

ZONING ORDINANCE

County of St Clair, Illinois



Effective December 1969

Revised May30, 2023

CHAPTER 40 – ZONING CODE

ARTICLE I

GENERAL PROVISIONS

40-1-1 TITLE..... 40-1
40-1-2 DECLARATION OF PURPOSE AND INTENT 40-1
40-1-3 JURISDICTION 40-2
40-1-4 DISCONNECTED TERRITORY 40-2
40-1-5 EXISTING LEGAL BUILDINGS OR STRUCTURES 40-2
40-1-6 EXISTING ILLEGAL BUILDINGS OR STRUCTURES 40-2
40-1-7 NON-CONFORMING USE..... 40-2
40-1-8 NON-CONFORMING LOTS 40-2
40-1-9 LAND USES WITHOUT BUILDINGS OR STRUCTURES 40-2
40-1-10 TWO OR MORE LOTS IN COMMON OWNERSHIP 40-2
40-1-11 DIVISION OF PROPERTY 40-3
40-1-12 REQUIRED YARDS FOR EXISTING BUILDINGS..... 40-3
40-1-13 AGRICULTURAL EXEMPTION 40-3
40-1-14 REQUIRED PERMITS FOR OTHER THAN AGRICULTURAL USE 40-3
40-1-15 LAND EVALUATION AND SITE ASSESSMENT (LESA)..... 40-3
40-1-16 EXISTING PERMITS..... 40-3
40-1-17 CONFORMITY WITH REGULATIONS REQUIRED 40-4
40-1-18 REQUIRED COMPLIANCE WITH OTHER REGULATIONS 40-4
40-1-19 USES PERMITTED 40-5
40-1-20 LIMITATION ON NUMBER OF PRINCIPAL BUILDINGS ON LOT 40-5
40-1-21 INTERPRETATION OF PROVISIONS 40-5
40-1-22 SEPARABILITY..... 40-5
40-1-23 DISCLAIMER OF LIABILITY 40-5
40-1-24 EFFECTIVE DATE 40-6

ARTICLE II

DEFINITIONS

40-2-1 CONSTRUCTION OF TERMS..... 40-7
40-2-2 SELECTED DEFINITIONS 40-7
40-2-3 CORNERS COVERAGE..... 40-19

ARTICLE III

ZONING DISTRICTS

40-3-1 ESTABLISHMENT OF ZONING DISTRICTS..... 40-21
40-3-2 ZONING DISTRICTS BOUNDARIES..... 40-22
40-3-3 INTERPRETATION OF DISTRICT BOUNDARIES 40-22
40-3-4 USES PERMITTED BY RIGHT OR BY SPECIAL USE PERMIT 40-23
40-3-5 OVERLAY ZONES 40-23
40-3-6 AREA AND BULK REQUIREMENTS..... 40-23
40-3-7 MINIMUM AREA, BULK, YARD REQUIREMENTS 40-24

CHAPTER 40 – ZONING CODE

ARTICLE IV

USES PERMITTED BY ZONING DISTRICT

DIVISION I - - “A” AGRICULTURAL INDUSTRY DISTRICT

40-4-1 INTENT AND PURPOSE 40-27
40-4-2 PERMITTED USES..... 40-27
40-4-3 PERMITTED ACCESSORY USES 40-28
40-4-4 SPECIAL USE PERMITS 40-28

DIVISION II – “RR-1” AND “RR-3” – RURAL RESIDENTIAL DISTRICTS

40-4-6 INTENT AND PURPOSE 40-31
40-4-7 PERMITTED USES..... 40-31
40-4-8 PERMITTED ACCESSORY USES 40-32
40-4-9 SPECIAL USE PERMITS 40-32

DIVISION III – “SR-1”, “SR-2”, “SR-3” – SINGLE FAMILY

RESIDENTIAL DISTRICTS

40-4-11 INTENT AND PURPOSE 40-35
40-4-12 PERMITTED USES..... 40-35
40-4-13 PERMITTED ACCESSORY USES 40-35
40-4-14 SPECIAL USE PERMITS 40-36

DIVISION IV – “SR-MH” – SINGLE FAMILY RESIDENCE -

MANUFACTURED HOME DISTRICT

40-4-16 INTENT AND PURPOSE 40-37
40-4-17 PERMITTED USES..... 40-37
40-4-18 PERMITTED ACCESSORY USES 40-37
40-4-19 SPECIAL USE PERMITS 40-38
40-4-20 SUPPLEMENTARY REGULATIONS..... 40-38

DIVISION V – “MHP” – MANUFACTURED HOME PARK DISTRICT

40-4-22 INTENT AND PURPOSE 40-39
40-4-23 PERMITTED USES..... 40-39
40-4-24 PERMITTED ACCESSORY USES 40-39
40-4-25 SPECIAL USE PERMITS 40-39
40-4-26 SUPPLEMENTARY REGULATIONS..... 40-40

DIVISION VI – “MR-1” – TWO AND THREE FAMILY RESIDENCE DISTRICT

40-4-28 INTENT AND PURPOSE 40-41
40-4-29 PERMITTED USES..... 40-41
40-4-30 PERMITTED ACCESSORY USES 40-41
40-4-31 SPECIAL USE PERMITS 40-42

CHAPTER 40 – ZONING CODE

DIVISION VII – “MR-2” – MULTI-FAMILY RESIDENCE DISTRICT

40-4-33	INTENT AND PURPOSE	40-43
40-4-34	PERMITTED USES.....	40-43
40-4-35	PERMITTED ACCESSORY USES	40-43
40-4-36	SPECIAL USE PERMITS	40-44

DIVISION VIII – “NB” – NEIGHBORHOOD BUSINESS DISTRICT

40-4-38	INTENT AND PURPOSE	40-45
40-4-39	PERMITTED USES.....	40-45
40-4-40	PERMITTED ACCESSORY USES	40-45
40-4-41	SPECIAL USE PERMITS	40-45
40-4-42	SUPPLEMENTARY REGULATIONS.....	40-45

DIVISION IX – “HB” – HIGHWAY BUSINESS DISTRICT

40-4-44	INTENT AND PURPOSE	40-47
40-4-45	PERMITTED USES.....	40-47
40-4-46	PERMITTED ACCESSORY USES	40-47
40-4-47	SPECIAL USE PERMITS	40-48
40-4-48	SUPPLEMENTARY REGULATIONS.....	40-48
40-4-49	SPECIAL SUPPLEMENTARY REGULATIONS.....	40-48

DIVISION X – “B-1” – RETAIL AND SERVICE BUSINESS DISTRICT

40-4-51	INTENT AND PURPOSE	40-51
40-4-52	PERMITTED USES.....	40-51
40-4-53	PERMITTED ACCESSORY USES	40-52
40-4-54	SPECIAL USE PERMITS	40-52
40-4-55	SUPPLEMENTARY REGULATIONS.....	40-53
40-4-56	SPECIAL SUPPLEMENTARY REGULATIONS.....	40-53

DIVISION XI – “B-2” – GENERAL BUSINESS DISTRICT

40-4-58	INTENT AND PURPOSE	40-55
40-4-59	PERMITTED USES.....	40-55
40-4-60	PERMITTED ACCESSORY USES	40-56
40-4-61	SPECIAL USE PERMITS	40-56
40-4-62	SUPPLEMENTARY REGULATIONS.....	40-57
40-4-63	SPECIAL SUPPLEMENTARY REGULATIONS.....	40-57

DIVISION XII – “I-1” – RESEARCH AND ASSEMBLY INDUSTRIAL DISTRICT

40-4-65	INTENT AND PURPOSE	40-59
40-4-66	PERMITTED USES.....	40-59
40-4-67	PERMITTED ACCESSORY USES	40-60
40-4-68	SPECIAL USE PERMITS	40-60
40-4-69	SUPPLEMENTARY REGULATIONS.....	40-61
40-4-70	USES PROHIBITED	40-61
40-4-71	SPECIAL SUPPLEMENTARY REGULATIONS.....	40-61

CHAPTER 40 – ZONING CODE

DIVISION XIII – “I-2” – GENERAL INDUSTRIAL DISTRICT

40-4-73	INTENT AND PURPOSE	40-63
40-4-74	PERMITTED USES.....	40-63
40-4-75	ACCESSORY USES.....	40-63
40-4-76	SPECIAL USE PERMITS	40-63
40-4-77	SUPPLEMENTARY REGULATIONS.....	40-64
40-4-78	SPECIAL SUPPLEMENTARY REGULATIONS.....	40-64

DIVISION XIV – “C-R” – CONSERVATION – RECREATION DISTRICT

40-4-80	INTENT AND PURPOSE	40-67
40-4-81	APPLICATION.....	40-67
40-4-82	LANDS ZONED FOR CONSERVATION AND RECREATION	40-67
40-4-83	ACTION BY COUNTY BOARD.....	40-67

DIVISION XV – “O-1” – CONSERVATION OVERLAY ZONE

40-4-85	INTENT AND PURPOSE	40-69
40-4-86	MAPS.....	40-69
40-4-87	COMPLIANCE.....	40-69
40-4-88	OTHER PERMITS REQUIRED.....	40-69
40-4-89	LOT REQUIREMENT.....	40-69
40-4-90	DESIGNATED AREAS.....	40-69
40-4-91	PERMITTED USES.....	40-69
40-4-92	SPECIAL USE PERMITS	40-70
40-4-93	SPECIAL SUPPLEMENTARY REGULATIONS.....	40-70

DIVISION XVI – “O-2” – HIGHWAY OVERLAY ZONE(S)

40-4-95	INTENT AND PURPOSE	40-73
40-4-96	USE AND DEVELOPMENT	40-73
40-4-97	DESIGNATED MAJOR AREA SERVICE HIGHWAYS.....	40-74
40-4-98	FRONTAGE ROADS.....	40-74
40-4-99	ACCESS TO PROPERTY	40-74
40-4-100	YARD REQUIREMENTS.....	40-74
40-4-101	ENGINEER REPORT.....	40-74

DIVISION XVII – AIRPORT OVERLAY (AO) DISTRICT

SUBDIVISION 1: ESTABLISHMENT & PURPOSE

40-4-103	AIRPORT OVERLAY (AO) DISTRICT ESTABLISHED.....	40-75
40-4-104	PURPOSE	40-75

SUBDIVISION 2: DEFINITIONS

40-4-105	INTERPRETATION.....	40-75
40-4-106	DEFINITIONS.....	40-76
40-4-107	ACRONYMS	40-78

CHAPTER 40 – ZONING CODE

SUBDIVISION 3: BOUNDARIES AND MAPS

40-4-108	AIRPORT OVERLAY DISTRICT	40-78
40-4-109	INTERPRETATION OF DISTRICT BOUNDARIES	40-78
40-4-110	SUBAREAS; OVERLAP.....	40-79
40-4-111	MAPS.....	40-79

SUBDIVISION 4: GENERAL PROVISIONS

40-4-112	GENERAL USE RESTRICTIONS.....	40-84
40-4-113	ADMINISTRATION AND ENFORCEMENT	40-84
40-4-114	STATE AIRPORT HAZARD ZONING REGULATIONS.....	40-84
40-4-115	DEVELOPMENT APPLICATION CONSULTATION PROCEDURES.....	40-85
40-4-116	REGIONAL ADVISORY BOARD.....	40-86

SUBDIVISION 5: AO-1 PRIMARY PLANNING INFLUENCE AREA

40-4-117	PURPOSE AND GENERALLY.....	40-87
40-4-118	CONSULTATION	40-88
40-4-119	AVIGATION EASEMENTS	40-88
40-4-120	LIGHTING.....	40-88

SUBDIVISION 6: AO-2: SAFETY ZONES AREA

40-4-121	PURPOSE AND GENERALLY.....	40-89
40-4-122	PROCEDURES AND DESIGN REGULATIONS IN SAFETY ZONES.....	40-89
40-4-123	USE REGULATIONS IN SAFETY ZONES	40-90

SUBDIVISION 7: AO-3: HEIGHT RESTRICTION AREA

40-4-124	PURPOSE AND GENERALLY.....	40-95
40-4-125	PROCEDURES AND DESIGN REG IN THE HGT RESTRICTION AREA.....	40-96
40-4-126	AREA REGULATIONS	40-96
40-4-127	HEIGHT EXCEPTIONS AND LIMITATIONS	40-97

SUBDIVISION 8: AO-4: NOISE ZONES AREA

40-4-128	PURPOSE AND GENERALLY.....	40-97
40-4-129	PROCEDURES AND DESIGN REGULATIONS IN NOISE ZONES	40-98
40-4-130	USE REGULATIONS IN NOISE ZONES.....	40-98
40-4-131	ATTENUATION.....	40-102

SUBDIVISION 9: SUPPLEMENTAL PROCEDURES

40-4-132	GENERALLY	40-103
40-4-133	BOARD OF APPEALS.....	40-104
40-4-134	APPEALS.....	40-104
40-4-135	VARIANCES	40-105
40-4-136	NON-CONFORMITIES	40-105
40-4-137	AIRPORT HAZARD MARKING	40-105

CHAPTER 40 – ZONING CODE

ARTICLE V

SUPPLEMENTARY USE, AREA, AND BULK REGULATIONS

40-5-1 ANIMAL HOSPITALS 40-111
40-5-2 BOATS AND TRAVEL TRAILERS 40-111
40-5-3 CHURCHES AND PLACES OF FORMAL WORSHIP..... 40-111
40-5-4 DRIVE-IN THEATERS..... 40-111
40-5-5 FENCES, WALLS, AND HEDGES 40-111
40-5-6 GARAGES, REPAIR..... 40-112
40-5-7 GARAGE/YARD SALES..... 40-112
40-5-8 GASOLINE SERVICE STATIONS 40-112
40-5-9 HOME OCCUPATIONS 40-112
40-5-10 HOSPITALS AND SANITARIUMS..... 40-113
40-5-11 JUNK YARDS AND AUTO WRECKING YARDS 40-113
40-5-12 MANUFACTURED HOME 40-114
40-5-13 CONTINUATION OF MANUFACTURED HOME..... 40-114
40-5-14 SALE OF A MANUFACTURED HOME SITE..... 40-115
40-5-15 TEMPORARY PARKING – MANUFACTURED HOMES 40-115
40-5-16 PARKING FOR INSPECTION AND SALES – MANUFACTURED HOME 40-115
40-5-17 NEIGHBORHOOD BUSINESS..... 40-116
40-5-18 NURSING HOMES 40-116
40-5-19 NURSERY SCHOOLS/DAY CARE CENTERS 40-116
40-5-20 PLANT NURSERIES AND GREENHOUSES 40-116
40-5-21 PUBLIC BUILDINGS 40-117
40-5-22 PUBLIC BUILDINGS AND PUBLIC UTILITIES BUILDINGS 40-117
40-5-23 PUBLIC UTILITY STATIONS; EXCHANGES; ESSENTIAL SERVICES 40-117
40-5-24 POLE BUILDINGS 40-117
40-5-25 SANITARY LANDFILL 40-118
40-5-26 SATELLITE DISHES..... 40-118
40-5-27 SCHOOLS, PUBLIC, PRIVATE AND PAROCHIAL 40-118
40-5-28 SWIMMING POOLS..... 40-118
40-5-29 MEDICAL CANNABIS FACILITIES 40-119
40-5-30 SOLAR ENERGY SYSTEMS..... 40-127
40-5-31 ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS 40-135
40-5-32 COMMERCIAL WIND ENERGY FACILITIES..... 40-145

ARTICLE VI

OFF-STREET PARKING AND LOADING

40-6-1 APPLICABILITY OF REGULATIONS 40-147
40-6-2 GENERAL REQUIREMENTS – PARKING..... 40-147
40-6-3 LOCATION OF PARKING..... 40-147
40-6-4 ACCESS WAY REQUIREMENTS..... 40-148
40-6-5 LIGHTING 40-148
40-6-6 INTERIOR LANDSCAPING 40-148
40-6-7 SURFACING 40-148
40-6-8 DRAINAGE 40-149
40-6-9 GENERAL REQUIREMENTS – OFF-STREET LOADING 40-149
40-6-10 LOCATION OF BERTHS 40-149

CHAPTER 40 – ZONING CODE

40-6-11	ACCESS TO LOADING BERTHS	40-149
40-6-12	BUFFER STRIPS.....	40-149
40-6-13	SURFACING	40-149
40-6-14	COMPUTATION OF REQUIRED PARKING/LOADING SPACES	40-149
40-6-15	EXISTING PARKING/LOADING FACILITIES	40-150
40-6-16	NUMBER OF PARKING AND LOADING SPACES REQUIRED.....	40-150

ARTICLE VII

SIGN REGULATIONS

40-7-1	INTENT AND PURPOSE	40-153
40-7-2	GENERAL SIGN REGULATIONS	40-153
40-7-3	PERMITTED SIGNS – DEFINED BY CONSTRUCTION OR LOCATION.....	40-154
40-7-4	PERMITTED SIGNS – DEFINED USE; MAXIMUM SIZE AND HEIGHT	40-155

ARTICLE VIII

GENERAL REQUIREMENTS AND STANDARDS

40-8-1	GENERAL PROHIBITION.....	40-159
40-8-2	NUISANCE, DETRIMENTAL AND HAZARDOUS CONDITIONS.....	40-159
40-8-3	BUILDING, USE AND BULK.....	40-159
40-8-4	FRONTAGE AND YARDS	40-159
40-8-5	YARDS, INTRUSTIONS INTO.....	40-160
40-8-6	MAXIMUM HGT OF BUILDINGS AND STRUCTURES – SPECIAL EXCEPT	40-160
40-8-7	YARDS, LOCATION, REQUIRED OPEN SPACE	40-160
40-8-8	ACCESSORY USES.....	40-160
40-8-9	USE OF TEMPORARY ACCESSORY STRUCTURE OR FACILITY	40-161
40-8-10	NONCONFORMITIES.....	40-161
40-8-11	PUBLIC UTILITY DISTRIBUTION FACILITIES – EXCEPTIONS.....	40-162
40-8-12	SLOPE.....	40-162
40-8-13	SEWER AND WATER.....	40-163
40-8-14	INDIVIDUAL WATER AND SEWAGE SYSTEMS.....	40-163
40-8-15	FLOODING.....	40-163
40-8-16	LIGHTING CONTROLS.....	40-164
40-8-17	STREETS AND HIGHWAYS.....	40-164

ARTICLE IX

PLANNED BUILDING DEVELOPMENT (PBD)

40-9-1	INTENT AND PURPOSE	40-165
40-9-2	GENERAL REGULATIONS AND REQUIREMENTS	40-165
40-9-3	CLASSIFICATION AND SIZE	40-165
40-9-4	MINIMUM LOT/TRACT SIZE AND USE	40-166
40-9-5	UNIFIED ARRANGEMENTS	40-166
40-9-6	DEVELOPABLE LAND	40-166
40-9-7	WHERE PERMITTED	40-167
40-9-8	GUIDELINE REGULATIONS.....	40-167
40-9-9	LETTER OF CERTIFICATION.....	40-167

CHAPTER 40 – ZONING CODE

40-9-10	PLANNED SINGLE FAMILY RESIDENCE DEV DIFFERENTIAL LAND.....	40-167
40-9-11	PLANNED MULTI-FAMILY RESIDENTIAL DEVELOPMENTS	40-167
40-9-12	REQUIREMENTS “DIFFERENTIAL LAND” RESERVED COMMON USE	40-168
40-9-13	PLANNED MINERAL EXTRACTION DEVELOPMENT	40-168

ARTICLE X

LAND EVALUATION AND SITE ASSESSMENT

40-10-1	LAND EVALUATION AND SITE ASSESSMENT FOR ST. CLAIR COUNTY	40-171
40-10-2	INTENT AND PURPOSE	40-171
40-10-3	PART I – LAND EVALUATION	40-171
40-10-4	PART II – SITE ASSESSMENT	40-171
40-10-5	RETENTION VALUATION	40-179

ARTICLE XI

ADMINISTRATION AND ENFORCEMENT

DIVISION I – ADMINISTRATOR

40-11-1	ZONING ADMINISTRATOR.....	40-181
40-11-2	CERTIFICATE OF ZONING COMPLIANCE	40-181
40-11-3	DURATION OF CERTIFICATE.....	40-182
40-11-4	TEMPORARY OCCUPANCY PERMIT	40-182
40-11-5	CORRECTIVE ACTION ORDERS	40-182
40-11-6	SERVICE OF ORDER.....	40-182
40-11-7	EMERGENCY MEASURES.....	40-183
40-11-8	COMPLAINTS	40-183
40-11-9	FILING FEES.....	40-183
40-11-10	PENALTIES.....	40-183

DIVISION II – ZONING BOARD OF APPEALS

40-11-12	BOARD ESTABLISHED	40-185
40-11-13	MEMBERSHIP, RESIDENCY, TERM OF OFFICE, CHAIRMAN	40-185
40-11-14	MEETINGS.....	40-185
40-11-15	RECORDS	40-185
40-11-16	COMPENSATION.....	40-185
40-11-17	POWERS AND DUTIES.....	40-185

DIVISION III – AREA/BULK VARIANCES

40-11-19	PURPOSE OF AREA/BULK VARIANCES.....	40-187
40-11-20	APPLICATION.....	40-187
40-11-21	PUBLIC HEARING AND NOTICE FOR AREA/BULK VARIANCE.	40-187
40-11-22	STANDARDS FOR AREA/BULK VARIANCE.....	40-188
40-11-23	FINDINGS OF FACT, TERM OF RELIEF, REPORT OF RECORD.....	40-188

CHAPTER 40 – ZONING CODE

DIVISION IV - APPEALS

40-11-25 APPEALS..... 40-191
40-11-26 FILING APPEAL..... 40-191
40-11-27 STAY OF FURTHER PROCEEDINGS..... 40-191
40-11-28 PUBLIC HEARING..... 40-191
40-11-29 NOTICE 40-191
40-11-30 DECISION BY BOARD OF APPEALS 40-191

DIVISION V - SPECIAL USE PERMITS

40-11-32 SPECIAL USES BY PERMIT..... 40-193
40-11-33 APPLICATION FOR SPECIAL USE PERMIT..... 40-193
40-11-34 SITE PLAN REVIEW..... 40-194
40-11-35 PUBLIC HEARING AND NOTICE FOR SPECIAL USE PERMIT 40-195
40-11-36 ADDITIONAL INFORMATION 40-195
40-11-37 ADVISORY REPORT, FACTORS CONSIDERED 40-196
40-11-38 ACTION BY COUNTY BOARD..... 40-196
40-11-39 GRANTING OF A SPECIAL USE PERMIT..... 40-196
40-11-40 DECISION 40-197
40-11-41 PERIOD OF VALIDITY 40-197
40-11-42 BUILDING PERMITS FOR APPROVED SITE PLAN 40-197
40-11-43 REVOCATION..... 40-197

DIVISION VI – REZONINGS AND TEXT AMENDMENTS

40-11-45 AMENDMENTS..... 40-199
40-11-46 FILING AMENDMENTS..... 40-199
40-11-47 PUBLIC HEARING LOCATION 40-199
40-11-48 PUBLIC HEARING AND NOTICE FOR ZONING AMENDMENTS. 40-199
40-11-49 ADVISORY REPORT FROM ZONING BOARD 40-200
40-11-50 ACTION BY COUNTY BOARD..... 40-200
40-11-51 EXCEPTIONS: THREE FOURTHS (3/4) MAJORITY VOTE REQUIRED..... 40-200
40-11-52 RESUBMISSION..... 40-201

SCHEDULE OF FILING FEES 40-203

CHAPTER 40 – ZONING CODE

ARTICLE I

GENERAL PROVISIONS

40-1-1 TITLE. This code shall be known as the St. Clair County, Illinois Zoning Code.

40-1-2 DECLARATION OF PURPOSE AND INTENT. It is the purpose and intent of this Zoning Code to assist in the achievement of appropriate and compatible uses of land and orderly, development within St. Clair County in accordance with the County’s Comprehensive Plan. In regulating and guiding development and the use of land, the Zoning Code is intended to:

- (A) To promote and protect the public health, safety, morals, comfort, and general welfare of the people.
- (B) To divide the County, outside the limits of cities, villages, and incorporated towns, which have in effect municipal zoning codes, and outside the boundaries of Scott Air Force Base, into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration, and use of buildings, structures, and land for agriculture residence, business, manufacturing, mining, and other specified uses.
- (C) To protect the character and the stability of the agricultural residential, business manufacturing and mining areas within the County and to promote the orderly and beneficial development of such areas.
- (D) To provide adequate light, air, privacy, and convenience of access to property.
- (E) To regulate the use and intensity of use of land and structures, and to determine the area of open spaces surrounding buildings, necessary to provide adequate light and sir, to protect the public health, and to provide adequate service and other ancillary use areas.
- (F) To establish building lines, yards and other open space and the location of buildings designed for residential, business, and manufacturing, or other uses within such areas.
- (G) To fix reasonable standards to which buildings or structures shall conform.
- (H) To prohibit uses, buildings, or structures incompatible with the character of development or intended uses within specified zoning districts.
- (I) To prevent additions to, or alteration or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder.
- (J) To limit congestion in the streets and protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles, regulating direct access to major traffic arteries.
- (K) To protect against fire, explosions, noxious fumes, and other hazards, in the interest of the public health, safety, comfort and the general welfare.
- (L) To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them.
- (M) To conserve the taxable value of land and buildings throughout the County.
- (N) To provide for the reduction of and/or elimination of non-conforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district.
- (O) To protect storm or flood water run-off channels and lessen or avoid the hazards to persons and damage to property resulting from the accumulation or run-off of storm or flood waters.
- (P) To guide and require the provision of water, sewer, storm water and other utility and county services.

