</i>	<i>\$25.00</i>
Appeal	<i>\$100.00</i>	<i>\$25.00</i>
Variance	<i>\$100.00</i>	<i>\$25.00</i>
Late Filing	\$50.00	

Cost of Zoning Book

*(Application fees Revised by Ordinance 8/8/2000)*

<u>Building Type</u>	<u>Filing Fee</u>
Buildings or structures to be used for agricultural purposes as defined by Section 3-31 of the Washington County Zoning Ordinance	No Fee (\$0.00)
Construction costs of \$1.00 through \$2,000 for Buildings or structures requiring an application for an Initial Certificate of Compliance as specified in Section 8-2 of the Washington County Zoning Ordinance.	No Fee (\$0.00)
Construction costs above \$2,000 for buildings or structures requiring an application for an Initial Certificate of Compliance as specified in Section 8-2 of the Washington County Zoning Ordinance	\$35.00

**APPENDIX**

**WASHINGTON COUNTY, ILLINOIS  
ZONING OFFICE**

Return to: ZONINGADMINISTRATOR 125 W. St. Louis Street, Nashville IL 62223  
Phone: 327-4800, ext. 345 Fax: 618-327-3692 E-mail: [wczoning@cbnstl.com](mailto:wczoning@cbnstl.com)

**APPLICATION FOR  
SPECIAL USE PERMIT**  
ZONING BOARD OF APPEALS

Submit with \$125 fee payable to the Washington County Treasurer by the 1<sup>st</sup> Thursday of the month

(Do not write in this space—for office use only)

Date set for hearing: _____	Special Permit Application. # _____
Notice published on: _____	Permanent Parcel # (s) _____
Newspaper(s): _____	Zone District Classification: _____
_____	Fee Paid: \$ _____ Pub. Cost Pd. \$ _____
PUD Advisory Report from Planning Commission dated: _____	
Recommendation of Zoning Board of Appeals dated _____	Date Filed: _____
<input type="checkbox"/> Deny	<input type="checkbox"/> Denied
<input type="checkbox"/> Approve	<input type="checkbox"/> Approved
<input type="checkbox"/> Approve with modification	<input type="checkbox"/> Approved with modification
	Permit Issued _____

**INSTRUCTIONS TO APPLICANTS:**

A Special Use Permit allows developments listed in Article 5 of the Revised Zoning Ordinance which have been designated 'special uses'. Some uses may require a Special Use Permit even though they are not listed under 'special uses'. These may be Planned Unit Development (PUD), public service uses, and other uses which, although generally considered desirable or compatible with other uses in the zoning district in which they may be permitted, require special review. This review is performed by the Zoning Board of Appeals at a public hearing. For PUD's, an Advisory Report from the Washington County Planning Commission is required prior to the scheduling of a public hearing by the Zoning Board of Appeals.

A notice of the hearing must be published in a newspaper of general circulation in the local area at least 15 days prior to the hearing date. The Zoning Administrator must notify adjoining land owners by letter concerning the proposed special use. The applicant and/or his or her duly-authorized agent **must appear at the hearing** and present his/her case to the Zoning Board of Appeals. Following the hearing the Zoning Board of Appeals will forward their Advisory Report and recommendation to the County Board for final action.

The applicant should be able to show, by a site plan and documentary evidence, that the proposed development will be in harmony with the general purpose and intent of the Revised Zoning Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

All information requested below, a site plan as described on the attached sheet, existing topography or the property and proposed finished grade, and a development schedule providing reasonable guarantee for the completion of the construction must be provided before a hearing will be scheduled. Applicants are encouraged to visit the Office of the Zoning Administrator for any assistance in completing this application.

Date: \_\_\_\_\_

1. Name of Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

2. Property Interest of Applicant:

( ) Owner ( ) Contract Purchaser ( ) Lessee ( ) Other \_\_\_\_\_

3. Name of Owner(s) (If other than applicant): \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

4. Location of Property:

Address (if one exists): \_\_\_\_\_

Legal Description: \_\_\_\_\_  
\_\_\_\_\_

5. Property ( ) is ( ) is not within 1 ½ miles of the corporate limits of any municipality. If yes, name that municipality: \_\_\_\_\_

6. Present Use of Property: \_\_\_\_\_

7. Type of Development for which Special Use is requested: [Note: Applications for Special Use Permit for Planned Unit Development (PUD) must be accompanied by the Advisory Report of the Washington County Planning Commission as provided for in Section 6-2 and 6-3 of the Revised Zoning Ordinance.]

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

8. *I certify that all of the above statements, and statements contained in any papers or plans submitted herewith, are true and accurate. I consent to the entry in or upon the premises described in this application by any authorized officials of Washington County for the purpose of inspecting, or of posting, maintaining, and removing such Notices as may be required by law.*

Date: \_\_\_\_\_ Applicant: \_\_\_\_\_

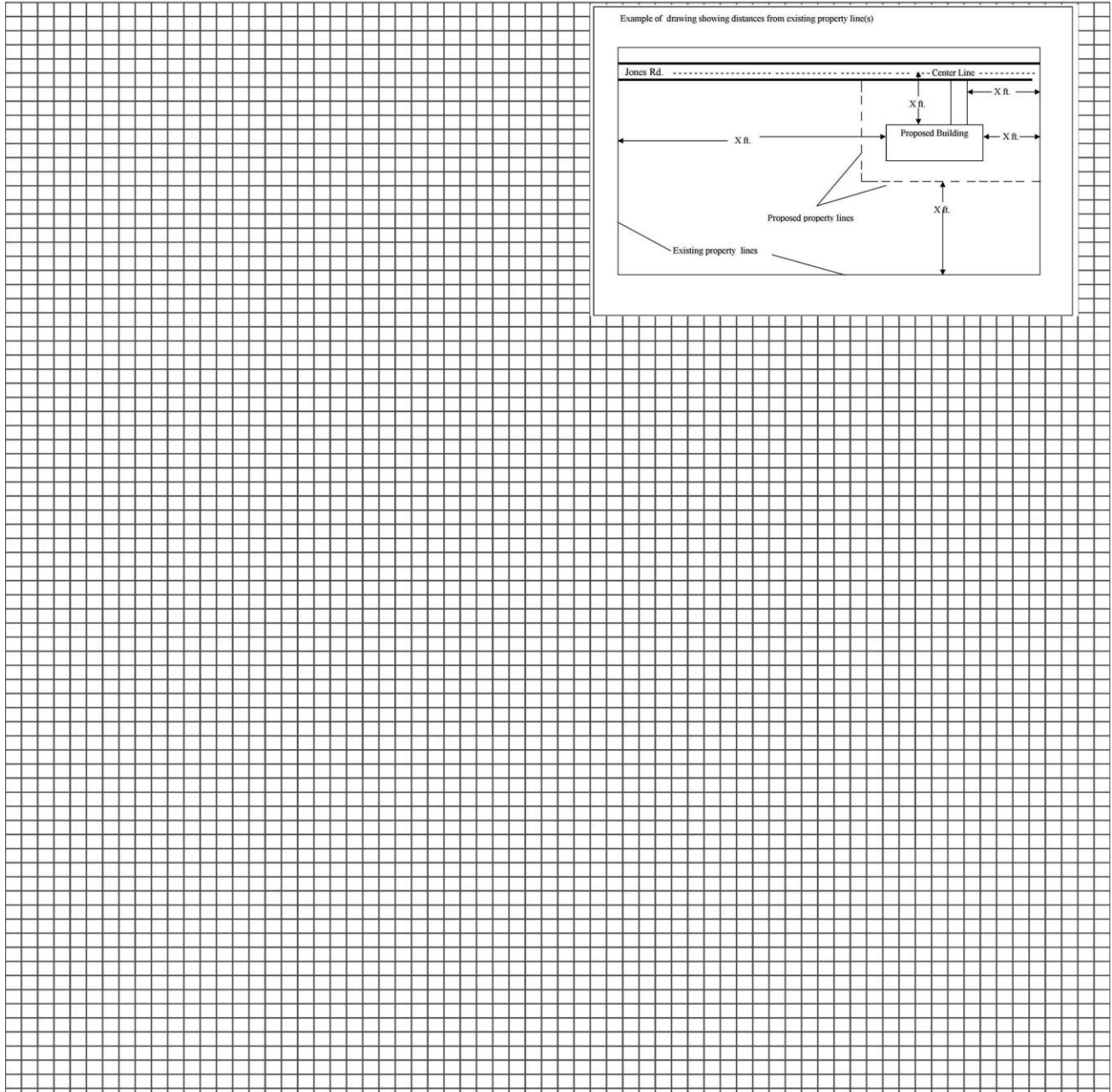
Date: \_\_\_\_\_ Owner: \_\_\_\_\_  
(If other than applicant)

## SITE PLAN

A site plan must be attached, or drawn below, at a scale large enough for clarity, and must show the following information:

- A. Indicate existing and proposed structure
- B. Location and dimensions of: Lot, buildings, driveways and address, distance to the address of nearest neighbor, (when determining new '911' addresses)
- C. Distance between: Building and the front, side, and rear lot lines; distance between buildings
- D. Location of: Signs, easements, underground utilities, septic tanks, septic fields, water wells, screening, landscaping, etc.
- E. Any additional information as may reasonably be required by the Zoning Administrator and applicable section of the Zoning Ordinance.

*NORTH*



*SOUTH*

**WASHINGTON COUNTY, ILLINOIS  
ZONING OFFICE**

RETURN TO: ZONING ADMINISTRATOR 125 W. St. Louis Street, Nashville IL 62223  
Phone: 327-4800, ext. 345 Fax: 618-327-3692 E-mail: wczoning@cbnstl.com

**APPLICATION FOR  
ZONING AMENDMENT**

ZONING BOARD OF APPEALS

Submit with \$125 fee payable to the Washington County Treasurer by the 1<sup>st</sup> Thursday of the month

(Do not write in this space—for office use only)

Date set for hearing: _____	Amendment Application # _____
Notice published on: _____	Permanent Parcel # _____
Newspaper(s): _____	Present Zoning: _____
_____	Fee Paid: \$ _____ Pub. Cost Pd. \$ _____
Recommendation of Zoning Board of Appeals dated _____	Date Filed: _____
	Action by County Board on _____
<input type="checkbox"/> Deny	<input type="checkbox"/> Denied
<input type="checkbox"/> Approve	<input type="checkbox"/> Approved
<input type="checkbox"/> Approve with modification (attached)	<input type="checkbox"/> Approved with modification
	Permit Issued _____

**INSTRUCTIONS TO APPLICANTS:**

To request a change in either the zoning map or text, this application for a zoning amendment must be completed and a public hearing held by the Zoning Board of Appeals. If the applicant is requesting that his property be rezoned, a site plan must be included with the application showing the information listed on the attached sheet. Normally there are only two primary reasons for a change in zoning: (1) the original zoning was in error; or (2) the character of the area has changed to such an extent as to warrant the rezoning. The burden of providing substantiating evidence rests with the applicant.

A notice of the hearing must be published in a newspaper of general circulation in the local area at least 15 days prior to the hearing date. The Zoning Administrator must notify adjoining land owners by letter concerning the zoning amendment request. The applicant and/or his or her duly-authorized agent **must appear at the hearing** and present his/her case to the Zoning Board of Appeals. Following the hearing the Zoning Board of Appeals will forward their Advisory Report and recommendation to the County Board for final action.

All information requested below must be completed. If applicable, a site plan as described on the attached sheet, existing topography or the property and proposed finished grade, and a development schedule providing reasonable guarantee for the completion of the construction must be provided before a hearing will be scheduled. Applicants are encouraged to visit the Office of the Zoning Administrator for any assistance in completing this application.



Date: \_\_\_\_\_

1. Name of Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_

2. Address: \_\_\_\_\_  
\_\_\_\_\_

3. Property Interest of Applicant:  
 Owner     Contract Purchaser     Lessee     Other \_\_\_\_\_

4. Name of Owner(s) (If other than applicant): \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

5. An amendment to the Zoning Ordinance is requested as follows: (A) or (B)

**A.  Amendment to Text:**

It is recommended that Section \_\_\_\_\_ of the Revised Zoning Ordinance be amended as follows: (attach additional sheets as necessary)

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

Reason for Amendment: \_\_\_\_\_  
\_\_\_\_\_

**B.  Amendment to Map:**

It is requested that the property described below and shown on the attached site plan be rezoned from \_\_\_\_\_ to \_\_\_\_\_:

Address or property number: \_\_\_\_\_

Legal Description (lot, block, subdivision, or metes and bounds): \_\_\_\_\_  
\_\_\_\_\_

Present use of property: \_\_\_\_\_

Proposed use of property: \_\_\_\_\_

Number of acres to be rezoned: \_\_\_\_\_

Reason for amendment: \_\_\_\_\_  
\_\_\_\_\_

Property  is  is not within 1 ½ miles of the corporate limits of any municipality. If yes, name that municipality: \_\_\_\_\_

6. *I certify that all of the above statements, and the statements contained in any papers or plans submitted herewith, are true and accurate. I consent to the entry in or upon the premises described in this application by any authorized officials of Washington County for the purpose of inspecting, or of posting, maintaining, and removing such Notices as may be required by law.*

Date: \_\_\_\_\_ Applicant: \_\_\_\_\_

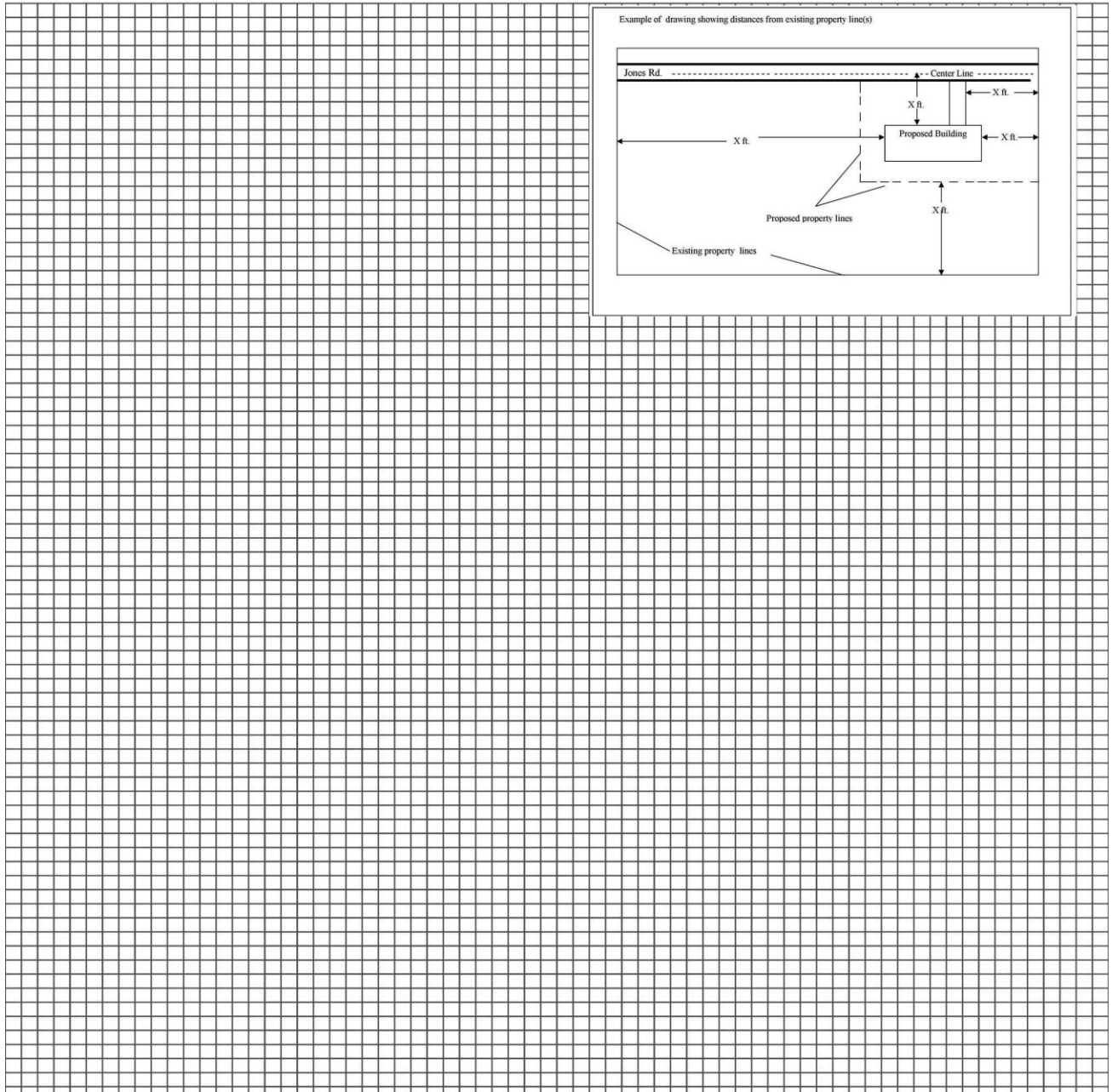
Date: \_\_\_\_\_ Owner: \_\_\_\_\_  
(If other than applicant)

## SITE PLAN

A site plan must be attached, or drawn below, at a scale large enough for clarity, and must show the following information:

- A. Indicate existing and proposed structure
- B. Location and dimensions of: Lot, buildings, driveways and address, distance to the address of nearest neighbor, (when determining new '911' addresses)
- C. Distance between: Building and the front, side, and rear lot lines; distance between buildings
- D. Location of: Signs, easements, underground utilities, septic tanks, septic fields, water wells, screening, landscaping, etc.
- E. Any additional information as may reasonably be required by the Zoning Administrator and applicable section of the Zoning Ordinance.

*NORTH*



*SOUTH*

**WASHINGTON COUNTY, ILLINOIS  
ZONING OFFICE**

RETURN TO: ZONING ADMINISTRATOR 125 W. St. Louis Street, Nashville IL 62223  
Phone: 327-4800, ext. 345 Fax: 618-327-3692 E-mail: [wczoning@cbnstl.com](mailto:wczoning@cbnstl.com)

**REQUEST FOR VARIANCE**

ZONING BOARD OF APPEALS

Submit with \$125 fee payable to the Washington County Treasurer by the 1<sup>st</sup> Thursday of the month

(Do not write in this space—for office use only)

Date set for hearing: _____	Variance Request # _____
Notice published on: _____	Permanent Parcel # _____
Newspaper(s): _____	Zone District Classification: _____
_____	Fee Paid: \$ _____ Pub. Cost Pd. \$ _____
Decision of Zoning Board of Appeals	Date Filed: _____
<input type="checkbox"/> Deny	Comments: (Indicate actions such as continuances _____
<input type="checkbox"/> Approve	_____
<input type="checkbox"/> Approve with modification	_____
Date: _____, 20____	

**INSTRUCTIONS TO APPLICANTS:**

*The purpose of a variance is to provide relief to a property owner when the strict enforcement of the zoning regulations pertaining to lot size, setback, parking requirements, use, etc., impose an undue hardship or deny the reasonable use of land. For example, a lot which has a deep gully running across the back of it could make it difficult to build a house which meets the front yard setback requirements.*

*After completion of this application, which must include a site plan (as described on the attached sheet) and documentary evidence of the hardship pleaded (e.g. engineering reports, topographical maps, photographs, etc.) a public hearing will be scheduled within a reasonable time by the Zoning Administrator. A notice of the hearing must be published in a newspaper of general circulation in the local area at least 15 days prior to the hearing date. The Zoning Administrator must notify adjoining land owners by letter concerning the requested variance. The applicant and/or his or her duly-authorized agent **must appear at the hearing** and present his/her case to the Zoning Board of Appeals.*

*Hardship to the applicant is the crucial test. Variances will be granted only to provide relief in unusual situations which were not intended or foreseen when the Revised Zoning Ordinance was adopted. Economic loss is seldom a unique situation, and generally not considered a valid hardship.*

---

Date: \_\_\_\_\_

1. Name of Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

2. Property Interest of Applicant:

Owner     Contract Purchaser     Lessee     Other \_\_\_\_\_

3. Name of Owner(s) (If other than applicant): \_\_\_\_\_ Phone: \_\_\_\_\_

4.