- (Q) To protect and preserve public roads and highways so they will safely and effectively serve the purpose for which they were intended.
- (R) To serve as an implementing tool for comprehensive planning.
- (S) And to define and limit the powers and duties of the administrative officers and bodies as provided herein.

40-1-3 JURISDICTION. It is hereby declared that the provisions of this code shall apply to all unzone municipalities and to all properties in the unincorporated part of St. Clair County as provided herein, except those properties occupied by Scott Air Force Base.

40-1-4 DISCONNECTED TERRITORY. Any additions to the unincorporated area of the county, resulting from disconnection by any zoned city, village, or incorporated town or otherwise, or from submerged land which may be reclaimed or additions by any means whatsoever, shall be automatically classified in the “A” Agricultural Industry District until duly changed by an amendment to this code.

40-1-5 EXISTING LEGAL BUILDINGS OR STRUCTURES. Any legal building, structure or use existing at the time of the enactment of this Zoning Code may be continued, even though such building, structure or use does not conform to the provisions herein for the district in which it is located, and whenever a district shall be changed hereafter, the then existing legal use may be continued subject to the provisions in Section 40-8-10(b).

40-1-6 EXISTING ILLEGAL BUILDINGS OR STRUCTURES. No building, structure, or use not lawfully existing at the time of the adoption of this code shall become or be made lawful solely by reason of the adoption of this code; and to the extent that, in any manner said unlawful building, structure, or use is in conflict with the requirements of the code, said building, structure or use shall remain unlawful under the provisions of this code.

40-1-7 NON-CONFORMING USE. A lawful use of a building or land existing at the effective date of this code which does not conform with the use regulations for the district in which the building or land is located shall be permitted to continue subject to the provisions of Section 40-8-10.

40-1-8 NON-CONFORMING LOTS. Any vacant lot does not conform to one or more of the lot size (area, dimensions) requirements of the district in which is it located may, nonetheless, be developed for any use permitted in that district if such vacant lot was recorded in the County Recorder of Deeds Office prior to the enactment of this code and is at least fifty (50) feet wide and meets all setbacks and yard requirements of the zoning district in which is located. No such lot may be developed unless it meets the minimum requirements established by the county and of the Illinois Environmental Protection Agency for the provision of water and sewer service.

40-1-9 LAND USES WITHOUT BUILDINGS OR STRUCTURES. Where a lot is to be occupied for a permitted use without buildings or structures, all yards required for such lot shall be provided and maintained unless otherwise stipulated in this code, except that yards shall not be required on lots used for agricultural purposes and public recreation areas without buildings or structures. All yards shall be required for buildings and structures.

40-1-10 TWO OR MORE LOTS IN COMMON OWNERSHIP. If two or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this code, and if one or more of those lots does not meet the minimum lot which, depth or area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this code, nor shall any such parcel be divided to create a lot that does not meet the requirements of this code.

40-1-11 DIVISION OF PROPERTY. No land or zoning lot shall hereafter be divided into two (2) or more zoning lots unless all lots resulting from each such division shall conform with the applicable regulations of the zoning district where the property is located, except as provided in 40-1-11(A):

- (A) In the “A” Agricultural Industry District, a legal existing primary farm residence may be divided from the total land parcel as a separate zoning lot subject to the following:
 - (1) Only one such division from the total land parcel shall be permitted; and
 - (2) The zoning lot for the primary farm residence shall contain at least five (5) acres and shall be less than one-half (½) of the area the total land parcel.
 - (3) The zoning lot divided for the primary farm residence and the land parcel from which it was divided shall meet all other requirement of the zoning code except Section 40-3-7 line 1 columns B and C and shall be deemed to be conforming zoning lots in the “A” Agricultural Industry District.
- (B) Except as otherwise provided in this code the division of land creating two or more lots shall require a plat recorded with the County Recorder of Deeds.

40-1-12 REQUIRED YARDS FOR EXISTING BUILDINGS. No yards allocated to a building, structure or use existing on the effective date of this code shall be subsequently reduce or be further reduced below the yard requirements of this code except a yard adjoining a street may be reduced in depth or width in the event and to the extent, that the right-of-way width of such street adjoining such yard is subsequently increased.

40-1-13 AGRICULTURAL EXEMPTION. The provisions of this code shall not be exercised or administered to impose regulations with respect to the erection, maintenance, repair, alterations, remodeling or extensions of buildings or structures occupied by those engaged primarily in the occupation of agriculture, used, or intended to be used for agricultural purposes upon such land, except that buildings or structures for agricultural purposes shall be required to conform to building setback lines. **(See 55 ILCS Sec.5/5-12001)** Permits issued for the erection or extension of buildings or structures or other purposes described in this section shall be issued free of charge. In the event that part of a tract of land ceases to be used solely for agricultural purposes, then all the provisions of this code shall apply to that part.

40-1-14 REQUIRED PERMITS FOR OTHER THAN AGRICULTURAL USE. In the agricultural district, a building permit shall be required for all residential dwellings and for all other buildings or structures not used or intended for exclusive use for agricultural activities.

40-1-15 LAND EVALUATION AND SITE ASSESSMENT (LESA). A Land Evaluation and Site Assessment shall be required for any application for:

- (A) a change of Zoning or a Special Permit for land zoned for “A” Agricultural Industry; or
- (B) a Special Permit for land zoned “RR-1” or “RR-3” Residential; and
- (C) a Special Permit for land zoned “I-1” or “I-2” Industry. Such LESA shall be provided prior to holding a public hearing on the application by the Zoning Board of Appeals and shall be made a part of the official record of the public hearing. **(Ord. 95-12; 05-30-95)**

40-1-16 EXISTING PERMITS.

- (A) This code is not intended to abrogate or annul any building permit, certificate of occupancy, variance or other lawful permit issued before the effective date of this code.

- (B) Any building or structure for which a building permit has been issued prior to the date of enactment of this code may be completed and used in accordance with the plans, specifications, and County approval on which said building permit was granted, provided construction commences within ninety (90) days or passage of this code and is diligently prosecuted to completion within on (1) year, except as provided in 40-11-41. **(Ord. 95-12; 05-30-95)**

40-1-17 CONFORMITY WITH REGULATIONS REQUIRED.

- (A) **USE OF BUILDING & LAND.** No building, structure, or premises shall be used or occupied, and no buildings or parts thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations of this code.
- (B) **BULK OF BUILDINGS.** No building, structure or premises shall be erected, altered, or used to produce greater heights, smaller yards, or less unoccupied area, except as specifically provided for by this code.
- (C) **ZONING LOT.** Each zoning lot (except legal non-conforming lots existing prior to the date of adoption of this code) shall have not less than the minimum area, width and depth required by this code for a lot in the district in which such land is situated and have its principal frontage on a street or on such other means of access as permitted in accordance with the provisions of this code. The minimum area of a lot as defined herein must be an integral unit of land under unified ownership in fee simple or in co-tenancy, or under legal control tantamount to such ownership, which ownership or control must continue for the existence of the building(s) permitted to be situated on the lot.
- (D) **OPEN SPACES.** No legally required yards, courts or other open spaces or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements for any other building.
- (E) **MAINTENANCE OF YARDS, COURTS, AND OTHER OPEN SPACES.** The maintenance of yards, courts and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, if the building or use is in existence.
- (F) **TEMPORARY STRUCTURE, FACILITY OR USE.** Except as specifically provided hereafter and otherwise in this code, no temporary structure or facility, accessory or otherwise shall be used or occupied for any purpose and no land shall be used for a temporary or use except by written authorization of the Zoning Administrator or by the County Zoning Board of Appeals in compliance with Section 40-8-9 and 40-11-4. Exception: In the “A” Agricultural Industry District, cargo trailers used exclusively for agricultural use, excluding human habitation, shall be governed by Article I, Section 40-1-13. **(Ord. 96-563; 03-25-96)**

40-1-18 REQUIRED COMPLIANCE WITH OTHER REGULATIONS. The use and development of land, buildings and other structures in St. Clair County shall comply with other applicable laws, codes, and requirements, including, but not limited to the following:

- (A) The Land Subdivision Requirements of St. Clair County.
- (B) All applicable regulations and requirements of the St. Clair County Health Department.
- (C) All applicable requirements of the St. Clair County Flood Plain Code (Chapter 13 of the Code of Ordinances of St. Clair County adopted by Ordinance 91-259 and as hereinafter amended).

- (D) The International Building Code 2012, International Residential Code 2012, International Mechanical Code 2012, International Fuel Gas Code 2012, Illinois Energy Conservation Code 2018, National Electrical Code 2011, International Electrical Code Administrative Provisions, International Swimming Pool, and Spa Code 2012, NFPA 72 – National Fire Alarm and Signaling Code 2013, Illinois Accessibility Code 1997, the current Illinois Plumbing Code as adopted by St. Clair County. **(Ord. No. 17-1167; 04-24-17)**
- (E) Height restrictions related to Scott Air Force Base and MidAmerica St. Louis Airport, both those provided for the Airport Overlay District by this and those promulgated by the Illinois Department of Transportation, Division of Aeronautics. **(Ord. No. 11-1043; 05-31-11)**
- (F) All requirements of the Airport Overlay District, Division XVII. **(Ord. No. 11-1043; 05-31-11)**
- (G) Educational Facilities Land/Cash Fee Ordinance. **(Ord. 95-12; 05-30-95)**
NOTE: This ordinance was repealed by Ord. 96-566; 04-29-96.
- (H) Swimming Pool Code. (See Ch. 19, Article II of the Revised Code.)

40-1-19 USES PERMITTED.

- (A) For all zoning districts, the permitted principal Uses, Permitted Accessory Uses, and the Special Use Permit uses are listed. When a use is not specifically listed in any category, such use shall be prohibited, except as permitted in Article IX Section 40-9-3 (H). **(Ord. 95-12; 05-30-95)**
- (B) All Special Use Permits shall be required to always conform to all additional regulations of this code applicable thereto and all requirements made as a condition of approval.
- (C) No legal Special Use Permit shall be changed to any other use, unless such use is a Permitted Use in the district in which the property is located; nor shall such legal Special Use Permit, building or structure be altered or expanded in any manner, except as permitted by this code.

40-1-20 LIMITATION ON NUMBER OF PRINCIPAL BUILDINGS ON LOT. Except as otherwise specifically permitted in this code, only one principal building shall be permitted on a lot.

40-1-21 INTERPRETATION OF PROVISIONS. In their interpretation and application, the provisions of this code shall be held to be minimum requirements and shall be construed liberally in favor of the county. Whenever this code imposes a greater restriction than is imposed and required by other provisions of law or by other rules or regulations or resolutions, the provisions of the most restrictive shall govern.

40-1-22 SEPARABILITY. If any part, provision, subsection or section of this code or the application thereof to any person, property or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operational direction to the part, provision, subsection, section or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the integrity or validity of the remainder of this code or the application thereof to other persons, property or circumstances. The County Board hereby declares that it would have enacted the remainder of this code even without any part, provision, section, subsection, or application.

40-1-23 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 him or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the

ST CLAIR COUNTY CODE

discharge of his/her duties under this code. (See “**Local Governmental and Governmental Employee Tort Immunity Act**”, See 745 ILCS, Sec. 10/1-101).

- (B) Any suit brought against any official, zoning board member, agent, or employee of the county, as a result of any act required or permitted in the discharge of his/her duties under this code, shall be defended by the State’s Attorney until the final determination of the legal proceedings.

40-1-24 EFFECTIVE DATE. This code shall take effect after its final passage, approval and publication as provided by law, on the effective date September 27, 1993, unless otherwise provided by an amendment. (See 55 ILCS 5/5-12007).

ARTICLE II

DEFINITIONS

40-2-1 CONSTRUCTION OF TERMS. In the construction of this code, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

(A) **RULES:** Words used in the present tense shall include the future and words used in the singular number shall include the plural number, and the plural, the singular. The word “shall” be mandatory and not discretionary; the word “may” is permissive. The phrase “used for” shall include the phrase, “arranged for”, “designed for”, “intended for”, “occupied for”, and “maintained for”. The word “County” shall refer to, and be interpreted to mean St. Clair County, Illinois. The following words and terms wherever they occur in this code shall be interpreted as herein defined.

40-2-2 SELECTED DEFINITIONS. The following words and terms shall have the meaning set forth, except where otherwise specifically indicated, words and terms not defined shall have the meaning indicated by standard English dictionary definition.

“ABANDONMENT”: To cease or discontinue a use or activity without intent to resume but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or re-arranging a facility, or during normal periods of vacation or seasonal closure.

“ACCESSORY BUILDING, STRUCTURE OR USE”: One which is subordinate to and serves a principal building and/or use and does not change the basic character of the premises as determined by its principal use. An attached accessory building shall be considered part of the principal building.

“ACCESS WAY”: A permanent means of approach to provide physical entrance to a property. This includes but is not limited to driveways, alleys, street, and permanent unobstructed easements.

“AGRICULTURAL LAND”: For the purpose of this code, agricultural land is defined as an area of land used for agricultural pursuits as defined in the term “agriculture” and taxed as agricultural land by the county.

“AGRICULTURE”: Any one of or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, viticulture, or animal/poultry husbandry or maintenance. The term “agriculture” encompasses accessory uses and agricultural activities conducted on the premises including the farm residence.

“ALLEY”: A public access way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

“ALTERATION”: Any change, addition or modification in construction or occupancy of an existing structure or use. As applied to a building or structure, a change or re-arrangement in the structural parts or in the existing facilities, or an enlargement, whether by horizontal extensions or by increasing in height, or the moving from one location or position to another. This would exclude superficial alterations to an existing building for the purpose of beautifying and modernizing. (i.e., windows, shingle, siding, etc.)

“ANIMAL, DOMESTIC”: Any of various animals including farm animals domesticated by man to live and breed in a tame condition.

ST CLAIR COUNTY CODE

“ANIMAL, FARM”: The species of fowl, ovine, caprine, bovine, porcine and equine, that have domesticated for agricultural purposes.

“ANIMAL, HOUSEHOLD PET”: Domestic animals, which have extensively and historically, been kept for personal pleasure, companionship, and protection.

“ANIMAL HOSPITAL/COMMERCIAL CLINIC”: Any building or portion thereof used for the care, observation, or treatment of domestic animals by a licensed veterinarian or under the supervision and control of a licensed veterinarian.

“AUTOMOBILE PARKING AREA”: A lot or part thereof used for the storage or parking of motor vehicles with or without the payment of rent or changes.

“AREA OF ZONING LOT/TRACT”: The total horizontal area (square footage) within the property lines of a lot or tract.

“ATTACHED BUILDING”: A building attached to another building by a common wall (such as a solid wall with or without windows and doors) and a common roof.

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

“BUILDING”: Any structure, whether temporary, semi-permanent, or permanent, designed or intended for the support, enclosure, shelter or protection of persons, property, chattels, animals or substances of any kind; including structures designed and constructed in sections expressly for assembly and placement on a permanent perimeter foundation, with any transport equipment being readily detachable and designed for delivery purposes only, if said structure is placed on such foundation with all transport equipment permanently removed.

“BUILDING HEIGHT”: The vertical distance measured from the average elevation of the proposed finished grade at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of mansard roof, or the mean height level between eaves and ridge for gable, hip, or gambrel roofs. Structures without roofs shall be determined by measuring the vertical distance from the elevation of the finished grade at its lowest elevation to the highest point of the structure. **(Ord. 96-577; 07-29-96)**

“BUILDING LINE”: See SETBACK LINE.

“BUILDING, PRINCIPAL”: A building in which the principal use of the zoning lot is conducted.

“BULK”: A term used to indicate the horizontal and vertical size of buildings and location of building(s) and/or other structures on a zoning lot or tract with required setbacks, yards, and open spaces.

“CAMPING TRAILERS”: Also referred to as travel trailers as opposed to a manufactured home. A camping trailer generally is designed for temporary occupancy as a vacation dwelling.

“CENTERLINE”: (1) The centerline of any right-of-way having a uniform width; (2) the original centerline, where an original right-of-way has been widened irregularly, other than by relocation; (3) the new

ST CLAIR COUNTY CODE

centerline wherever a road has been relocated; (4) the survey centerline established by the agency having jurisdiction over the right-of-way established with an irregular width.

“CHURCH OR BUILDING FOR RELIGIOUS WORSHIP”: institutions that people regularly attend to participate in or hold religious services, meeting, and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

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

“CLUB”: A non-profit association of persons who are bona fide members organized for some common purposes and paying regular dues, not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

“COMMERCIAL ANIMAL FEEDING FACILITY”: A structure or enclosure area used for feeding cattle, hogs, or other livestock (not including poultry or fowl), in lots of one hundred (100) animals or more and not otherwise connected with a farming operation.

“COMMERCIAL POULTRY FEEDING FACILITY”: A structure or enclosed area used for feeding and raising farm poultry more than five hundred (500) domestic fowl and not otherwise connected with a farming operation.

“COMMON AREA”: Any area or open space designed for joint use of tenants or owners occupying a Planned Building Development or other development.

“COMMUNITY RESIDENCE”: A group home or specialized residential care home serving unrelated persons with handicaps which is licensed, certified, or accredited by appropriate local, state, or national bodies. Community residence does not include a residence which services persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of communicable diseases.

- (A) **“SMALL COMMUNITY RESIDENCE”**: A community residence serving eight (8) or fewer persons with handicaps in a family-like atmosphere.
- (B) **“LARGE COMMUNITY RESIDENCE”**: A community residence serving nine (9) to fifteen (15) persons with handicaps in a family-like atmosphere.

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

“CONDOMINIUM”: The ownership of individual dwelling units in a multiple-dwelling unit structure on a single parcel of land with common ownership of all portions of the property except the dwelling units. Condominiums shall not be interpreted to include “uni-plexes”.

“COUNTY BOARD”: The County Board of St. Clair County, Illinois.

“COVERAGE”: Total square footage of ground floor area of a building or structure expressed as square footage.

ST CLAIR COUNTY CODE

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

“DAIRY”: Any premises where five or more dairy animals are kept, milked, and maintained; the term “dairy animal” meaning either cows or goats.

“DAY CARE FACILITY or NURSERY SCHOOL”: Any building which regularly provides day care for less than a twenty-four (24) hour day or provides care or instruction for two (2) or more children under the age of five (5) who are not related by birth or adoption to the day care operator.

“DEVELOPMENT”: Any man-made change to improve or unimproved real estate, including but not limited to, construction of or substantial changes to buildings or mining; dredging; filling; grading; paving; excavation or drilling operations.

“DRY CLEANER, RETAIL”: A retail limited processing dry cleaner primarily serving individual consumers.

“DRY CLEANER, WHOLESALE”: A business primarily processing dry cleaning for other business as opposed to the individual public.

“DWELLING”: Any building or portion thereof designed or used exclusively as living quarters for one or more families, other than hotels, motels, tourist homes, hostels, clubs, hospitals, or similar uses. **(See definition of Building)**

- (A) **“DWELLING – ONE FAMILY”**: A detached principal building designed for or used as a dwelling exclusively by one family as an independent housekeeping unit.
- (B) **“DWELLING – TWO FAMILY”**: A detached principal building designed for or used as a dwelling exclusively by two families each living as an independent housekeeping unit.
- (C) **“DWELLING – THREE FAMILY”**: A detached principal building designed for or used as a dwelling exclusively by three families each living as an independent housekeeping unit.
- (D) **“DWELLING – MULTI-FAMILY”**: A building or portion thereof, designed or altered for occupancy by four or more families each living as an independent housekeeping unit.

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

“EASEMENT”: A right to use another person’s property, only for a defined time and purpose.

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

“ESSENTIAL GOVERNMENTAL OR PUBLIC UTILITY SERVICES”: The erection, replacement, construction, alteration or maintenance by public utilities or governmental departments, of underground or overhead gas, electric, steam, water transmission or distribution systems, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings. **(Ord. 96-577; 07-29-96)**

“EXISTING GRADE”: The vertical location of the existing ground surface prior to excavation or filling.

ST CLAIR COUNTY CODE

“FAMILY”: (1) A single individual doing his/her own cooking and living upon the premises as a separate housekeeping unit; or (2) a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, adoption or employment as domestic servants; or (3) a group of not more than three unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit pursuant to a mutual housekeeping agreement (not including a group occupying a boarding or rooming house, club, fraternity or hotel).

“FARM” or “FARMLAND”: A parcel of land and the related structures used primarily for commercial soil-dependent cultivation of agricultural crop production and/or the raising of livestock, fish, or fowl.

“FARMER”: The operator of a farm where the raising of crops, animals, fowl, or fish is a principal occupation. Land rented to or otherwise assigned to a tenant for operation shall be considered as the operation of the tenant, not the owner.

“FARM RESIDENCE – PRIMARY”: A dwelling located on the farm as the residence of the farmer.

“FARM RESIDENCE – SECONDARY”: Any additional dwelling located on the farm for occupancy by the farmer’s parents, adult children or grandchildren that are engaged in substantial operation of the farm or of full-time employees of the farmer.

“FILING DATE”: The date the applicant has filed the last item or required data or information constituting a completed application and has paid the required fee(s).

“FINAL DEVELOPMENT PLAT”: The final engineering and architectural detail plans, maps, drawings, and supportive material on which the developer’s plan of the project area is presented and, if approved, will be filed with Zoning Administrator, and submitted to the County Recorder of Deeds.

“FLOOD”: A general and temporary condition of partial or complete inundation or 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”: The relatively flat area or lowlands adjoining the channel of a river, stream, watercourse, or lake which has been or may be covered by flood water; the land adjacent to a body of water which has been or may be hereafter covered by flood water, including but not limited to the regional flood.

“FLOOR AREA”: The area included within outside walls of a building or portion thereof, including habitable penthouses and attic space but not including vent shafts, courts, basements, or uninhabitable areas.

“FLOOR AREA, GROSS”: (FOR THE PURPOSE OF DETERMINING REQUIREMENTS FOR OFF-STREET PARKING AND OFF-STREET LOADING): The floor area shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area for purposes of measurement for off-street parking spaces shall not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; basement floor area not habitable; or floor area occupied by permanently installed manufacturing or processing equipment, including telephone exchange equipment, electrical switchboard and transformers, air vents, elevator shafts and similar areas.

ST CLAIR COUNTY CODE

“GARAGE, REPAIR”: Any building, premises, or land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of motor vehicles is conducted or rendered.

“GASOLINE SERVICE STATION”: A building or premises or portion thereof used for the retail sale of gasoline, oil or other fuel, automotive parts, and incidental use facilities used for polishing, greasing, washing or otherwise cleaning or light servicing of motor vehicles, but not including liquefied petroleum gas distribution facilities.

“HOME OCCUPATION”: A gainful activity that is clearly incidental and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

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

“HOSTEL”: A private residence where overnight “bed and breakfast” accommodations are provided for a fee for not more than four (4) persons using not more than two (2) bedrooms of the principal building.

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

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

“IMPROVEMENT PLANS”: The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed both in, or in conjunction with, the subdivision or other development when such plans are required.

“JUNK YARD”: Any area where scrap, metal, paper, rags, or similar materials are brought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto, and building salvage yards.

“KENNEL”: An establishment where household pets such as dogs and cats are bred, trained, boarded, or groomed.

“LAUNDROMAT”: A business that provides home-type washing, drying, and ironing machines for hire to be used by the customers on the premises.

“LAUNDRY, COMMERCIAL/INDUSTRIAL”: A business that provides washing, drying, and ironing services operated by the employees on the premises.

“LOADING SPACE”: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading

ST CLAIR COUNTY CODE

merchandise or materials and which abuts or provides immediate access to a street, alley, or other appropriate means of access.

“LOT”: A portion or parcel of land (whether a portion of a platted subdivision or otherwise) officially authorized and recorded in the office of the Recorder of Deeds which is occupied or intended to be occupied by a building or use and its accessories together with such yards as are required under the provisions of this code. The word “lot” shall include the words “plot”, “piece”, “tract”, or “parcel”.

“LOT, CORNER”: A lot abutting upon two or more streets at their intersection or upon two parts of the same street. The point of intersection of the street lines is in the “corner”. (See Exhibit Figure 1).

“LOT COVERAGE”: The area of a zoning lot occupied by the principal building(s) and accessory building(s).

“LOT DEPTH”: The mean horizontal distance between the front and 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. The street on which a building’s frontage is orientated shall determine the location of the front lot line.

“LOT LINE, REAR”: The lot line(s) most nearly parallel to and most remote from the front lot line.

“LOT LINE, SIDE”: Any lot line other than front or rear lot lines. A side lot line separating a lot from a street is called a street side lot line. A side lot line separating a lot from another lot(s) is called an interior side lot line.

“LOT, THROUGH”: A lot having frontage on two parallel or approximately parallel streets.

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

“MANUFACTURED HOME”/“MOBILE HOME”/“TRAILER”: A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, or transported on flatbed or other trailers and/or the section(s) are built upon detached running gears, such as undercarriages, springs, axles, wheels and/or hitches designed to permit their removal or remain attached at the location it is to be installed, and such structure is transportable from its place of construction or fabrication to the location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one (1) or more persons. This definition shall include, but not be limited to, a fabricated and transported building unit designed to be used by itself or to be incorporated or joined with similar units at a building site for the purpose of making a dwelling place. (See also Section 40-5-12).

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

“NOISOME AND INJURIOUS SUBSTANCES, CONDITIONS AND OPERATIONS”:

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

“NON-CONFORMING BUILDING OR STRUCTURE”: A building, structure, or portion thereof lawfully existing at the effective date of this code, but not in compliance with the size, dimensions, or locational requirements of this code for the zoning district in which it is located.

“NON-CONFORMING LOT”: A lot of record or recorded deed that met the zoning requirements at the time it was recorded, or, was recorded prior to December 1, 1969, and that does not meet the requirements for lot area; lot width; lot depth’ lot frontage; or location for the zoning district in which the lot or tract is located.

“NON-CONFORMING USE”: A lawful use of a building or land existing at the effective date of this code which does not conform with the use regulations for the district in which the building or land is located.

“NON-CONFORMING SIGN”: A sign which existed on the effective date of this code but does not meet the regulations set forth herein.

“NURSING HOME”: A building intended for use as a medical care facility for persons who need nursing care and medical service, but do not require intensive hospital care.

“NURSERY SCHOOL”: See Day Care Facility.

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

ST CLAIR COUNTY CODE

“OFFICE, SERVICE”: An office in which are offered services by real estate agents, insurance agents, public stenographers, brokers, or others who through training are duly qualified to perform services of an executive nature (as distinguished from a professional office) and where there is no storage, sale or display of merchandise on the premises.

“OVERLAY DISTRICT”: A special zoning district superimposed over/upon a standard (primary) zoning districts or portions thereof for the purpose of controlling special development conditions.

“PARKING AREA, PUBLIC”: An open, hard-surfaced area, other than a street or other public way, used for the parking of automobiles or other motor vehicles and available to the public whether for a fee or free for clients or customers.

“PARKING LANE”: A lane of an access way designed, intended, or designated for use primarily for vehicular parking.

“PARKING SPACE, AUTOMOBILE”: A public or private parking area of not less than two hundred (200) square feet (ten (10) feet by twenty (20) feet), exclusive of access drives and aisles, ramps, or columns.

“PERSON”: Any agent, individual, firm, association, partnership or corporation or similar entity.

“PLANNED BUILDING DEVELOPMENT (PBD)”: A unified comprehensively planned development containing residential, commercial, industrial, or other land uses on an area of land in individual, partnership, public or corporate ownership, and under unified control. A Planned Building Development may contain a single type of land use or combination of land uses and buildings.

“PLAT”: The maps, drawings, charts, specifications, and other documents complying with all applicable provisions of the County Subdivision regulations which constitute the plan for subdivision.

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

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

“PREMISES”: A lot together with all the buildings and uses thereon.

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

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

“PRODUCE STAND”: A temporary structure for the display and sale of agricultural products, at least a part of which are raised or grown on the property where the structure is located.

“PROPERTY LINE”: A recorded boundary of a plot or plat.

“PUBLIC OPEN SPACE”: Any publicly owned open area, including but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways, and streets.

ST CLAIR COUNTY CODE

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

“PUBLIC UTILITY SERVICES”: Means and includes facilities providing those services used for or in connection with the production, storage, transmission, sale, delivery or furnishing of heat, cold, power, electricity, water, or light except when used solely for communications purposes. Public Utility Services does not mean and shall not include facilities designed or intended to be used for the transmission of telephone messages or any other form of telecommunications. (Ord. 96-577; 07-29-96)

“RESIDENCE”: A stationary detached principal building designed for or used as a dwelling as distinguished from a manufactured home.

“SANITARY LANDFILL”: A type of operation in which refuse and earth or other suitable cover material are deposited in alternate layers of specified depth in accordance with a definite plan on a specified portion of open land, with each layer being compacted by force applied by mechanical equipment.

“SET-BACK LINE”: A line that is usually parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side, or rear yard.

“SIGN”: An outdoor structure, device, object, or display which attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement, or announcement.

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

“SITE PLAN”: Maps, charts, drawings, architectural renderings, photographs, and other visual media showing proposed development of physical facilities to be constructed.

“SLOPE”: The degree of natural inclination of the existing ground.

“SPECIAL USE”: A conditional use that owing to some special characteristic(s) attendant to its operation, installation, site, or location is permitted in a district, subject to approval of the County Board and subject to special requirements, different from and/or in addition to the usual requirements for the district in which the conditional use may be located.

“STABLE, LIVERY”: Any building designed, arranged, used, or intended to be used for the keeping of horses and horse-drawn livery, or both, which is help open to the general public for the letting of such horses and/or horse-drawn livery.

“STREET”: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. The term includes all facilities which normally occur within the right-of-way such as highway, frontage road, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, or court. This definition does not include alley or a way for pedestrian 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 smaller communities, may provide access to abutting property, and have a medium volume design capacity and travel speeds.

ST CLAIR COUNTY CODE

“STREET, BUTT OR STUB”: A street that is temporarily terminated, but is planned for future continuation.

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

“STREET, FRONTAGE ROAD OR SERVICE ROAD”: A public or private land access street parallel and adjacent to a primary or major highway, area service highway or collector street providing access to abutting properties.

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

“STRUCTURE”: Anything constructed or erected requiring a location on the ground, or is attached to something have location on the ground, including a fence or freestanding wall. A sign, billboard, or other advertising medium, detached or projecting, shall be construed a structure.

“TEMPORARY ACCESSORY STRUCTURE OR FACILITY”: An independent structure or enclosed facility that is purposely constructed for transport on highways or by rail from one location to another location such as a travel trailer, mobile home, cargo trailer, bus, or railroad care – with or without wheels, tongue or supporting frame removed or other modification. **(ord. 96-563; 03-25-96)**

“UNI-PLEX”: One building containing two or more dwelling units where the dwelling unit(s) together with the site or part thereof is subdivided and conveyed to separate ownership(s) to constitute separate premises.

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

“VARIANCE, AREA/BULK”: A permit granted by the Zoning Board of Appeals, varying specific area/bulk regulations, due to practical difficulty, particular hardship, or unusual circumstances of a specific lot, use or building. This shall not include a “self-created or self-imposed hardship resulting from actions of the owner.

“YARD”: An open space located on the same lot with a building, structure, or use, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations.

- (A) **“YARD, SIDE”**: A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.
- (B) **“YARD, FRONT”**: A yard extending across the full width of the lot between the front lot line and nearest line or point of the principal building.
- (C) **“YARD, REAR”**: A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

“ZONING ADMINISTRATOR”: Wherever in this code the term “Zoning Administrator” is used, it shall mean the Zoning Administrator appointed by the County Board and such deputies or assistants as have been or shall be duly appointed. That officer is hereby authorized and it is his/her duty at the direction of the County Board to administer and enforce the provisions of the Zoning Code, making such determinations, interpretations and orders as are necessary therefor, and requiring such plats, plans and other

ST CLAIR COUNTY CODE

descriptive material in connection with application for permits as are necessary for him/her to judge compliance with this code.

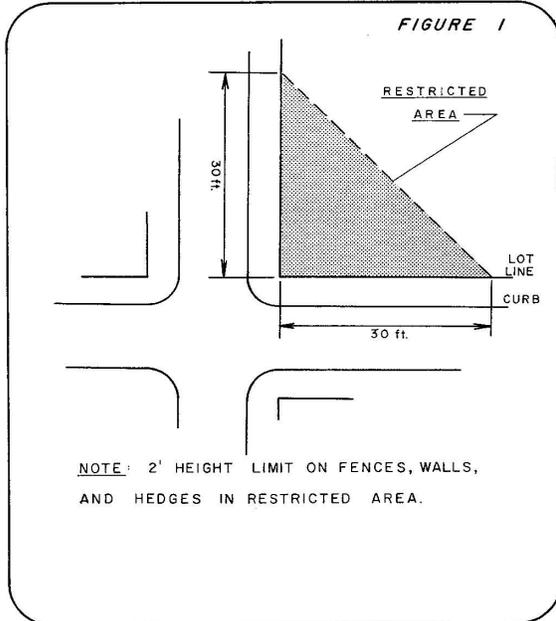
“ZONING BOARD OF APPEALS”: An appellate, interpretive, and advisory body designated to assist in the administration of this code.

“ZONING COMPLIANCE CERTIFICATION”: A document issued by the Zoning Administrator authorizing buildings, structures or uses consistent with the terms of this code.

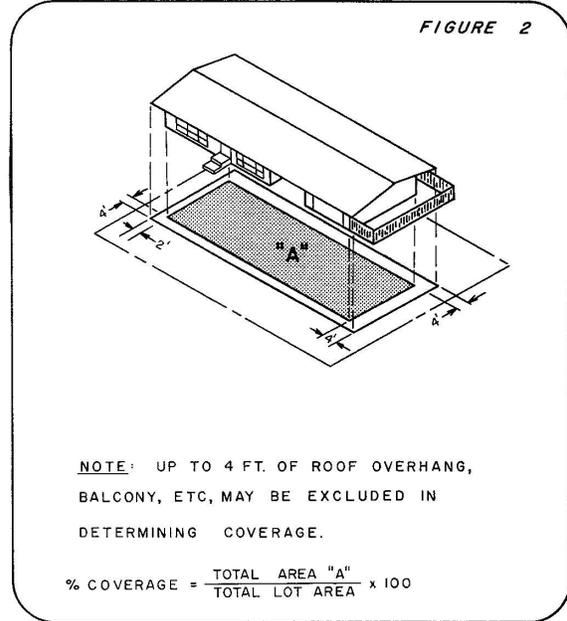
“ZONING DISTRICT”: An area(s) within the unincorporated portion of St. Clair County for which the regulations and requirements governing use, lot size, building bulk, set-backs and other conditions of use are uniformly applicable.

“ZONING MAP”: The zoning map(s) of St. Clair County together with all amendments subsequently adopted.

40-2-3 FIGURE 1 – SKETCHES AND ILLUSTRATIONS.



CORNERS



COVERAGE

(This page was left blank intentionally.)

ARTICLE III

ZONING DISTRICTS

40-3-1 ESTABLISHMENT OF ZONING DISTRICTS. For the purpose of this Zoning Code, the entire County of St. Clair outside the limits of cities, villages and incorporated towns which have in effect municipal zoning codes and outside the boundaries of Scott Air Force Base, is hereby divided into the following zoning districts:

<u>SYMBOL*</u>	<u>NAME</u>	<u>MINIMUM ZONING DISTRICT SIZE IN ACRES**</u>
“A”	Agricultural Industry District	40
“RR-1”	Rural Residential District	15
“RR-3”	Rural Residential District	15
“SR-1”	Single Family Residence	5
“SR-2”	Single Family Residence	5
“SR-3”	Single Family Residence	5
“SR-MH”	Single Residence - Mobile Home District	5
“MHP”	Mobile Home Park District	10
“MR-1”	Two & Three Family Residence District	4
“MR-2”	Multi-Family Residence District	4
“NB”	Neighborhood Business District	--
“HB”	Highway Business District	3
“B-1”	Retail & Service Business District	3
“B-2”	General Commercial District	5
“I-1”	Research & Assembly Industry District	5
“I-2”	General Industry District	10
“C-R”	Conservation – recreation District	5
“O-1”	Conservation Overlay District	--
“O-2”	Highway Overlay District	--
“AO”	Airport Overlay District	--

(Ord. No. 11-1043; 05-31-11)

* Whenever reference by letter designation is made to any of the zoning districts, such reference shall mean and include all of those districts, such reference shall mean and include all of those districts whose symbols include such letter used in the reference (i.e., “R” district include the second through the seventh of the aforesaid districts of (a) above), unless otherwise indicated in the reference. Whenever reference by word designation is hereinafter made to any of the foregoing districts, such reference shall mean and include those districts whose names include such word uses in the reference (i.e., “Residence” districts means and includes the second through the seventh of the aforesaid districts of (a) above), unless otherwise indicated in the references.

** When an area is rezoned from one zoning district designation to different zoning district designations, the minimum size of the area changed to the new district designation shall contain not less than the minimum zoning district size indicated in this Article, except as follows:

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

40-3-2 ZONING DISTRICTS BOUNDARIES. The boundaries of the zoning district are established as shown on the St. Clair County Zone District Map. The zoning districts and boundaries are hereby adopted and established as shown on the Zone District Map, which map, together with all notations, references, data, district boundaries and other information thereof, are made a part of the Zoning Code by reference. The Zoning District Map, properly attested, shall remain on file in the office of the Zoning Administrator.

40-3-3 INTERPRETATION OF DISTRICT BOUNDARIES.

- (A) Where district boundaries are so indicated that they are approximately parallel to the center lines or alley lines of alleys, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such district therefrom as indicated on the zoning map.
- (B) Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
- (C) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located at the railroad right-of-way line closest to the most restrictive zoning district line shown on the Zone District Map.
- (D) Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be construed to be the center line of the stream, otherwise at the limit of the jurisdiction of the county unless otherwise indicated.
- (E) Where district boundaries are indicated as approximately following section lines or divisions thereof and township lines, such section and township line shall be construed to be such boundaries.
- (F) Any area shown on the zoning map as park, playground, school, cemetery, water, street, or right-of-way, shall be subject to the zoning regulations of the district in which they are located.
- (G) Whenever any street, alley, or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley, or public way shall automatically extend to the center of such vacation and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.
- (H) Where any land or territory within the jurisdiction of the county except the land within Scott Air Force Base is not shown to be located in a district, the zoning regulations of the most restrictive adjoining district shall govern.
- (I) Where a lot under single ownership is divided at the time of enactment of this code or by subsequent amendments, by a zoning district boundary line, the requirements of the less restrictive district adjacent to such line may be extended for that lot, not more than twenty-five (25') feet into the most restrictive district.
- (J) The regulatory flood elevation at any point in question shall determine where the flood hazard boundary is located on the land as established by the Federal Emergency Management Agency.

40-3-4 USES PERMITTED BY RIGHT OR BY SPECIAL USE PERMIT. The uses permitted in a zoning district are listed for each district. Whenever a use is not specifically listed as permitted by right or by Special Use Permit, that use shall be deemed to prohibit in that zoning district, except as permitted in Article IX Section 40-9-3 (H). (Ord. 95-12; 05-30-95)

40-3-5 OVERLAY ZONES. Overlay Zones are established in this Code with special provisions and requirements necessary to address existing and/or identifiable future conditions of unique or special concern for health, safety, the general welfare, and orderly development; and to protect the safety, functional capacity and public investment in public facilities deemed essential to St. Clair County

40-3-6 AREA AND BULK REQUIREMENTS.

(A) **INTENT AND PURPOSE.** To facilitate public understanding and for convenience of use thereof, the regulations limiting dwelling unit and development density, restricting the height, size and location of structures are set forth for each zoning district in the Schedule of Minimum Area, Bulk and Yard Requirements, Section 40-3-7, which are hereby adopted and declared to be an integral part of this code, and as such may be amended in the same manner as any other part of this code.

(B) **USE OF AREA, BULK, YARD SCHEDULE.**

- (1) For each district (or specified use) named in the Schedule in column “A”, the maximum number of dwelling units shall be indicated in column “B”; the minimum lot requirement shall be indicated in columns “C”, “D”, and “E”; the minimum yard dimensions shall be indicated in columns “F”, “G”, “H”, “I”, and “J”; maximum lot coverage shall be indicated in column “K”; maximum principal building height shall be indicated in column “L”; maximum heights for accessory buildings and uses shall be indicated in column “M”; minimum distances from detached accessory buildings and uses to principal buildings, street and lot lines shall be as indicated in columns “N”, “O”, “P”, “Q”, and “R” respectively.
- (2) A blank space in a block of a column of said Schedule indicates that the requirement of that column does not pertain to the district or use specified on the corresponding horizontal lines.
- (3) For convenience of use of this code, in Line-1, the single residential dwelling permitted as an accessory use is shown in the Area/Bulk Schedule as if it was a principal use and shall meet all requirements thereof. Uses and buildings accessory to the residence shall meet accessory use requirements as shown on Line 1 of the Area/Bulk Schedule.
- (4) Minimum off-street parking and loading requirements shall be as indicated in Article VI.
- (5) Permitted signs shall be so indicated in Article VII.
- (6) Supplementary Area, Bulk and Yard requirements are contained in Article VIII.

ST CLAIR COUNTY CODE

40-3-7 MINIMUM AREA, BULK, YARD REQUIREMENTS

			MINIMUM LOT SIZE			MINIMUM YARD DIMENSIONS			
	A	B	C	D	E	F	G	H	
ZONING DISTRICT	MAXIMUM NUMBER OF DWELLING UNITS	MINIMUM AREA IN SQ. FT OR ACRES	WIDTH AT BLDG. LINE IN LINEAR FEET	MEAN DEPTH IN LINEAR FEET	DEPTH OF FRONT YARD IN LINEAR FEET	DEPTH OF SIDE YARD ABUTTING A STREET IN LINEAR FEET	DEPTH OF SIDE YARD ABUTTING A LOT IN LINEAR FEET		
							TOTAL FOR BOTH	MIN FOR EITHER	
1	A	1 per 40 acres (See Note 1)	40 acres	200'	300'	25'	25	40	15
2	RR-3	1 per 3 acres	3 acres	200'	200'	25'	25'	40	15
3	RR-1	1 per 1 acre	1 acre	125'	150'	25'	25'	40	15
4	SR-1	1 per 20,000 sq. ft.	20,000 sq. ft.	100'	150'	25'	25'	30	15
5	SR-2	1 per 15,000 sq. ft.	15,000 sq. ft.	100'	125'	25'	25'	25	10
6	SR-3	1 per 10,000 sq. ft.	10,000 sq. ft.	75'	100'	25'	25'	15	5
7	SR-MH	1 per 6,000 sq. ft.	6,000 sq. ft.	50'	100'	25'	25'	10	5
8	MHP	See Note 2	10 acres	250'	250'	25'	25'	30	15
9	MR-1	1 per 4,500 sq. ft.	10,000 sq. ft.	80' or 30' per unit	120'	25'	25'	20	10
10	MR-2	1 per 4,000 sq. ft.	16,000 sq. ft.	80' or 20' per unit	150'	25'	25'	25	10
11	NB	1 per 20,000 sq. ft.	20,000 sq. ft.	100'	125'	25'	25'	20	10
12	HB	Prohibited	25,000 sq. ft.	100'	150'	75'	25'	See Note 3	
13	B-1	Prohibited	25,000 sq. ft.	100'	None	75'	25'	See Note 3	
14	B-2	Prohibited	1 acre	150'	None	75'	25'	See Note 3	
15	I-1	Prohibited	1 acre	150'	None	75'	25'	See Note 3	
16	I-2	Prohibited	2 acres	200'	None	75'	25'	See Note 3	

Note 1: See Section 40-4-3 – Farm Residence – Primary

Note 2: See Article IV Division V

Note 3: 25' if abutting "A", "RR", "SR", "MH", "MR", or "NB"; otherwise 0' or a minimum of 12'

Note 4: The maximum of height of the principal building, excluding buildings and structures used for governmental purposes, shall be 35 ft. Buildings and structures used for governmental purposes shall have a maximum of no more than 100 ft.

ST CLAIR COUNTY CODE

	MIN. YARD DIMENSIONS		MAX. COVERAGE/HEIGHT		ACCESSORY BUILDINGS AND USES IF DEATTACHED, MINIMUM DISTANCE TO: (f)					
	I	J	K	L	M	N	O	P	Q	R
	MINIMUM DISTANCE TO PRINCIPAL ON ADJACENT LOT IN LINEAR FEET	DEPTH OF REAR YARD IN LINEAR FEET	MAXIMUM COVER-AGE IN % OF LOT	MAXIMUM HEIGHT OF PRIN. BLDG. IN LINEAR FEET	MAXIMUM HEIGHT IN LINEAR FEET	PRINCIPAL BLDG. IN LINEAR FEET	FRONT LOT LINE IN LINEAR FEET	SIDE LOT LINE ADJACENT TO STREET IN LINEAR FEET	OTHER SIDE LOT LINE IN LINEAR FEET	REAR LOT LINE IN LINEAR FEET
1	30'	25'	---	See Note 4	25'	10'	60'	25'	5'	5'
2	30'	25'	---	35'	25'	10'	60'	25'	5'	5'
3	30'	25'	20%	35'	25'	10'	60'	25'	5'	5'
4	30'	25'	20%	35'	25'	10'	60'	25'	5'	5'
5	20'	25'	20%	35'	25'	10'	60'	25'	5'	5'
6	15'	25'	20%	35'	25'	10'	60'	25'	5'	5'
7	10'	25'	30%	35'	25'	10'	60'	25'	5'	5'
8	30'	15'	30%	35'	25'	10'	60'	25'	5'	5'
9	20'	25'	30%	35'	25'	10'	60'	25'	5'	5'
10	25'	25'	30%	35'	25'	10'	60'	25'	5'	5'
11	20'	25'	30%	35'	25'	10'	60'	25'	5'	5'
12	See Note 3	12'	30%	35'	25'	12'	75'	25'	5'	5'
13	See Note 3	12'	30%	35'	25'	12'	75'	25'	5'	5'
14	See Note 3	12'	40%	45'	25'	12'	75'	25'	5'	5'
15	See Note 3	12'	40%	45'	25'	12'	75'	25'	5'	5'
16	See Note 3	12'	40%	45'	25'	12'	75'	25'	5'	5'

(Ord. 95-12; 05-30-95)

(This page was left blank intentionally.)

ARTICLE IV

USES PERMITTED BY ZONING DISTRICT

DIVISION I - - “A” AGRICULTURAL INDUSTRY DISTRICT

40-4-1 INTENT AND PURPOSE. The “A” Agricultural Industry District encompasses prime and important farmland in St. Clair County where soil, water, vegetal, and topographical conditions are well suited to the raising of crops and domestic animals. These areas have been traditionally used for agricultural farming, the raising of domestic animals and poultry, horticulture, forestry, and truck gardening.

The St. Clair County Board is aware of the historical and continuing importance of agriculture to the economic and social structure of the County and of the unique characteristics and requirements necessary to retain agriculture as a viable industry. In recognition of this, the St. Clair County Board has established and adopted as a long range goal, the conservation and preservation of prime and important farmland (as defined by the U.S. Department of Agriculture Soil Conservation Service Evaluation System) and has acted to implement this goal through the adoption of a Comprehensive Plan and Zoning Code.

40-4-2 PERMITTED USES. All uses commonly classified as agriculture, row crops, horticulture, and forestry including crop and tree farming; truck farming; gardening; dairy farming; livestock raising; animal and poultry breeding, raising, and feeding; fisheries; forestry operations together with the operation of machinery or vehicles, but not including stockyards or agricultural product processing plants for other than agricultural use.

- Boarding of horses or keeping of horses for rent, hire or personal pleasure.
- Colleges/universities for academic instruction.
- Essential governmental or public utility services.
- Fishing lakes including fee fishing or clubs provided that no building, parking lot, or other intense use activity is located near than five hundred (500) feet to any dwelling or another zoning lot.
- Government military reservations.
- Governmental uses and buildings subject to Section 40-5-21 and 40-5-22.
- Hunting and fishing and game preserves.
- Non-commercial recreational activities.
- Public utility stations and exchanges subject to Section 40-5-23.
- Railroad right-of-ways and trackage, but not including classification yards, terminal facilities, or maintenance facilities.
- Repair of farm machinery used on the premises and the sale of feed or seed provided that these activities are customary and incidental to the primary activity of farming and do not constitute a separable commercial retail, wholesale, or repair service business.
- Schools – Public and denominational elementary, middle, or high schools, including playgrounds and athletic fields auxiliary thereto, subject to Section 40-5-27.
- Signs – The following signs are permitted subject to compliance with all applicable provisions of Article VII: area identification sign; bulletin board; business sign; construction sign; identification signs; real estate sign; and temporary signs.
- Truck gardening, mushroom barns, and apiaries; growing of plants on a private or commercial basis provided no retail sales are conducted on the premises.
- Weighing stations operated by the State of Illinois.

40-4-3 PERMITTED ACCESSORY USES. Accessory uses that are clearly supplementary and secondary to the primary use located on the tract.