Address: \_\_\_\_\_  
\_\_\_\_\_

5. Location of Property:

Address : \_\_\_\_\_  
\_\_\_\_\_

Legal Description (Lot, block and subdivision, or metes and bounds:  
\_\_\_\_\_  
\_\_\_\_\_

6. Property  is     is not    within 1 ½ miles of the corporate limits of any municipality.

If yes, name that municipality: \_\_\_\_\_

7. Present Use of Property: \_\_\_\_\_

8. Present zoning of property: \_\_\_\_\_

9. Does the present use of the property conform to all use regulations for the zone district in which it is located?    YES     NO

If "no", please specify each non-conforming use. \_\_\_\_\_  
\_\_\_\_\_

9. Do the existing structures comply with all area and bulk regulations for the zone district in which it is located?    YES     NO

If "no", please specify each non-conforming use. \_\_\_\_\_  
\_\_\_\_\_

### REASONS FOR REQUEST FOR VARIANCE

10. Which unique physical characteristics of the subject property prevent its reasonable use for any of the uses permitted in that zoning district?

Too Narrow

Topography

Soil

Too small

Drainage

Sub-surface

Too shallow

Shape

Other: \_\_\_\_\_

(specify)

11. To the best of your knowledge, can you affirm that the reason for needing this variance was not created by an action of anyone having property interest in the land after this Revised Zoning Ordinance became law?

YES ( ) NO ( )

If "no", explain why the reason should not be regarded as self-imposed. (Self-imposed 'hardships', or reasons, are not entitled to variances.)

12. What is the "minimum" modification (variance) from the regulations that will permit you to make a reasonable use of this property? (describe exact footage requested, number of years to old, etc.)

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

13. Will the granting of this variance in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Revised Zoning Ordinance? YES ( ) NO ( )

Please explain.

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

14. *I certify that all of the above statements, and statements contained in any papers or plans submitted herewith, are true and accurate. I consent to the entry in or upon the premises described in this application by any authorized officials of Washington County for the purpose of inspecting, or of posting, maintaining, and removing such Notices as may be required by law.*

Date: \_\_\_\_\_

Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Owner: \_\_\_\_\_

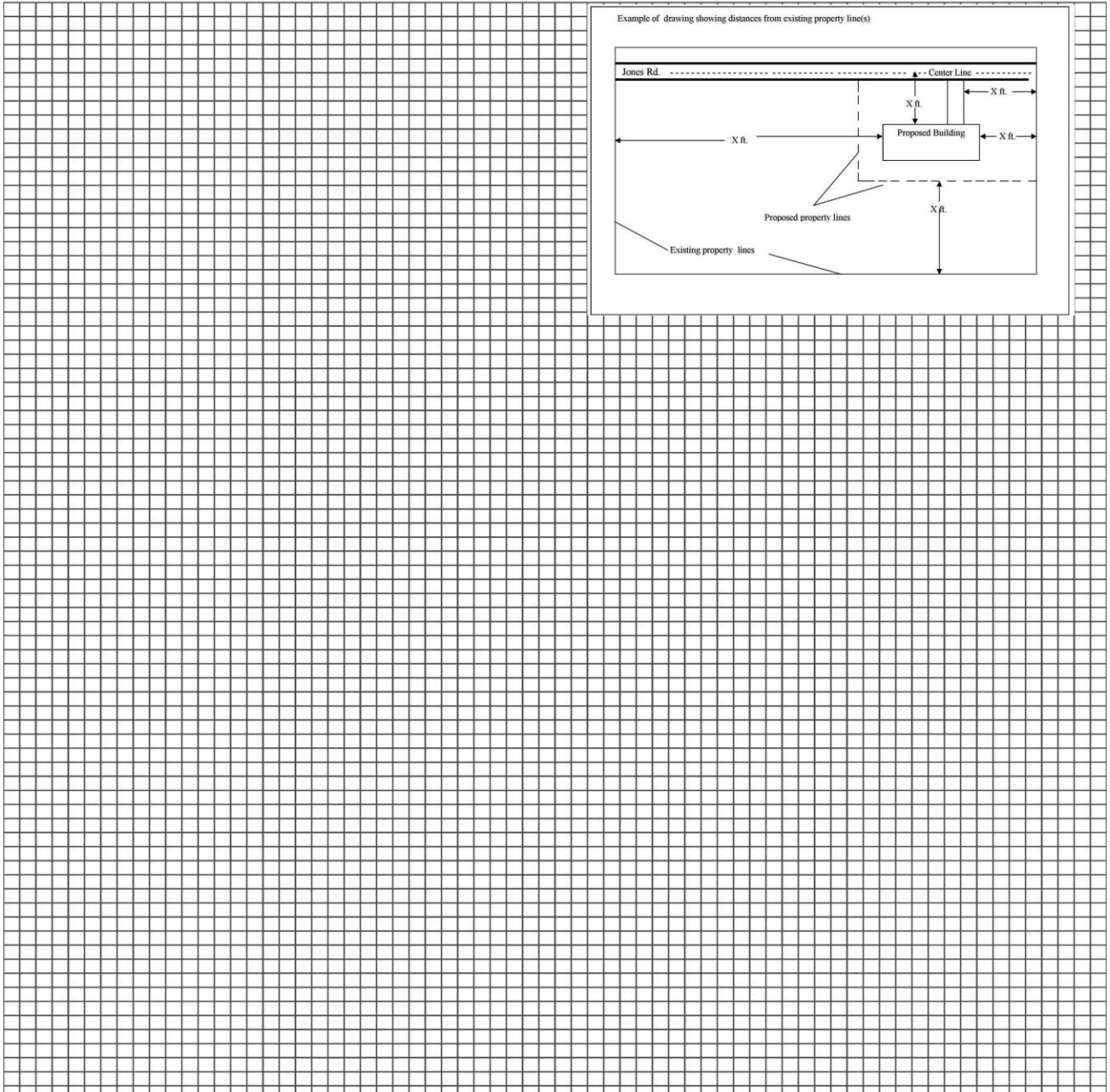
(If other than applicant)

## SITE PLAN

A site plan must be attached, or drawn below, at a scale large enough for clarity, and must show the following information:

- A. Indicate existing and proposed structure
- B. Location and dimensions of: Lot, buildings, driveways and address, distance to the address of nearest neighbor, (when determining new '911' addresses)
- C. Distance between: Building and the front, side, and rear lot lines; distance between buildings
- D. Location of: Signs, easements, underground utilities, septic tanks, septic fields, water wells, screening, landscaping, etc.
- E. Any additional information as may reasonably be required by the Zoning Administrator and applicable section of the Zoning Ordinance.

*NORTH*



*SOUTH*

**WASHINGTON COUNTY, ILLINOIS**  
**ZONING ORDINANCE VIOLATION COMPLAINT**

RETURN TO: Zoning Administrator 125 W. St. Louis Street Nashville IL 62263 Phone: 327-4800, ext. 345

E-mail: [wczoning@cbnstl.com](mailto:wczoning@cbnstl.com)

**Note to complainant:** Complete this form to submit a complaint regarding an alleged violation of the provisions of the Washington County Zoning Ordinance. Information contained in this complaint form, including your name, will be provided to authorized enforcement agencies so they have the necessary information to follow-up on complaints. Please note that all records of the Washington County Zoning Office are a matter of public record.

Date of Complaint: \_\_\_\_\_

Location of violation: (Provide address or directions to property)  
\_\_\_\_\_  
\_\_\_\_\_

Name of Owner of Property where alleged violation is observed: \_\_\_\_\_

Address of owner if different from violation site: \_\_\_\_\_

Does someone other than owner occupy the premises? If so, please identify \_\_\_\_\_

Nature of alleged violation:

<input type="checkbox"/> Weeds	<input type="checkbox"/> Inoperable/abandoned vehicle(s)
<input type="checkbox"/> activity without permit	<input type="checkbox"/> Non-permitted land use
<input type="checkbox"/> Other	<input type="checkbox"/> Accessory Uses

Nature of Complaint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In your opinion, how should this complaint be addressed? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Complainant: \_\_\_\_\_ Signature \_\_\_\_\_

Complainant Address: \_\_\_\_\_  
\_\_\_\_\_

Complainant Phone #: \_\_\_\_\_

**OFFICE USE ONLY BELOW THIS LINE**

Complaint Received By: \_\_\_\_\_ Date Received \_\_\_\_\_

Complaint # \_\_\_\_\_

Date Inspected: \_\_\_\_\_ Inspector: \_\_\_\_\_

Inspection Report: (Continue on reverse side or attach sheets) \_\_\_\_\_  
\_\_\_\_\_

Conclusions of Investigator: \_\_\_\_\_  
\_\_\_\_\_

Action Taken: \_\_\_\_\_

Follow-up: \_\_\_\_\_

Results: \_\_\_\_\_  
\_\_\_\_\_

Referred to Other Enforcement Official \_\_\_\_\_

Date Referred: \_\_\_\_\_

Building Permit Number: \_\_\_\_\_

**MANUFACTURED HOME  
AFFIDAVIT OF AFFIXATION**

**STATE OF ILLINOIS                    )**  
**COUNTY OF WASHINGTON    )**

**BEFORE ME**, the undersigned notary public, on this day personally appeared

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

known by me to be the person(s) whose name(s) is/are subscribed below (each a “Homeowner”), and who being by me first duly sworn, did each on his or her oath state as follows:

1. Homeowner owns the manufactured home (“Home”) described as follows:

New/Used	Year	Manufacturer’s Name	Model Name or Model No.	Manufacturer’s Serial No.	Length & Width

2. The Home was built in compliance with the federal Manufactured Home Construction and Safety Standards Act.

3. If the Homeowner is the first retail buyer of the Home, Homeowner is in receipt of (a) the manufacturers warranty for the home, (b) the Consumer Manual for the Home, (c) the Insulation Disclosure for the Home, and (d) the formaldehyde health notice for the Home.

4. I/We are the owners of real property more particularly described as follows or otherwise, if so referred, more particularly described in Exhibit “A” attached hereto and made a part hereof as if fully spread out at length; to wit:

5. The Home  is  shall be situated upon the hereinabove real property located at the following “Property Address”:

Street or Route	City	County	State	Zip Code

6. The home  is  shall be anchored to the Land by attachment to a permanent foundation. The Homeowner intends that the Home be an immovable fixture and a permanent improvement to the Land.

7. The Home shall be assessed and taxed as an improvement to the Land.



8. Homeowner agrees that as of today, or if the Home is not yet located at the Property Address, upon the delivery of the Home to the Property Address:

- (a) All permits required by governmental authorities have been obtained;
- (b) The foundation system for the Home was designed by an engineer to meet the soil conditions of the Land;
- (c) The wheels, axles, towbar or hitch were removed when the Home was, or will be placed, on the Property Address; and
- (d) The Home is (1) permanently affixed to a foundation, (2) has the characteristics of site-built housing, and (3) is part of the Land.

9. Other than those disclosed in this Affidavit, the Homeowner is not aware of (a) any other claim, lien or encumbrance affecting the Home, (b) any facts or information known to the Homeowner that could reasonably affect the validity of the title of the Home or the existence or non-existence of security interests in it.

10. A Homeowner shall initial only one of the following, as it applies to title to the Home:

- The Home is not covered by a certificate of Title. The original manufacturer’s certificate of origin, duly endorsed to the Homeowner, is attached to this Affidavit, or previously was recorded in the real property records of the jurisdiction where the Home is to be located.
- The Home is not covered by a certificate of title. After diligent search and inquiry, the Homeowner is unable to produce the original manufacturer’s certificate of origin.
- The Home shall be covered by a certificate of title.

11. The Homeowner intends that this Affidavit be recorded in the real property records of Washington County, Illinois where the Home is to be located and upon its recording it shall be returned by the recording officer to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

12. I/We give this affidavit of my/our own personal knowledge.

(X) \_\_\_\_\_ (X) \_\_\_\_\_

(X) \_\_\_\_\_ (X) \_\_\_\_\_

**SWORN TO AND SUBSCRIBED** before me on this, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(X) \_\_\_\_\_  
NOTARY PUBLIC

My commission expires \_\_\_\_\_

WASHINGTON COUNTY, ILLINOIS  
ZONING OFFICE

RETURN TO: ZONING ADMINISTRATOR 125 W. St. Louis Street, Nashville IL 62223 Phone 327-4800 E-mail: [wczoning@cbnstl.com](mailto:wczoning@cbnstl.com)

**APPLICATION FOR SIGN PERMIT**

NOTE: This is an application—NOT A PERMIT. DO NOT INSTALL ANY SIGN UNTIL THE APPLICATION HAS BEEN APPROVED AND THE PERMIT ISSUED.

OWNER OF SIGN: \_\_\_\_\_ ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_  
OWNER OF PROPERTY: \_\_\_\_\_ ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_  
SIGN ERECTOR: \_\_\_\_\_ ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

LOCATION OF SIGN: ADDRESS: \_\_\_\_\_ TOWNSHIP \_\_\_\_\_ SECTION \_\_\_\_\_  
BETWEEN: \_\_\_\_\_ (STR/RD/HWY) AND \_\_\_\_\_ (STR.RD/HWY) SUBDIVISION: \_\_\_\_\_ LOT #: \_\_\_\_\_  
PARCEL# \_\_\_\_\_ WHICH IS CURRENTLY ZONED \_\_\_\_\_

TYPE OF SIGN:  POST SIGN  WALL  ROOF  MARQUEE  AWNING  HOME OCCUPATION  OFF-PREMISE (BILLBOARD)

SIGN TO READ: \_\_\_\_\_

MATERIAL IN FACE OF SIGN:  METAL  WOOD  PLASTIC  DOUBLE FACE  ILLUMINATED

ELECTRICIAN FOR SIGN: \_\_\_\_\_ ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

**REQUIREMENTS TO ACQUIRE A SIGN PERMIT**

Submit a completed application form with the following information/documentation attached:

**FOR ALL SIGNS:** A plot plan showing the location of any existing freestanding sign(s) on the property; the location and height of the building(s) on the property, and the location of all existing wall signs.

**FOR FREESTANDING SIGNS:** The setback and height of the proposed sign (Setbacks are measured from the right-of-way to the leading edge of the sign), and a sign sketch with the dimensions of the sign (including height), the materials to be used, and the footings or foundation proposed.

**FOR WALL SIGNS:** All of the elevations of the building showing the dimensions (length and height) of all walls and the dimensions of all signs on each wall.

I certify that I have permission from the owner of this property to erect this sign.

Applicant \_\_\_\_\_ Date \_\_\_\_\_

Sign Erector (if different from Applicant) \_\_\_\_\_ Date \_\_\_\_\_

**(Do not write below this line, office use only)**

Approved \_\_\_\_\_ Permit # Issued \_\_\_\_\_

Denied \_\_\_\_\_ Reason denied \_\_\_\_\_

Zoning Administrator \_\_\_\_\_ Date \_\_\_\_\_

**COUNTY OF WASHINGTON, ILLINOIS**  
**NOTICE TO ABATE NUISANCE**

**TO: Name of owner, agent or occupant:** \_\_\_\_\_

**Address of owner, agent or occupant:** \_\_\_\_\_  
\_\_\_\_\_

**YOU ARE HEREBY NOTIFIED TO ABATE THE NUISANCE at:**

\_\_\_\_\_

(location of Nuisance)

**The Nuisance consists of: (describe nuisance)** \_\_\_\_\_

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

**The Nuisance shall be abated by: (state action necessary to abate Nuisance)** \_\_\_\_\_

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

Said Nuisance must be abated **no later than** \_\_\_\_\_ a.m/p.m on \_\_\_\_\_  
(time) (day of week)

\_\_\_\_\_  
(Month/Day/Year)

**In the event you fail to abate or cause to be abated the above Nuisance as directed, the County of Washington will take such steps as are necessary to abate or cause to be abated the nuisance and the costs will be assessed against you as provided by law. If you do not agree with this decision of the Administrator you must file a request for hearing before the Washington County Zoning Board of Appeals and pay all necessary fees before \_\_\_\_\_.**

**Date of Notice:** \_\_\_\_\_

**County of Washington, Illinois**

**BY:** \_\_\_\_\_

**Enforcement Officer/Zoning Administrator**  
**125 W. St. Louis Street, Nashville, IL 62263 (Phone: (618) 327-4800, ext. 345)**

WASHINGTON COUNTY, ILLINOIS  
ZONING OFFICE

RETURN TO: ZONING ADMINISTRATOR 125 W. St. Louis Street, Nashville IL 62223 Phone: 327-4800, ext. 345 E-mail: wczoning@cbnstl.com

**Temporary Use Permit Application**

This application for a temporary use permit must be submitted at least fourteen (14) days prior to the commencement of the temporary use. All applications are subject to review prior to its issuance in order to ensure compliance with all applicable ordinances.

A site plan must be submitted with this application. Be sure to detail the area the temporary use will occupy, the distance to the property lines, location of public right-of-ways, parking, ingress and egress, and proposed signs.

Applicant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_

Property Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_

Property Index Number: \_\_\_\_\_

Description of Proposed Use: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Duration of Operation: \_\_\_\_\_

Will waste disposal be provided? \_\_\_\_\_ If yes, describe. \_\_\_\_\_

Will food services be provided? \_\_\_\_\_ If yes, describe. \_\_\_\_\_

Will traffic control be provided? \_\_\_\_\_ If yes, describe. \_\_\_\_\_

Description of ingress/egress (entrance/exit): \_\_\_\_\_

Description of parking: \_\_\_\_\_

Will site work be required? \_\_\_\_\_ If yes, describe: \_\_\_\_\_

Applicant's Signature \_\_\_\_\_

Property Owner's Signature \_\_\_\_\_

(OFFICE USE ONLY—Do not write below this line)

Date Received: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Site Plan: \_\_\_\_\_ Fee Paid: \_\_\_\_\_

Health Dept: \_\_\_\_\_

Highway Dept: \_\_\_\_\_

Planning Dept: \_\_\_\_\_

Sheriff's Dept: \_\_\_\_\_

Other: \_\_\_\_\_

**WASHINGTON COUNTY, ILLINOIS  
ZONING OFFICE**

RETURN TO: ZONING ADMINISTRATOR 125 W. St. Louis Street, Nashville IL 62223  
Phone: 327-4800, ext. 345 Fax: 618-327-3692 E-mail: [wczoning@cbnstl.com](mailto:wczoning@cbnstl.com)

**APPLICATION FOR  
ZONING AMENDMENT**

ZONING BOARD OF APPEALS

Submit with \$125 fee payable to the Washington County Treasurer by the 1<sup>st</sup> Thursday of the month

(Do not write in this space—for office use only)

Date set for hearing: \_\_\_\_\_ Amendment Application # \_\_\_\_\_

Notice published on: \_\_\_\_\_ Permanent Parcel # \_\_\_\_\_

Newspaper(s): \_\_\_\_\_ Present Zoning: \_\_\_\_\_

\_\_\_\_\_ Fee Paid: \$ \_\_\_\_\_ Pub. Cost Pd. \$ \_\_\_\_\_

Recommendation of Zoning Board Date Filed: \_\_\_\_\_

of Appeals dated \_\_\_\_\_ Action by County Board on \_\_\_\_\_

- |   |   |
|---|---|
| <input type="checkbox"/> Deny                                 | <input type="checkbox"/> Denied                     |
| <input type="checkbox"/> Approve                              | <input type="checkbox"/> Approved                   |
| <input type="checkbox"/> Approve with modification (attached) | <input type="checkbox"/> Approved with modification |

Permit Issued \_\_\_\_\_

**INSTRUCTIONS TO APPLICANTS:**

To request a change in either the zoning map or text, this application for a zoning amendment must be completed and a public hearing held by the Zoning Board of Appeals. If the applicant is requesting that his property be rezoned, a site plan must be included with the application showing the information listed on the attached sheet. Normally there are only two primary reasons for a change in zoning: (1) the original zoning was in error; or (2) the character of the area has changed to such an extent as to warrant the rezoning. The burden of providing substantiating evidence rests with the applicant.