- Farm residence, primary – meeting all Area/Bulk and Yard Requirements of Line 1, Section 40-3-7, as if the residence was a principal use.
- Fences, hedges, and walls subject to Section 40-5-5.
- Garage or yard sales subject to Section 40-5-7.
- Keeping of household pets, provided commercial kennels are not maintained.
- Keeping of not more than one boat and/or unoccupied camp trailer, subject to Section 40-5-2.
- Parking lots, subject to Article VI.
- Parking spaces not for gain in addition to minimum required off-street parking. All parking space shall be on the lot or tract on which the principal use is located.
- Pole buildings.
- Private greenhouse subject to section 40-5-20.
- Private swimming pools, subject to Section 40-5-28.
- Satellite dishes subject to Section 40-5-26.
- Temporary produce stands for the sale of agricultural products raised on the premises, provided that adequate off-street parking is available and that major traffic congestion or hazard would not be created in conjunction with the location or access thereto.
- Tool sheds; garages or carports; tennis courts; patios.

40-4-4 SPECIAL USE PERMITS. All uses subject to the applicable provisions of Article XI Division V. All Special Use Permit applications require that a Land Evaluation and Site Assessment be conducted for the site prior to holding a public hearing, and shall be made a part of the hearing record.

- Adult-Use Cannabis Craft Grower, subject to the applicable provisions and requirements of Section 40-5-31. **(Ord. 19-1223; 11-25-2019)**
- Adult-Use Cannabis Cultivation Center, subject to the applicable provisions and requirements of Section 40-5-31. **(Ord. 19-1223; 11-25-19)**
- Applications for Special Use permits may be granted only for the following listed uses:
- Animal hospitals and commercial kennels, subject to Section 40-5-1.
- Boat marinas and boat liveries provided that no building, parking lot or other intense use activity is located nearer than five hundred (500) feet to any dwelling on another zoning lot.
- Boat and recreational vehicles storage in addition to that permitted in 40-4-3 provided that all such storage shall be within a completely enclosed building. **(Ord. 95-12; 05-30-95)**
- Cemeteries, including therein mausoleums and/or crematories, pet cemeteries, and crematory facilities for animals.
- Churches or other buildings for religious worship subject to Section 40-5-3. **(Ord. 96-563; 03-25-96)**
- Commercial agricultural implement and machinery service and repair.
- Commercial animal feed, storage, preparation, grinding, mixing – wholesale and retail.
- Commercial animal feeding facility.

- Commercial dog kennel and animal shelter subject to the applicable regulations of the State of Illinois.
- Commercial poultry feeding facility.
- Commercial Wind Energy Facilities subject to Section 40-5-32. **(Ord. No 40-133; 05-30-23)**
- Country clubs and golf courses of regulation size, and driving ranges in conjunction therewith, provided that no clubhouse parking lot or accessory building shall be located closer than 500 feet to any dwelling unit on another zoning lot.
- Day care and nursery school subject to Section 40-5-19.
- Electric generation plants.
- Fair grounds.
- Farm residence, secondary – meeting all area/bulk and yard requirements of Line 3, Section 40-3-7 as if the residence was a principal use and shall comply with Section 40-1-15, 40-8-4, 40-8-13 and shall be defined as a separate zoning lot in accordance with Section 40-1-17 (c).
- Fertilizer sales, including bulk storage and mixing.
- Greenhouses/nurseries – wholesale and retail, subject to section 40-5-20.0
- Gun clubs, if properly protected and located not nearer than 1500 feet to any residence other than that of the owner or lessee on the site.
- Home Occupations, subject to section 40-5-9.
- Hostel (Bed and Breakfast).
- Livestock depots and sales yards.
- Manufactured homes subject to Sections 40-5-12, 40-5-13, 40-5-14, 40-5-15 and 40-5-16.
- “Par 3” golf courses, or commercially operated driving ranges provided that no clubhouse, parking lot or accessory building shall be located nearer than five hundred (500) feet to any dwelling unit on another zoning lot.
- Medical Cannabis Cultivation Center, subject to the applicable provisions and requirements of Section 40-5-29. **(Ord. 14-1097; 05-27-14)**
- Penal institutions.
- Planned Building Development subject to Article IX. **(Ord. 95-12; 05-30-95)**
- Planned mineral extraction, subject to the applicable provisions of Article IX and Article XI Division V.
- Private clubs, lodges, or camps except those whose chief activities are a service customarily carried on as a business.
- Private Landing Strips, as defined herein, subject to the following restrictions:
 - (A) Shall be located and be of such area, runway length and design as prescribed by the Illinois Department of Transportation, Division of Aeronautics, and the applicable provisions of this code.
 - (B) Shall be used in connection with a use permitted in this District;
 - (C) Shall not be used by itinerant aircraft except in cases of emergency.
- Public and commercial airports with customary service facilities and services, and subject to the applicable requirements of the Illinois Department of Transportation Division of Aeronautics.
- Radio and television towers subject to the Airport Height and Hazard Regulations of the State of Illinois, Division of Aeronautics and the requirements of the Airport Overlay District set forth in Division XVII of the Zoning Code. **(Ord. No. 11-1043; 05-31-11)**

- Recreational camps provided that a detailed plat of the proposed camp and all proposed improvements shall be submitted to the Zoning Board for approval at the public hearing. Such plat, when approved by the County Board, site shall be in strict accordance with said plat.
- Sale and/or consumption of alcoholic beverages in conjunction with a permitted use or another permitted special use.
- Sanitary landfill, as defined herein, shall be conducted in accordance with the St. Clair County Sanitary Landfill applicable ordinance and in accordance with all other applicable ordinances and resolutions of the County of St. Clair. (See Ch. 32 of the County Code)
- Sawmill operations.
- Seminaries, convents, monasteries, and similar religious institutions, including dormitories and other accessory uses required for operation.
- Solar Farm Energy Systems (SFESs) subject to Section 40-5-30. **(Ord. No 40-133; 05-30-23)**
- Towers, structures, and other facilities designed or intended to be used for the support, enclosure, shelter, or protection of distribution equipment utilized by entities engaged in the transmission of telephone messages including but not limited to cellular, personal communications services, special mobile radio transmitters and any other personal wireless service. **(Ord. 96-577; 07-29-96)**

40-4-5 RESERVED.

DIVISION II – “RR-1” AND “RR-3” – RURAL RESIDENTIAL DISTRICTS

40-4-6 INTENT AND PURPOSE. The “RR” Rural Residential Districts are established to provide for low density development where prime and important farmland is not prevalent and/or land wherein the topography and/or other natural conditions may create difficulty and excessive costs for compact urban development. These conditions could include limited and/or difficult siting for buildings; difficulty in providing adequate and safe traffic circulation systems and the provision of emergency services; problematic design and operation of utility systems and/or storm water drainage and erosion; and the degradation of natural physical conditions resulting in adverse impact to the area.

It is the intent and purpose of these districts to provide for appropriate uses and intensity of use of such areas in order to substantially preserve natural conditions, avoid disproportionately high cost of providing and maintaining essential public services and facilities; and avoidance of adverse impact to surrounding areas and land use.

40-4-7 PERMITTED USES.

- Colleges/universities for academic instruction.
- Essential governmental or public utility services.
- Fish and game preserves.
- Fishing lakes including fee fishing or clubs provided that no building, parking lot, or other intense use activity is located nearer than five hundred (500) feet to any dwelling or another zoning lot.
- Governmental uses and buildings subject to Section 40-5-21 and 40-5-22.
- Growing of agricultural crops, and raising or maintenance of livestock, poultry, or farm animals.
- Keeping of horses for private purposes only, but not for rent or hire on a zoning lot whose principal use is intended to be a one-family dwelling, provided that at least 20,000 square feet of lot area is allotted for each animal.
- Monasteries and convents.
- Non-commercial recreational activities.
- Planned Building Development subject to provision of Article IX (A) (H). **(Ord. 95-12; 05-30-95)**
- Private clubs, lodges, or camps except those whose chief activities are a service customarily carried on as a business, and if developed and operated so as not to withdraw prime or important farmland from agricultural use.
- Public utility stations and exchanges subject to Section 40-5-23.
- Railroad rights-of-ways and trackage, but not including classification yards, terminal facilities, or maintenance facilities.
- Schools – Public and denominational elementary, middle, or high schools, including playgrounds and athletic fields auxiliary thereto subject to Section 40-5-27.
- Signs – The following signs are permitted subject to compliance with all applicable provisions of Article VII: area identification sign; bulletin board; construction sign; identification sign; real estate sign; subdivision sign; temporary sign.
- Single family residence dwelling.
- Truck gardening, mushroom barns, and apiaries; growing of plants on a private or commercial basis provided no retail sales are conducted on the premises.
- Weighing stations operated by the State of Illinois.

40-4-8 PERMITTED ACCESSORY USES. Accessory uses that are clearly supplementary and secondary to the primary use located on the lot as hereinafter provided.

- Accommodations for professional servants, caretakers, watchmen, or custodians, but not as a separate detached one-family dwelling.
- Fences, hedges, and walls subject to Section 40-5-5.
- Garage and yard sales subject to Section 40-5-7.
- Keeping of domestic household pets, provided kennels are not maintained and provided no animal, reptile, bird or similar classification or species normally considered wild, as opposed to domesticated, is maintained, or kept.
- Keeping of not more than one boat and/or unoccupied camp trailer, subject to section 40-5-2.
- Pole buildings subject to Section 40-5-24.
- Private greenhouses/plant nurseries subject to Section 40-5-20.
- Private swimming pools, subject to Section 40-5-28.
- Satellite dishes subject to Section 40-5-26.
- Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations; provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or one year.
- Temporary produce stands for the sale of agricultural produce raised on the premises, provided that adequate off-street parking is available and that major traffic congestion or hazard would not be created in conjunction with the location or access thereto.
- Tool sheds; garages or carports; tennis courts; patios.

40-4-9 SPECIAL USE PERMITS. All uses subject to the applicable provisions of Article XI Division V. All Special Use Permit applications require that a Land Evaluation and Site Assessment (LESA) be conducted for the site unless a written waiver for the LESA, stating the reason therefore, is granted by the Zoning Administrator. The LESA shall be obtained prior to the public hearing and shall be part of the hearing record.

Applications for Special Use Permits may be granted only for the following uses except provided in Article IX Section 40-9-3 (H). **(Ord. 95-12; 05/30/95)**

- Animal hospitals subject to Section 40-5-1.
- Athletic Fields.
- Boarding of horses or keeping of horses for rent or hire.
- Boat marinas and boat liveries provided that no building, parking lot or other intense use activity is located nearer than five hundred (500) feet to any dwelling or another zoning lot.
- Cemeteries, including therein mausoleums and/or crematories, pet cemeteries, and crematory facilities for animals.
- Churches or other building for religious worship subject to Section 40-5-3. **(Ord. 96-563; 03-25-96)**
- Community residence – large and small.
- Country clubs and golf courses of regulation size, and driving ranges in conjunction therewith, provided that no clubhouse parking lot or accessory building shall be located closer than 500 feet to

any dwelling unit on another zoning lot, and if located so as to minimize the use of prime and important farm land.

- Day care center and nursery school subject to Section 40-5-19.
- Electric generation plants.
- Greenhouse/plant nurseries – wholesale and retail, subject to Section 40-5-20.
- Home occupations, subject to Section 40-5-9.
- Kennels and animal shelters subject to compliance with all applicable regulations of the State of Illinois.
- Manufactured homes subject to Section 40-5-12, 40-5-13, 40-5-14, 40-5-15, and 40-5-16.
- “Par 3” golf courses, or commercially operated driving ranges and provided that no clubhouse, parking lot or accessory building shall be located nearer than 500 feet to any dwelling unit and if located so as to minimize the use of prime and important farm land.
- Planned Single Family residence Developments, subject to the applicable provisions of Article IX.
- Planned mineral extraction, subject to the applicable provisions of Article IX and Article XI, Division V.
- Private landing strip, as defined herein, subject to the following restrictions:
 - - (A) Shall be located and be of such area, runway length and design as prescribed by the Illinois Department of Transportation, Division of Aeronautics, and the applicable provisions of this code.
 - (B) Shall be used in connection with a use permitted in this District;
 - (C) Shall not be used by itinerant aircraft as defined except in cases of emergency.
- Radio and television towers subject to the Airport Height and Hazard Regulations of the State of Illinois, Division of Aeronautics and the requirements of the Airport Overlay District set forth in Division XVII of this Zoning Code. **(Ord. No. 11-1043; 05-31-11)**
- Recreational camps provided that a detailed plat of the proposed camp and all proposed improvements shall be submitted to the Zoning Board for approval at the public hearing. Such plat, when approved by the County Board, shall become a part of this code and development of the site shall be in strict accordance with said plat.
- Sale and/or consumption of alcoholic beverages in conjunction with a non-residential permitted use; with a Special Use Permit.
- Sewage treatment works, publicly and/or privately owned.
- Towers, structures, and other facilities designed or intended to be used for the support, enclosure, shelter, or protection of distribution equipment utilized by entities engaged in the transmission of telephone messages including but not limited to cellular, personal communications services, special mobile radio transmitters and any other personal wireless service. **(Ord. 96-577; 07-29.96)**
- Training of horses and rides and keeping of horse for hire. **(ord. 95-12; 05-30-95)**

40-4-10 RESERVED.

(This page was left blank intentionally.)

**DIVISION III – “SR-1”, “SR-2”, “SR-3” – SINGLE FAMILY
RESIDENTIAL DISTRICTS**

40-4-11 INTENT AND PURPOSE. The “SR” Single Family Residential Districts (“SR-1”, “SR-2”, and “SR-3”) of St. Clair County, as differentiated herein, and the district locations as depicted on “The St. Clair County Zone District Map”, reflect the wide variety of physical and social characteristics found in St. Clair County, to the extent that the range of such conditions and characteristics can be divided into meaningful categories. It is the purpose of these regulations to encourage the creation and maintenance of stable and enduring single family residential areas by establishing limitations on the use and character of development to take advantage of, or to avoid conflicts with, natural topography, existing developments, arrangements, and locations of existing or planned community facilities, utilities, emergency services and social needs of the County.

40-4-12 PERMITTED USES. The following uses are permitted in the “SR-1”, “SR-2”, and “SR-3” Residential Districts as hereinafter provided subject to all applicable requirements of the St. Clair County Zoning Code.

- Essential governmental or public utility services.
- Governmental uses and buildings subject to Section 40-5-21 and 40-5-22.
- Public utility stations and exchanges subject to Section 40-5-23.
- Railroad right-of-way and trackage, but not including switching, storage, freight yards, industrial sidings, or classification yards.
- Schools – Public and denominational elementary, middle, or high schools, including playgrounds and athletic fields auxiliary thereto, subject to Section 40-5-27.
- Signs – The following signs are permitted subject to compliance with all applicable provisions of Article VII: area identification sign; bulletin board; construction sign; identification sign; real estate sign; subdivision sign; temporary sign.
- Single family residence dwelling.

40-4-13 PERMITTED ACCESSORY USES. Accessory uses clearly associated with and supplementary to the principal use of the lot or tract of land. In the “SR” districts, accessory buildings shall be limited to **two (2)** accessory buildings per lot, excluding temporary construction sheds.

- Accommodations for professional servants, caretakers, watchmen, or custodians, but not as a separate detached one-family dwelling.
- Fences, hedges, and walls subject to Section 40-5-5.
- Garage and yard sales subject to Section 40-5-7.
- Keeping of not more than **four (4)** domestic household pets, provided kennels are not maintained, and provided no animal, reptile, bird or similar classification or species normally considered wild, as opposed to domesticated, is maintained, or kept.
- Private greenhouse subject to Section 40-5-20.
- Private tool sheds, garages or carports, tennis courts, patios.
- Satellite dishes subject to Section 40-5-26.
- Storage of not more than **one (1) boat** and/or unoccupied camp trailer or motor home in rear yard only subject to Section 40-5-2.
- Swimming pools subject to Section 40-5-28.

- Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations; provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or **one (1) year** whichever occurs first.
- Vegetable gardens and orchards.

40-4-14 SPECIAL USE PERMITS. All uses subject to the applicable provisions of Article XI Division V. Applications for Special Use Permits may be granted only for the following uses except as provided in Article IX Section 40-9-3(H). **(Ord. No. 95-12; 05-30-95)**

- Churches or other buildings for religious worship subject to Section 40-5-3. **(Ord. 96-563; 03-25-96)**
- Clubs, lodges, and community centers.
- Colleges and universities, including dormitories, fraternities, sororities, and other accessory buildings and structures, or trade schools.
- Community residence – large and small.
- Day care center or nursery schools subject to Section 40-5-19.
- Golf courses of regulation size, provided that no clubhouse, parking lot or accessory building shall be located nearer than **five hundred (500) feet** to any dwelling unit or other zoning lot.
- Home occupations subject to Section 40-5-9.
- Hospitals and sanitariums subject to Section 40-5-10.
- Manufactured homes subject to Section 40-5-12, 40-5-13, 40-5-14, 40-5-15, and 40-5-16.
- Monasteries and convents.
- Nursing homes subject to Section 40-5-18.
- Planned Single Family residence Developments, subject to the applicable provisions of Article IX and Article XI Division V.
- Private recreational areas or camps, when not operated for profit.
- Water and sewer treatment plants and pumping stations.

40-4-15 RESERVED.

**DIVISION IV – “SR-MH” – SINGLE FAMILY RESIDENCE -
MANUFACTURED HOME DISTRICT**

40-4-16 INTENT AND PURPOSE. The St. Clair County Board recognizes the existence of transitional residential development within the County as a requisite of housing particularly for low and moderate income residents. Characteristically these transitional residential areas have included intermittent residential development on small lot subdivisions; on individually divided lots of varying size; from the subdivision of previously developed lots; and from older, partially developed subdivisions. Initial development was of the fixed location conventional type housing. Subsequent occupancy of vacant lots by manufactured homes resulted in a combination of housing types.

It is the intent of the “SR-MH” District to provide unified regulation for continued development and maintenance of the combined mobile home/fixed location housing areas in the County; to achieve orderly development in those areas; and maximize compatibility with adjacent areas.

40-4-17 PERMITTED USES.

- Essential governmental or public utility services.
- Governmental uses and buildings subject to Section 40-5-21 and 40-5-22.
- Immobilized independent manufactured home subject to Sections 40-5-12, 40-5-13, 40-5-14, 40-5-15, and 40-5-16.
- Public utility stations and exchanges subject to Section 40-5-23.
- Railroad right-of-way and trackage, but not including switching, storage, freight yards, industrial sidings, or classification yards.
- Schools – Public and denominational elementary, middle, or high schools, including playgrounds and athletic fields auxiliary thereto subject to Section 40-5-27.
- Signs – The following signs are permitted subject to compliance with all applicable provisions of Article VII: area identification sign; bulletin board; construction sign; identification sign; real estate sign; subdivision sign; temporary sign.
- Single family residence dwelling.

40-4-18 PERMITTED ACCESSORY USES. Accessory uses clearly associated with and supplementary to the principal use of the lot or tract of land. The number of accessory buildings shall be limited to **two (2)** per lot, excluding temporary construction sheds.

- Fences, hedges, and walls subject to Section 40-5-5.
- Garage and yard sales subject to Section 40-5-7.
- Keeping of not more than **four (4)** domestic household pets, provided kennels are not maintained, and provided no animal, reptile, bird or similar classification or species normally considered wild, as opposed to domesticated, is maintained, or kept.
- Private greenhouse subject to Section 40-5-20.
- Private swimming pools subject to Section 40-5-28.
- Private tool sheds, garages or carports, tennis courts, patios.
- Satellite dishes subject to Section 40-5-26.
- Storage of not more than **one (1) boat** and/or unoccupied camp trailer or motor home in rear yard only subject to Section 40-5-2.

- Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations; provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or **one (1) year**.
- Vegetable gardens and orchards.

40-4-19 SPECIAL USE PERMITS. All uses subject to the applicable provisions of Article XI Division V. Applications for Special Use Permits may be granted only for the following uses except as provided in Article IX Section 40-9-3(H). **(Ord. No. 95-12; 05-30-95)**

- Churches or other buildings for religious worship subject to Section 40-5-3. **(Ord. 96-563; 03-25-96)**
- Clubs, lodges, and community centers.
- Colleges and universities, including dormitories, fraternities, sororities, and other accessory buildings and structures, or trade schools.
- Community residence – large and small.
- Day care center or nursery schools subject to Section 40-5-19.
- Home occupations subject to Section 40-5-9.
- Hospitals and sanitariums subject to Section 40-5-10.
- Manufactured home parks.
- Nursing homes subject to Section 40-5-18.
- Private recreational areas or camps, when not operated for profit.
- Water and sewer treatment plants and pumping stations.

40-4-20 SUPPLEMENTARY REGULATIONS. A manufactured home shall be used for single family residential use only unless otherwise specifically permitted by this Code.

40-4-21 RESERVED.

DIVISION V – “MHP” – MANUFACTURED HOME PARK DISTRICT

40-4-22 INTENT AND PURPOSE. The St. Clair County Board recognizes a continuing need for safe and affordable housing for residents of the County. Reduction of the housing stock caused by urban land use changes, demolition for public projects plus age deterioration or obsolescence, combined with rising construction costs has increased the difficulty of obtaining safe, affordable housing, particularly for low and moderate income residents. Concurrently, continued advances in the construction of manufactured homes, within affordable ranges, has provided an alternative for meeting housing needs.

The “MHP” Manufactured Home Park District is intended exclusively for INDEPENDENT MANUFACTURED HOME location and permanent one family per manufactured home occupancy plus only such accessory uses and activities as are customary and necessary for direct and immediate use of occupants and for the management, operation, maintenance, and safety of the Manufactured Home Park.

40-4-23 PERMITTED USES.

- Essential governmental or public utility services.
- Facilities and activities necessary for management, operation, maintenance, and safety within the manufactured home park.
- Governmental uses and buildings subject to Section 40-5-21 and 40-5-22.
- Independent, manufactured homes used for residential purpose only in accordance with Section 40-5-12(A).
- Public utility stations and exchanges subject to Section 40-5-23.
- Signs – The following signs are permitted subject to compliance with all applicable provisions of Article VII: area identification sign; bulletin board; construction sign; identification sign; real estate sign; temporary sign.

40-4-24 PERMITTED ACCESSORY USES.

- Keeping of not more than **four (4)** domestic household pets, provided kennels are not maintained, and provided no animal, reptile, bird or similar classification or species normally considered wild, as opposed to domesticated, is maintained, or kept.
- Manufactured home park community center for use by park residents with coverage not to exceed **twenty percent (20%)** of the community center site.
- Off-street parking subject to Article VI and Section 40-4-26.
- Outdoor recreation areas and facilities.
- Satellite dishes subject to Section 40-5-26.
- Storage facilities for use by occupants.

40-4-25 SPECIAL USE PERMITS. All uses subject to the applicable provisions of Article XI Division V. Applications for Special Use Permits may be granted only for the following uses except as provided in Article IX Section 40-9-3(H). **(Ord. No. 95-12; 05-30-95)**

- Churches or other buildings for religious worship subject to Section 40-5-3. **(Ord. 96-563; 03-25-96)**
- Day care centers and nursery schools subject to Section 40-5-19.
- Swimming pool subject to the provisions of Section 40-5-28.

40-4-26 SUPPLEMENTARY REGULATIONS.

(A) **Minimum Lot Size and Minimum Yard Dimensions.** The following regulations relative to the minimum lot sizes and minimum yard dimensions shall apply to the entire tract of land on which the manufactured home park is situated.

- (1) A manufactured home park shall be located on a tract of land not less than **ten (10) acres** in area, with minimum width and depth dimensions of not less than **four hundred (400) feet**.
- (2) Any building, structure, or manufactured home shall be located at least **twenty-five (25) feet** from any front lot line or any side lot line adjacent to a street; at least **fifteen (15) feet** from the rear lot line, and at least **ten (10) feet** from any other lot line.

(B) No building or structure within the manufactured home park will exceed the height of **thirty-five (35) feet** from the average ground level of the building or structure.

(C) **Off-Street Parking and Access Ways.**

- (1) There shall be provided, within the boundaries of the manufactured home park site, not less than **two (2)** off-street parking spaces for each manufactured home space.
- (2) The manufactured home park site shall have direct access to a public street or highway by a private street with right-of-way of at least **fifty (50) feet** in width and a **thirty (30) foot** travel-way.
- (3) Each manufactured home space shall abut on a driveway or access way at least **thirty (30) feet** wide. Each manufactured home shall be located within **one hundred (100) feet** of such access way or driveway and provided with direct vehicular access thereto. A cul-de-sac having a minimum outside radius of **forty-five (45) feet** to the back of the curb shall be provided at the terminus of any dead-end street.