A notice of the hearing must be published in a newspaper of general circulation in the local area at least 15 days prior to the hearing date. The Zoning Administrator must notify adjoining land owners by letter concerning the zoning amendment request. The applicant and/or his or her duly-authorized agent **must appear at the hearing** and present his/her case to the Zoning Board of Appeals. Following the hearing the Zoning Board of Appeals will forward their Advisory Report and recommendation to the County Board for final action.

All information requested below must be completed. If applicable, a site plan as described on the attached sheet, existing topography or the property and proposed finished grade, and a development schedule providing reasonable guarantee for the completion of the construction must be provided before a hearing will be scheduled. Applicants are encouraged to visit the Office of the Zoning Administrator for any assistance in completing this application.

- Date: \_\_\_\_\_
1. Name of Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_
2. Property Interest of Applicant:  
 Owner     Contract Purchaser     Lessee     Other \_\_\_\_\_
3. Name of Owner(s) (If other than applicant): \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

4. An amendment to the Zoning Ordinance is requested as follows: (A) or (B)
- A.  Amendment to Text:**  
It is recommended that Section \_\_\_\_\_ of the Revised Zoning Ordinance be amended as follows: \_\_\_\_\_  
Reason for Amendment: \_\_\_\_\_

- B.  Amendment to Map:**  
It is requested that the property described below and shown on the attached site plan be rezoned from \_\_\_\_\_ to \_\_\_\_\_ :  
Address or property number: \_\_\_\_\_  
Legal Description (lot, block, subdivision, or metes and bounds): \_\_\_\_\_  
Present use of property: \_\_\_\_\_  
Proposed use of property: \_\_\_\_\_  
Number of acres to be rezoned: \_\_\_\_\_  
Reason for amendment: \_\_\_\_\_
- Property  is     is not    within 1 ½ miles of the corporate limits of any municipality.  
If yes, name that municipality: \_\_\_\_\_

5. *I certify that all of the above statements, and the statements contained in any papers or plans submitted herewith, are true and accurate. I consent to the entry in or upon the premises described in this application by any authorized officials of Washington County for the purpose of inspecting, or of posting, maintaining, and removing such Notices as may be required by law.*

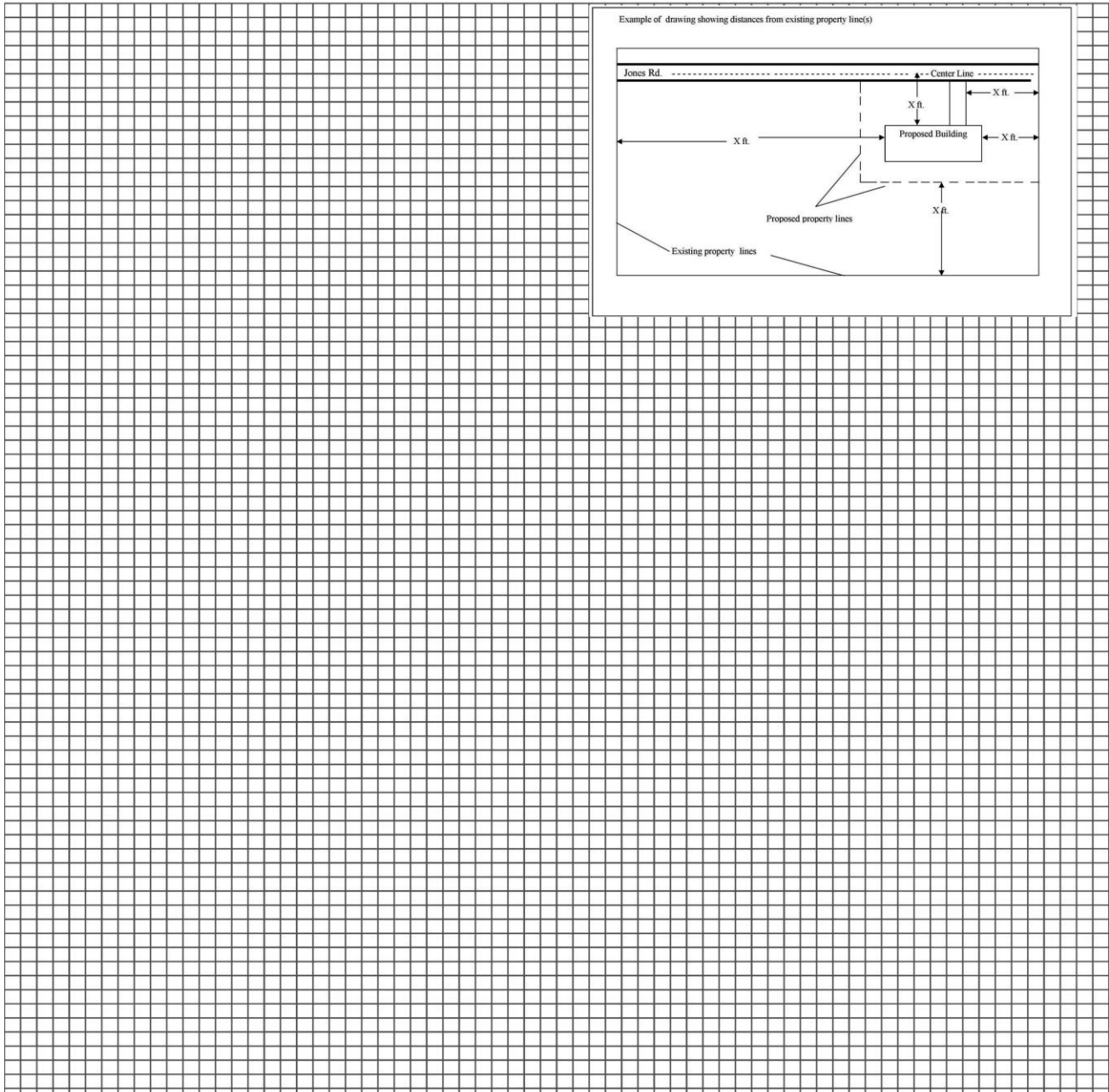
Date: \_\_\_\_\_ Applicant: \_\_\_\_\_  
Date: \_\_\_\_\_ Owner: \_\_\_\_\_  
(If other than applicant)

## SITE PLAN

A site plan must be attached, or drawn below, at a scale large enough for clarity, and must show the following information:

- Indicate existing and proposed structure
- Location and dimensions of: Lot, buildings, driveways and address, distance to the address of nearest neighbor, (when determining new '911' addresses)
- Distance between: Building and the front, side, and rear lot lines; distance between buildings
- Location of: Signs, easements, underground utilities, septic tanks, septic fields, water wells, screening, landscaping, etc.
- Any additional information as may reasonably be required by the Zoning Administrator and applicable section of the Zoning Ordinance.

**NORTH**



**SOUTH**

**WASHINGTON COUNTY, ILLINOIS  
ZONING OFFICE**

RETURN TO: ZONING ADMINISTRATOR 125 W. St. Louis Street, Nashville IL 62223  
Phone: 327-4800, ext. 345 Fax: 618-327-3692 E-mail: [wczoning@cbnstl.com](mailto:wczoning@cbnstl.com)

**REQUEST FOR VARIANCE**

ZONING BOARD OF APPEALS

Submit with \$125 fee payable to the Washington County Treasurer by the 1<sup>st</sup> Thursday of the month

(Do not write in this space—for office use only)

Date set for hearing: _____	Variance Request # _____
Notice published on: _____	Permanent Parcel # _____
Newspaper(s): _____	Zone District Classification: _____
_____	Fee Paid: \$ _____ Pub. Cost Pd. \$ _____
Decision of Zoning Board of Appeals	Date Filed: _____
<input type="checkbox"/> Deny	Comments: (Indicate actions such as continuances _____
<input type="checkbox"/> Approve	_____
<input type="checkbox"/> Approve with modification	_____
Date: _____, 20 _____	

**INSTRUCTIONS TO APPLICANTS:**

*The purpose of a variance is to provide relief to a property owner when the strict enforcement of the zoning regulations pertaining to lot size, setback, parking requirements, use, etc., impose an undue hardship or deny the reasonable use of land. For example, a lot which has a deep gully running across the back of it could make it difficult to build a house which meets the front yard setback requirements.*

*After completion of this application, which must include a site plan (as described on the attached sheet) and documentary evidence of the hardship pleaded (e.g. engineering reports, topographical maps, photographs, etc.) a public hearing will be scheduled within a reasonable time by the Zoning Administrator. A notice of the hearing must be published in a newspaper of general circulation in the local area at least 15 days prior to the hearing date. The Zoning Administrator must notify adjoining land owners by letter concerning the requested variance. The applicant and/or his or her duly-authorized agent **must appear at the hearing** and present his/her case to the Zoning Board of Appeals.*

*Hardship to the applicant is the crucial test. Variances will be granted only to provide relief in unusual situations which were not intended or foreseen when the Revised Zoning Ordinance was adopted. Economic loss is seldom a unique situation, and generally not considered a valid hardship.*

---



Date: \_\_\_\_\_

1. Name of Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

2. Property Interest of Applicant:  
( ) Owner ( ) Contract Purchaser ( ) Lessee ( ) Other \_\_\_\_\_

3. Name of Owner(s) (If other than applicant): \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

4. Location of Property:  
Address : \_\_\_\_\_  
\_\_\_\_\_  
Legal Description (Lot, block and subdivision, or metes and bounds: \_\_\_\_\_  
\_\_\_\_\_

5. Property ( ) is ( ) is not within 1 ½ miles of the corporate limits of any municipality. If yes, name that municipality: \_\_\_\_\_

1. Present Use of Property: \_\_\_\_\_

2. Present zoning of property: \_\_\_\_\_

3. Does the present use of the property conform to all use regulations for the zone district in which it is located? YES ( ) NO ( )  
If "no", please specify each non-conforming use. \_\_\_\_\_  
\_\_\_\_\_

7. Do the existing structures comply with all area and bulk regulations for the zone district in which it is located? YES ( ) NO ( )  
If "no", please specify each non-conforming use. \_\_\_\_\_  
\_\_\_\_\_

**REASONS FOR REQUEST FOR VARIANCE**

8. Which unique physical characteristics of the subject property prevent its reasonable use for any of the uses permitted in that zoning district?

- |                 |                |                  |
|-----------------|----------------|------------------|
| ( ) Too Narrow  | ( ) Topography | ( ) Soil         |
| ( ) Too small   | ( ) Drainage   | ( ) Sub-surface  |
| ( ) Too shallow | ( ) Shape      | ( ) Other: _____ |
- (specify)

9. To the best of your knowledge, can you affirm that the reason for needing this variance was not created by an action of anyone having property interest in the land after this Revised Zoning Ordinance became law?

YES ( ) NO ( )

If "no", explain why the reason should not be regarded as self-imposed. (Self-imposed "hardships", or reasons, are not entitled to variances.)

10. What is the "minimum" modification (variance) from the regulations that will permit you to make a reasonable use of this property? (describe exact footage requested, number of years to old, etc.)

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

13. Will the granting of this variance in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Revised Zoning Ordinance? YES ( ) NO ( )  
Please explain.

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

14. ***I certify that all of the above statements, and statements contained in any papers or plans submitted herewith, are true and accurate. I consent to the entry in or upon the premises described in this application by any authorized officials of Washington County for the purpose of inspecting, or of posting, maintaining, and removing such Notices as may be required by law.***

Date: \_\_\_\_\_ Applicant: \_\_\_\_\_

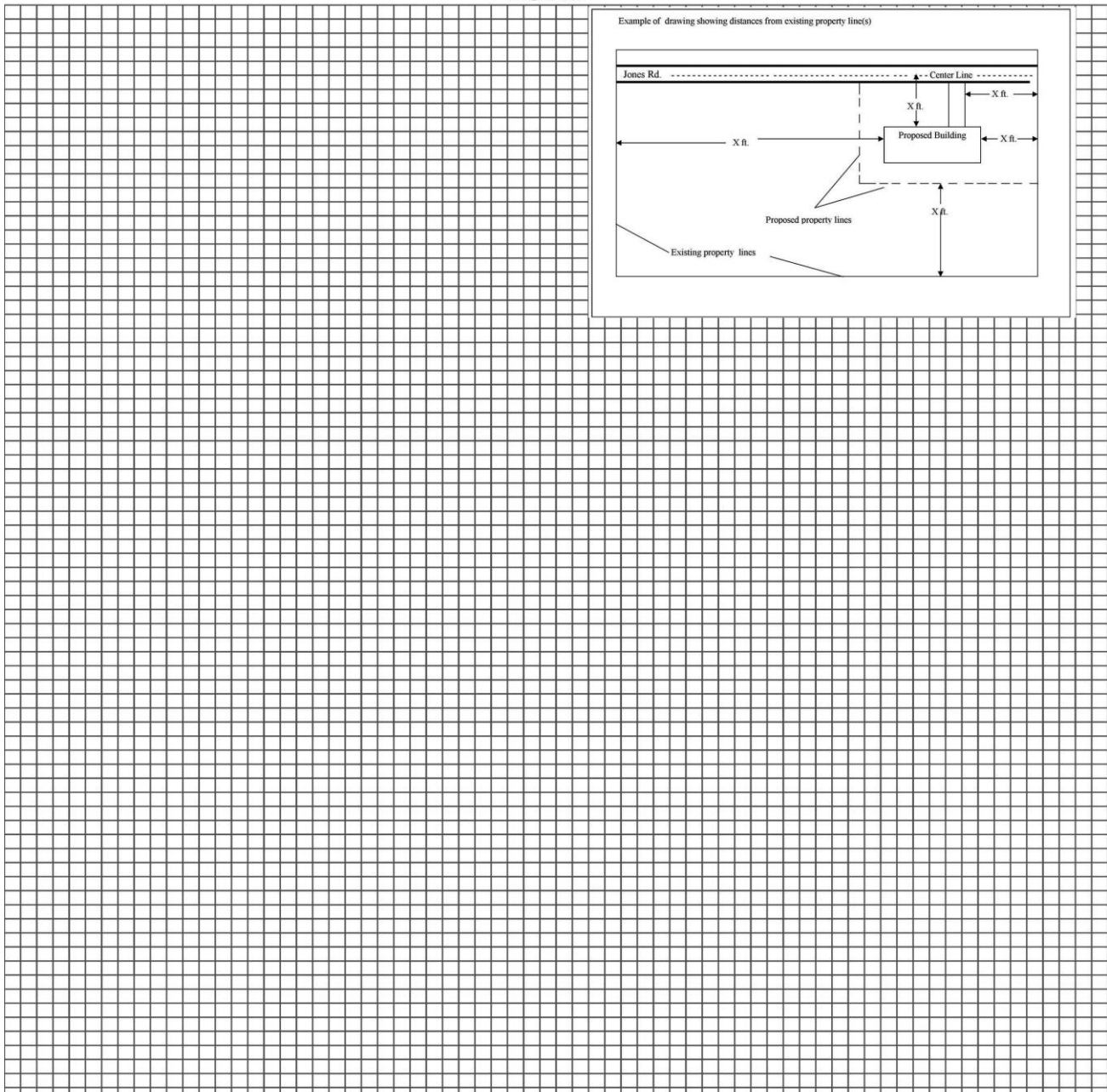
Date: \_\_\_\_\_ Owner: \_\_\_\_\_  
(If other than applicant)

## SITE PLAN

A site plan must be attached, or drawn below, at a scale large enough for clarity, and must show the following information:

- Indicate existing and proposed structure
- Location and dimensions of: Lot, buildings, driveways and address, distance to the address of nearest neighbor, (when determining new „911“ addresses)
- Distance between: Building and the front, side, and rear lot lines; distance between buildings
- Location of: Signs, easements, underground utilities, septic tanks, septic fields, water wells, screening, landscaping, etc.
- Any additional information as may reasonably be required by the Zoning Administrator and applicable section of the Zoning Ordinance.

**NORTH**



**SOUTH**

**WASHINGTON COUNTY, ILLINOIS  
ZONING OFFICE**

RETURN TO: ZONING ADMINISTRATOR 125 W. St. Louis Street, Nashville IL 62223  
Phone: 327-4800, ext. 345 Fax: 618-327-3692 E-mail: [wczoning@cbnstl.com](mailto:wczoning@cbnstl.com)

**APPLICATION FOR  
SPECIAL USE PERMIT**

ZONING BOARD OF APPEALS

Submit with \$125 fee payable to the Washington County Treasurer by the 1<sup>st</sup> Thursday of the month

(Do not write in this space—for office use only)

Date set for hearing: _____	Special Permit Application. # _____
Notice published on: _____	Permanent Parcel # (s) _____
Newspaper(s): _____	Zone District Classification: _____
_____	Fee Paid: \$ _____ Pub. Cost Pd. \$ _____
PUD Advisory Report from Planning Commission dated: _____	
Recommendation of Zoning Board of Appeals dated _____	Date Filed: _____
	Action by County Board on _____
<input type="checkbox"/> Deny	<input type="checkbox"/> Denied
<input type="checkbox"/> Approve	<input type="checkbox"/> Approved
<input type="checkbox"/> Approve with modification	<input type="checkbox"/> Approved with modification
	Permit Issued _____

**INSTRUCTIONS TO APPLICANTS:**

A Special Use Permit allows developments listed in Article 5 of the Revised Zoning Ordinance which have been designated ‘special uses’. Some uses may require a Special Use Permit even though they are not listed under ‘special uses’. These may be Planned Unit Development (PUD), public service uses, and other uses which, although generally considered desirable or compatible with other uses in the zoning district in which they may be permitted, require special review. This review is performed by the Zoning Board of Appeals at a public hearing. For PUD’s, an Advisory Report from the Washington County Planning Commission is required prior to the scheduling of a public hearing by the Zoning Board of Appeals.

A notice of the hearing must be published in a newspaper of general circulation in the local area at least 15 days prior to the hearing date. The Zoning Administrator must notify adjoining land owners by letter concerning the proposed special use. The applicant and/or his or her duly-authorized agent **must appear at the hearing** and present his/her case to the Zoning Board of Appeals. Following the hearing the Zoning Board of Appeals will forward their Advisory Report and recommendation to the County Board for final action.

The applicant should be able to show, by a site plan and documentary evidence, that the proposed development will be in harmony with the general purpose and intent of the Revised Zoning Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

All information requested below, a site plan as described on the attached sheet, existing topography or the property and proposed finished grade, and a development schedule providing reasonable guarantee for the completion of the construction must be provided before a hearing will be scheduled. Applicants are encouraged to visit the Office of the Zoning Administrator for any assistance in completing this application.

Date: \_\_\_\_\_

1. Name of Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

2. Property Interest of Applicant:  
( ) Owner ( ) Contract Purchaser ( ) Lessee ( ) Other \_\_\_\_\_

3. Name of Owner(s) (If other than applicant): \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

4. Location of Property:  
Address (if one exists): \_\_\_\_\_  
Legal Description: \_\_\_\_\_

5. Property ( ) is ( ) is not within 1 ½ miles of the corporate limits of any municipality. If yes, name that municipality: \_\_\_\_\_

6. Present Use of Property: \_\_\_\_\_

7. Type of Development for which Special Use is requested: [Note: Applications for Special Use Permit for Planned Unit Development (PUD) must be accompanied by the Advisory Report of the Washington County Planning Commission as provided for in Section 6-2 and 6-3 of the Revised Zoning Ordinance.]  
\_\_\_\_\_  
\_\_\_\_\_

8. *I certify that all of the above statements, and statements contained in any papers or plans submitted herewith, are true and accurate. I consent to the entry in or upon the premises described in this application by any authorized officials of Washington County for the purpose of inspecting, or of posting, maintaining, and removing such Notices as may be required by law.*

Date: \_\_\_\_\_ Applicant: \_\_\_\_\_

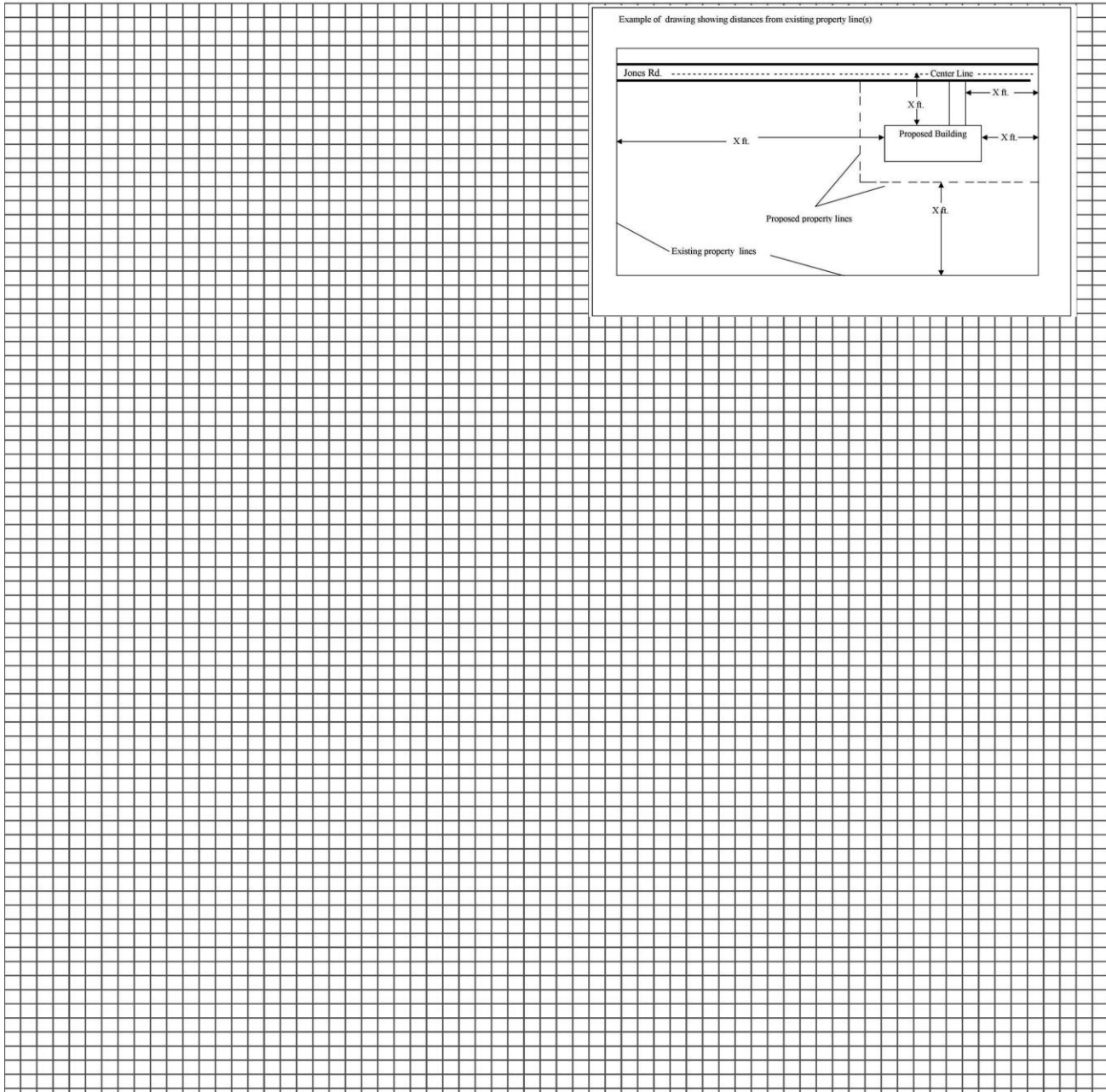
Date: \_\_\_\_\_ Owner: \_\_\_\_\_  
(If other than applicant)

## SITE PLAN

A site plan must be attached, or drawn below, at a scale large enough for clarity, and must show the following information:

- Indicate existing and proposed structure
- Location and dimensions of: Lot, buildings, driveways and address, distance to the address of nearest neighbor, (when determining new '911' addresses)
- Distance between: Building and the front, side, and rear lot lines; distance between buildings
- Location of: Signs, easements, underground utilities, septic tanks, septic fields, water wells, screening, landscaping, etc.
- Any additional information as may reasonably be required by the Zoning Administrator and applicable section of the Zoning Ordinance.

**NORTH**



**SOUTH**

WASHINGTON COUNTY, ILLINOIS  
ZONING OFFICE

RETURN TO: ZONING ADMINISTRATOR 125 W. St. Louis Street, Nashville IL 62223 Phone: 327-4800, ext. 345 E-mail: [wczoning@cbnstl.com](mailto:wczoning@cbnstl.com)

**Temporary Use Permit Application**

This application for a temporary use permit must be submitted at least fourteen (14) days prior to the commencement of the temporary use. All applications are subject to review prior to its issuance in order to ensure compliance with all applicable ordinances.

A site plan must be submitted with this application. Be sure to detail the area the temporary use will occupy, the distance to the property lines, location of public right-of-ways, parking, ingress and egress, and proposed signs.

Applicant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_

Property Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_

Property Index Number: \_\_\_\_\_

Description of Proposed Use: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Duration of Operation: \_\_\_\_\_

Will waste disposal be provided? \_\_\_\_\_ If yes, describe. \_\_\_\_\_  
\_\_\_\_\_

Will food services be provided? \_\_\_\_\_ If yes, describe. \_\_\_\_\_  
\_\_\_\_\_

Will traffic control be provided? \_\_\_\_\_ If yes, describe. \_\_\_\_\_  
\_\_\_\_\_

Description of ingress/egress (entrance/exit): \_\_\_\_\_  
\_\_\_\_\_

Description of parking: \_\_\_\_\_  
\_\_\_\_\_

Will site work be required? \_\_\_\_\_ If yes, describe: \_\_\_\_\_

Applicant's Signature \_\_\_\_\_

Property Owner's Signature \_\_\_\_\_

---

(OFFICE USE ONLY—Do not write below this line)

Date Received: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Site Plan: \_\_\_\_\_ Fee Paid: \_\_\_\_\_

Health Dept: \_\_\_\_\_

Highway Dept: \_\_\_\_\_

Sheriff's Dept: \_\_\_\_\_

Other: \_\_\_\_\_

**WASHINGTON COUNTY, ILLINOIS**  
**ZONING ORDINANCE VIOLATION COMPLAINT**

RETURN TO: Zoning Administrator 125 W. St. Louis Street Nashville IL 62263 Phone: 327-4800, ext. 345

E-mail: [wczoning@cbnstl.com](mailto:wczoning@cbnstl.com)

**Note to complainant:** Complete this form to submit a complaint regarding an alleged violation of the provisions of the Washington County Zoning Ordinance. Information contained in this complaint form, including your name, will be provided to authorized enforcement agencies so they have the necessary information to follow-up on complaints. **Please note that all records of the Washington County Zoning Office are a matter of public record.**

Date of Complaint: \_\_\_\_\_

Location of violation: (Provide address or directions to property)

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

Name of Owner of Property where alleged violation is observed: \_\_\_\_\_

Address of owner if different from violation site: \_\_\_\_\_

Does someone other than owner occupy the premises? If so, please identify \_\_\_\_\_

Nature of alleged violation:

Weeds  
activity without permit  
Other

Inoperable/abandoned vehicle(s)  
Non-permitted land use  
Accessory Uses

Nature of Complaint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In your opinion, how should this complaint be addressed? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Complainant: \_\_\_\_\_ Signature \_\_\_\_\_

Complainant Address: \_\_\_\_\_

Complainant Phone #: \_\_\_\_\_

**OFFICE USE ONLY BELOW THIS LINE**

Complaint Received By: \_\_\_\_\_ Date Received \_\_\_\_\_

Complaint # \_\_\_\_\_

Date Inspected: \_\_\_\_\_ Inspector: \_\_\_\_\_

Inspection Report: (Continue on reverse side or attach sheets) \_\_\_\_\_

Conclusions of Investigator: \_\_\_\_\_

Action Taken: \_\_\_\_\_

Follow-up: \_\_\_\_\_

Results: \_\_\_\_\_

Referred to Other Enforcement Official \_\_\_\_\_

Date Referred: \_\_\_\_\_



**MANUFACTURED HOME  
AFFIDAVIT OF AFFIXATION**

**STATE OF ILLINOIS                    )**

**COUNTY OF WASHINGTON    )**

**BEFORE ME**, the undersigned notary public, on this day personally appeared

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

known by me to be the person(s) whose name(s) is/are subscribed below (each a “Homeowner”), and who being by me first duly sworn, did each on his or her oath state as follows:

1. Homeowner owns the manufactured home (“Home”) described as follows:

New/Used	Year	Manufacturer’s Name	Model Name or Model No.	Manufacturer’s Serial No.	Length & Width
----------	------	---------------------	-------------------------	---------------------------	----------------

2. The Home was built in compliance with the federal Manufactured Home Construction and Safety Standards Act.

3. If the Homeowner is the first retail buyer of the Home, Homeowner is in receipt of (a) the manufacturers warranty for the home, (b) the Consumer Manual for the Home, (c) the Insulation Disclosure for the Home, and (d) the formaldehyde health notice for the Home.

4. I/We are the owners of real property more particularly described as follows or otherwise, if so referred, more particularly described in Exhibit “A” attached hereto and made a part hereof as if fully spread out at length; to wit:

5. The Home  is  shall be situated upon the hereinabove real property located at the following “Property Address”:

Street or Route	City	County	State	Zip Code
-----------------	------	--------	-------	----------

6. The home  is  shall be anchored to the Land by attachment to a permanent foundation. The Homeowner intends that the Home be an immovable fixture and a permanent improvement to the Land.

7. The Home shall be assessed and taxed as an improvement to the Land.

8. Homeowner agrees that as of today, or if the Home is not yet located at the Property Address, upon the delivery of the Home to the Property Address:
- (a) All permits required by governmental authorities have been obtained;
  - (b) The foundation system for the Home was designed by an engineer to meet the soil conditions of the Land;
  - (c) The wheels, axles, towbar or hitch were removed when the Home was, or will be placed, on the Property Address; and
  - (d) The Home is (1) permanently affixed to a foundation, (2) has the characteristics of site-built housing, and (3) is part of the Land.

9. Other than those disclosed in this Affidavit, the Homeowner is not aware of (a) any other claim, lien or encumbrance affecting the Home, (b) any facts or information known to the Homeowner that could reasonably affect the validity of the title of the Home or the existence or non-existence of security interests in it.

10. A Homeowner shall initial only one of the following, as it applies to title to the Home:

- The Home is not covered by a certificate of Title. The original manufacturer's certificate of origin, duly endorsed to the Homeowner, is attached to this Affidavit, or previously was recorded in the real property records of the jurisdiction where the Home is to be located.
- The Home is not covered by a certificate of title. After diligent search and inquiry, the Homeowner is unable to produce the original manufacturer's certificate of origin.
- The Home shall be covered by a certificate of title.

11. The Homeowner intends that this Affidavit be recorded in the real property records of Washington County, Illinois where the Home is to be located and upon its recording it shall be returned by the recording officer to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

12. I/We give this affidavit of my/our own personal knowledge.

(X) \_\_\_\_\_ (X) \_\_\_\_\_

(X) \_\_\_\_\_ (X) \_\_\_\_\_

**SWORN TO AND SUBSCRIBED** before me on this, the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

(X) \_\_\_\_\_  
NOTARY PUBLIC

My commission expires \_\_\_\_\_

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## INTRODUCTION

Subdivision regulations deal with the definition of requirements and the provision of assurances to provide services and facilities to be met by a prospective developer in the preliminary stages of development. The origin of subdivision regulations is in relation to the fulfillment of specific state legal requirements for the registration and transfer of land. It has been held by the courts that plat registration is a privilege rather than a right; therefore, a state (or a county through enabling legislation) through the use of its police power may attach various conditions to be satisfied before allowing the plat to be recorded.

The major purpose of subdivision regulations is to require the developer to provide at least a minimum amount of necessary improvements such as adequate streets, storm and sanitary sewer systems, water systems, and the like, and to develop the area without unnecessarily destroying existing nature amenities such as trees, streams and wildlife. If these improvements were not required of the developer at the time of construction, the burden of providing such basic services and facilities would eventually fall on the local community or county.

## GENERAL PROCEDURE

Before preparing a proposed plat for an area, the owner or subdivider and his technical staff (land surveyors, engineers, planners) should meet with the County Zoning Administrator, County Engineer and other appropriate elected officials to determine all applicable ordinances, regulations, and standards which must be addressed. This pre-application conference is important because the developer can then obtain an initial reaction to his/her plan or intentions, and will know what is expected of him/her.

After the pre-application meetings, the subdivider should then prepare the Preliminary Plat. As defined in detail within the subdivision regulations, the Preliminary Plat must contain a substantial amount of data dealing with a description of the area, existing conditions on the site, and subdivision design features to be incorporated through development. Upon its receipt, the Preliminary Plat is checked by the Zoning Administrator to insure that it is complete, filing fees are collected, and the plat is then forwarded to the Soil and Water Conservation District (if applicable), Planning Commission and other affected agencies for their review and comment. Following its review as well as the consideration of comments from other appropriate agencies, the Planning Commission forwards its recommendation to the County Board who then either approve, disapprove or approve the Preliminary Plat with modifications.

After the Preliminary Plat has been approved, the developer may then proceed with the preparation of improvement plans for all proposed development improvements such as streets, sewer and water systems, and so on. These detailed engineering plans, specifications, and drawings show exact locations of all improvements to be provided, and are submitted to the Zoning Administrator who forwards them to the County Engineer. If details provided in improvement plans indicate the need to change the Preliminary Plat (street locations, easements, etc.), a new Preliminary Plat must be submitted for review and consideration.

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After the improvement plans have been approved and are shown to conform with Preliminary Plat information, the developer may then commence installation of the improvements. All improvements provided within the subdivision will be subjected to frequent and exacting inspections throughout installation to assure their conformance with approved improvement plans. Installation of approved improvements is possible prior to the submission of the Final Plat, and if done in this manner, does not require the posting of surety bonds. However, if upon inspection, installed improvements are not accepted, final platting cannot commence and eventual occupancy of the subdivision will not be allowed until deficiencies are rectified. If the developer wishes to submit improvement plans simultaneously with submittal of the Final Plat, surety bonds must be posted for all improvements to be provided.

The final step in the subdivision platting and recording process is the submittal of the Final Plat. The Final Plat, again with detailed contents defined in the subdivision regulations, must conform to the approved Preliminary Plat as well as to all improvement plans if submitted previously. The Final Plat is a legal and surveying document designed primarily to record in the County Recorder of Deed's office the exact boundaries and locations of parcels of land. The Final Plat is submitted to the Zoning Administrator who forwards it to the Planning Commission for their review. The Planning Commission checks the Final Plat to insure that it complies with the Preliminary Plat and improvement plans, and then forwards their recommendation to the County Board. If the County Board approves the Final Plat, the Chairman of the County Board first insures that all surety bonds are deposited (if required) and then approves the plat. The plat is then recorded and the developer may complete any necessary work and make the subdivision available for occupancy.

In some instances, a subdivider may wish to develop a very small subdivision containing only a few lots on which on improvements will be required. In these instances, following approval or confirmation by appropriate County officials, only final platting is required rather than to require the submittal of Preliminary Plats, improvements plans, and Final Plats. This procedure cannot be used repeatedly to derive one large subdivision from several small developments, however, and County monitoring of minor subdivision procedures will be directed toward assuring non-abuse of minor subdivision privileges.

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ARTICLE 1 SCOPE AND PURPOSE

Section 1-1 SCOPE AND LEGAL AUTHORITY

For the purpose of controlling future development of the County of Washington and for the promotion of the public health, safety, comfort, morals and welfare of persons living within the territory governed, the provisions and regulations hereafter contained shall govern the subdividing and platting of lands lying within the area of jurisdiction of the County of Washington.

The rules and regulations governing plats and subdivision of land contained herein shall apply within the County as permitted by State Statutes. In the event of overlapping jurisdiction within the project area, the extent of jurisdiction shall be determined and agreed upon between the County and the municipality or municipalities concerned and as provided by State Statutes. Except in the case of re-subdivision, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Washington County Recorder of Deeds prior to the effective date of this Ordinance. This Ordinance does not intend to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by, or in conflict with this Ordinance, or interfere with restrictive covenants running with the land. Where this Ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, or restrictive covenants, the provisions of this Ordinance shall control.

Section 1-2 TITLE

This Ordinance shall be known, referred to, and cited as "The Land Subdivision Ordinance of Washington County, Illinois".

Section 1-3 APPLICATION OF ORDINANCE

No lot in a subdivision, as defined herein, may be conveyed unless a Final Plat of the property has been approved according to the requirements and provisions of this Ordinance, and recorded in the office of the Washington County Recorder of Deeds.

Section 1-4 INTENT AND PURPOSE

This Ordinance is intended for the purposes of coordinated, efficient and economic development of the County, providing adequate services and utilities, safe convenient access and a desirable and attractive living environment through good subdivision design. In achieving these purposes, the County shall utilize development standards that are directed toward reasonable costs for initial development and continuing maintenance; such standards shall include the following:

- (a) The proper location and width of streets and the proper location of building setback lines, open spaces, recreational areas and public lands.
- (b) The avoidance of conditions which would lead to the creation of blighted areas.



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- (c) The avoidance of overcrowding of population and congestion of vehicular traffic.
- (d) Proper grading and improvement of streets, curbs, gutters, sidewalks and provision of water, sewer, storm water drainage and erosion control.
- (e) The provision of adequate space for traffic and utility facilities; for access of emergency apparatus; for the control of the number, spacing, type and design of access points to existing or future streets; for minimum width, depth, and area of lots; for adequate light and air; and for a proper distribution of population.
- (f) Provision of adequate right-of-way easements such that extensions are continued within subdivisions and may be continued to adjacent lands.

Section 1-5 INTERPRETATION

This Ordinance is intended as MINIMUM REQUIREMENTS to achieve the above stated purposes, as specified in Section 1-4. If any other provision of law relates to any matter covered herein, the regulation providing the higher standard shall apply.

Section 1-6 ADMINISTRATION

This Ordinance shall be administered by the Zoning Administrator designated by the County Board, and the Washington County Planning Commission.