(D) **Individual Home Spaces.** The minimum individual areas, width and depth requirements for manufactured home spaces shall be as follows:

	Area	Width	Depth
14 foot to 19 foot wide manufacture	5,000 sq. ft.	50'	100'
20 foot wide or greater manufactured home	6,500 sq. ft.	60'	100'

(E) **Siting of Manufactured Homes.** Spaces shall be arranged and manufactured homes parked in such manner that there is a rear yard of at least **fifteen (15) feet** by **thirty (30) feet** at the rear of and as a part of each mobile home space; and a space at least **fifteen (15) feet** wide on the access way side and a space **ten (10) feet** wide on the side adjacent to another manufactured home space, a property line or a reserved utility easement. No building or structure, including sheds, storage buildings, covered porches, garages or carports shall be permitted within the front or side yard. However, fences, hedges and other landscaping and unenclosed non-covered patios or porches shall be permitted.

(F) Parking spaces shall be at least **ten (10) feet** wide and **twenty (20) feet** long.

(G) The storage of wrecked, disabled, or non-operable vehicles or vehicle parts shall be prohibited.

DIVISION VI – “MR-1” – TWO AND THREE FAMILY RESIDENCE DISTRICT

40-4-28 INTENT AND PURPOSE. The “MR-1” Two and Three Family Residence District is differentiated herein and by the St. Clair County Zoning District Map is intended to accommodate the physical and socio-economic needs of county residents for medium density residential development; to consider compatibility of adjacent land uses and to the condition of existing development; and to relate such development to public facilities and services necessary to serve the needs thereof.

It is the purpose of the regulations to provide for the creation and maintenance of safe, healthful, medium high density housing.

40-4-29 PERMITTED USES.

- Churches or other buildings for religious worship subject to Section 40-5-3.
- Community residence – small. **(Ord. No. 95-12; 05-30-95)**
- Essential governmental or public utility services.
- Governmental uses and buildings subject to Section 40-5-21 and 40-5-22.
- Monasteries and convents.
- Public utility stations and exchanges subject to Section 40-5-23.
- Railroad right-of-way and trackage, but not including switching, storage, freight yards, industrial sidings, or classification yards.
- Schools – Public and denominational elementary, middle, or high schools, including playgrounds and athletic fields auxiliary thereto subject to provisions of Section 40-5-27.
- Signs – The following signs are permitted subject to compliance with all applicable provisions of Article VII: area identification sign; bulletin board; construction sign; identification sign; real estate sign; subdivision sign; temporary sign.
- Single family residence dwelling.
- Two and three family residential dwellings including condominiums, but excluding uni-plexes.

40-4-30 PERMITTED ACCESSORY USES.

- Accommodations for professional servants, caretakers, watchmen or custodians, but not as a separate detached one-family dwelling on the same lot.
- Automobile parking garages for use by residents.
- Fences, hedges, and walls subject to the provisions of Section 40-5-5.
- Keeping of not more than **four (4)** domestic household pets, provided kennels are not maintained, and provided no animal, reptile, bird or similar classification or species normally considered wild, as opposed to domesticated, is maintained, or kept.
- Off-street parking spaces but not including parking for commercial vehicles or trucks of more than **three-quarter (3/4) ton** capacity.
- Parks, playgrounds, and recreation areas.
- Private tool sheds, garages or carports, greenhouses, tennis courts, patios.
- Satellite dishes subject to Section 40-5-26.
- Storage of not more than **one (1) boat** and/or unoccupied camp trailer or motor home in rear yard only subject to provisions of Section 40-5-2.
- Swimming pools subject to the provisions of Section 40-5-28.

- Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations; provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or **one (1) year**, whichever occurs first.
- Vegetable gardens and orchards.

40-4-31 SPECIAL USE PERMITS. All uses subject to the applicable provisions of Article XI Division V. Applications for Special Use Permits may be granted only for the following uses except as provided in Article IX Section 40-9-3(H). **(Ord. No. 95-12; 05-30-95)**

- Clubs, lodges, and community centers.
- Colleges and universities, including dormitories, fraternities, sororities, and other accessory buildings and structures, or trade schools.
- Day care centers and nursery schools subject to Section 40-5-19.
- Hospitals and sanitariums subject to Section 40-5-10.
- Nursing homes subject to Section 40-5-18.
- Planned Two and Three Family Residence Developments, including condominiums, but excluding uni-plexes, subject to the applicable provisions of Article IX and Article XI Division V.

40-4-32 RESERVED.

DIVISION VII – “MR-2” – MULTI-FAMILY RESIDENCE DISTRICT

40-4-33 INTENT AND PURPOSE. The “MR-2” Multi-Family Residence District is differentiated herein and on the St. Clair County Zoning District Map as intended to accommodate the physical and socio-economic need of county residents for high density residential development; to consider the compatibility of adjacent land use and condition of existing development; and to the capacity of public facilities and services to adequately provide the services required.

It is the purpose of these regulations to provide for the creation and maintenance of safe, healthful, high density multi-family housing.

40-4-34 PERMITTED USES.

- Churches or other buildings for religious worship subject to Section 40-5-3.
- Community residence – large and small. **(Ord. No. 95-12; 05-30-95)**
- Essential governmental or public utility services.
- Governmental uses and buildings subject to Section 40-5-21 and 40-5-22.
- Monasteries and convents.
- Multi-family residence including condominiums, but excluding uni-plexes.
- Non-commercial parks and recreational areas.
- Public utility stations and exchanges subject to Section 40-5-23.
- Railroad right-of-way and trackage, but not including switching, storage, freight yards, industrial sidings, or classification yards.
- Schools – Public and denominational elementary, middle, or high schools, including playgrounds and athletic fields auxiliary thereto subject to provisions of Section 40-5-27.
- Signs – The following signs are permitted subject to compliance with all applicable provisions of Article VII:
area identification sign; bulletin board; construction sign; real estate sign; subdivision sign; and temporary sign.

40-4-35 PERMITTED ACCESSORY USES. Accessory uses clearly associated with and supplementary to the principal use of the lot or tract of land.

- Accommodations for professional servants, caretakers, watchmen or custodians, but not as a separate detached one-family dwelling on the same lot.
- Automobile parking garages for use by residents.
- Fences, hedges, and walls subject to the provisions of Section 40-5-5.
- Keeping of not more than **four (4)** domestic household pets, provided farm kennels are not maintained, and provided no animal, reptile, bird or similar classification or species normally considered wild, as opposed to domesticated, is maintained, or kept.
- Off-street parking spaces but not including parking for commercial vehicles or trucks of more than **three-quarter (3/4) ton** class, camp trailers, motor home and other recreation vehicles or boats, unless parking spaces are specifically provided therefore in the rear yard only in addition to the off-street parking spaces required for dwelling units.
- Private tool sheds, garages or carports, greenhouses, tennis courts, patios.
- Satellite dishes subject to Section 40-5-26.

- Swimming pools subject to Section 40-5-28.
- Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations; provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or **one (1) year**.

40-4-36 SPECIAL USE PERMITS. All uses subject to the applicable provisions of Article XI Division V. Applications for Special Use Permits may be granted only for the following uses except as provided in Article IX Section 40-9-3(H). **(Ord. No. 95-12; 05-30-95)**

- Clubs, lodges, and community centers.
- Colleges and universities, including dormitories, fraternities, sororities, and other accessory buildings and structures, or trade schools.
- Day care centers and nursery schools subject to Section 40-5-19.
- Hospitals and sanitariums subject to Section 40-5-10.
- Nursing homes subject to Section 40-5-18.
- Planned Multi-Family and Planned Two and Three Family Residence Developments, including condominiums, subject to the applicable provisions of Article IX and Article XI Division V.
- Single family residence dwelling.

40-4-37 RESERVED.

DIVISION VIII – “NB” – NEIGHBORHOOD BUSINESS DISTRICT

40-4-38 INTENT AND PURPOSE. The “NB” Neighborhood Business District is intended to provide for certain limited sales and service facilities located in residential areas to provide a convenience to the residents of the immediate neighborhood. The district is limited in size and type of facilities to preserve and protect the general character of the residential areas surrounding these particular districts. The uses permitted in the “NB” Neighborhood Business District shall be subject to Section 40-5-17.

40-4-39 PERMITTED USES.

- Art & Art Supply Stores, Art Galleries & Studios. (Ord. #14-1110 12-22-14)
- Barber shop, beauty shop.
- Churches or other buildings for religious worship subject to Section 40-5-3.
- Convenience type grocery store, but excluding major grocery stores and food markets.
- Drug store, stationery, school supplies, books and writing supplies, video rental.
- Delicatessen, ice cream, confectionery shop.
- Essential governmental or public utility services.
- Governmental uses and buildings subject to Section 40-5-21 and 40-5-22.
- Professional office buildings, legal, financial, and real estate offices. (Ord. #14-1110 12-22-14)
- Self-service laundry and/or dry cleaning pick-up station.
- Signs – The following signs are permitted subject to compliance with all applicable provisions of Article VII: bulletin board; business sign; construction sign; identification sign; real estate sign; and temporary sign.

40-4-40 PERMITTED ACCESSORY USES.

- Fences, walls, and hedges subject to Section 40-5-5.
- Off-street parking as provided in Article VI.
- Residence as part of the principal building provided such residence shall only be occupied by the owner or operator of the establishment and not for rental purposes and further provided that for the dwelling unit there shall be **two (2)** additional off-street parking spaces in addition to those otherwise required by this Code.
- Satellite dishes subject to Section 40-5-26.
- Storage of merchandise or inventory usually carried in stock, provided that such storage shall be located in the principal building.

40-4-41 SPECIAL USE PERMITS. All uses subject to the applicable provisions of Article XI Division V. Applications for Special Use Permits may be granted only for the following uses except as provided in Article IX Section 40-9-3(H). **(Ord. No. 95-12; 05-30-95)**

- Business establishments licensed to sell liquor and/or alcoholic beverages by the drink.
- Day care centers or nursery schools subject to Section 40-5-19.

40-4-42 SUPPLEMENTARY REGULATIONS.

- Along any side or rear lot line abutting any agricultural or residential district, a visual screening fence or evergreen hedge at least **six (6) feet** in height shall be erected and maintained.

(This page was left blank intentionally.)

DIVISION IX – “HB” – HIGHWAY BUSINESS DISTRICT

40-4-44 INTENT AND PURPOSE. The “HB” Highway Business District is intended to accommodate orderly development of clustered highway oriented business activities, with highway business clusters spaced at reasonable distances to provide for the needs of motorists and in a manner compatible with adjacent land uses. Further, it is the intent and purpose to provide safe entrance and egress to and from public streets and highways through requirements for frontage roads, intersection location, design, and control; and to protect and preserve the purpose, function and safety of abutting streets and highways. Access to and from Highway Business Districts shall be provided in such manner as not to impede normal flow of traffic or create undue traffic safety hazards and shall require written approval of the St. Clair County Highway Department.

Commercial activities and uses permitted include the provision of motor vehicle service including minor repair of vehicles; eating establishments and temporary lodging accommodations; the sale of incidental convenience goods including food products; and supplementary entertainment/recreation facilities and retail shops that are primarily oriented to transient use.

40-4-45 PERMITTED USES.

- Bowling alleys.
- Car wash.
- Churches or other buildings for religious worship subject to Section 40-5-3.
- Delicatessen, convenience food store but excluding supermarkets.
- Eating establishments.
- Essential governmental or public utility services.
- Gasoline filling stations with or without minor repair to vehicles, subject to Section 40-5-8.
- Governmental uses and buildings subject to Section 40-5-21 and 40-5-22.
- Hunting, fishing supplies including bait shops.
- Mini-warehouses.
- Motels and hotels excluding residential motels or hotels.
- Public utility stations and exchanges subject to Section 40-5-23.
- Self-service laundries.
- Signs – The following signs are permitted subject to compliance with all applicable provisions of Article VII: area identification sign; bulletin board; business sign; construction sign; identification sign; real estate sign; subdivision sign; and temporary sign.
- Souvenir and antique shops provided that all sales, service, and storage is provided within a completely enclosed building.
- Temporary fruit and produce stands.

40-4-46 PERMITTED ACCESSORY USES.

- Attendant supervised bath houses or showers and change rooms.
- Completely enclosed storage and maintenance equipment storage structures.
- Fences, walls, and hedges subject to Section 40-5-5.
- Office accommodations for watchmen, guards, or caretakers.
- Parking in accordance with the provisions of Article VI.

ST CLAIR COUNTY CODE

- Satellite dishes subject to Section 40-5-26.
- Swimming pools subject to Section 40-5-28.
- Tennis courts.

40-4-47 SPECIAL USE PERMITS. All uses subject to the applicable provisions of Article XI Division V. Applications for Special Use Permits may be granted only for the following uses except as provided in Article IX Section 40-9-3(H). **(Ord. No. 95-12; 05-30-95)**

- Adult-Use Cannabis Dispensing Organization, subject to the applicable provisions and requirements of Section 40-5-31. **(Ord. 19-1223; 11-25-19)**
- Automobile, truck, agricultural machinery, motorcycle, boat, and bicycle – equipment, sales and/or repair subject to Section 40-5-6.
- Business establishments licensed to sell liquor and/or alcoholic beverages by the drink.
- Car rental and limousine services.
- Colleges and universities, including dormitories, fraternities, sororities, and other accessory buildings and structures, or trade schools.
- Commercial carrier bus stations and taxi-cab stations.
- Convention buildings, auditoriums, and public/private meeting facilities.
- Drive-in theaters subject to Section 40-5-4.
- Medical Cannabis Dispensary, subject to the applicable provisions and requirements of Section 40-5-29. **(Ord. 19-1223; 11-25-19)**
- Par “3” golf courses or commercially operated driving ranges or miniature golf courses; and provided that no clubhouse, parking lot or accessory building shall be located nearer than **five hundred (500) feet** to any dwelling unit on another zoning lot.
- Planned business centers subject to applicable provisions of Article IX and Article XI Division V.
- Professional and service offices provided the facilities are designed and constructed for the safety and accommodation of users.
- Recreational vehicle parks, for temporary location not to exceed **thirty (30) days**.
- Schools – Elementary, middle schools, high schools, and colleges for academic or vocational instruction, or in service training. **(Ord. 95-12; 05-30-95)**
- Towers, structures, and other facilities designed or intended to be used for the support, enclosure, shelter, or protection of distribution equipment utilized by entities engaged in the transmission of telephone messages including but not limited to cellular, personal communications services, special mobile radio transmitters and any other personal wireless service. **(Ord. No. 96-577; 07-29-96)**

40-4-48 SUPPLEMENTARY REGULATIONS. Along any side or rear lot line of a lot used for any use permitted in the “HB” zoning district that abuts an “RR”, “SR”, “SR-MH”, “MHP” or “MR” District, there shall be erected and maintained a visual screening fence or evergreen hedge of at least **six (6) feet** in height.

40-4-49 SPECIAL SUPPLEMENTARY REGULATIONS. The use and/or development of any land in the “HB” Highway Business District that abuts and fronts on any highway or road designated in Article IV Division XVI shall be permitted as a Planned Business Center only and shall meet the applicable requirements of Article IV Division XVI, Article IX, Article XI Division V, and the following:

(A) **Planned “HB” Highway Business Center.**

- (1) The minimum area of the tract or lot shall be not less than **three (3) acres**.
- (2) The minimum dimension of the tract (width or depth) shall be not less than **two hundred fifty (250) feet** and the other minimum dimension shall be not less than **five hundred (500) feet**.

(B) **Combined Planned Business Centers.** Planned Business Centers in the Highway Overlay District that include uses permitted in the “HB” and “B-1” zoning districts may be permitted subject to the applicable provisions of Article IV Division XVI, Article IX and Article XI Division V and the following:

- (1) The minimum areas of the lot or tract of land shall be not less than **five (5) acres**.
- (2) The minimum dimensions of the tract (depth or width) shall be not less than **two hundred fifty (250) feet**.
- (3) Minimum side and rear yard requirements shall be the same as required by Section 40-3-7, line 12.
- (4) Vehicular oriented uses of the “HB” district and pedestrian oriented uses of the “B-1” district shall be separated or otherwise provided so that pedestrian/vehicular conflict and hazard are minimized.

40-4-50 RESERVED.

(This page was left blank intentionally.)

DIVISION X – “B-1” – RETAIL AND SERVICE BUSINESS DISTRICT

40-4-51 INTENT AND PURPOSE. The “B-1” Retail and Service Business District is intended to provide commercial areas for retail sales for food products, durable and fashion goods; professional and service offices and personal service shops; eating and entertainment establishments oriented to the pedestrian shopper for goods.

40-4-52 PERMITTED USES. All uses listed as a permitted use in the “B-1” Retail and Service Business District shall be within an entirely enclosed building except gasoline service stations, or restaurants that provide tables in an outdoor area and subject to the following additional requirements: Outdoor tables of a restaurant shall be within an area that is visually screened from all public circulation ways by a hedge, fence or wall at least **four (4) feet** in height and the outside service area shall not be greater than **fifty percent (50%)** of the inside service area.

- Ambulance service, funeral chapels, and mortuary chapels.
- Antique stores, second hand stores and rummage shops.
- Art and art supply stores, art galleries and studios.
- Bicycle sales and service.
- Book stores.
- Bus terminals and other transportation terminals for passengers.
- Churches or other buildings for religious worship subject to Section 40-5-3.
- Colleges and universities and trade schools.
- Department stores, apparel stores and shops.
- Drug stores, video, and camera shops.
- Essential governmental or public utility services.
- Farm produce stores.
- Financial institutions such as banks, savings and loan institutions and brokers.
- Florists and garden shops.
- Food stores including supermarkets, delicatessens, dairy products, meat markets, health foods, candy and ice cream shops, frozen food stores and cold storage lockers, bakery shops, including baking and processing of food products for sale on the premises only.
- Furniture home furnishings and appliance stores.
- Gasoline filling stations subject to Section 40-5-8.
- Governmental uses and buildings subject to Section 40-5-21 and 40-5-22.
- Hardware stores, plumbing, heating, electrical parts and equipment and auto parts stores.
- Hotels and motels.
- Libraries and museums.
- Liquor stores.
- Membership clubs and charitable institutions not for correctional purposes.
- Office buildings, medical and dental clinics and centers, professional and service offices, and meeting halls.
- Parking lots subject to Article VI.

- Personal service shops including beauty and barber shops, shoe repair shops, laundry, and dry-cleaning, tailoring and travel agencies.
- Pet shops but not animal hospitals or kennels.
- Photographers, blue printing and photostat and quick-copy shops.
- Places of amusement and recreation including auditoriums, theaters, health clubs, and bowling alleys.
- Post offices and postal substations.
- Preparation and manufacture of goods or products for retail sale on the premises only, provided that such manufacture process or treatment shall be clearly incidental and essential to the retail business conducted on the premises and further provided that not more than **five (5) persons** (exclusive of manager) shall be engaged in said manufacture, processing or treatment of products, and that all such operations create no undue noise, odor, dust, smoke, vibration or other similar nuisance.
- Public transportation passenger stations.
- Radios and TV broadcasting stations; newspaper publication.
- Record stores and studios.
- Restaurants and prepared food services, including the licensed sale of liquor or alcoholic beverages by the drink if in conjunction with and clearly accessory to the primary use.
- Signs – The following signs are permitted subject to compliance with all applicable provisions of Article VII: area identification sign; bulletin board; business sign; construction sign; identification sign; real estate sign; subdivision sign; and temporary sign.
- Sporting goods and equipment stores.
- Variety stores, gift and card shops, leather goods and luggage stores, tobacco, news, and hobby shops.

40-4-53 PERMITTED ACCESSORY USES.

- Fully enclosed storage of merchandise, supplies and equipment for sale or use in the principal use activity of the premises.
- Office accommodations for watchmen, guards, or caretakers.
- Satellite dishes subject to Section 40-5-26.

40-4-54 SPECIAL USE PERMITS. All uses subject to the applicable provisions of Article XI Division V. Applications for Special Use Permits may be granted only for the following uses except as provided in Article IX Section 40-9-3(H). **(Ord. No. 95-12; 05-30-95)**

- Adult-Use Cannabis Dispensing Organization, subject to the applicable provisions and requirements of Section 40-5-31. **(Ord. 19-1223; 11-25-19)**
- Business establishments licensed to sell liquor and/or alcoholic beverages by the drink.
- Electrical substations, gas regulator stations, telephone exchange facilities and essential services subject to Section 40-5-23.
- Planned business centers, subject to the applicable provisions of Article IX and Article XI Division V.
- New and used automobile and truck sales.
- Sale of farm equipment and machinery.

- Schools – Elementary, middle schools, high schools, and colleges for academic or vocational instruction, or in service training. **(Ord. 95-12; 05-30-95)**
- Towers, structures, and other facilities designed or intended to be used for the support, enclosure, shelter, or protection of distribution equipment utilized by entities engaged in the transmission of telephone messages including but not limited to cellular, personal communications services, special mobile radio transmitters and any other personal wireless service. **(Ord. No. 96-577; 07-29-96)**
- Medical Cannabis Dispensary, subject to the applicable provisions and requirements of Section 40-5-29. **(Ord. 14-1097; 05-27-14)**

40-4-55 SUPPLEMENTARY REGULATIONS. Along any side or rear lot line of a lot used for any use permitted in the “B-1” zoning district that abuts an “A”, “RR”, “S”, “S-MH”, “MHP” or “MR” District, there shall be erected a visual screening fence or evergreen hedge of at least **six (6) feet** in height.

40-4-56 SPECIAL SUPPLEMENTARY REGULATIONS. The use and/or development of any land in the “B-1” Retail and Service Business District that abuts and fronts on any highway or road designated in Article IV Division XVI shall be permitted as a Planned Business Center only and shall meet the requirements of Article IV Division XVI, Article IX, Article XI Division V, and the following:

(A) **Planned Retail and Service Business Center.**

- (1) The minimum area of the lot or tract of land shall be not less than **three (3) acres**.
- (2) The minimum dimensions of the tract (width or depth) shall be not less than **two hundred fifty (250) feet**.

(B) **Combined Planned Business Centers.** Planned Business Centers that include uses permitted in the “HB” and “B-1” zoning districts may be permitted subject to the applicable provisions of Article IV Division XVI, Article IX, Article XI Division V, and the following:

- (1) The minimum area of the lot or tract of land shall be not less than **five (5) acres**.
- (2) The minimum dimensions of the tract (depth or width) shall be not less than **two hundred fifty (250) feet**.
- (3) Minimum side and rear yard requirements shall be the same as required by Section 40-3-7, line 13.
- (4) Vehicular oriented uses of the “HB” district and pedestrian oriented uses of the “B-1” district shall be separated or otherwise provided so that pedestrian/vehicular conflict and hazard are minimized.

40-4-57 RESERVED.

(This page was left blank intentionally.)

DIVISION XI – “B-2” – GENERAL BUSINESS DISTRICT

40-4-58 INTENT AND PURPOSE. The “B-2” General Business District of St. Clair County is intended to encourage appropriate location of supportive service commercial facilities together with other correlated land uses. Such supportive services are generally of a non-retail or personal service character and primarily offer various services to retail commercial and industrial concerns. However, this district would also include those commercial facilities and personal services that require extensive sites, and open storage for equipment and supplies, such as lumber yards and fabricated steel products.

40-4-59 PERMITTED USES. Any use permitted in the “B-2” District shall provide adequate safeguards (structural, mechanical, or locational) to protect users of the premises and adjoining properties from noisome or injurious substances, conditions and operations as further defined in Section 40-2-2.

- Air conditioning and heating equipment, custom fabrication, installation and wholesaling, warehousing, sales, and service.
- Animal hospitals and animal training facilities subject to Section 40-5-1. **(Ord. No. 95-12; 05-30-95)**
- Automobile, automobile parts, truck, motorcycle garages, and agricultural implement sales (new and used), supplies, repair, storage, and service, subject to Section 40-5-6.
- Bakeries.
- Beverage bottling, candy wholesale and distribution.
- Boat and motorcycle sales, servicing, and storage. **(Ord. No. 95-12; 05-30-95)**
- Books, magazine and newspaper publishing and distribution, and photo engraving.
- Bus terminals and transportation terminals for passengers, railroad lines and stations.
- Business machine wholesale, storage, and repair.
- Carpenter shops and power woodworking.
- Carpet and rug cleaning and storage.
- Cold storage facilities, sales, and service.
- Commercial weighers.
- Contractor equipment and storage.
- Dairies, pasteurization, and distribution.
- Decoration workshops, display, and equipment yards; designer and builder’s shops.
- Electrical equipment assembly, repair, and service.
- Electrical substations, gas regulator stations, telephone exchange facilities and essential services subject to Section 40-5-23.
- Essential governmental or public services.
- Express package carrier.
- Feed and seed stores, sales, and packaging, but not processing.
- Food product broker establishments, wholesale distribution, process packaging and storage.
- Furniture repair and refinishing.
- Gasoline filling stations subject to Section 40-5-8.
- Governmental uses and buildings subject to Section 40-5-21 and 40-5-22.
- Greenhouses/plant nurseries subject to Section 40-5-20.

- Laundries, dry cleaning and dye processing.
- Lawn care equipment and small engine/motor repair.
- Locksmith's repair shop.
- Manufactured home and trailer sales, display, and storage, but excluding occupancy for other than watchman or office use.
- Parking lots and parking garages subject to Article VI.
- Rental of tools and equipment.
- Rental vehicles and rental equipment service.
- Repair garages subject to Section 40-5-6.
- Restaurants.
- Sales, distribution and storage of electrical equipment and supplies; pipe and plumbing supplies; lumber and wood product construction material; hardware; finished cement and clay construction material; roofing materials; finished steel and sheet metal construction products; finished glass and plastic products for construction use.
- Signs – The following signs are permitted subject to compliance with all applicable provisions of Article VII: advertising sign; area identification sign; bulletin board; business sign; construction sign; real estate sign; subdivision sign; and temporary sign.
- Surgical supplies – wholesale.
- Tent and awning fabrication and repair.
- Termite control contractor shops.
- Towers, structures, and other facilities designed or intended to be used for the support, enclosure, shelter, or protection of distribution equipment utilized by entities engaged in the transmission of telephone messages including but not limited to cellular, personal communications services, special mobile radio transmitters and any other personal wireless service. **(Ord. No. 96-577; 07-29-96)**
- Trade schools and/or training facilities.
- Truck terminals.
- Warehousing and storage yards for bulk material, supplies, and equipment.

40-4-60 PERMITTED ACCESSORY USES. Accessory uses that are clearly associated with and supplementary to the principal use of the tract of land.

- Office accommodations for watchmen, guards, or caretakers only.
- Satellite dishes subject to Section 40-5-26.

40-4-61 SPECIAL USE PERMITS. All uses subject to the applicable provisions of Article XI Division V. Applications for Special Use Permits may be granted only for the following uses except as provided in Article IX Section 40-9-3(H). **(Ord. No. 95-12; 05-30-95)**

- Adult-Use Cannabis Dispensing Organization, subject to the applicable provisions and requirements of Section 40-5-31. **(Ord. 19-1223; 11-25-19)**
- Adult-Use Cannabis Infuser Organization or Infuser, subject to the applicable provisions and requirements of Section 40-5-31. **(Ord. 19-1223; 11-25-19)**
- Adult-Use Cannabis Processing Organization or Processor, subject to the applicable provisions and requirements of Section 40-5-31. **(Ord. 19-1223; 11-25-19)**

- Adult-Use Cannabis Transporting Organization or Transporter, subject to the applicable provisions and requirements of Section 40-5-31. **(Ord. 19-1223; 11-25-19)**
- Business establishments licensed to sell liquor and/or alcoholic beverages by the drink.
- Places of amusement and recreation, including amusement parks.
- Planned business centers, including office business centers, subject to the applicable provisions of Article IX and Article XI Division V.
- Schools – Elementary, middle schools, high schools, and colleges for academic or vocational instruction, or in service training. **(Ord. 95-12; 05-30-95)**
- Medical Cannabis Cultivation Center, subject to the applicable provisions and requirements of Section 40-5-29. **(Ord. 14-1097; 05-27-14)**
- Medical Cannabis Dispensary, subject to the applicable provisions and requirements of Section 40-5-29. **(Ord. 14-1097; 05-27-14)**

40-4-62 SUPPLEMENTARY REGULATIONS.

- Along any side or rear lot line of a lot used for any use permitted in the “B-2” zoning district that abuts an “A”, “RR”, “SR”, “MH” or “MR” Residential District, there shall be erected a visual screening fence or evergreen hedge of at least **six (6) feet** in height.
- All outdoor storage shall be located at **twenty-five (25) feet** from the public frontage street and at least **ten (10) feet** from any other abutting public street.

The following uses and activities are prohibited:

- Junk yards, the dismantling of vehicles or the storage of dismantled vehicles or vehicle parts subject to Section 40-5-11.
- Petroleum or other chemical bulk plants.
- Outside above ground storage of inflammable liquids or explosives.

40-4-63 SPECIAL SUPPLEMENTARY REGULATIONS. The use and/or development of any land in the “B-2” General Business District that abuts and fronts on any highway or road designated in Article IV Division XVI shall be permitted as a Planned Business Development only and shall meet the requirements of Article IV Division XVI, Article IX, Article XI Division V, and the following:

- (A) The minimum area of the lot or tract of land shall be not less than **three (3) acres**.
- (B) The minimum dimensions of the tract (width or depth) shall be not less than **three hundred fifty (350) feet**.

40-4-64 RESERVED.

(This page was left blank intentionally.)

DIVISION XII – “I-1” – RESEARCH AND ASSEMBLY INDUSTRIAL DISTRICT

40-4-65 INTENT AND PURPOSE. The “I-1” Research and Assembly Industrial District is intended to provide for industrial research and development; fabrication and assembly; manufacture of commodities from semi-finished products or finished material; warehousing and storage; business offices; and customary accessory uses and facilities directly related to and as a necessary adjunct of the primary use or activity.

40-4-66 PERMITTED USES. Any use permitted in the “I-1” Research and Assembly Industrial District shall provide adequate safeguards (structural, mechanical, or locational) to protect users of the premises and adjoining properties from noisome or injurious substances, conditions and operations as further defined in Section 40-2-2.

- Manufacture and fabrication of any commodity from semi-finished materials as follows, except explosives or flammable gases or liquids and processing of raw materials:
- Automobiles, trucks, aircraft, motorcycles, and bicycles.
- Apparel and other products manufactured from textiles.
- Brushes and brooms.
- Cameras and other photographic equipment and supplies.
- Ceramic products such as pottery.
- Cleaning and dry cleaning establishments.
- Canning and preserving.
- Creameries and dairies.
- Dental equipment and supplies.
- Drugs.
- Electrical appliances, such as lighting fixtures, irons, and fans.
- Electrical equipment assembly, such as radio, television, movie equipment, refrigeration, and stoves.
- Electrical supplies, such as wire, cable, switches, and boxes.
- Food products processing and combining by baking, boiling, cooking, canning, dehydrating, freezing, frying, grinding, mixing, and pressing.
- Ice, dry and natural.
- Jewelry.
- Laboratories – medical, dental, research, experimental, and testing.
- Machine shops for tool, die and pattern making.
- Parking lots and parking garages subject to Article VI.
- Pharmaceutical products, compounding only.
- Plastic products.
- Products from finished materials of plastics, bone, corks, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, precious and semi-precious stones, rubber, shells, yard, or other similar materials.
- Soldering and welding.
- Textiles – spinning, weaving, and manufacturing.
- Tools and hardware.
- Toys.

- Watches.
- Wood products, such as furniture, boxes, crates, baskets, pencils, and cooperage work.
- Airports subject to all requirements of the Illinois Department of Transportation Division of Aeronautics.
- Car washes.
- Express carriers.
- Fuel sales with underground storage of fuels.
- Gasoline service stations subject to Section 40-5-8.
- Governmental uses and buildings subject to Sections 40-5-21 and 40-5-22.
- Greenhouses/plant nurseries subject to Section 40-5-20.
- Motor freight terminals and transportation terminals for passengers.
- Offices, service and professional.
- Public utility stations and exchanges subject to Section 40-5-23.
- Public transportation passenger stations and terminals.
- Railroad right-of-ways, trackage, and sidings.
- Rental vehicle and rental equipment service.
- Repair garages subject to Section 40-5-6.
- Restaurants.
- Signs – The following signs are permitted subject to compliance with all applicable provisions of Article VII: advertising sign; area identification sign; bulletin board; business sign; construction sign; real estate sign; subdivision sign; and temporary sign.
- Towers, structures, and other facilities designed or intended to be used for the support, enclosure, shelter, or protection of distribution equipment utilized by entities engaged in the transmission of telephone messages including but not limited to cellular, personal communications services, special mobile radio transmitters and any other personal wireless service. **(Ord. No. 96-577; 07-29-96)**
- Trade schools.
- Warehouses and storage yards for bulk material, supplies, and equipment.
- Weighers, commercial and public.

40-4-67 PERMITTED ACCESSORY USES. Accessory uses that are clearly associated with and supplementary to the principal use of the lot or tract of land.

- Office accommodations for watchmen, guards, or caretakers.
- Fences, walls, and hedges subject to Section 40-5-5.
- Off-street parking and loading subject to Article VI.
- Satellite dishes subject to Section 40-5-26.
- Storage of merchandise or inventory usually carried in stock.
- Temporary buildings for construction purposes – for a period not to exceed **one (1) year** or the duration of such construction.

40-4-68 SPECIAL USE PERMITS. All uses subject to the applicable provisions of Article XI Division V. Applications for Special Use Permits may be granted only for the following uses except as provided in Article IX Section 40-9-3(H). **(Ord. No. 95-12; 05-30-95)**

- Adult-Use Cannabis Craft Grower, subject to the applicable provisions and requirements of Section 40-5-31. **(Ord. 19-1223; 11-25-19)**
- Adult-Use Cannabis Cultivation Center, subject to the applicable provisions and requirements of Section 40-5-31. **(Ord. 19-1223; 11-25-19)**
- Adult-Use Cannabis Dispensing Organization, subject to the applicable provisions and requirements of Section 40-5-31. **(Ord. 19-1223; 11-25-19)**
- Adult-Use Cannabis Infuser Organization or Infuser, subject to the applicable provisions and requirements of Section 40-5-31. **(Ord. 19-1223; 11-25-19)**
- Adult-Use Cannabis Processing Organization or Processor, subject to the applicable provisions and requirements of Section 40-5-31. **(Ord. 19-1223; 11-25-19)**
- Adult-Use Cannabis Transporting Organization or Transporter, subject to the applicable provisions and requirements of Section 40-5-31. **(Ord. 19-1223; 11-25-19)**
- Business establishments licensed to sell liquor and/or alcoholic beverages by the drink.
- Commercial Wind Energy Facilities subject to Section 40-5-32. **(Ord. No 40-133; 05-30-23)**
- Planned business centers, including office business centers, subject to the applicable provisions of Article IX and Article XI Division V.
- Stadiums, auditoriums, and arenas.
- Medical Cannabis Cultivation Center, subject to the applicable provisions and requirements of Section 40-5-29. **(Ord. 14-1097; 05-27-14)**
- Medical Cannabis Dispensary, subject to the applicable provisions and requirements of Section 40-5-29. **(Ord. 14-1097; 05-27-14)**
- Solar Farm Energy Systems (SFESs) subject to Section 40-5-30 **(Ord. No 40-133; 05-30-23)**

40-4-69 SUPPLEMENTARY REGULATIONS.

- Along any side or rear lot line of a lot used for any use permitted in the “I-1” zoning district that abuts an “A”, “RR”, “SR”, “MH”, “MR”, or “NB” District, there shall be erected and maintained a visual screening fence or evergreen hedge of at least **six (6) feet** in height.
- All outdoor storage shall be located at **twenty-five (25) feet** from the public frontage street and **ten (10) feet** from any other abutting public street.

40-4-70 USES PROHIBITED. The following uses and activities are prohibited:

- Junk yards, the dismantling of vehicles or the storage of dismantled vehicles or vehicle parts.
- Outside above ground storage of inflammable liquids or explosives.
- Petroleum or other chemical bulk plants.

40-4-71 SPECIAL SUPPLEMENTARY REGULATIONS. The use and/or development of any land in an “I-1” Research and Assembly Industrial District that abuts and fronts on any highway or road designated in Article IV Division XVI shall be permitted as a Planned Industrial Center only and shall meet the applicable requirements of Article IV Division XVI, Article IX, and Article XI Division V, and the following:

- (A) The minimum size of the lot or tract of land shall be not less than **three (3) acres**.
- (B) The minimum dimensions of the tract (width or depth) shall be not less than **two hundred fifty (250) feet**.

40-4-72 RESERVED.

DIVISION XIII – “I-2” – GENERAL INDUSTRIAL DISTRICT

40-4-73 INTENT AND PURPOSE. The “I-2” General Industrial District encompasses areas where a satisfactory correlation of factors such as adequate transportation facilities, accessibility for employees, efficient land assembly, adequate topographical conditions, and adequate provisions of public utilities and power facilities required by industry may be achieved. It is intended that this district will provide for any type of manufacturing which may be carried out in a manner that will not endanger the public health, safety, and general welfare.

40-4-74 PERMITTED USES. Any use permitted in the “I-2” General Industrial District shall provide adequate safeguards (structural, mechanical, or locational) to protect users of the premises and adjoining properties from noisome and injurious substances, conditions and operations as further defined in Section 40-2-2.

- Any commercial, industrial, or manufacturing operation, which is not detrimental to the public health, safety, and general welfare.
- Governmental uses and public/private utility uses.
- Signs – The following signs are permitted subject to compliance with all applicable provisions of Article VII: advertising sign; area identification sign; bulletin board; business sign; construction sign; identification sign; real estate sign; subdivision sign; and temporary sign.
- Towers, structures, and other facilities designed or intended to be used for the support, enclosure, shelter, or protection of distribution equipment utilized by entities engaged in the transmission of telephone messages including but not limited to cellular, personal communications services, special mobile radio transmitters and any other personal wireless service. **(Ord. No. 96-577; 07-29-96)**
- Trade schools.

40-4-75 ACCESSORY USES. Accessory uses that are clearly associated with and supplementary to the principal use of the lot or tract of land including but not be limited to the following:

- Office accommodations for watchmen, guards, and caretakers.
- Fences, walls, and hedges subject to Section 40-5-5.
- Off-street parking and loading subject to Article VI.
- Storage of merchandise or inventory usually carried in stock.
- Temporary buildings for construction purposes for a period not to exceed the duration of such construction.

40-4-76 SPECIAL USE PERMITS. All uses subject to the applicable provisions of Article XI Division V. All Special Use Permit applications require that a Land Evaluation and Site Assessment (LESA) be conducted for the site unless a written waiver for the LESA, stating the reason therefore, is granted by the Zoning Administrator. The LESA shall be obtained prior to the public hearing and shall be part of the hearing record.

Applications for Special Use Permits may be granted only for the following uses except as provided in Article IX Section 40-9-3(H). **(Ord. No. 95-12; 05-30-95)**

- Adult-Use Cannabis Craft Grower, subject to the applicable provisions and requirements of Section 40-5-31. **(Ord. 19-1223; 11-25-19)**

- Adult-Use Cannabis Cultivation Center, subject to the applicable provisions and requirements of Section 40-5-31. **(Ord. 19-1223; 11-25-19)**
- Adult-Use Cannabis Dispensing Organization, subject to the applicable provisions and requirements of Section 40-5-31. **(Ord. 19-1223; 11-25-19)**
- Adult-Use Cannabis Infuser Organization or Infuser, subject to the applicable provisions and requirements of Section 40-5-31. **(Ord. 19-1223; 11-25-19)**
- Adult-Use Cannabis Processing Organization or Processor, subject to the applicable provisions and requirements of Section 40-5-31. **(Ord. 19-1223; 11-25-19)**
- Adult-Use Cannabis Transporting Organization or Transporter, subject to the applicable provisions and requirements of Section 40-5-31. **(Ord. 19-1223; 11-25-19)**
- Commercial Wind Energy Facilities subject to Section 40-5-32. **(Ord. No 40-133; 05-30-23)**
- Junk yards subject to Section 40-5-11.
- Planned building development in accordance with the provisions of Article IX and Article XI Division V.
- Planned mineral extraction subject to Article IX and Article XI Division V.
- Port facilities.
- Railroad classification yards, terminal facilities, and maintenance facilities.
- Research, manufacturing, and above ground bulk storage involving explosives or flammable gases or liquids.
- Sanitary landfills subject to Section 40-5-25.
- Medical Cannabis Cultivation Center, subject to the applicable provisions and requirements of Section 40-5-29. **(Ord. 14-1097; 05-27-14)**
- Medical Cannabis Dispensary, subject to the applicable provisions and requirements of Section 40-5-29. **(Ord. 14-1097; 05-27-14)**
- Solar Farm Energy Systems (SFESs) subject to Section 40-5-30. **(Ord. No 40-133; 05-30-23)**

40-4-77 SUPPLEMENTARY REGULATIONS.

- Along any side or rear lot line of a lot or tract used for any use permitted in the “I-2” district that abuts any other zoning district except the “B-2” and “I-1” districts, there shall be erected and maintained a screening fence or evergreen hedge of at least **six (6) feet** in height.
- All business, production, servicing, and processing shall take place within completely enclosed buildings unless otherwise approved.
- All outdoor storage shall be located beyond the required front yard setback line.
- Any production, processing, cleaning, servicing, testing, repair, or storage of goods, materials, or products shall take place without creating disturbing influences to the use and occupancy of adjoining properties, or that creates noisome and injurious substances and operations.
- Open off-street loading facilities, and open off-street parking facilities for the storage of motor vehicles may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required to protect adjacent uses or districts subject to the requirements of Article VI.

40-4-78 SPECIAL SUPPLEMENTARY REGULATIONS. The use and/or development of any land in an “I-2” General Industrial District that abuts and fronts on any highway or road designated in Article IV Division XVI shall be permitted as a Planned Industrial Development only and shall meet the applicable requirements of Article IV Division XVI, Article IX, and Article XI Division V, and the following:

ST CLAIR COUNTY CODE

- (A) The minimum size of the lot or tract of land shall be not less than **five (5) acres**.
- (B) The minimum dimensions of the tract (width or depth) shall be not less than **three hundred fifty (350) feet**.

40-4-79 RESERVED.

(This page was left blank intentionally.)

DIVISION XIV – “C-R” – CONSERVATION – RECREATION DISTRICT

40-4-80 INTENT AND PURPOSE. It is the intent and purpose of the County Board to participate and assist in the preservation of certain land in St. Clair County by limiting the use and/or development of those lands to the usage appropriate for the preservation of unique, primitive, or natural areas and areas for passive and recreational use.

40-4-81 APPLICATION. An application for rezoning to “C-R” Conservation and Recreation shall be filed with the Zoning Administrator. The filing fee may be waived by the Zoning Administrator.

40-4-82 LANDS ZONED FOR CONSERVATION AND RECREATION. Any land as defined may be zoned “C-R” Conservation and Recreation, subject to the following:

- (A) Lands that are owned, leased, rented, or otherwise controlled by St. Clair County may be zoned “C-R” Conservation and Recreation with such conditions and requirements for development as the County deems necessary and/or advisable for the property.
- (B) Any land owned, leased, or otherwise controlled by any governmental entity including special purpose government district; or lands owned or controlled by any private or non-profit corporation, religious organization, partnership, or individual may be zoned “C-R” Conservation-Recreation in accordance with the following:
 - (1) The parcel of land, except archeological and historical sites, shall contain at least **five (5) acres** and have a minimum width and depth of **two hundred (200) feet**.
 - (2) Prior to the land being zoned “C-R”, an agreement shall be prepared and executed by the owner of the land and the County specifying all terms and conditions of use and development; all rights reserved by the owner for use and/or development of the land; the length of term of the agreement; and conditions for amendment and/or termination.

40-4-83 ACTION BY COUNTY BOARD. Following execution of the agreement and action by the County Board to zone the property “C-R”, the terms of agreement shall constitute the official zoning of the property.

- (A) Copies of the agreement shall be filed with the County Recorder and the Zoning Administrator;
- (B) The Zoning Administrator shall be responsible for enforcement of the terms of the agreement.

40-4-84 RESERVED.

(This page was left blank intentionally.)

DIVISION XV – “O-1” – CONSERVATION OVERLAY ZONE

40-4-85 INTENT AND PURPOSE. It is the intent and purpose of the St. Clair County Board to protect and preserve the special qualities and functions of certain lands in the County containing natural features such as natural water courses, areas subject to flooding or ponding, woodland areas, highly erosive areas, wetlands, and significant archeological and historic sites.

40-4-86 MAPS. The Conservation Overlay Zone may overlay land in one or more zoning districts and may be designated on the St. Clair County Zoning Maps or may be designated by reference to other official maps of St. Clair County, the State of Illinois, the U.S. Government, and the official departments and/or agencies thereof. Copies of any maps so designated shall be maintained in the County Zoning Office for inspection.

40-4-87 COMPLIANCE. The use and/or development of any land designated within the Conservation Overlay Zone shall comply with the regulations and requirements of the Conservation Overlay Zone unless specifically otherwise permitted by the County Board.

- (A) The use and/or development of any land in the Conservation Overlay Zone shall comply with all provisions of the St. Clair County Flood Plain Code. **(See Chapter 13)**
- (B) Any use or development shall comply with all requirements for wetland preservation and/or mitigation.

40-4-88 OTHER PERMITS REQUIRED. For any use or development of land in the Conservation Overlay Zone requiring a U.S. Army Corps of Engineers Section 404 Permit and/or an Illinois Department of Natural Resources, Office of Water Resources Floodplain Permit, such permit(s) shall be obtained and submitted to the Zoning Administrator prior to the issuance of a zoning certificate.

40-4-89 LOT REQUIREMENT. Any lot shall contain a minimum of **three (3) acres** and not more than **twenty percent (20%)** of the lot or site shall be used, modified and otherwise disturbed by grading, placement of fill, removal of woodland, construction of buildings, provision of access roads, parking facilities and driveways, and other such on-site facilities or structures.

40-4-90 DESIGNATED AREAS. The following lands in the unincorporated area of St. Clair County, excluding Scott Air Force Base and zoned municipalities, are hereby designated in the Conservation Overlay Zone:

- (A) All lands subject to flooding, inundation or ponding by waters by the 100-year interval flood as shown on the 1981 and 1985 Flood Insurance Rate Maps of the Federal Emergency Management Agency; and
- (B) Any land designated by the County Board for a stormwater retention/detention basin, drainage way or other storm water management facility. The location of such areas to be generally designated on the Zoning Maps and retained on file by the Zoning Administration and any specific location designated on Maps retained on file by the County Superintendent of Highways. **(Ord. No. 95-12; 05-30-95)**

40-4-91 PERMITTED USES. The following uses are permitted subject to the requirement that any such use shall not substantially alter and/or adversely affect a natural water course or the natural characteristics of the land and/or woodland. Any proposed use or development that would include grading, excavating, filling or dredging; the impoundment or rechanneling of surface waters; clear-cutting of timber and woodlands; and the construction or placement of any structure shall be deemed a substantial alteration and shall require a Special Use Permit in compliance with all requirements therefore.

- Agricultural uses as permitted in the Agricultural Industry District.
- Essential government or public or private utility services and facilities.
- Passive or active recreation activities and/or facilities providing that erosion resistant surfacing materials or vegetative cover is provided and maintained.
- Roads, bridges, highways, and railroads.
- Timber production (selective harvesting).
- Wildlife habitat management, hunting, and fishing.

40-4-92 SPECIAL USE PERMITS. All uses subject to the applicable provisions of Article XI Division V. All Special Use Permit applications require that a Land Evaluation and Site Assessment (LESA) be conducted for the site unless a written waiver for the LESA, stating the reason therefore, is granted by the Zoning Administrator. The LESA shall be obtained prior to the public hearing and shall be part of the hearing record.

Applications for Special Use Permits may be granted only for the following uses except as provided in Article IX Section 40-9-3(H). (**Ord. No. 95-12; 05-30-95**)

- Any building or structure not specified as a permitted use.
- Any permitted use that would substantially alter or adversely affect natural water flow, drainage, flooding or the natural characteristics of the land or existing woodland.
- Cultural and technical resource areas.
- Single family residence dwelling.
- Lakes and dams for recreation, potable water supply, power generation and storm water erosion or detention facilities.
- Parking lots subject to Article VI.
- Signs – advertising and real estate – wherein all parts of the sign, except the supporting structural members, are located at least **two (2) feet** above the 100-year flood surface level and subject to Article VII.
- Water impoundment, diversion, or channelizing structures.
- Public or private recreational uses and recreation serving uses subject to Section 40-4-93.
- Boat docks and marinas.
- Clubs and lodges, with or without food service and the dispensing of alcoholic beverages by the drink in conjunction with restaurant type food service.

40-4-93 SPECIAL SUPPLEMENTARY REGULATIONS.

- (A) No use shall reduce the existing capacity of a stream channel or the capacity of the area for the flow of flood water or for retention or ponding of flood waters based on the 100-year flood interval or cause erosion. Use or development shall provide replacement flood flow and ponding areas at a one-to-one (1:1) ratio.
- (B) Retention basins shall be provided such that the drainage of the area shall not exceed the runoff rate prior to development.
- (C) Areas of grading and fill shall be re-established and maintained with grass, shrubs, trees, or other plantings as to prevent washing or erosion and to maintain a run-off rate no greater than existed for the site prior to development or use.
- (D) Woodland and trees removed as a result of development shall be replaced and maintained within the immediate sub-watershed area and within **one thousand (1,000) feet** of the area from which removed.
- (E) Dedicated public roads, streets and highways shall meet all requirements of the County Subdivision Code and shall require approval of the County Engineer.

ST CLAIR COUNTY CODE

- (F) Access roads and driveways shall be provided with an all-weather base and surface and such surface shall be at least **one (1) foot** above the maximum elevation of the 100-year flood.
- (G) The provision of a potable water supply, sanitary sewer and solid waste disposal shall require approval by the County Health Department.
- (H) Noisome and injurious substances, conditions and operations shall be prohibited.