Section 1-7 INSTANCES WHEN PLATS WILL NOT BE REQUIRED

The provisions of these regulations do not apply and no plat is required in any of the following instances:

- (a) The division of land for cemetery usage.
- (b) The division and distribution of land pursuant to law or court order.
- (c) Any other instances where the State of Illinois does not require filing of a plat, as per the Plat Act, Illinois Compiled Statutes as amended.

Section 1-8 NEW STREETS

A new street is one which was not recorded in the Washington County Recorder of Deeds office or maintained as a county or township street or road.

Section 1-9 EASEMENT OF ACCESS CUT-OFF DATE

A new Easement of Access is one which was not recorded in the County Recorders of Deeds office prior to the effective date of this Ordinance

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Section 1-10 SUITABILITY OF LAND FOR SUBDIVISION DEVELOPMENT

Land unsuitable for subdivision development due to drainage, flood hazard area, hillside area, rock formation, topography or any other conditions constituting a danger to health, life or property shall not be approved for subdivision development unless the sub-divider presents evidence or data to the Washington County Planning Commission establishing that the methods proposed to meet any such conditions are adequate to avoid any danger to health, life or property.

Section 1-11 DISCLAIMER OF LIABILITY

- (a) Except as may be provided by statute or ordinance, no officer, board member, agent or employee of the County shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties under this Ordinance.
- (b) Any suit brought against any official, board member, agency, or employee of the County, as a result of any act required or permitted in the discharge of his duties under these regulations shall be defended by the State's Attorney until the final determination of the legal proceedings.

Section 1-12 SEPARABILITY

If any provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Ordinance.

Section 1-13 REPEAL OF PRIOR ORDINANCE

The ordinance entitled "Washington County Subdivision Regulation Ordinance" adopted July 8, 1975 and amended May 10, 1977 is repealed as of the effective date of this Ordinance.

Section 1-14 WHEN EFFECTIVE

**This Ordinance shall take effect after it's final passage, approval, and publication as provided by law, on the effective date set forth below:**

**The Washington County Planning Commission having completed it's legal duties, this**

**Ordinance is passed by the Washington County Board this \_\_\_\_\_ day of**

**\_\_\_\_\_, 2003. (55ILCS Section 5/5-1041).**

**Effective Date: \_\_\_\_\_, 2003**

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County Clerk

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County Board Chairman

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ARTICLE 2 DEFINITIONS

Section 2-1 DEFINITIONS

For the purpose of this Ordinance, the terms used herein are defined as follows:

ALLEY: A minor way used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

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

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

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

BUILDING: Any structure, whether temporary, semi-permanent, or permanent, designed or intended for the support, enclosure, shelter or protection of persons or property.

BUILDING LINE: See SETBACK LINE.

CLEANING: Any activity which removes the natural vegetative ground cover.

CLUSTER DEVELOPMENT: A subdivision development planned and constructed so as to group housing units into relatively dense patterns while providing a unified network of open space and wooded areas, and meeting the requirements of this Ordinance and the Zoning Ordinance of Washington County.

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

COUNTY ENGINEER: The licensed professional engineer designated by the County Board to conduct business or perform defined professional engineering services for the County in his/her place or stead.

CRITICAL STORM EVENT: The storm event, including, but not limited to, rainfall amount and duration, the County in consultation with the applicant's Licensed Professional Engineer during

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the Preliminary Plat stage, will be required for calculations pertaining to the development of storm water and erosion control plans.

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

**DENSITY, NET:** The total number of dwelling units divided by the total project area less area for street rights-of-way.

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

**DETENTION BASIN:** A facility natural or man-made, that provides temporary storage for surface run-off accompanied by its controlled release.

DRAINAGE PLAN: A plan, including engineering drawings and supporting calculations, which describes the existing storm water drainage system and environmental features, including grading, as well as proposed alterations or changes to the drainage system and environment of the property.

**DRAINAGEWAY:** A water course, gully, dry stream, creek or ditch which carries storm water, sewers, or which serves the purpose of draining water from the lands adjacent to such water course, gully, dry stream, creek or ditch.

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

**E-911 COORDINATOR:** The individual designated by the Washington County Emergency Telephone Systems Board to perform services in their place and stead.

**FILING DATE:** The beginning or starting date that commences after the applicant has filed the last item of required data or information and has paid the necessary fee(s), for review by the Planning Commission.

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

FLOOD PLAIN: That land adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation which is subject to inundation. The flood plain as designated by the Federal Emergency Management Agency (FEMA) is also known as the Special Flood Hazard Area (SFHA). This area is the collective combination of the regulatory floodway and the flood fringe.

**HEALTH DEPARTMENT:** The Washington County Health Department

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IMPROVEMENT: Refers to site grading, street work and utilities (including water, sewer, electric, gas and storm water), to be installed or agreed to be installed by the sub-divider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision. Includes the furnishing of all materials, equipment, work and services such as engineering, staking and supervision, and construction of all the improvements required in Article 6 of this Ordinance or any other improvements that may be provided by the sub-divider. All of such materials, equipment and services shall be provided at the sub-divider's cost and expense, although he may enter into a contract with individuals and firms to complete such improvements, and the improvements shall be subject to the final approval of the Zoning Administrator.

IMPROVEMENT PLAN: The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed both in or in conjunction with the subdivision.

LOT: A parcel of land intended to be separately owned, rented, developed or otherwise used as a unit.

LOT, BUTT: A lot at the end of a block and located between two (2) corner lots.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.

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

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

LOT LINE FRONT: The line separating the lot from the street. On a corner lot, the front lot line shall be the frontage having the least dimension.

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

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

LOT OF RECORD: Any lot, established either by a legally recorded subdivision plat, by a legally recorded instrument of conveyance containing a metes-and-bounds description, or in any other legal manner.

LOT, THROUGH: A lot having frontage of two (2) parallel or approximately parallel streets.

LOT WIDTH: The mean horizontal width of the lot measured at right angle to the general direction of the side lot lines.

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

METES AND BOUNDS DESCRIPTION: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

OWNER: A person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

PARKING LANE: An auxiliary lane of a street used primarily for vehicular parking.

PERFORMANCE GUARANTEE OR BOND: A surety issued by an insurance company licensed to do business in Illinois and approved by the County Board to guarantee installation of any improvements. (Cash, certified check or an irrevocable letter of credit are also acceptable forms of Performance Guarantee.)

PERSON: Any agent, individual, firm, association, partnership, corporation, syndicate or trust.

PLANNED UNIT DEVELOPMENT (PUD): A planned unit development is a comprehensively planned development containing residential, commercial, industrial, or other land uses on an area of land under continuing unified control. A planned unit development may contain a single type of land use or combination of land uses provided that such development is reviewed, evaluated and approved by the County Board and satisfies the requirements contained herein.

PLANNING COMMISSION: The Planning Commission of Washington County, Illinois.

PLANS: All of the drawings including plats, general plans, cross sections, profiles, working details and specifications, which the sub-divider prepares or has prepared to show the character, extent and details of improvements required in Article 4 of this Ordinance.

PLAT: The maps, drawings, charts, and other documents complying with all applicable provisions of this Ordinance which constitute the plan for subdivision.

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

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

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PROJECT AREA: That territory intended to be subdivided or developed, and portrayed and defined in the Preliminary and Final Plats.

RESTRICTIVE COVENANTS OR CONTRACTS: Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

RE-SUBDIVISION: See SUBDIVISION.

RETENTION: A facility natural or man-made, that provides permanent or long term storage of surface run-off accompanied by a low release rate.

RETENTION BASIN: A facility designed to completely retain a specified amount of storm water runoff without release except by means of evaporation, infiltration, emergency bypass or pumping.

RIGHT-OF-WAY. (ROW): A strip or parcel of land over which the owner, by dedication or otherwise, has granted or reserved the right use for streets, alleys or other public ways.

ROADBED: The graded portion of a street upon which the base course, surface course, shoulders, and median are constructed.

ROADWAY: The entire improved portion of the street, including shoulders, parking lanes, travel way, curbs and gutter which lies between the right-of-way lines.

SETBACK LINE: The line parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

SOIL AND WATER CONSERVATION: The Washington County Soil and Water Conservation District.

SPECIFICATIONS: The Standard Specifications for Road and Bridge Construction, prepared by the Illinois Department of Transportation, as adopted and amended by the Department, which are in effect at the time the subdivision is being constructed, and the related "Highway Standards." Any term in such specifications referring to State Departments or officials or to persons contracting with the State shall be deemed to refer to applicable departments, officials, or persons in the County of Washington, and the term "contractor" shall specifically apply to the sub-divider who is responsible for installing all of the improvements required in Article 6 of this Ordinance even though the sub-divider may enter into agreements for such installing by other persons, firms, or corporations. "Engineer" shall be deemed to refer to the County Engineer.

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

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use only.

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

STREET, BUTT OR STUB: A street that is temporarily terminated, but is planned for future continuations. A temporary turn-around area must be provided.

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

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

STREET, DEAD-END: Land access streets similar to cul-de-sacs, except that they provide no turn-around circle at their closed end, and are not permitted in any proposed subdivision.

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

STREET, LOOPED: Land access streets having two (2) open ends, each end generally connecting with the same street, no other streets intersecting between its ends, and property fronts on both sides of the street.

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

STRUCTURE: Anything constructed which requires permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground.

SUBDIVIDE: See "SUBDIVISION".

SUB-DIVIDER: Means any person, dividing or proposing to divide land in a manner that constitutes a subdivision as herein defined, except for state, county, or township highway departments.

SUBDIVISION: For the purpose of these regulations, a subdivision is either:

- (a) The division of land into two (2) or more lots, sites, or parcels.



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(b) Establishment or dedication of, a road, highway, street or alley through a tract of land regardless of its size.

(c) The term "subdivision" shall also include all re-subdivision of land or lots.

SUBDIVISION, MINOR: A division of land into two (2), but not more than six (6) lots, all of which front upon an existing street, not involving any new streets or other rights-of-way, easements, improvements, or other provisions for public areas and facilities.

TRAVEL WAY: That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

WETLANDS: Wetlands are defined by regulation as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." For general, but not inclusive locations of designated wetlands refer to mapping prepared jointly by the U.S. Department of Interior, Fish and Wildlife Service and the Illinois Department of Natural Resources, Office of Resource Conservation; National Wetlands Inventory Mapping, 1987.

ZONING ADMINISTRATOR OR ZONING OFFICIAL: The official appointed by the Washington County Board to administer the provisions of this Ordinance, or his duly appointed representative(s).

ZONING ORDINANCE: The Zoning Ordinance of Washington County, Illinois.

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ARTICLE 3 PROCEDURES FOR SUBMISSION OF PLATS

Section 3-1 PRE-APPLICATION CONFERENCE

Before submitting a Preliminary Plat, the applicant is encouraged to confer with the County Zoning Administrator, Planning Commission, and other official units of government affected thereby as well as those providing services to the area in question to initiate pre-planning activities and obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of detailed plans, surveys and other data. The applicant shall also consult with the E-911 Coordinator regarding the naming of proposed street, and with the Health Department regarding sewage disposal methods.

Section 3-2 PRELIMINARY PLAT PROCEDURES

A sub-divider desiring to subdivide a tract of land shall file five (5) copies of the Preliminary Plat with the Zoning Administrator. The applicant shall furnish additional copies for evaluation and comment by other governmental agencies and organizations, as requested by the Planning Commission. The Zoning Administrator shall then determine if the zone district classification(s) of the territory are correct and that the proposed subdivision complies with the applicable provisions of the Washington County Zoning Ordinance. He shall then forward one (1) copy each to the Planning Commission, the Washington County Soil and Water Conservation District and the County Engineer.. All fees required for the review shall be paid by the applicant.

A copy of deed to property shall be submitted when filing a Preliminary Plat. A copy of Deed Restrictions and Covenants shall accompany the Preliminary Plat. The Deed Restrictions shall be recorded in the County Clerk's Office along with the Final Plat after the Final Plat has been approved.

As required by Public Act 87-500, written approval from proper Road Authority regarding entrances onto state, county, or township roads shall be submitted with plat. Also written approval from the Health Department regarding sewage disposal systems for subdivision shall be submitted. (Subdivision Plat Review Application shall be completed.)

A Drainage Report shall be submitted and shown on separate copy of plat and signed by Registered Professional Engineer and Sub-divider as specified in P.A. 87-500.

During the Preliminary Plat stage the critical storm event shall be determined by the County in consultation with the applicant's Licensed Professional Engineer.

Section 3-3 COUNTY ENGINEER'S REVIEW

The County Engineer shall review the application submitted to him by the Zoning Administrator and shall return the application to the Zoning Administrator along with comments within thirty (30) days of receipt.

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Section 3-4 SOIL AND WATER CONSERVATION DISTRICT

The Washington County Soil and Water Conservation District may comment on the Preliminary Plat within thirty (30) days after receiving the application. The comment shall be noted, in writing, and filed with the Zoning Administrator. If comments are not received within thirty (30) days, the Planning Commission shall assume that the Soil and Water Conservation District has no objections to the proposed Preliminary Plat.

Section 3-5 NOTICE

When the Preliminary Plat is being reviewed, the Planning Commission shall give notice and provide an opportunity to be heard to the following persons or groups at its next regularly scheduled meeting:

- (a) Any person who requests notification of the meeting.
- (b) Any property owner whose property is contiguous to the property, including property across the streets, railroads, creeks and similar barriers; the information shall be provided by the applicant to the Zoning Administrator when filing the Preliminary Plat.
- (c) Any governmental district, agency, organization or taxing body which requests notification of the meetings.

Section 3-6 PLANNING COMMISSION ACTION

The Planning Commission shall review the Preliminary Plat within sixty (60) days from the date of application or the filing of the last item of required supporting data, whichever is later, and shall make a finding that the preliminary plat be approved, approved with modifications, or disapproved, and giving the reasons for the recommendations made.

Section 3-7 CERTIFICATION OF APPROVAL

If the proposed plan of subdivision as shown by the Preliminary Plat receives a finding that it should be recommended for approval, the original of the Plat and one (1) print or copy of the Plat shall be endorsed by the Washington County Planning Commission as follows:

“The proposed plan of subdivision as shown on the Plat and accompanying documents, has received tentative approval by the Washington County Planning Commission and said Planning Commission is now ready to receive the Final Plat for consideration.”

DATED: \_\_\_\_\_  
WASHINGTON COUNTY PLANNING COMMISSION

BY: \_\_\_\_\_  
Chairman, Vice-Chairman or Secretary

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Section 3-8 COUNTY BOARD ACTION

The County Board shall review the Preliminary Plat, along with the Planning Commission recommendation, and shall either approve, disapprove, or approve subject to certain conditions and/or modifications of said preliminary plat within thirty (30) days after its next regularly scheduled meeting following receipt of the written Planning Commission recommendations. Should variances from Zoning Ordinance requirements be needed, the County Board's thirty (30) days shall commence the day after the Zoning Board of Appeals hearing is held, as required by the Zoning Ordinance.

Section 3-9 FILING

Two (2) copies of the approved Preliminary Plat shall be filed with the Zoning Administrator and one copy will be returned to the sub-divider by the Zoning Administrator.

Section 3-10 RIGHTS AND PRIVILEGES

Preliminary Plat approval shall confer upon the sub-divider the following rights and privileges:

- (a) That the Preliminary Plat approval will remain in effect for a one (1) year period. The applicant may, during this period, submit all or part or parts of the Preliminary Plat for final approval. In the event that the subdivision is being developed in stages, the applicant may, by written mutual agreement with the County Board, have final approval of the last part of the plat delayed for a period not to exceed three (3) years from the date of the Preliminary Plat approval. Any part of a subdivision which is being developed in stages shall contain a tract of land at least one (1) block in area.
- (b) That the general terms and conditions under which the Preliminary Plat approval was granted will not be changed for final approval.
- (c) The applicant may also proceed with any detailed improvement plans required for all facilities or utilities intended to be provided. Actual construction of such facilities and improvements may commence prior to Final Plat approval if the detailed improvement plans are accepted by the County Engineer. Such facilities and improvements will be inspected throughout their construction, and Final Plat approval will be contingent in part upon acceptable compliance to county improvement and facilities standards. If the applicant does not submit the improvement plans prior to the submission of the Final Plat, then he shall submit the improvement plans to the Zoning Administrator at the time that the Final Plat is submitted.

Section 3-11 SUBDIVISION NEAR MUNICIPALITY

When a proposed subdivision is located within one and one-half (1½) miles of the corporate limits of any municipality that has adopted and is enforcing subdivision regulations and has filed with the County Recorder of Deeds an official comprehensive plan, which plan has been implemented by ordinance as provided by State Statutes, the plat shall also be submitted by the applicant to the municipality for approval.

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- (a) If the subdivision lies within one and one-half (1½) miles of the corporate limits of two or more municipalities that have adopted and are enforcing subdivision regulations, then the Zoning Administrator will determine which municipality the sub-divider will submit the Preliminary Plat to. The procedure and requirements for review of the Preliminary Plat by the municipality shall be prescribed by the Municipal Subdivision Control Ordinance and in compliance with the provisions of the Illinois Compiled Statutes, as amended.
1. After the municipality has approved the Preliminary Plat, or if the subdivision is within an area in which no subdivision control ordinance is exercised, then the Preliminary Plat shall be submitted to the Zoning Administrator for study and action.
  2. No plat lying within the one and one-half (1½) miles of a municipality having an official plan shall be entitled to recording unless it conforms with or exceeds the street, alley and public ground requirements of such plan or unless it has been approved by the Plan Commission of that municipality.
- (b) The Planning Commission and the County Engineer shall determine if the Preliminary Plat complies with this Ordinance and whether the Preliminary Plat is in substantial compliance with the County's Transportation Plan adopted by the County Board. Whenever the Preliminary Plat does not comply with the above, the Zoning Administrator shall notify the municipality in writing of the specific instances of non-compliance.
- (c) The County Engineer may recommend refusal of any such non-complying street or road for incorporation into or as part of the County road system.

Section 3-12 IMPROVEMENT PLAN PROCEDURES

Improvement plans do not require Planning Commission action, but shall be approved by the County Engineer who shall certify to the Planning Commission and Zoning Administrator that the plan is in conformance with these regulations and requirements. Upon notice the Zoning Administrator will issue an improvement plan permit. Variance from these requirements shall be permitted only by Planning Commission and County Board action pursuant to Article 7. No developer, however, shall proceed with any construction work in the project area before obtaining this approval. In minor subdivisions, if in the opinion of the County Engineer, this requirement would create an unnecessary hardship, the County Engineer may waive improvement plan requirements, provided he so notifies the Planning Commission in writing.

- (a) To secure formal action on the improvement plans, the developer shall file three (3) copies of the improvement plans with the Zoning Administrator who shall forward them to the County Engineer.
- (b) The County Engineer shall review the proposed improvement plans and notify the Planning Commission, in writing, of his approval, conditional approval, or denial. The County Engineer shall notify the applicant by making a copy of the report stating the approval, conditional approval or denial. If the notice is of denial, or conditional approval,

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the County Engineer shall, as a guideline to applicant, state his reasons therefore.

1. Approval means the applicant is now authorized to proceed with the physical improvements in the subdivision.
2. Conditional approval means the developer may proceed as outlined in the preceding paragraph, but only after he has submitted three (3) copies of the corrected improvement plans to the Zoning Administrator, who shall forward the plans to the County Engineer.
3. Denial means disapproval of improvement plans. For further consideration, the developer must rework his plans to conform to the requirements and then resubmit the reworked plans to the Zoning Administrator as though they were a completely new set of plans.