40-4-94 RESERVED.

(This page was left blank intentionally.)

DIVISION XVI – “O-2” – HIGHWAY OVERLAY ZONE(S)

40-4-95 INTENT AND PURPOSE. It is the intent and purpose of the Highway Overlay Zone to provide for safe and adequate access to abutting property; to protect the functional capacity and safety of Major Area Service Highways; and to provide protection from flooding and drainage resulting from the development and/or use of the land. These regulations and requirements are in addition to other requirements of St. Clair County and of the Illinois Department of Transportation.

40-4-96 USE AND DEVELOPMENT. The use and/or development of any lot or tract of land that abuts a Major Area Service Highway, or part thereof as hereinafter designated, shall require a Special Highway Access Permit approved by the County Highway Engineer in writing prior to on-site grading or the issuance of a building permit.

If the Route Number or Name of a designated Major Area Service Highway is changed to a different Route Number or Name, the provisions of Division XVI shall continue to apply to that portion of the renamed Major Area Service Highway as previously designated in Section 40-4-97. **(Ord. No. 95-12; 05-30-95)**

ST CLAIR COUNTY CODE

40-4-97 DESIGNATED MAJOR AREA SERVICE HIGHWAYS.

Name of Major Area Service Highway	From	To
Illinois Route 4	North County Line	Illinois Route 15
Illinois Route 13	Freeburg South City Limits	Illinois Route 156
Illinois Route 15	Interstate 255	Illinois Route 4
US Route 50	Lebanon East City Limits	East County Line
Illinois Route 158	Interstate 64	Illinois Route 161
Illinois Route 158	Illinois Route 15	Illinois Route 163
Illinois Route 159	Illinois Route 15	Illinois Route 156
Illinois Route 161	Green Mount Road	East County Line
Illinois Route 163	Illinois Route 157	Illinois Route 158
Illinois Route 177	Green Mount Road	East County Line
Douglas Road (County Hwy 47)	Illinois Route 15	Illinois Route 158
Scott-Troy Road	Illinois Route 158	North County Line
Green Mount Road> Little Oak Lane> St Clair Township Line Road> Schwaegel Road>	Illinois Route 15	Interstate 64

40-4-98 FRONTAGE ROADS. Where deemed necessary to avoid or minimize traffic hazard and provide adequate access to abutting property, a frontage road may be required to be constructed on the tract by the owner or proprietor of the tract.

40-4-99 ACCESS TO PROPERTY. Ingress and egress to and from the tract and/or to the frontage road serving the property shall be located and constructed to avoid or minimize traffic hazard and to prevent undue interference with the movement of traffic on the major service highway.

40-4-100 YARD REQUIREMENTS. Where deemed necessary because of planned or anticipated highway improvements, or due to topography, water courses or other such conditions, the depth of the building setback and required yards (front, side, or rear) shall be increased to provide for safe and adequate access and for unhindered movement of traffic on the Major Area Service Highway.

40-4-101 ENGINEER REPORT. Prior to approval of a Special Highway Access Permit, the following plans shall be reviewed by the County Highway Engineer and a written report of recommendations or approval submitted to the Zoning Administrator.

- (A) Location of ingress and egress to the tract.
- (B) The design of entrances and exits and of frontage roads.
- (C) The setback distance from the Major Area Service Highway of all buildings and/or structures.
- (D) Drainage plan of the tract including water retention basins.

40-4-102 RESERVED.

DIVISION XVII – AIRPORT OVERLAY (AO) DISTRICT

SUBDIVISION 1: ESTABLISHMENT & PURPOSE

40-4-103 **AIRPORT OVERLAY (AO) DISTRICT ESTABLISHED.** There is hereby established a zoning district entitled Airport Overlay (AO) District, including subarea districts, with the expressed intent to provide for uses and unique design requirements for lands adjacent to and within runway protection zones, accident potential zones, airspace zones, and noise zones for the environs of Scott Air Force Base and the MidAmerica St. Louis Airport.

40-4-104 **PURPOSE.** The purpose of the Airport Overlay (AO) District is to establish land use controls that promote and protect the public health, safety, comfort, and general welfare, and including:

- (A) To provide for and protect the long term mission, operation, and viability of Scott Air Force Base (AFB) and MidAmerica St. Louis Airport from hazardous, injurious, and/or other conditions that could adversely affect airport operations and safety and/or that would be incompatible with airport operations and functions.
- (B) To protect the use, enjoyment, and values of land and development in the airport environs from injurious and hazardous conditions and incompatibility of uses.
- (C) To promote proper land use arrangement and development, public and private services and facilities, and a desirable environment to achieve and sustain physical, social, and economic activities, which are compatible with Scott AFB and MidAmerica St. Louis Airport.
- (D) To provide standards for new or redeveloped buildings within the noise attenuation zone to be constructed with materials and in such manner that aircraft noise be reduced by the structure to an interior level that has no adverse impact on the health, safety, and general welfare of the residents.
- (E) To maintain an open process of regional coordination, negotiation, and interpretation of airport influence districts and cooperation with other affected local governments to achieve these goals.
- (F) To inform citizens in the vicinity of Scott AFB and MidAmerica St. Louis Airport of the potential impacts of airport influence districts on the use of their properties.
- (G) To preserve the economic development potential that Scott AFB and MidAmerica St. Louis Airport brings to the area.

SUBDIVISION 2: DEFINITIONS

40-4-105 **INTERPRETATION.** Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning. Except as otherwise specifically defined below for purposes of this Division, definitions generally applicable within the Zoning Code shall apply herein.

Nothing contained within this Division shall be construed as or applied to be substantially inconsistent with an airport approach plan adopted by IDOT Division of Aeronautics, pursuant to 620 ILCS 25/12.

40-4-106 DEFINITIONS.

“Accident Potential Zones (APZ)”. As applied to military airfields, those areas which are identified as being significantly impacted by accident potential from aircraft. APZ-1 is an area normally beyond the Clear Zone that possesses a significant potential for accidents. APZ-2 is an area normally beyond APZ-1 that has a measurable potential for accidents. Both the APZ-1 and APZ-2 are the same width as the Clear Zone. APZ-1 extends from the Clear Zone an additional 5,000 feet. APZ-2 extends from APZ-1 an additional 7,000 feet.

“Air Installation Compatible Use Zone (AICUZ)”. A study conducted by the Air Force to evaluate the effect on noise and accident potential on surrounding property and to promote compatible land use that reduces the risks to public health and safety.

“Air Force”. The United States Air Force as represented by the Base Community Planner for Scott Air Force Base or such other designee.

“Airport”. Any area of land or water that is designed and set aside for the landing and taking off aircraft and related use associated with Scott Air Force Base or MidAmerica St. Louis Airport and utilized or to be utilized in the interest of the public for such purposes.

“Airport Environs”. The geographic area that is affected by the airport air traffic operations and defined on the basis of those areas immediately affected by noise exposure, Clear Zones, Runway Protection Zones, APZ-1 and APZ-2 areas, height hazard zones, and areas of airport influence property. These areas constitute the Airport Overlay (AO) District established in this Division.

“Airport Hazard”. Any structure or object of natural growth or use of land within the airport environs that obstructs the air space required for the flight of taking off, maneuvering, or landing at an airport or which is otherwise hazardous to such landing or taking off aircraft.

“Airport Hazard Area”. Any area of land or water, or both, upon which an airport hazard might be established if not prevented by this Division.

“Clear Zone (CZ)”. A defined area extending outward from the end of each runway of Scott Air Force Base. The Clear Zones are considered an area of high accident potential. The Clear Zone starts at the end of the runway and extends outward 3,000 feet at a width of 3,000 feet.

“Decibel (dB)”. A unit for measuring the relative loudness of sound or sound pressure equal approximately to the smallest degree of difference of loudness or sound pressure ordinarily detectable by the human ear, the range of which includes about 130 decibels on a scale beginning with one for the faintest audible sound.

“Decibel A-Weighted Scale (dBA)”. The unit of noise level measured in accordance with the "A-weighted scale" which replicates the response characteristics of the ear. This scale is a quantity, in decibels, read from a standard sound-level meter with A weighting circuitry. The A-space weighting discriminates against lower frequencies according to a relationship approximating, and more accurately reflecting the auditory sensitivity and response of the human ear. The A-scale sound level measures approximately the relative "noisiness" or "annoyance" of common sounds.

“Development Application”. Any request to the local governing body for rezoning, subdivision (major or minor), zoning variance, permit for a non-conformity, final site plan approval, special use permits, sign permits for freestanding or illuminated signs, mobile home permits, or in the case of building permits, permit to increase the existing square footage by 50% or more or over thirty-five (35) feet in height, or permits otherwise determined by the Director to have any potential impact within the District intended to be addressed by this Division. A request to approve a change to the future land use map of the approved Comprehensive Plan shall also be considered a development application within this section.

“Director”. The Zoning Director, or other designee, as the staff person assigned to administer, interpret, and implement the standards, criteria, and procedures of this Zoning Code.

“DNL”. Day Night Level. See Level, Day Night Sound Level (Ldn). Acoustical industry standards often use the abbreviations DNL and Ldn interchangeably.

“Electronic Display Signs”. Signs that show changeable copy, graphic displays, or video displays.

“Federal Aviation Administration (FAA)”. The federal agency responsible for the safety of civil aviation and the regulation of U.S. commercial space transportation.

“Height, Airport”. In the Airport Environs, for purpose of determining the height of any structure, tree, or other object, including communication towers, the height is the elevation above mean sea level (MSL). For calculation purposes, this is the sum of the elevation of the site and the height of the structure, including any appurtenances.

“Level, Day Night Sound Level (Ldn)”. A basic measure for quantifying noise exposure. The day/night average level, or the twenty-four (24) hour equivalent continuous sound level (time averaged A-weighted sound level) from midnight to midnight, obtained after the addition of ten (10) dBA to sound levels measured from 10:00 P.M. to 7:00 A.M.

“Noise Contour”. A line on the AO-4 Map linking together a series of points of equal cumulative noise exposure based on the day/night average level (Ldn) measurement. Such contours are developed based on aircraft flight patterns, number of daily aircraft operations by type of aircraft, and time of day noise characteristics of each aircraft and typical runway usage patterns.

“Nit”. A unit of visible-light intensity, commonly used to specify the brightness of a cathode ray tube or liquid crystal display computer display. One nit is equivalent to one candela per square meter.

“Noise Level Reduction (NLR)”. Amount of noise reduction required through construction and incorporation of sound attenuation material to reduce interior noise level. The difference between the exterior and interior sound level, expressed in decibels.

“Owner”. Any person, group of persons, firm or firms, corporation or corporations, Commanding Officer of any local military base, or any other legal entity having legal or equitable title to or sufficient proprietary interest in or to any property subject to this Zoning Code.

“Participating Local Governments”. the coordinating local governments in St. Clair County, Illinois participating in the RAB and adopting an Airport Overlay Code substantially in the form of or consistent with this Division.

“Primary Surface”. A ground surface longitudinally centered on the runway. The dimensions and limits of the primary surface shall be those prescribed in Department of Defense (DoD) height and obstruction criteria for Scott AFB and in Federal Aviation Regulation (FAR) Part 77 for MidAmerica St. Louis Airport.

“Runway”. A defined area on an airport or airfield prepared for landing and takeoff of aircraft along its length. For purposes of this Division and compliance with other applicable laws, the runways of Scott Air Force Base or MidAmerica St. Louis Airport shall be considered Precision Instrument Runways unless otherwise hereinafter designated.

“Runway Protection Zone (RPZ)”. An area off the runway end of a civilian airport designated by the FAA to enhance the protection of people and property on the ground.

“SLCUM”. The Standard Land Use Coding Manual, which provides a general numeric coding scheme that uses two, three, four, or more digits to identify land use activities and allow for the flexible categorization of new land uses.

“Sound Attenuation”. The reduction in sound level which occurs between the source and the receiver.

“Sound Level”. The level of sound pressure measured with a sound level meter and one of its weighing (frequency) networks. When A-weighting is used, the sound level is expressed as dBA.

“Sound Transmission Class (STC)”. An integer rating of how well a building partition attenuates airborne sound. In the USA, it is widely used to rate interior partitions, ceilings/floors, doors, windows and exterior wall configurations

“Structure”. Any object whether permanent or temporary, including, but not limited to a building, tower, crane, smokestack, earth formation, overhead transmission line, or flagpole; to also include mobile and tethered objects.

“Zoning Code”. The St. Clair County, Illinois Zoning Code, as amended, including this Division.

40-4-107 Acronyms.

AFB - Air Force Base
AICUZ - Air Installation Compatible Use Zone
APZ - Accident Potential Zone
CZ - Clear Zone
dB - Decibels
dBA - Weighted decibels
DoD - Department of Defense
FAA - Federal Aviation Administration
IDOT - Illinois Department of Transportation
Ldn - Day-night sound level
NLR - Noise Level Reduction
RAB - Regional Advisory Board
RPZ - Runway Protection Zone
SLUCM - Standard Land Use Coding Manual
STC - Sound Transmission Class

SUBDIVISION 3: BOUNDARIES AND MAPS

40-4-108 AIRPORT OVERLAY DISTRICT. Certain airport environs are identified and established by this Division for property within and around Scott Air Force Base (AFB) and MidAmerica St. Louis Airport (MidAmerica) within St. Clair County, Illinois. These environs have been identified through Federal Aviation Regulations Part 77 and data provided to St. Clair County by the United States Air Force as part of the 2008 Joint Land Use Study and the 2009 Air Installation Compatible Use Zone (AICUZ) report. Areas within the airport environs are subject to regulation beyond the other requirements of the Zoning Code. These additional restrictions, designated as the Airport Overlay (AO) District, provide an enhanced level of protection in support of the continued operations of Scott AFB and MidAmerica St. Louis Airport.

40-4-109 INTERPRETATION OF DISTRICT BOUNDARIES.

- (A) **Establishment and Interpretation of District Boundaries.** The boundaries of the Airport Overlay (AO) District and Subarea districts are hereby enacted and established as set forth on the series of four (4) maps incorporated in Section 40-4-111 of this Division (District Maps), with precise boundaries being determined by scaling distances and features shown on these maps. Where interpretation is needed as to the exact location of the boundaries of the airport districts, as shown on the Airport Overlay (AO) District maps, the Director shall make the necessary determination of the boundary based on the purposes of this Division and underlying mapping data. Any property owner contesting the location of a district boundary affecting his or her property shall be given a reasonable opportunity to present their case in accordance with the appeal procedures established in the Zoning Code and in Subdivision 9 of this Division. The adopted District Maps may include areas outside the territorial boundaries of the County to promote coordination with other participating local governments. The regulations of this Airport Overlay District shall not be deemed to extend to any property outside such territorial boundaries to which the County lacks jurisdiction to impose such regulation.
- (B) **Split Parcels.** For purposes of regulation of parcels that appear split by the district boundary lines, only that portion of a parcel that falls within the district shall be subject to the provisions and standards of this Division.
- (C) **Boundary Changes.** The boundaries of the Airport Overlay (AO) District may be subject to change reflecting new military mission activity and/or aviation operations at Scott AFB

and MidAmerica Airport. Scott AFB and MidAmerica Airport shall communicate the results of updated analyses of noise and air safety zones, including AICUZ reports and FAA studies, to affected local governments. The Director shall notify the Air Force, MidAmerica Airport and other local governments that have adopted airport zoning regulations in the environs of Scott Air Force Base and MidAmerica Airport of changes to the district boundary lines as shown in the maps in Section 40-4-111 to promote the coordinated and consistent application of Airport Overlay regulations. Other coordinating local governments may adopt more stringent regulations than the minimum requirements in this Division. Boundary changes to the AO district or subarea districts shall be adopted pursuant to the procedures applicable to amendments to the Zoning Code.

40-4-110 **SUBAREAS; OVERLAP.** To carry out the purpose of this district, the Airport Overlay (AO) District is composed of four (4) overlapping subarea districts that establish different levels of restrictions based on airport boundary areas of influence, safety areas based on hazard zones and structure height regulations, and noise contours as follows. Properties or portions of properties located within multiple subareas shall comply with the standards established for each of those subareas in which the property is located.

- (A) **AO-1 Primary Planning Influence Area.** The Primary Planning Influence Area designates the subarea that primarily includes standards for aviation easements and lighting as described in Subdivision 5 of this Division.
- (B) **AO-2 Safety Zones Area.** The Safety Zones Area designates the subarea that primarily includes standards for land use, density, and design as designated in Subdivision 6 of this Division. The boundary of this area is determined by FAA and DoD Imaginary Surfaces definitions for military and civilian airfields (Clear Zone, Runway Protection Zone, Accident Potential Zone 1 and Accident Potential Zone 2) in effect on the effective date of this Division in conjunction with any other relevant safety area data obtained by the Director.
- (C) **AO-3 Height Restriction Area.** The Height Restriction Area designates the subarea that primarily includes standards for controlling height as described in Subdivision 7 of this Division. The boundary of this area is determined by a combination of measurements including a 1,500 foot buffer around Scott Air Force Base and Imaginary Surfaces definitions for military and civilian airfields in effect on the effective date of this Division, in conjunction with any other relevant Height Restriction data obtained by the Director.
- (D) **AO-4 Noise Zones Area.** The Noise Zones Area designates the subarea that primarily includes standards for the attenuation of noise and residential land use controls as specified in Subdivision 8 of this Division. This boundary is determined by applying the noise contours published by the DoD for Scott Air Force Base in conjunction with any other relevant noise data obtained by the Director.

40-4-111 **MAPS.** The following four (4) maps, Figures 111.1 – 111.4, are incorporated as an integral part of the Zoning Code. These maps are hereby adopted and incorporated as an amendment to the official zoning map whether maintained separately or integrated within a single document:

- (A) AO-1 Primary Planning Influence Area
- (B) AO-2 Safety Zones Area
- (C) AO-3 Height Restriction Area
- (D) AO-4 Noise Zones Area