Section 3-13 FINAL PLAT PROCEDURES

Five (5) copies of the Final Plat shall be submitted to the Zoning Administrator. The Zoning Administrator shall then submit one (1) copy each to the Planning Commission and County Engineer. The Final Plat shall include all plans and specifications as may be necessary to comply with all requirements herein and such information as may be necessary concerning the form of guarantee or performance bond to be used.

Section 3-14 SUBMITTAL OF IMPROVEMENT PLANS

If the applicant has not previously submitted improvement plans, then they shall be submitted along with the Final Plat to the Zoning Administrator, who shall forward the Final Plat and improvement plans to the County Engineer.

Section 3-15 SOIL AND WATER CONSERVATION DISTRICT

The Planning Commission may, if it believes that substantial changes have been made from the Preliminary Plat, request that the Soil and Water Conservation District review the Final Plat. Any required fees shall be paid by the applicant.

Section 3-16 PLANNING COMMISSION ACTION

The Planning Commission shall review the Final Plat and documentation and transmit their report on findings and recommendations the County Board within sixty (60) days of the filing date of the Final Plat.

Section 3-17 COUNTY BOARD REVIEW

The County Board shall review the Final Plat and shall either approve or disapprove the plat. Approval however, shall not be granted unless the following conditions are met:

- (a) The Final Plat conforms to the Preliminary Plat approved previously.

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- (b) The Final Plat meets the design standards and engineering specifications set forth herein.
- (c) The Final Plat meets all requirements of the laws of the State of Illinois.
- (d) The sub-divider or applicant has posted a performance guarantee or bonds with the County equal to the one and one-half times estimated cost of all improvements for construction, maintenance and operation, as the case may be.

Section 3-18 COUNTY BOARD ACTION

If the Final Plat is approved, the Chairman of the County Board shall affix his signature to the plat and attach thereto a notation that the plat has received final approval of the County Board. The County Clerk shall then attest the signature of the Chairman and affix the County Seal thereto. If the Final Plat is disapproved, the reasons for such action and specific instances where the plat is not in conformance with the requirements herein shall be noted.

Section 3-19 COUNTY CLERK ACTION

The County Clerk shall attach to a copy of the Final Plat a certified copy of the County Board resolution certifying approval or disapproval.

Section 3-20 RECORDING PROCEDURE

No subdivision plat or re-plat shall be filed for record or recorded in the Office of the Recorder of Deeds of Washington County, Illinois, unless and until the approval of the County Board is endorsed thereon. No lot shall be sold for such subdivision plat or re-plat until it has been approved by the County Board and filed for record in the office of the Recorder of Deeds of Washington County, Illinois, as herein provided.

Section 3-21 OFFICIAL FILINGS

The sub-divider shall file the approved Final Plat along with the Deed Restrictions and Covenants of the subdivision with the Washington County Recorder of Deeds within sixty (60) days after the County Board have affixed their signature thereto. Two (2) copies of the Final Plat and the Deed Restrictions shall be given to the Zoning Administrator by the County Recorder bearing the official stamp of the Washington County Recorder of Deeds attesting the recordings within twenty (20) days of such action.

Section 3-22 ILLEGAL PLATS

It shall be unlawful for the County Recorder of Deeds of Washington County to accept for recording any plat of a subdivision within the unincorporated area of Washington County until the plat has been approved as required herein and such approval has been endorsed in writing on the plat or as otherwise provided herein.

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Section 3-23 MINOR SUBDIVISIONS

Minor subdivisions (see definition, "SUBDIVISION, MINOR") may be exempted from the procedures and requirements for Preliminary Plats and the sub-divider may proceed to file the Final Plat for review. Final Plat procedures and requirements shall be as specified in Sections 3-11 to 3-17.

Section 3-24 FEES

The review fee for the Preliminary Plat shall be Five hundred dollars (\$500.00), plus fifty dollars (\$50.00) per lot, sub-lot, or tract of land. The review fee for the Final Plat shall be one hundred fifty dollars (\$150.00). All fees shall be collected by the Zoning Administrator when all items or required information has been submitted by the applicant.

Section 3-25 IMPROVEMENT PLAN REVIEW AND INSPECTION FEE

All public improvements proposed to be made under the provisions of this Ordinance shall be inspected during the course of construction by the County's duly designated representative. The fees and costs connected with such inspections and in reviewing improvement plans and specifications shall be paid by the developer. The fee for inspection is included in the review fees for the preliminary plat and final plat [and shall be collected by the Zoning Administrator.](#)



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ARTICLE 4 SPECIFICATIONS FOR PLATS

Section 4-1 PRELIMINARY PLAT REQUIREMENTS

The Preliminary Plat shall portray or present the following:

- (a) Name under which the proposed subdivision is to be recorded and location.
- (b) Small key map showing the relation of the proposed subdivision to section or U.S. Survey lines and to platted subdivisions and dedicated streets within three hundred feet (300') of the proposed subdivision. The key map shall show the location of any corporate limits of any municipality lying within one and one-half (1.5) miles or less of the subdivision.
- (c) North arrow and date.
- (d) Name(s) and address(es) of the owner(s), sub-divider, land planning consultant, and the registered land surveyor who prepared the Preliminary Plat.
- (e) Tract boundary lines, showing their lengths and directions according to available information and references to lines of the public land survey and of other major land divisions.
- (f) All lot lines adjacent to and abutting the subdivision, and identification of adjoining lots.
- (g) Layout of proposed lots, showing their approximate dimensions, numbers and their approximate minimum area, showing an identifying number for each lot, and stating the zone district classification(s) of the proposed subdivision.
- (h) Streets or alleys and rights-of-way and adjoining the site of the proposed subdivision and their names; the street roadway and right-of-way widths, approximate gradients, types and widths of pavement, curbs, sidewalks, planting strips and other pertinent data; the classification of all existing or proposed streets as to function as established herein.
- (i) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes, the use(s) of the area to be subdivided, and on the manner and extent of correspondence of the proposed uses to the Comprehensive Plan, as adopted by the County Board.
- (j) Easements, existing and proposed, showing locations, widths, and purposes.
- (k) The gross and net area of the proposed subdivision, the area of street rights-of-way, and the area of any parcels reserved for the common use of the property owners within the subdivision or for public use. The standard road right-of-way shall not be included in the lot acreage.

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- (l) Because the topography has a significant bearing upon the street grades, the plan of public utilities and drainage-ways or facilities in the proposed subdivision, elevation contour lines at intervals not greater than two feet (2') intervals shall be shown.
- (m) Location of major water courses, ponding areas, natural drainage-ways and flood hazard areas.
- (n) Location, size and available capacity of existing public utilities and drainage-ways or facilities within or adjoining the proposed subdivision and the location and size of the nearest water trunk mains, interceptor sewer lines and other pertinent utilities.
- (o) Location, type and approximate size of utility improvements to be installed.
- (p) "The Preliminary Plat shall be drawn to a scale of not more than one hundred feet (100') to one inch (1"); and the resulting plat is at least eight and one-half inches (8½) by fourteen inches (14") but not more than thirty inches (30") by thirty-six inches (36")."
- (q) A statement to the effect that "this plat is not for record" shall be printed or stamped upon all copies of the Preliminary Plat.
- (r) Tentative approval of the street names and house numbers by the County E-911 Coordinator shall be endorsed upon the Preliminary Plat. Duplication of street names, within the County's jurisdiction shall be prohibited.
- (s) Indicated on the plat whether or not any part of the property shown is located within Special Flood Hazard Area as identified by Federal Emergency Management Agency.
- (t) An approval line for Township Authority shall state that all public road frontages along subdivision boundaries will be improved by the sub-divider, to County standards shown in Figure 3.
- (u) The building setback line along all front lot lines shall be shown.
- (v) A preliminary drainage plan prepared by a licensed Professional Engineer which when implemented assures that the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, that if such surface water drainage will be changed, reasonable provision has been made for collection, diversion, and release of such waters into public areas, or drains which the sub-divider has the right to use.
- (w) Planning Commission Board approval signature block.

Section 4-2 PLANNING COMMISSION REQUIREMENTS

In order to provide for a well informed review of the Preliminary Plat by the Planning Commission, the following information shall also be required:

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- (a) The final land use plan for all uses in the project or project phase under consideration.
- (b) A project or project phase development schedule indicating:
  - 1. the approximate date when construction of the project can be expected to begin;
  - 2. the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
  - 3. the anticipated rate of development;
  - 4. the approximate dates when the development of each of the stages in the development will be substantially completed; and
  - 5. the area and location of common or public open space that will be provided at each stage.
- (c) A plot plan for each building site, showing the approximate location of all buildings, structures, and improvements and indicating the open spaces around buildings and structures.
- (d) The term or the text of agreements, provisions, or covenants which will guarantee the conveyance and governance of use, provide proper maintenance, and continued protection of the proposed development and any of its common open area or facilities. Such covenants shall provide that changes cannot be made to the covenants without County Board approval until at least 51% of the lots have been sold by the developer.
- (e) The following plans and diagrams, in so far as the Planning Commission finds that the proposed development will create special problems of traffic, parking and landscaping:
  - 1. An off-street parking and loading plan.
  - 2. A landscaping and tree-planting plan.

Section 4-3 FINAL PLAT REQUIREMENTS

The Final Plat to be provided by the sub-divider shall meet the following specifications:

- (a) The Final Plat may include all or only part of the project area portrayed on the Preliminary Plat which has received approval.
- (b) The Final Plat shall be drawn on new linen tracing cloth, mylar or other material or comparable stability with waterproof black ink to a scale of not more than one hundred feet (100') to one inch (1"); provided that the resulting drawing is at least eight and one-half inches (8 1/2") by fourteen inches (14") but not more than thirty inches (30") by thirty-six inches (36"). Five (5) black or blue line prints shall be provided by the sub-

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divider, along with the original mylar or linen.

- (c) All dimensions shall be shown in feet and decimals of a foot.
- (d) The Final Plat shall be prepared under the active and personal direction of a registered Illinois Land Surveyor, who shall certify that the plat correctly shows the results of his survey of the boundaries and platting of parcels within the subdivision.

Section 4-4 PLAT DATA

The Final Plat shall portray or present the following:

- (a) Accurate boundary lines, with dimensions and bearings or angles, which provide a survey of the tract, closing with an error of closure of not more than one foot (1') in five thousand feet (5,000').
- (b) Accurate distances and directions to the nearest established official monument. Reference corners shall be accurately described on the Final Plat.
- (c) Reference to known and permanent monuments and bench marks from which future surveys may be made together with elevations of any bench marks; and the Surveyor must, at the time of making his survey, establish permanent monuments (set in such a manner that they will not be moved by frost) which mark the external boundaries of the tract to be divided or subdivided and must designate upon the plat the locations where they may be found.
- (d) Accurate metes and bounds descriptions of the boundary and the included area of the subdivision to the nearest one-hundredth (1/100) of an acre.
- (e) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
- (f) Right-of-way line of streets, easements and other rights-of-way and property lines and areas of lots and other tracts, with accurate dimension, bearings and curve data, including radii, arcs and chords, points of tangency, and central angles.
- (g) Name and right-of-way width for each proposed street or other right-of-way. Any street not dedicated to the public shall be labeled "PRIVATE STREET" in addition to any tentative name assigned by the E-911 Coordinator.
- (h) Location and dimensions of any easement and a statement of purpose for each easement.
- (i) Number to identify each lot or site.
- (j) Purpose for which sites, other than residential lots, are dedicated or reserved.

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- (k) Lot dimensions and areas of each lot, and building or setback lines and dimensions.
- (l) Location, type, material and size of all monuments and lot markers.
- (m) Certification, before a Notary Public, by the owners in fee of all property embraced within the Final Plat, acknowledging the plat to be their free and voluntary act, dedicating to the public use forever the streets and drainage easements shown thereon, dedicating the easements shown thereon for the construction and maintenance of municipal and public utility services, and stating that building lines shown thereon will be referenced to in all future conveyances of lots in the subdivision. In addition, the dedication and reservation to the public of any right-of-way lying along any public road adjacent to the boundaries of the plat.
- (n) Reference to recorded subdivision plats within three hundred feet (300') of adjoining plated land by record name, date and number.
- (o) Restrictions of all types which will run with the land and become covenants in the deeds for lots. Covenants and restriction are recorded within the County Recorder of Deeds office as a part of this plat.
- (p) Title or name of subdivision; identification of the portion of the Public Lands Survey in which the subdivision is located; and north arrow, graphic scale and date drawn.
- (q) Certification by registered land surveyor with registration numbers and seal affixed to all final documents prepared by the surveyor.
- (r) Certification of dedication of all public areas.
- (s) Indicate on plat whether or not any part of the property shown is located within a Special Flood Hazard Area as identified by Federal Emergency Management Agency.
- (t) The building setback line along all front lot lines shall be shown.
- (u) Certification from the County Clerk indicating that there are no delinquent or unpaid general or special taxes nor any delinquent or unpaid special assessments upon any part of the subdivided area.
- (v) Approval of the street names and house numbers by the County E-911 Coordinator shall be endorsed upon the plat.
- (w) A drainage plan and statement prepared and signed by a Registered Professional Engineer, which meets the requirements of this Ordinance.
- (x) An approval line for the appropriate State, County or Township Roadway authority with respect to Roadway Access

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- (y) An approval line for the Washington County Health Department with respect to sewage disposal systems if any part of the platted land will not be served by a public sewer system.
- (z) County Board approval signature block.

Section 4-5 IMPROVEMENT PLANS

After the Preliminary Plat is approved, improvement plans prepared by an engineer for the subdivision of all or any part of the tract shall be submitted to the Zoning Administrator (see: 3-12 (a)) for review. Improvement plans shall be prepared on an exhibit not to exceed forty-eight inches (48") by forty-eight inches (48") and shall contain the following information:

- (a) Title page, which shall include a key map showing the relationship of the area to be subdivided to the project area and which shall reflect areas of the project area previously subdivided plus adjacent streets.
- (b) North arrow and graphic scale.
- (c) Title block showing name and address of developer and engineering firm, as well as the engineer's seal.
- (d) One or more bench marks, in or near the subdivision, to which the subdivision is referenced. The elevation shall be based on the sea level datum.
- (e) List of the standards and specifications followed, citing volume, section, page or other references.
- (f) Paving details conforming to Washington County standards specifications.
- (g) Details of streets, existing and proposed sanitary sewers, water lines, drainage channels, swales, and storm sewers as required by Article 6.
- (h) Plans and profiles of streets, storm and sanitary sewers, water lines and other improvements required by Article 6. The plans and profiles shall be drawn at a scale not greater than **one hundred to the inch (1" = 100") horizontal; and one inch (1") equals ten feet (1" = 10') vertical.**
- (i) Existing and proposed survey monuments on street plans or on the proposed Final Plat as required by Section 6-2.
- (j) As built drawings shall be submitted to the Zoning Administrator after the improvements have been installed.
- (k) Cross sections shall be provided along all roadways at 100 (one hundred) feet intervals, this includes existing road frontages.

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- (l) The Developer shall obtain an IEPA, National Pollution Discharge Elimination System Permit. Conditions of permit approval shall be incorporated into the improvement plans.
- (m) Plan of sewerage disposal system showing pipe locations, sizes, force mains, invert elevations, manhole locations, lift stations, etc.
- (n) An erosion and sediment control plan meeting the requirements of Section 5-18 shall be submitted with the improvement plans.
- (o) County Engineer approval signature block.

Section 4-6 VARIANCE FROM THE PRELIMINARY PLAT

If the improvement plans require substantial alteration of the approved Preliminary Plat, then a new Preliminary Plat must be submitted to the Zoning Administrator before the improvement plans can be approved.

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ARTICLE 5 MINIMUM STANDARDS OF DESIGN

Section 5-1 GENERAL STATEMENT

The sub-divider shall conform to the following principles and standards of land subdivision in the design of each subdivision or portion thereof. No Preliminary Plat shall be approved unless it conforms to the following minimum standards of design. The Planning Commission, in its review of the Preliminary Plat, will take into consideration the requirements of the community and the best use of the land being subdivided.

Section 5-2 STREET PLANNING

All streets shall be public streets and meet all requirements of this Ordinance. The arrangement, character, extent, width and location of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Wherever possible and necessary, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. Where adjoining un-subdivided areas may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. No building shall be allowed in areas within a projected street continuation. In no case shall land be subdivided in such a manner that adjoining property be denied access.

Where subdivision streets or rights-of-way are continuations or extensions of existing streets or rights-of-way, the width thereof shall be of the same or greater width as the existing street or right-of-way except that in no case shall the street or right-of-way in the subdivision be of less width than the minimum as provided herein. Dedication of half or portions of a street shall be discouraged, but may be permitted whenever there is no other logical method of platting. Reserve strips, of any type, shall not be allowed.

Section 5-3 STREET DESIGN REQUIREMENTS

The following requirements shall also be met when planning the street network:

- (a) Streets shall intersect, as nearly as possible, at right angles.
- (b) Land access street intersections shall be rounded by radii of at least fifteen feet (15'); intersections involving collector streets shall have radii of not less than twenty-five feet (25').
- (c) Street jogs with centerline offsets of less than one hundred twenty-five feet (125') are prohibited.



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- (d) Unless topography indicates a need for a greater length, dead-end streets, designed to be so permanently, shall be no longer than five hundred feet (500') and shall terminate with a turn-around having a radius at the outside of the pavement of at least fifty feet (50') and a diameter at the outside of the right-of-way of at least one hundred twenty feet (120'). This length may be increased where topography or existing conditions, such as, existing platted lots prevent future extension, but may not exceed one thousand feet (1,000') in length, provided, however, that this length can be modified in areas of excessive grade that prohibit a reasonable connection.
- (e) Land access streets shall be designed so as to discourage through traffic.
- (f) No land access street shall be in excess of ten percent (10%) grade and no collector street grade shall be in excess of seven percent (7%) grade, except as otherwise approved by the Planning Commission due to adverse topographic conditions. Minimum vertical curve transitions at intersections shall be one hundred (100) feet in length for slopes in excess of five percent (5%). For adequate drainage, the minimum grade of any new street shall not be less than one-half (1/2) of one percent (1%).
- (g) The Planning Commission shall not approve streets which will be subject to frequent inundation or flooding.
- (h) Alleys shall be avoided in single-family and two-family districts; however, alleys may be required in multiple-family districts and commercial or industrial districts unless other definite and assured provision is made for service access, such as off-street loading, unloading and parking, consistent and adequate for the use proposed.
- (i) Dead-end alleys shall not be permitted, except where provided with adequate turn-around facilities at the dead-end, or where such dead-end alleys provide the only access to off-street parking or loading spaces.
- (j) Alleys, where provided, shall have a right-of-way of not less than twenty feet (20').
- (k) Intersection of more than two (2) streets at one (1) point shall be prohibited.
- (l) Where subdivision abuts on or contains an existing or proposed area service highway, the Planning Commission may require that marginal access streets be provided in order that no lots front on such existing or proposed area service highway.
- (m) Wherever the Illinois Department of Transportation or the County of Washington has gone on record as desiring the relocation and/or the construction of a new highway or whenever a municipality has duly recorded with the County a comprehensive plan and/or adopted an official map defining the location of streets, the sub-divider shall reserve rights-of-way for the construction of such streets or highways with rights-of-way alignments and widths as prescribed by the appropriate jurisdictional agency.

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Section 5-4 RIGHT-OF-WAY AND SURFACE WIDTH REQUIREMENTS

The following shall be the minimum rights-of-way and surface width requirements provided under the terms of this Ordinance; however, the Planning Commission may increase a street rights-of-way because of limitations imposed by topography and/or other physical factors and specific design requirements.

Street Classification	Width of Surface (a)	Width of Right-of-Way
Area Service Highway	See (b) Below	See (b) Below
Collector	See (b) Below	See (b) Below
Land Access Street:	24 Feet	50 Feet (c)

- (a) Measured from face to face of curbs or from edge to edge of surfacing for open ditch cross-sections.
- (b) Design and construction of area service highways and collector streets shall conform to the Illinois Department of Transportation Design and Construction Policies, Standards and Specifications.
- (c) If sidewalks are required on one side, add four feet (5') and if sidewalks are required on both sides, add eight feet (10') to right-of-way requirements.

Section 5-5 ADDITIONAL RIGHT-OF-WAY REQUIREMENTS

Whenever the subdivision adjoins a non-access highway constructed by the Illinois Department of Transportation or the County of Washington, which is the maintenance responsibility of the Illinois Department of Transportation, the Planning Commission, upon the recommendation of the Illinois Department of Transportation, may require the reservation of a service road with a minimum right-of-way of not less than sixty feet (60') which road shall parallel the highway and may have connections thereto at locations that are jointly approved by the Planning Commission and the Illinois Department of Transportation.

- (a) Wherever any highway, constructed by the Illinois Department of Transportation, which is the maintenance responsibility of the Illinois Department of Transportation, traverses or adjoins the subdivision, the sub-divider shall reserve a right-of-way having a width of not less than sixty feet (60') from the centerline of such highway.
- (b) If any tract of land proposed to be subdivided (or any part thereof) lies adjacent to any highway over which the Illinois Department of Transportation has jurisdiction with respect to maintenance and upkeep, and an access is desired from such highway to any lot, street, roadway, alley or otherwise in such proposed subdivision, then the sub-divider shall be required to obtain and submit to the Zoning Administrator a written permit from the Illinois Department of Transportation granting him permission to construct such access way.

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Section 5-6 COUNTY AND TOWNSHIP HIGHWAYS

Wherever any highway, constructed by the County of Washington, which is the maintenance responsibility of the County of Washington, and traverses or adjoins the subdivision, the subdivider shall reserve a right-of-way having a width of not less than fifty feet (50') from the centerline of any County highway and thirty feet (30') from the centerline of any township highway in Washington County.

Section 5-7 COLLECTOR LOCATIONS

In order to provide adequate traffic circulation and to insure adequate access to developed areas, collector streets shall be provided at approximately one-half (1/2) mile intervals with the exact right-of-way location determined by the Planning Commission. Consideration shall be given by the Planning Commission to the topography, density of development, and established streets.

Section 5-8 NOISE ABATEMENT

If the project or subdivision is to be developed within one thousand feet (1,000') of the centerline of an existing or planned highway, with a fifteen (15) year projected Average Daily Volume in excess of two thousand (2,000) vehicles, consideration must be given to the relationship between highway traffic noise and the proposed development. In order to alleviate excessive highway noise impacts, the Planning Commission, in consultation with the Illinois Department of Transportation, may require the developer to conform with additional setback requirements or provide adequate buffering.

Section 5-9 EASEMENTS

Easements of not less than ten feet (10') in width shall be provided on each side of all rear lot lines, and alongside lot lines where necessary for storm and sanitary sewers, gas, water and other mains, and for electric and telephone lines or for other public utilities. Easements of greater width may be required along or across lots when necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement. A two foot (2') easement shall be required on one (1) side of and adjacent to an alley to accommodate pole lines.

Adequate easements for storm water drainage shall be established along any natural drainage channel and in such other locations as may be necessary to provide satisfactory disposal of storm water from streets, alleys and all other portions of the subdivision. All necessary drainage easements shall be furnished at no expense to the Road Authority and meet the following minimum standards:

- (a) Top channel widths from 0' - 50' require top widths plus 25'.
- (b) Over 50' top channel widths require top widths plus 25' each side.

Water drainage easements may be required as is necessary to permit proper construction of drainage facilities based on the drainage system plan of the area. No subdivision shall block or obstruct the natural drainage of an adjoining area.

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Section 5-10 BLOCKS

No block shall be longer than one thousand two hundred feet (1200') or less than five hundred feet (500') in length.

- (a) All blocks, whenever it is deemed essential by the Planning Commission to provide access to schools, playgrounds, shopping centers and other community facilities, shall have a crosswalk with a right-of-way of at least ten feet (10') in width near the center of the block.
- (b) The length, width and shapes of blocks shall be determined with due regard to building sites, land use, zoning requirements, access, safety and convenience.
- (c) Where a subdivision adjoins an area service higher type roadway, the greater dimension of the block shall generally front or back upon such highway to avoid unnecessary multiplicity of points of ingress or egress.

Section 5-11 RESERVED

Section 5-12 LOTS

Lot area, setbacks and dimensions shall conform to the requirements of the applicable district of the County Zoning Ordinance.

- (a) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.
- (b) All side lines of lots shall be at right angles to straight street right-of-way lines and radial to curved street right-of-way lines, except where a variation of this rule will provide a better street and lot design.
- (c) All remnants of lots below minimum lot area size left over after subdividing a larger tract shall be added to adjacent lots, rather than allowing to remain as unusable land.
- (d) Lots which cannot be served by either a public or private sanitary sewer or a public water system, shall comply with the applicable provisions of the County Health Department.
- (e) Lots with double frontage should be avoided, where possible. Corner lots and lots with double frontage shall have extra dimension sufficient to permit the establishment of front building or setback lines on the adjoining streets.
- (f) Lots shall be graded by the developer so as to provide each lot with satisfactory access to a public street.

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- (g) The subdividing of the land shall be such as to provide drainage away from building locations.
- (h) In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, historic sites, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development.
- (i) One (1) new lot, consisting of at least one (1) permanent dwelling and its point of ingress/egress for vehicles, utilities, etc., (provided that it existed at such location on the effective date of this Ordinance), resulting from the division of a tract of land containing twenty (20) acres or more shall have access to a public street or road. The ingress/egress portion shall not be less than twenty-five (25) feet nor more than thirty (30) feet in width, and all set-back requirements shall apply.

Section 5-13 LOT CONVEYANCE

The owner(s) may convey title to lots in the improved portions of the subdivision, provided that streets, storm and sanitary sewers, and sewage treatment plants be designed and built to serve the entire area or be initially developed in such a manner that they can easily be expanded or extended, as the case may be to serve the entire development.

Section 5-14 PUBLIC RESERVATIONS

When a school board, park board or governing body of a county or municipality goes on record as desiring to purchase ground in the subdivision for a school, park or other public purpose, such area shall be reserved for acquisition within a twelve (12) month period. If within this twelve (12) month period, an acquisition price cannot be agreed upon or condemnation proceedings have not been instituted, the owner or sub-divider may subdivide, sell, or dispose of the ground.

Section 5-15 SEWAGE DISPOSAL

In areas where on-site sewage disposal systems will be installed, the size and relative location shall be governed by the Illinois Department of Public Health and Washington County Health Department regulations in effect at the time.

The Preliminary Plat shall not be recommended by the Planning Commission nor approved by the County Board until the Health Department's written approval of the developers sewage disposal proposal is obtained from the Health Department Administrator.

Section 5-16 STREETS

All streets proposed for either public or private maintenance shall be constructed to the minimum standards of this Ordinance and subject to the improvement plan review procedures.

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Section 5-17 DRAINAGE

No plat shall be approved for any subdivision which is subject to flooding (as defined in this Ordinance), unless the plat conforms to the applicable requirements of this Ordinance. An acceptable drainage plan which meets the criterion presented herein is required for plat approval.

(a) Minimization of Increases in Runoff Volumes and Rates: In the selection of a drainage plan for a new development the developer shall evaluate and implement site design features which minimize the increase of runoff volumes and rates from the site. The developers drainage plan submittal shall give consideration to site design features which are consistent with the following hierarchy:

1. Preservation of regulatory flood plains, flood prone and wetland areas;
2. Minimize impervious surfaces on the property, consistent with the needs of the project;
3. Attenuate flows by use of open vegetated swales and natural depressions and preserves the existing natural stream channel;
4. Infiltration of runoff on-site;
5. Provide storm water retention structures;
6. Provide wet or wetland detention structures;
7. Provide dry detention structures; and
8. Construct storm sewers.

(b) The drainage system should be designed to minimize adverse surface and groundwater quality impacts off-site and on the property itself. Detention basins shall incorporate design features to capture storm water runoff and sediment. In particular, designers shall give preference to wet bottom and wetland type designs and all flows from the development shall be routed through the basin (i.e., low flows shall not be bypassed). Detention of storm water shall be promoted throughout the property's drainage system utilizing channels and impervious surface reduction to reduce the volume of storm water runoff and erosion.

The drainage system should incorporate multiple uses where practicable. Uses considered compatible with storm water management include open space, aesthetics, aquatic habitat, recreation (boating, fishing, trails, playing fields), wetlands and water quality mitigation.

(c) Drainage plan design criteria, standards, and methods shall be specified in a statement by the design engineer of the drainage systems provision for handling critical storm event. A drainage statement signed by a Registered Professional Engineer, and the owner of the

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land or a duly authorized attorney, to the effect that to the best of their knowledge and belief the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, that if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the sub-divider has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision.

Section 5-18 EROSION AND SEDIMENT CONTROL

The National Pollutant Discharge Elimination System (NPDES) program of the Federal Clean Water Act imposes erosion and sediment control requirements for construction projects. All projects disturbing one or more acres of land that are under construction on or after March 10, 2003 are required to comply with NPDES Phase II rules. The owner/developer shall comply with all the current or future provision of the NPDES Permit No. ILR 10, an individual permit or any other future applicable erosion and sediment control requirement unless the owner/developer or his surveyor/engineer certifies in writing to the County Engineer that the construction of the proposed subdivision road is not subject to the NPDES program. If the NPDES storm water permit requirements apply to this subdivision road project a Storm Water Pollution Prevention Plan (SWPPP) for the proposed subdivision road must be submitted with the improvement plans. No plans will be approved until a copy of the SWPPP has been submitted to the County Engineer.

In addition to the SWPPP, the owner/developer shall provide the County Engineer with copies of all the required forms submitted to IEPA including the following: Notice of Intent (NOI), Incident of Noncompliance (ION) (if any), and the Notice of Termination (NOT). The owner/developer shall be completely responsible for all compliance with all the requirements of the National Pollutant Discharge Elimination System (NPDES) for his subdivision. The owner/developer shall pay for all penalties for any NPDES violation during the construction of his subdivision road. If the developer fails or refuses to pay for all penalties for any NPDES violation part or all of the developer's performance guarantee may be used to pay for any or all penalties so that there will be liens against the road and a township road district highway commissioner could accept it for maintenance. New roads must have permanent erosion controls in place prior to the release of the performance guarantee.

The preparation of soil erosion and sediment control plans shall follow the principles outlined in the "Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control", excepting Chapter Six (6) published by the Urban Committee of the Association of Illinois Soil and Water Conservation Districts. The design criteria, standards, and methods shall be prepared in accordance with the requirements of this Ordinance and the standards and specifications contained in "Illinois Urban Manual" prepared for the Illinois Environmental Protection Agency by the U.S.D.A., Natural Resources Conservation Service, which standards and methods are hereby incorporated into this Ordinance by reference. In the event of conflict between the provisions of said manuals and of this Ordinance, this Ordinance shall govern.

(a) Erosion and Sediment Control Design Requirements: New developments or redevelopments shall comply with and meet the following:

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1. Control measures shall be constructed to control runoff from the property to such an extent possible that sediment is retained on-site.
2. Temporary on-site control measures required shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.
3. Disturbed areas shall be stabilized with permanent measures within seven (7) calendar days following the end of active disturbance, or re-disturbance consistent with the following criteria:
  - a. Appropriate permanent stabilization measures shall include seeding, mulching, sodding, with non-vegetative measures as a last resort.
  - b. Areas having slopes greater than three (3) to one (1) shall be stabilized with sod, mat, or blanket in combination with seeding or equivalent.
4. All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.
5. All temporary erosion and sediment control measures shall be disposed in a proper manner within thirty (30) days after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation.
6. Site Development Requirements: On-site sediment control measures, as specified by the following criteria, shall be constructed as specified in the referenced handbooks, and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.
  - a. For new developments or re-developments less than one (1) acre, filter barriers (including filter fences, straw bales, or equivalent control measures) shall be constructed to control all on-site runoff. Vegetated filter strips, with a minimum width of twenty-five (25') feet, may be used as an alternative only where runoff in sheet flow is expected.
  - b. For new developments or re-developments more than one (1) acre but less than five (5) acres, a sediment trap or equivalent control measure shall be constructed at the down-slope point of the disturbed area.
  - c. For new developments or re-developments greater than five (5) acres, a sediment basin or equivalent control measure shall be constructed at the down-slope point of the disturbed area.



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- d. Sediment basin and sediment trap designs shall provide for both "dry" detention and "wet" detention sediment storage. The detention storage shall be composed of equal volumes of "wet" detention storage and "dry" detention storage and each shall be sized as specified in Section 5-18. The release rate of the basin shall be that rate as specified in Section 5-19. The elevation of the outlet structure shall be placed such that it only drains the dry detention storage.
  - e. The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume or sediment generated in one year. For construction periods exceeding one year, the 1-year sediment load and a sediment removal schedule may be substituted.
  - f. For erosion and sedimentation control measures the alteration of sinkholes by filling, grading or excavation is prohibited, including an area within twenty-five (25') feet from the rim.
  - g. To the extent possible or as otherwise regulated in **this Ordinance** all desirable trees eight (8) inches in diameter and larger shall be protected for their present and future value for erosion protection and other environmental benefits. Trees that have been selected for preservation shall be marked prior to the beginning of any clearing, grading, stripping, excavation, or filling of the site. A "No" construction zone shall be established and marked at the perimeter of the drip-line of each tree which is to be preserved.
7. Storm water conveyance channels, including ditches, swales, and diversions, and the outlets of all channels and pipes shall be designed and constructed as specified in Section 5-17. All constructed or modified channels shall be stabilized within 48 hours, consistent with the following standards and as required in the referenced handbooks:
- a. For grades of four (4) to one (1) to eight (8) to one (1), an erosion blanket or equivalent control measure shall be applied in the channel.
  - b. For grades greater than eight (8) to one (1), rock, rip-rap, or an equivalent control measure shall be applied over filter fabric or other type of soil protection, or the grade shall be effectively reduced using drop structures.
8. Land disturbance activities in stream channels shall be avoided, where possible, or as specified in Section 5-17. If disturbance activities are unavoidable, the following requirements shall be met.
- a. Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material, such as rip-rap or gravel.

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- b. The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be stabilized within 48 hours after channel disturbance is completed, interrupted, or stopped.
  - c. Whenever channel relocation is necessary, the new channel shall be constructed under dry conditions and fully stabilized before flow is diverted, incorporating meanders, pool and riffle sequence, and riparian planting.
9. Storm sewer inlets and culverts shall be protected by sediment traps or filter barriers meeting accepted design standards and specifications.
10. Soil storage piles containing more than 10 cubic yards of material shall not be located with a down-slope drainage length of less than 25 feet to a roadway, drainage channel, or sinkhole. Filter barriers, including straw bales, filter fence, or equivalent, shall be installed immediately on the down-slope side of the piles.
11. If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins, or equivalent and shall not be deposited into a sinkhole.
12. Each site shall have graveled (or equivalent) entrance roads, access drives, and parking areas of sufficient length and width to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment disposal area.
- (b) Maintenance of Control Measures: All soil erosion and sediment control measures necessary to meet the requirements of this Ordinance shall be maintained periodically by the applicant or subsequent land owner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance.

**Section 5-19 TREE REMOVAL/CONSERVATION OF VEGETATION**

All subdivisions shall be planned, designed, constructed and maintained so that:

- (a) Existing healthy trees and native vegetation on the site are preserved to the maximum extent feasible and are protected by adequate means during construction.
- (b) Existing native vegetation is not disturbed, injured or removed prior to site development, except to the extent necessary for the preparation of the site.
- (c) Following construction, vegetation suitable to the site is to be planted
- (d) No slash, dead trees, or uprooted stumps remain after development.

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ARTICLE 6 MINIMUM STANDARDS OF IMPROVEMENT

Section 6-1 GENERAL STATEMENT

Utility and street improvements shall be provided by the sub-divider in each new subdivision in accordance with the standards and requirements described in the following section. The requirements set forth below shall be considered as minimum requirements and nothing contained herein shall be construed to mean that the sub-divider cannot construct or provide improvements of a higher type.

No Final Plat shall be approved unless:

- (a) the improvements required in this Article have been completed and approved prior to such approval; or
- (b) the sub-divider shall file a performance guarantee or bond as provided in Section 6-19.

Section 6-2 REFERENCE MONUMENTS

The surveyor must at the time of making the survey, set in such manner that they will not be moved by frost, good and sufficient monuments marking the external boundaries of the tract to be divided and must designate upon the plat the points where they may be found. These monuments must be placed at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line and at all angle points along a meander line, the center of all cul-de-sacs, the points to be not less than twenty (20) feet back from the normal water elevation of a lake or from the bank of a stream, except that when such corners or points fall within a street, or proposed future street, the monuments must be placed in the right-of-way line of the street. These monuments, two of which must be of reinforced concrete and set at opposite extremities of the property platted. All lot corners shall be monumented in a like manner with steel pins.

Concrete monuments shall be four (4) inches by four (4) inches by thirty (30) inches (4"x 4" x 30") with one-half (½) inch by thirty (30) inches steel pins cast in center.

Steel pins shall be one-half (½) inch or larger in diameter, not less than twenty-eight (28) inches in length and driven into the ground not protruding above the surface more than one-half (½) inch.

Existing cornerstones will be accepted in lieu of concrete monuments provided locations are at opposite extremities of the platted parcel.

The Developer may delay installation of lot marker monuments until completion of improvements provided that cost of placing said monuments shall be included in the improvement plan cost estimate and be subject to bonding requirements. The land surveyor shall submit a letter stating desire to place monuments after improvements are completed in contract form guaranteeing maximum cost for installation.

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Section 6-3 STREET IMPROVEMENTS

All streets shall be constructed as hereinafter provided:

- (a) All new streets, which are created and dedicated for use within a subdivision, shall be graded, drained and surfaced in accordance with the minimum requirements herein below set forth and in a manner which will provide complete and adequate drainage of all the streets, alleys and public grounds in the entire subdivision, including any such work which may be necessary in order to provide adequate and satisfactory drainage along the side of any existing public street which lies adjacent to the subdivision.

In general, all such new streets within the subdivision and all work to be undertaken thereon shall be designed and constructed according to the Standard Specifications for Road and Bridge Construction adopted by the Department of Transportation of the State of Illinois, as the same are in effect at the time the Preliminary Plat and plans for such improvement work are submitted for approval, except as otherwise provided herein.

- (b) Grading Roadway and Side Slope. The roadway shall not be less than the dedicated street width provided in Section 5-4 and shall be constructed substantially in accordance with the typical cross section shown in Figures 1 and 2 hereto attached.

1. Any disturbed areas within the right-of-way shall be seeded in accordance with standard specifications. The developer shall assume responsibility for maintaining the complete roadway, including the seeding, the removal of earth, crushed stone or other debris from the pavement, curb and gutter and other drainage facilities for a period of one (1) year after acceptance by the Township Road Commissioner or by the County.
2. Alleys shall not be less than twenty feet (20') in width of which area, not less than eighteen feet (18') in width shall be paved in accordance with standards and specifications herein provided for local streets, except that such alleys shall not be required to have concrete curb and gutter.
3. Cul-de-sacs shall provide a hundred foot (100') diameter turn-around or a turn-around acceptable to the County Engineer.

- (c) Grading, Excavation and Embankment. All excavation and construction embankments shall be in accordance with the specifications. The embankment or fills shall be placed in six inch (6") layers and thoroughly compacted.

- (d) Combination Concrete Curb and Gutter. If utilized, combination concrete curb and gutter complete with reinforcing rods shall be built in accordance with the detail shown in Figure 1. The minimum distance from face to face of curbs shall not be less than the pavement width provided in Section 5-4.

- (e) Utility Lines. Underground utility lines in utility easements or rights-of-way shall be installed prior to the construction of such streets and alleys.

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(f) Street Construction Standards. All streets within the jurisdictional authority of the county other than state highways shall be improved with pavements bounded by integral concrete curbs and gutters, or by turf shoulders and open ditches, in accordance with the following minimum criteria:

1. Area service highways and collectors shall be designed and constructed to conform to Illinois Department of Transportation Design and Construction Policies, Standards and Specifications. Area service highway and collectors shall be surfaced with bituminous concrete, concrete or portland cement. Low volume collectors may, by application for a variance as per Article 7, be allowed to be surfaced with bituminous treatment Class A-3. Collector or higher type highway shall have as a minimum a bituminous concrete surface.
2. Access streets shall be constructed using either of the following options:

**OPTION 1**

Land access and collector street pavements shall consist of six (6) inch lime modified sub-grade and a Type A crushed stone aggregate base course having a compacted thickness of eight (8) inches. A class A-3 bituminous surface treatment shall be placed over the base course, with said treatment to include a prime coat plus three separate asphalt/aggregate layers.

**OPTION 2**

Land access and collector street pavements shall be placed on a well-compacted sub-grade free of topsoil and unsuitable material. The base course shall consist of Type A crushed stone aggregate having a compacted thickness of ten (10) inches. A Class A-3 bituminous surface treatment shall be placed over the base course, with said treatment to include a prime coat plus three separate asphalt/aggregate layers.

**Section 6-4 STORM SEWERS AND OTHER DRAINAGE APPURTENANCES**

In addition to the installation of optional curbs or gutters along the streets as noted by Section 6-4(d) of this Article, storm sewers may be required to provide adequate drainage along any street and such storm sewers, manholes, catch basins, inlets and outlets shall be constructed in accordance with the applicable provisions in the specifications. Catch basins are to be constructed in accordance with the Standard Specifications for Road and Bridge Construction, prepared by the Illinois Department of Transportation, as amended. The storm water drainage system shall be separate and independent of the sanitary sewer system and shall be in accordance with the drainage laws of the State of Illinois. The plans and specifications for the disposing of storm water shall be approved by the County Engineer.

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Section 6-5 FLOW LINES

The flow line of any open ditch, combination curb and gutter section, as well as the flow line of any storm sewer, shall have a fall of at least 0.5 of a foot per one hundred (100) lineal feet, except where vertical curves in the grade line of the street make this provision inapplicable with respect to the curb and gutter/ditch.

Section 6-6 PIPE CULVERTS

All across-road culverts and entrance culverts shall comply with the specifications. No such pipe culverts, however, shall be less than fifteen inches (15") in diameter unless written approval is given by the County Engineer for a reduced size of not less than twelve inches (12") in diameter. The design, installation and construction of all drainage structures shall be subject to the approval of the County Engineer. The design, installation and construction of all drainage structures shall be subject to the approval of the County Engineer. Drainage structures over forty-eight inches (48") diameter in size shall be designed in accordance with the policies and procedures contained in the Illinois Department of Transportation, Drainage Manual.

Section 6-7 RESERVED

Section 6-8 ELECTRICAL POWER, TELEPHONE AND CABLE ANTENNA TELEVISION  
(CATV)

Electrical, telephone, and CATV service lines may be placed underground throughout the subdivision. The conduit or cables shall be located within easements or public rights-of-way in a manner which will not conflict with other underground services. All transformers and terminal boxes shall be located so as not to be unsightly or hazardous to the public. The location of such services within any public right-of-way shall be approved by the County Engineer.

Section 6-9 PUBLIC UTILITY ENGINEERING REQUIREMENTS

All proposed water and sanitary sewer facilities shall comply with the minimum requirements and recommendations of the Environmental Protection Agency of the State of Illinois. When a proposed subdivision is accessible to a public sewer system and/or water distribution system, the sub-divider shall provide the subdivision with a complete sanitary sewer system and/or water distribution system to be connected to the proper public system(s), when a permit can be secured from the public agency. Utilities, when possible, shall be placed in the back lot easements.

Whenever the sub-divider provides a private system of sanitary sewers and a treatment plant, such system and plant shall conform to all standards, specifications and requirements of the Illinois Environmental Protection Agency and shall be approved by the agency and the County Health Department.

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Whenever septic tanks are utilized, the system shall comply with applicable county regulations or recommendations of the Illinois Department of Public Health, whichever is greater. Any such septic tank need not be constructed until the principal building or residence is erected on the lot.

Section 6-10 SANITARY SEWERS

When provided, each lot in the subdivision shall be provided at the property line with a connection to the private or public sanitary sewer system. The construction of the sewer system shall conform to the approved plans and specifications and all work should be properly inspected and approved by the County Health Department. Sewage collection lines shall not be smaller than eight inches (8") in diameter.

Section 6-11 WATER

When provided, each lot in the subdivision shall have access to the private or public water system. The construction of the water system shall conform to the approved plans and specifications and all work shall be properly inspected and approved by the County Engineer. Water distribution lines shall not be smaller required by the water distribution supplier.

Section 6-12 FIRE HYDRANTS

When a public or private water distribution system is provided, fire hydrants may be installed by the sub-divider as part of the water distribution system, but only with the approval of the water distribution supplier. Installation of hydrants shall be accomplished in such manner that each lot is within four hundred feet (400') of the fire hydrant when measured along the centerline of the right-of-way. No fire hydrant shall be placed on a main smaller than six inches (6") in diameter. Fire hydrants must be located no further than twenty feet (20') from the curb. Hydrants installed shall be of the type approved by the Fire Chief of the district having jurisdiction. Where appropriate, "dry hydrants" for fire protection purposes in rural areas shall be encouraged.

Section 6-13 SIDEWALKS

Sidewalks shall be of Portland cement concrete, with a minimum thickness of four inches (4") and a minimum width of four feet (4').

Sidewalks shall be encouraged:

- (a) On at least one side of the street when dwelling unit/net density is from two (2) to four (4) dwelling units per acre;
- (b) On both sides of a street when dwelling unit density is four point one (4.1) per more dwelling unit per net acre;
- (c) On collector streets, near schools, shopping and similar areas.

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All sidewalks shall be constructed at a grade no steeper than eight and one-half percent (8.5%), unless steps of adequate design with handrails are provided and approved by the County Engineer.

Non-residential sidewalks within the non-residential site shall be concrete, four inches (4") thick and six feet (6') in width, except at driveways where thickness shall be approved by the County Engineer and shall be adequate for the intended use.

Sidewalks shall be provided with number six (6) reinforcing mesh across the entire width and breadth of driveway aprons or the concrete shall be at least six inches (6") in thickness.

All sidewalks and curbs shall meet the Americans With Disabilities Act (ADA) of 1990 standards, as amended.

Section 6-14 SIDEWALK VARIANCE

A variance may be granted, in the provision of sidewalks, if one or more of the following conditions are met:

- (a) Where sidewalks are not deemed necessary for public safety or where topographical or other conditions make their installation and use impractical; and/or
- (b) Where the subdivision designer has submitted for review a proposed pedestrian movement plan that provides for more direct and safer movement of pedestrian traffic.

Section 6-15 BIKE PATHS AND TRAILS

In addition to the sidewalk requirements, developers are encouraged to include other methods of pedestrian movement such as bike paths and nature trails in conjunction with or partially in substitution for sidewalks.

Section 6-16 STREET LIGHTING IMPROVEMENTS

Street lighting improvements may be installed to serve all properties within the subdivision.

- (a) Location: There shall be at least one (1) light at each intersection and interior of each cul-de-sac, and spacing of standards shall not exceed three hundred feet (300') with consideration for minor space adjustments allowing standards to be placed at lot lines.
- (b) Specifications:
  - 1. Lighting standards shall be of conventional fiberglass, wood, or steel construction with a minimum of fourteen (14) feet mounting height.
  - 2. Residential luminaries shall be a minimum of 150 watt sodium lights.
  - 3. Commercial and industrial luminaries shall be a minimum of 250 watt sodium lights.



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6-16.1 LIGHTING DISTRICT:

The developer shall provide for the formation of a lighting district to cover all costs associated with the operation of the street lighting within the subdivision covenants and restrictions.

Section 6-17 STREET MARKERS AND TRAFFIC SIGNS

All street markers/traffic control signs shall be installed and maintained by the appropriate state, county or township agency.

Section 6-18 PROVISIONS FOR MAINTENANCE AND OPERATION

When a subdivision contains sewers, sewage treatment plants, water supply systems, park areas, or other physical facilities that have not been dedicated to and accepted by an existing public agency, adequate provision shall be made for the continuous maintenance, supervision, operation, and reconstruction of such facilities by the lot owners in the subdivision, subject to the regulations of the Department of Public Health and Commerce Commission of the State of Illinois, the Illinois Environmental Protection Agency and the County Health Department where applicable.

Section 6-19 PERFORMANCE GUARANTEE, BOND OR ESCROW AGREEMENT

Final Plat shall be neither approved by the County Board nor recorded by the County Clerk unless the applicable following conditions are met.

6-19.1 PRIOR INSTALLATION:

The capital improvement or facilities intended to be dedicated to the County, Township, other public body or acceptable private entity have been completed inspected and accepted prior to such approval.

6-19.2 SURETY BOND:

A surety bond by an insurance company authorized to do business in the State of Illinois, an Irrevocable Letter of Credit, cash, or a certified check shall be posted by the applicant with the County Clerk as approved by the County Board before the final plat is approved. Such surety bond shall be one and one-half (1½) times the amount determined by the County Engineer as equal to the estimated construction cost of all improvements intended to be dedicated to the County, other public body or approved private legal entity. Performance of work necessary to complete construction and installation of the required improvements to be dedicated to the County, other public body or approved private legal entity shall be completed within two (2) years of the date of approval of the Final Plat, unless such time is extended by written agreement between the applicant and the County Board. If such improvements are not satisfactorily installed within the time period specified or required, then such surety bond or proportion thereof shall be forfeited by the applicant, and the proceeds of the surety bond shall be used to pay for the completion of installing such improvements in accordance with the requirements specified herein or the amount of the bond heretofore released, whichever is less; or

- (a) Order the County Treasurer to retain all escrowed funds needed to complete all the required improvements, and to return the balance if any of such funds to the developer; or

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- (b) Require the developer to submit a new performance bond/escrow deposit in an amount sufficient to cover any increase in the cost of constructing the required improvements.

If the surety fails to perform on the bond or the escrow agent fails to remit within thirty (30) days after written request, the State's Attorney shall take immediate action to require performance.

6-19.3 SURETY RELEASE:

The bond, Irrevocable Letter of Credit, cash or certified check shall remain in effect until such time as the County Clerk shall, by written authorization to the County Treasurer, release the surety from the obligation of the bond, which release may be partial and may occur from time to time, as improvements are completed and approved; provided, however:

- (a) Authorization to release up to ninety percent (90%) of the bond amount, Irrevocable Letter of Credit, cash or certified check may be authorized by the County Clerk upon written notification from the County Engineer. Such authorization by the County Engineer shall only be given as improvements are installed equal in value to funds released.
- (b) The remaining ten percent (10%) may only be released when the County Engineer notifies the Zoning Administrator, in writing, that all improvements have been completed in a satisfactory manner. The Zoning Administrator shall then notify the County Clerk that authorization may be given to release all funds. Whenever improvements are to be dedicated to another authority, school district, road district, park or other government, such improvements shall be accepted or approved before the release of all funds.

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ARTICLE 7 VARIANCES

Section 7-1 VARIANCE

The Planning Commission may recommend a variance or special exception subject to County Board approval from all provisions of Article 5 and Article 6 of this Ordinance, except Section 5-12 of Article 5, provided, in each case, that three (3) of the following provisions, including (a) and (b) are met:

- (a) the sub-divider shall apply in writing for such a variance or exception upon filing of the Preliminary Plat with the Zoning Administrator; and
- (b) any variance or exception granted shall comply with the Intent and Purpose declared in Section 1-4 of Article 1; and
- (c) the sub-divider shows that because of topographical or other physical conditions peculiar to the site the provisions of this Ordinance would cause an unnecessary hardship if strictly adhered to; or
- (d) in the opinion of the Planning Commission, and the County Board the variation or exception will afford better site design and land utilization.

7-1.1 Any variation granted shall be in writing and clearly state all conditions requiring the variance or special exception and shall set forth the exact terms of the variance; a copy of which shall be attached to the Preliminary Plats or Final Plats as the case may be.

7-1.2 A copy of any variation shall be part of the public record and shall be filed in the office of the Zoning Administrator.

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ARTICLE - 8 MISCELLANEOUS

Section 8-1 AMENDMENTS

This Ordinance may be amended, supplemented or repealed by a majority vote of the County Board.

Section 8-2 VALIDITY

If any section, subsection, clause, or phase of this Ordinance is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 8-3 REPEAL OF CONFLICTING REGULATIONS

All regulations in conflict with this Ordinance are hereby repealed; the terms and conditions under which Preliminary Plats were approved prior to the adoption of this Ordinance shall be binding and in effect except that the rights and privileges conferred upon the sub-divider in Section 3-10 herein shall be applicable.

Section 8-4 CORRECTIVE ACTION ORDER; STOP-WORK ORDER; REVOCATION OF PERMIT

In the event any person holding an improvement plan permit pursuant to this Ordinance violates the terms of the permit, or carries on-site development in such a manner as to materially adversely affect the health, welfare, environment, or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Zoning Administrator may suspend or recommend that the Planning Commission consider revoking the improvement plan permit.

8-4.1 CORRECTIVE ACTION ORDERS:

(a) Whenever the Zoning Administrator finds that any lot, structure, or use, or work thereon, is in violation of this Ordinance, he shall so notify the improvement plan permittee, and shall order corrective action.

(b) The order to take corrective action shall be in writing and shall include:

1. A description of the premises sufficient for identification.
2. A statement indicating the nature of violation.
3. A statement of the remedial action necessary to effect compliance.
4. The date on which the violation must be corrected.
5. A statement that the alleged violator is entitled to a conference with the Zoning Administrator if he/she so desires.
6. The date by which an appeal of the corrective action order must be filed, and a statement

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of the procedure for so filing.

7. A statement that failure to obey all corrective action orders shall result in revocation of the improvement plan permit.
8. Service of Corrective Action Order shall be delivered to the permittee or his agent by personal service; certified mail, return receipt requested, to permittees last known address; or by posting in a conspicuous place on or about the affected premises.

(c) Whenever work is being done in violation of the improvement plan permit, the Zoning Administrator's Corrective Action Order may state that the violation must cease immediately. In such cases the Corrective Action Order is equivalent to a stop order. Failure to comply with such notice subjects the violator to "penalties" as defined in Section 8-4.5.

8-4.2 SUSPENSION OF PERMIT/STOP WORK ORDER. Suspension of a permit shall be by a written Stop-Work Order issued by the Zoning Administrator and delivered to the permittee or his agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stop-work order shall remain in effect:

- (a) Until the next regularly scheduled meeting of the Planning Commission when a hearing on the Stop-Work Order/Corrective Action Order will take place and a decision on a recommendation to the County Board for action relative to the improvement plan permit is made.
- (b) The County Board has rendered a decision on the reinstatement of improvement plan permit.

or,

- (c) or conditions required for resuming work are met.

8-4.3 No improvement plan permit shall be revoked until a hearing is held by the Planning Commission. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state:

- (a) The grounds for complaint or reasons for suspension or revocation, in clear and concise language; and
- (b) The time and place where such hearing will be held.

- (a)(c) Such notice shall be served on the permittee at least five (5) days prior to the date set for the hearing. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his behalf. At the conclusion of the hearing the Planning Commission shall determine whether the permit shall be recommended to the County Board for revocation or that work can proceed.

8-4.4 (RESERVED)

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8-4.5 PENALTIES:

Any person, firm or corporation violating this Ordinance shall be, upon conviction, fined not more than five hundred (\$500.00) dollars for each offense, and each day of the continued violation shall constitute a separate additional violation. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this Ordinance is committed, continued, or permitted shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than five hundred dollars (\$500.00) for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this Ordinance shall be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration.

8-4.5.1:

Failure on the part of the sub-divider to comply forthwith with any order made under the provisions of this Ordinance will result in injunctive action, notwithstanding the penalty provisions of this section.

Section 8-5 PENALTY FOR PRIOR SALE

Any person who shall sell or offer for sale, lease or offer for lease, while this Ordinance is in effect, any lot or lots or block or blocks, within the area of jurisdiction of the County or any re-subdivision of any block or lot therein, before all of the requirements of this Ordinance have been complied with, shall be fined not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00) for each lot, block or part thereof so sold, offered for sale, leased or offered for lease.

Section 8-6 PLAT VACATION

Any plat may be vacated by the owner of the premises at any time before the sale of any lot therein, by a written instrument to which a copy of the plat is attached, declaring it to be vacated.

If there are public service facilities in the highways, streets, alleys and/or other public ways and in easements shown on said plat, the instrument shall reserve to the public body or public utility owning such facilities, the property, rights-of-way and easements necessary for continuing public service by means of those facilities and for the maintenance renewal and reconstruction of the same.

Section 8-7 SUBMITTAL DOCUMENTS

The written vacation instrument shall be accompanied by the following plats and plans:

- (a) Two (2) copies of the plat of subdivision, on which there shall be shown the part thereof, or street, alley, easement, or part thereof, to be vacated.
- (b) A certificate signed by the Washington County Clerk certifying that there are no delinquent general taxes, no unpaid current general taxes, not unpaid forfeited taxes, and

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no redeemable tax sales against any of the land included in the property to be vacated.

- (c) When lots have been sold, the written vacation instrument shall be signed by all the owners of lots in the plat.

Section 8-8 APPROVALS REQUIRED

The vacation request must be approved by the appropriate following person(s) or agency(s):

- (a) Washington County Board;
- (b) Township Highway Commissioner having jurisdiction; and
- (c) District Engineer of the Illinois Department of Transportation.

Section 8-9 COUNTY BOARD REVIEW

The County Board shall determine or require the following:

- (a) If any public or private rights or privileges are affected by the proposed vacation
- (b) The County Board may require the petitioners to furnish bond in an amount to be determined by the County Board, indemnifying the County for any suit which may be filed for damages sustained by other owner(s) due to vacation.
- (c) The County Board may require that the County or Township be reimbursed by the owner(s) of property abutting upon a street, alley, easement, or part thereof, to be vacated, in an amount which shall be equal to the benefits which will accrue to such owner(s) by reason of vacation

Section 8-10 VACATION RECORDED

When any plat or part thereof is vacated the recorder in whose office the plat is recorded or filed as aforesaid, shall, upon the recording of such vacation, write in plain letters across the plat or part so vacated the word "vacated", and shall also make a reference on the same to the volume and page in which the instrument of vacation is recorded.

FIGURES

- FIGURE 1 Standards for Subdivision Streets
- FIGURE 2 Subdivision Land Access Street
- FIGURE 3 Standard Grading Section
- FIGURE 4 Dry Hydrant Example