Figure 111.A

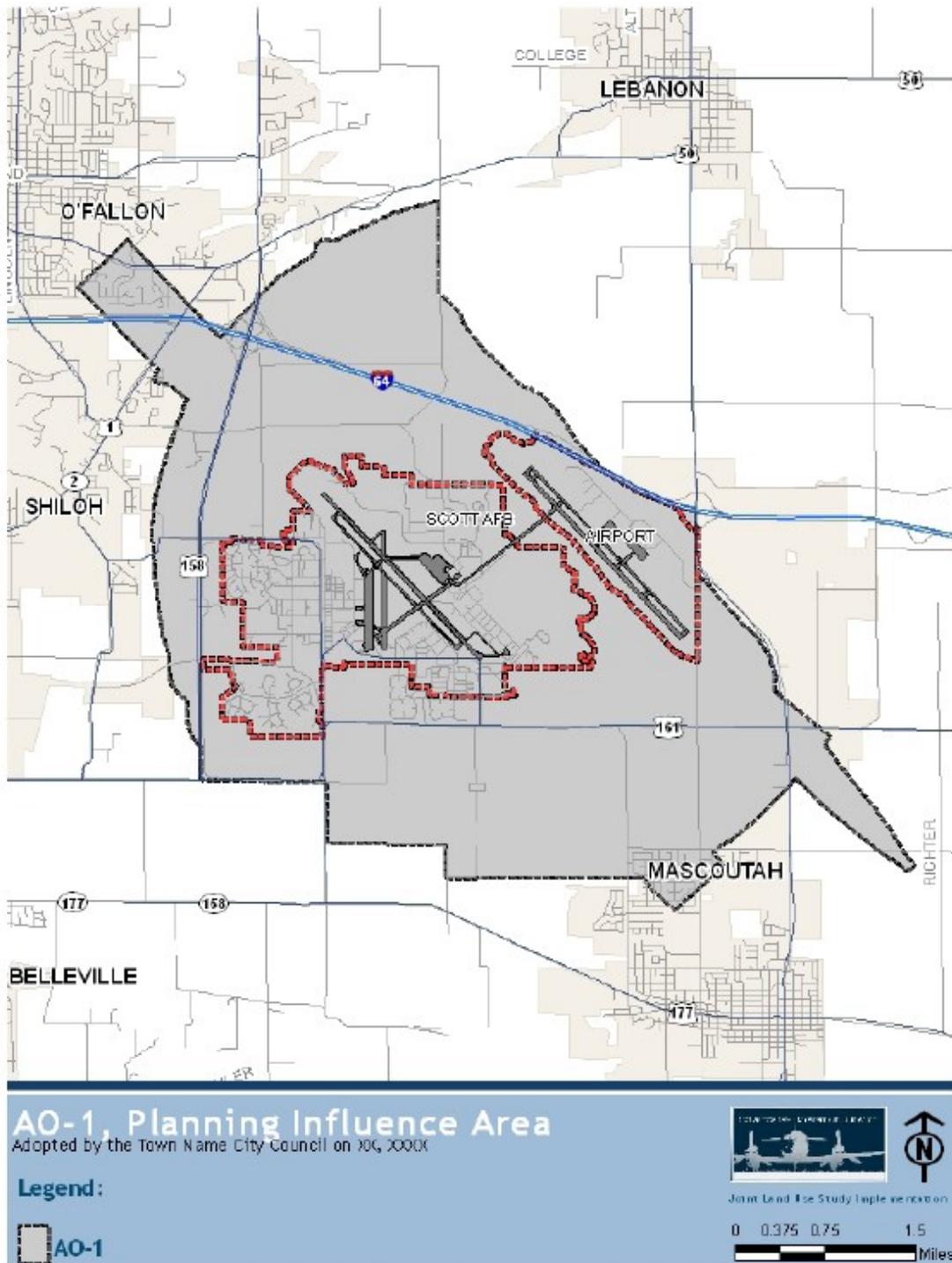


Figure 111.B

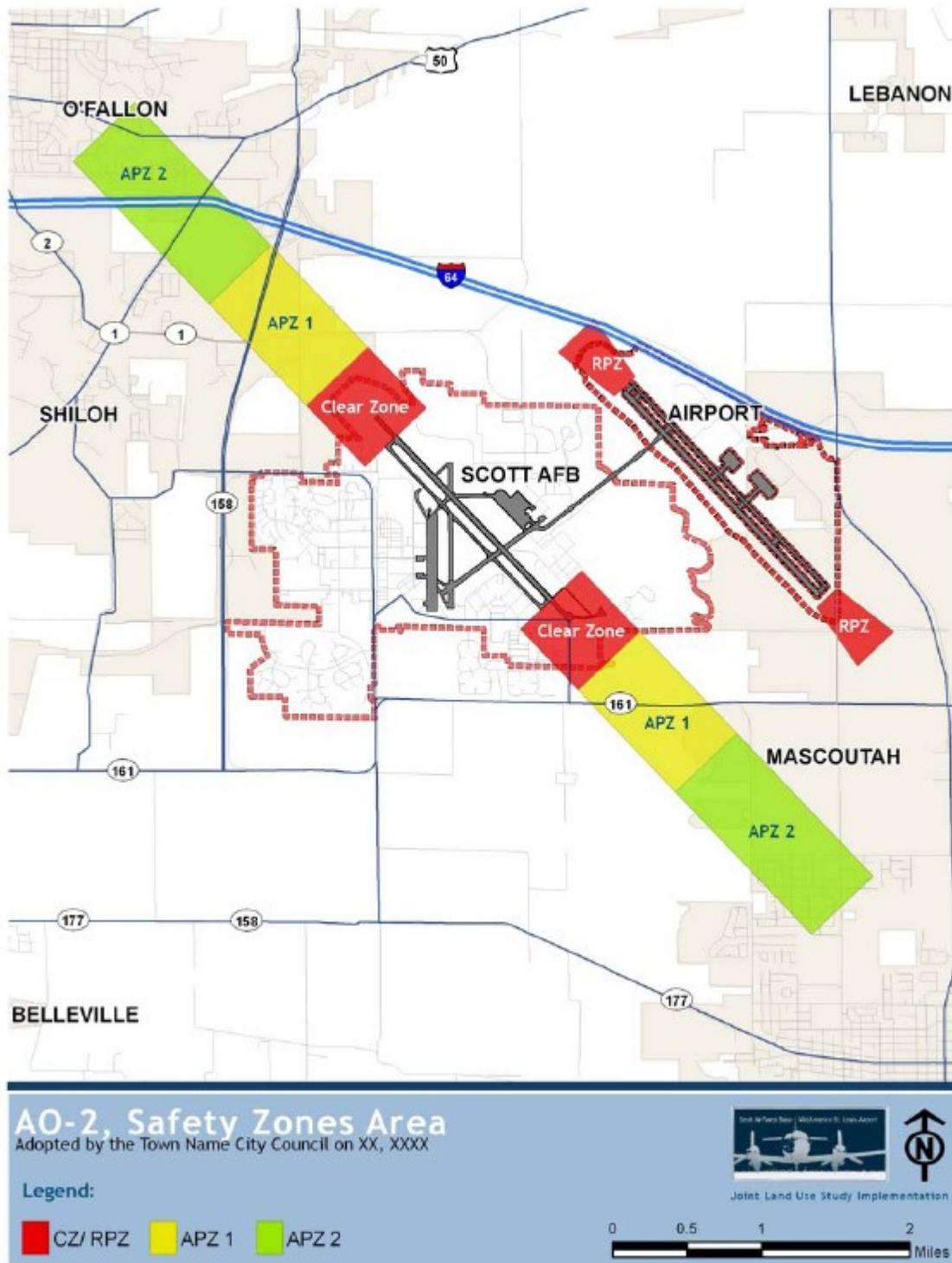


Figure 111.C

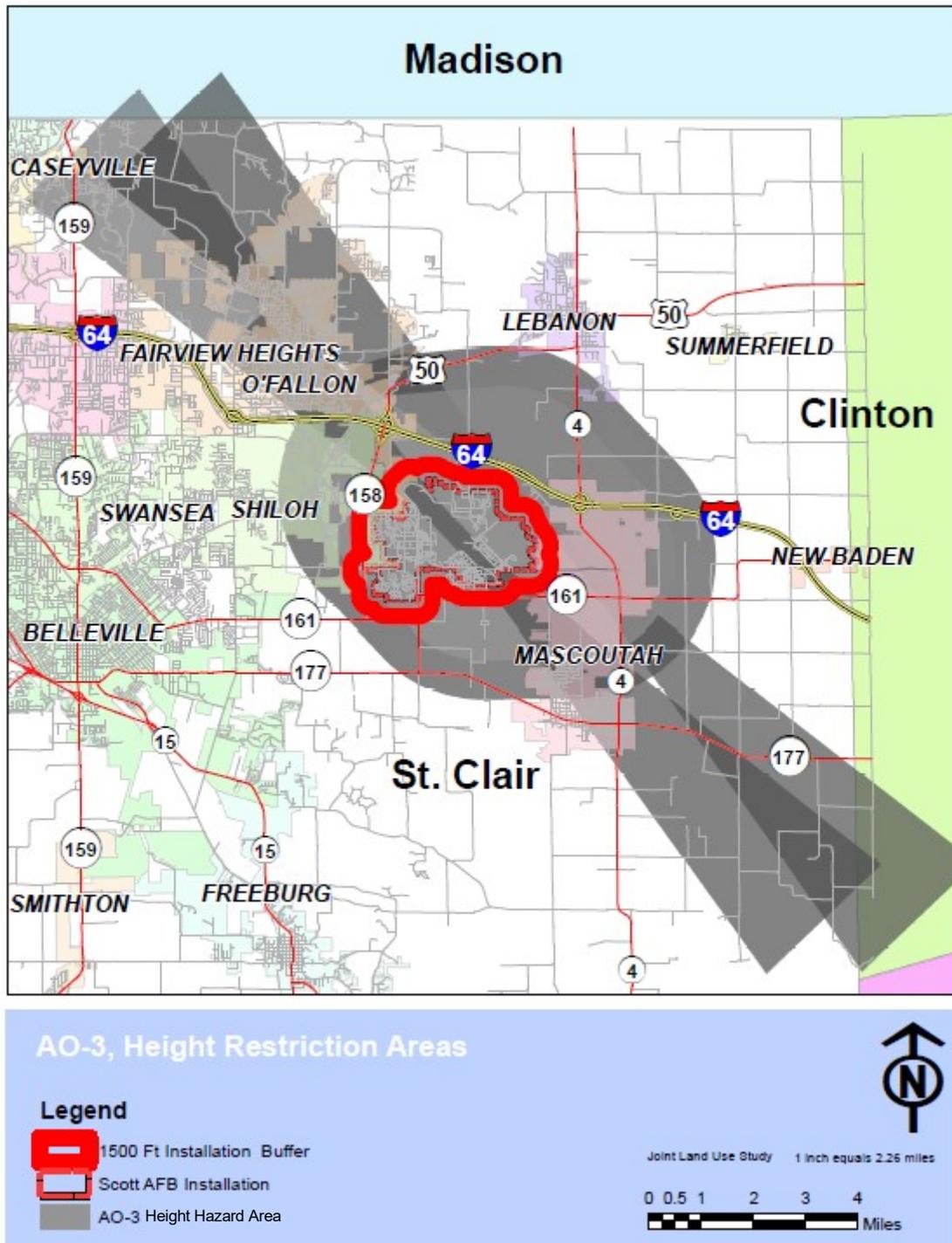
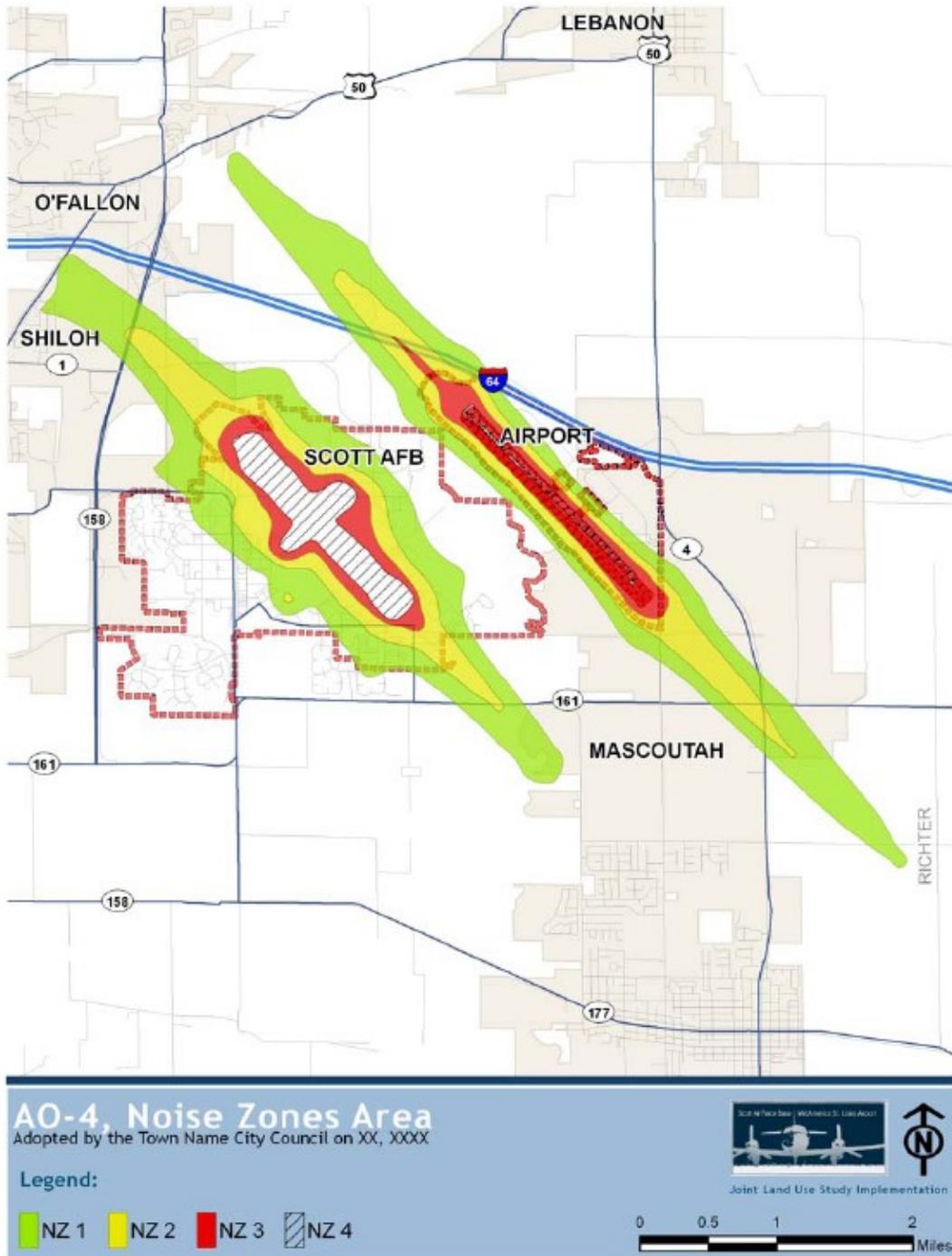


Figure 111.D



SUBDIVISION 4: GENERAL PROVISIONS

40-4-112 **GENERAL USE RESTRICTIONS.** Notwithstanding any other provisions of the Zoning Code, no use whether permitted in the underlying zoning district, or by planned use, special use permit, or otherwise, may be made of land or water within the Airport Overlay (AO) District so as to:

- (A) Create electrical interference with navigational signals, radar, or radio communications between Scott Air Force Base and MidAmerica St Louis Airport and the aircraft.
- (B) Cause confusion or otherwise make it difficult for pilots to distinguish between airport lights and other lights.
- (C) Result in glare in the eyes of the pilots using the airport.
- (D) Impair visibility of the airport.
- (E) Emit or discharge smoke (e.g., exhaust from a smoke stack), that interferes with the health and safety of pilots and the public in the use of the airport, or that is otherwise detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.
- (F) Emit thermal discharge (e.g., steam from a power plant), that interferes with the pilot's vision in the use of the airport.
- (G) Cause significant air turbulence (e.g., exhaust from a peaker plant) where aircraft limit loads may be exceeded.
- (H) Cause any other kind of emission that may cause a safety of flight issue.
- (I) Create a bird or wildlife strike hazard that in any way endangers or interferes with the landing, takeoff, or maneuvering of aircraft using or intending to use the airport.
- (J) Create a vertical obstruction that physically intrudes on protected airspaces around the airport.
- (K) Concentrate people within zones to unduly expose them to noise or aircraft accident risk.

40-4-113 **ADMINISTRATION AND ENFORCEMENT.**

- (A) The Director is hereby granted the authority to issue clarification and interpretation of this Division and the items and uses set forth in the attached land use compatibility tables consistent with the intent and language of this Division.
- (B) **Notification.** The Director shall make reasonable efforts to provide notice to all person filing a Development Application in the AO District that the respective property is located either partially or wholly within the AO District, and may be subject to aircraft over-flight and the standards and requirements of this Division.
- (C) **Field Testing.** When field inspection indicates that the construction is not in accordance with the approved plans, the Director may order such corrective action as may be necessary to meet the height and noise attenuation requirements, including but not limited to stop work orders until such corrections are made.
- (D) Inspections of height and of noise attenuation work shall be performed during the required building construction inspection process.
- (E) Any person who violates this act or any orders, regulations, or rulings promulgated or made pursuant to this Division shall be subject to the penalties and enforcement procedures established in the Zoning Code.

40-4-114 **STATE AIRPORT HAZARD ZONING REGULATIONS.** In the event of conflict between any Airport Hazard Zoning Regulations promulgated by IDOT Division of Aeronautics pursuant to 620 ILCS 25/17 and contained at Title 92, Part 16 of the Illinois Administrative Code and any airport zoning regulation set forth in this Division or any other applicable regulations provided in the Zoning Code, pursuant to 620 ILCS 25/18, the more stringent limitation or requirement shall govern and prevail.

40-4-115 DEVELOPMENT APPLICATION CONSULTATION PROCEDURES.

(A) The Director shall submit to the Air Force a copy of Development Applications for properties within the AO District as graphically shown on Appendix A (“Process Chart”) and implemented as follows:

- (1) **AO-2 District.** If the application or impact is on property within the AO-2 District, all Development Applications relating thereto, shall be sent to Scott AFB for review.
- (2) **AO-1, AO-3, and AO-4 Districts.** If the application or impact is in an AO District subarea other than the AO-2 District, Development Applications that meet one of the following criteria shall be sent to Scott AFB for review:
 - (a) Increase of an existing structure or construction of a new structure whose height is 100 feet or higher above the ground level of the runway. Towers, antennae, lighting, silos, or any similar structures that are 100 feet above the ground level of the runway or higher shall be subject to review.
 - (b) Request for any outdoor lighting applications, temporary lighting, obstruction marking or lighting, and illuminated signs that do not meet the lighting standards established within Section 40-4-120.
 - (c) Application for a human-made use that could attract high levels of birds or wildlife, such as retention ponds, roosting habitats on buildings, landscaping, putrescible-waste disposal operations, wastewater treatment plants, and surface mining.
 - (d) Application for a use or permit that could create electrical interference with navigational signals or radio communications between Scott AFB and MidAmerica St. Louis Airport and aircraft, including emergency and public safety communications systems, power lines, transformers, television broadcast and radio transmitters, and telecommunication towers.
 - (e) Applications for a use or permit that could create air-borne emissions or materials limiting visibility such as smoke, steam, dust, gases, or projectiles of any type.

(B) The Director shall send all appropriate Development Applications, as determined in the above section, to the Air Force for review. Applications can be mailed to:

Base Community Planner 618-256-4270
375 CES/CEAO
702 Hangar Road, Bldg 56
Scott AFB IL 62225-5035

(C) **Optional Consultation with MidAmerica St. Louis Airport.** For any Development Application within the Height Restriction Zone, Airport Overlay (AO-3) District or the Noise Zones, Airport Overlay (AO-4) District, the Director may choose to mail and/or email notice to the MidAmerica St. Louis Airport at:

Director, Engineering & Planning 618-566-5325
MidAmerica St. Louis Airport
9768 Airport Boulevard, Box 3
Mascoutah, IL 62258

40-4-116 **REGIONAL ADVISORY BOARD.** The State of Illinois allows for the use of eminent domain authority to resolve incompatible land uses in the environs of Scott Air Force Base and MidAmerica St. Louis Airport pursuant to 620 ILCS 25/33. To reduce the need for the use of eminent domain and to better coordinate airport zoning and planning, a Regional Advisory Board (RAB) is established. The purpose of the RAB is to review potentially incompatible Development Applications within a specific geography around Scott AFB and MidAmerica St. Louis Airport and provide comment to the applicable local government receiving the application.

(A) **Established.** The Regional Advisory Board (RAB) is hereby authorized and established as an advisory intergovernmental body to coordinate and review land use decisions in the AO-2 District. The RAB shall be deemed to exist immediately and shall include all qualified members similarly authorizing such establishment.

(B) **Membership.**

(1) The RAB shall consist of one (1) representative from each of the following five (5) entities, appointed by local governing authorities (“Participating Local Governments”):

- (a) St. Clair County
- (b) The City of Lebanon
- (c) The City of Mascoutah
- (d) The City of O’Fallon
- (e) The Village of Shiloh

(2) In addition, one (1) Air Force representative and one (1) representative of MidAmerica St. Louis Airport shall serve on the RAB as non-voting, ex-officio members.

(3) The RAB shall designate a Chairperson among the five Participating Local Government representatives to conduct meetings and coordinate with the Air Force on administrative support and the distribution of background materials. The RAB Chair shall rotate among the Participating Local Government representatives every two (2) years. In the event that any member fails to adopt authority for the RAB or subsequently withdraws from participation, the membership shall continue with the remaining authorized members.

(C) **Meetings.**

(1) The RAB shall meet if the Air Force renders an opinion that a Development Application subject to review under Section 40-4-115 is incompatible.

(2) The RAB may also establish and publish a regular meeting schedule. Meetings shall be public. Special meetings may be called by the Chairperson.

(D) **Rules.**

(1) The RAB shall adopt operating procedures for the conduct of meetings and business of the RAB.

(2) The RAB shall adhere to the provisions of this Division with regard to the review and approval of site development plans.

(3) The RAB shall keep a record of its transactions, findings, and determinations, which record shall be a public record.

(E) **Duties.**

- (1) The RAB shall review Development Applications and present an advisory finding to the local jurisdiction responsible for approval of applications in the geographic areas designated as AO-2 District.
- (2) Any time the FAA, DoD, or IDOT Division of Aeronautics, amends, deletes, or creates regulations affecting the standards set forth in this Division, the RAB shall review such amended, deleted, or new regulations and advise the Participating Local Governments as to necessary or appropriate changes to this Division.
- (3) The RAB shall act only as an advisory body.

(F) **Procedures and Responsibilities.**

- (1) Within the Airport Overlay (AO) District, the members shall consult with the Air Force on those Development Applications that have potential impacts on Scott AFB based on criteria established in Section 40-4-115.
- (2) The Air Force shall review these actions within a thirty (30) calendar day period and render an advisory opinion of compatible/ incompatible for those actions inside the AO-2 District. The Air Force may recommend conditions of approval to mitigate any negative impacts of those actions within the AO-1 District.
- (3) The Air Force shall evaluate the compatibility of the Development Application based on consistency with land use guidance established in the Joint Land Use Study and Air Installation Compatible Use Zone program.
- (4) If no response is rendered from the Air Force within 30 days, the local government may consider the Air Force recommendation as being compatible.
- (5) If the Air Force finds an application within the AO-2 District to be incompatible, the RAB shall meet within a thirty (30) calendar day period following an incompatible finding. The Air Force shall provide administrative support for the scheduling of the RAB meeting and the distribution of necessary background materials.
- (6) The RAB shall render a recommendation, which the County shall consider.
- (7) The County shall not make a final decision without a recommendation from the RAB; provided that if the RAB does not provide its recommendation within 30 days of receipt of the application, a final decision may proceed without such recommendation.

SUBDIVISION 5: AO-1 PRIMARY PLANNING INFLUENCE AREA

40-4-117 PURPOSE AND GENERALLY.

- (A) The purpose of this Subdivision is to require that new or redeveloped facilities within the Primary Planning Influence Area, Airport Overlay (AO-1) District, be constructed in such a manner to mitigate impacts on aircraft operators and therefore protect the health, safety, and general welfare of the residents.
- (B) The AO-1 District designates the area that primarily includes standards for consultation with the Air Force, aviation easements and lighting.
- (C) **Establishment of Primary Planning Influence Area.** Buildings, structures, or land shall be occupied or used only in conformity with all of the regulations set forth herein for the district or districts in which they are located. The boundaries of the AO-1 District are shown on the map in Subdivision 3.

40-4-118 **CONSULTATION.** Development Applications on properties within the AO-1 District shall require consultation with the Air Force to the extent required per Section 40-4-115 of this Division.

40-4-119 **AVIGATION EASEMENTS.**

- (A) All applications for subdivision approval for any structure requiring plan approval in the AO-1 District, to the extent consistent with applicable requirements of law, shall include the dedication of an avigation easement to the County. The dedicated avigation easement shall allow property owners to develop land in accordance with the applicable zoning district and regulations, and shall also convey a clear right to maintain flight operations in navigable airspace over the property, consistent with federal statutes and regulations, and shall submit the property to compliance with the regulations set forth in this Division. The easement shall be recorded with the deed to a property and shall run in perpetuity with the land.
- (B) The applicant for all final subdivision plats within an AO District shall place a reference to the applicability of AO District regulations to the subdivision on the recorded plat.
- (C) The County shall maintain publicly available maps of the Airport Overlay District to facilitate the disclosure of potential airport environs impacts as part of real estate transactions.

40-4-120 **LIGHTING.** The following standards shall apply to all lands within the AO-1 District, unless otherwise stated.

(A) **Non-Residential Uses and Multi-Family Residential.**

- (1) The light source of outdoor lighting fixtures shall be fully shielded and downward facing so as not to allow any light above the horizontal, as measured at the luminaire.
- (2) Outdoor lighting fixtures shall be placed so as to not cause excessive glare or light trespass.
- (3) On-site parking areas shall be constructed of asphalt, dyed concrete or other non-reflective paving surfaces.
- (4) All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective.
- (5) Canopy lighting shall be designed to conceal the illumination source and the lighting fixture shall not extend below the canopy skirt.
- (6) Exterior sign lights shall be shielded and oriented downward with respect to the sign.

(B) **Single-Family and Agricultural Uses.** Single-family residential and agricultural uses are exempt from the standards contained in this Section 40-4-120, provided that such uses do not affect the safety of the public or persons utilizing Scott Air Force Base or MidAmerica St. Louis Airport.

(C) **Electronic Display Signs.** Electronic display signs shall be permitted within the AO-1 District under the following conditions:

- (1) The maximum brightness of electronic signs shall not exceed 5,000 nits (candelas per square meter) during daylight hours, or of 500 nits (candelas per square meter) between dusk to dawn.

- (2) Any image or message or portion thereof displayed on the sign shall have a minimum duration of fifteen seconds and shall be of static display.
 - (3) Electronic signs are prohibited in the AO-2 District.
 - (4) Electronic Display Signs shall comply with all other applicable regulations set forth in the Zoning Code.
- (D) **Temporary Lights.** Special use permits shall be required for temporary lights such as spot lights. A permit may be granted if, upon review, the Director finds that the proposed lighting will not create excessive glare, sky glow, or light trespass.
- (E) **Lighting Plan.** Within the AO-1 District, a lighting plan shall be included as part of the required site plan submittal or subdivision construction drawings which shall contain but not be limited to the following:
- (1) The location of the site where the outdoor light fixtures will be installed;
 - (2) Plans indicating the location on the premises of each outdoor light fixture, both proposed and any already existing on the site; and
 - (3) A description of the outdoor light fixtures including but not limited to manufacturer's catalog cuts and drawings.

SUBDIVISION 6: AO-2: SAFETY ZONES AREA

40-4-121 PURPOSE AND GENERALLY.

- (A) The purpose of this Subdivision is to require that land and structures located within safety zones around the Scott AFB and MidAmerica St. Louis airfields are developed to protect the health, safety, and general welfare of the public and to mitigate hazards of potential aircraft mishaps.
- (B) The Safety Zones Area, Airport Overlay (AO-2) District, designates the area that primarily includes standards for land use, density, and design, in addition to those requirements established for all properties within the AO-1 District.
- (C) **Establishment of Safety Zones.**
 - (1) Buildings, structures, or land shall be occupied or used only in conformity with all of the regulations set forth herein for the district in which they are located.
 - (2) The boundaries of the military safety zones as determined by the Air Installation Compatible Use Zone (AICUZ) program are shown on the map in Section 40-4-111. There are three (3) military safety zones:
 - (a) CZ: Clear Zone
 - (b) APZ-1: Accident Potential Zone 1
 - (c) APZ -2: Accident Potential Zone 2
 - (3) The Federal Aviation Administration designates a Runway Protection Zone (RPZ) for civilian airports as shown on the map in Section 40-4-111. There is one (1) civilian safety zone:
 - (a) RPZ: Runway Protection Zone

40-4-122 PROCEDURES AND DESIGN REGULATIONS IN SAFETY ZONES.

- (A) **Consultation.** All Development Applications on properties within the AO-2 District shall require consultation with the Air Force as per Section 40-4-115 of this Division.
- (B) **Design Regulations.** Properties within the AO-2 District shall also comply with all the standards established per Subdivision 5 of this Division.

40-4-123 USE REGULATIONS IN SAFETY ZONES.

- (A) **Use Regulations in AO-2: CZ and RPZ.** No uses or structures shall be permitted in the CZ and RPZ except roadways, underground utilities, agriculture, and permanent passive open space. Bridges above the ground level of the runway, timber activities and silvaculture shall not be permitted.
- (B) **Use and Design Regulations in AO-2: APZ-1.**
- (1) **Permitted Uses.** Permitted uses are listed on Table 123.1, provided that no uses shall be allowed where not permitted in the underlying zoning district.
- (2) **Prohibited Uses.**
- (a) Manufacturing or above-ground bulk storage of flammable liquids, gases, or other explosive materials is prohibited.
- (b) No use shall be permitted that emits smoke, steam, dust, gases, or projectiles of any type that may interfere with safe aircraft operation.
- (c) No residential development of any type is permitted. This includes short-and long-term hotels, lodgings, campsites, RV parks, mobile home parks, group homes, dormitories, or any accommodations where over-night residency is expected.
- (d) Active parks with facilities intended to support organized activity or concentrations of users, such as athletic fields, buildings or structures for recreational activities, concessions, courts, or playgrounds are prohibited.
- (e) Places of large assemblies shall be prohibited to protect the general public against the grave consequences of an aircraft mishap. Places where the mobility-challenged and youth regularly assemble are also prohibited. These include hospitals, in-patient clinics, nursing homes, child care centers, schools, movie theaters and auditoriums, churches and places of worship or meditation, sports arenas, restaurants and other places of assembly.
- (f) Public transportation passenger terminals shall not be permitted in the APZ-1.
- (g) Regionally-significant above-ground utility lines or sub-stations, such as high-tension power lines or public transportation transmission wires, shall not be permitted in the APZ-1.
- (3) **Maximum Assembly.** Maximum assembly shall be limited to 25 people per acre per hour over a 24-hour period, and shall not be more than 50 people per acre at any one time. The manner in which maximum assembly is to be calculated is set forth in Appendix C to this Division.
- (4) **Lot Coverage.**
- (a) The maximum gross acreage for buildings on any single lot is 10%. Use restrictions shall comply with Table 123.1 of this Division. Height restrictions shall comply with Subdivision 7, Height Restrictions, of this Division.
- (b) For industrial uses, in addition to all other limitations on concentrations of people, a sliding scale of employment density per shift and maximum acreage coverage shall be utilized as shown in Figure 123.A.
- (c) A Planned Development approach is encouraged to maximize flexibility in layout and guide buildings away from the centerline of the runway.

(C) **Use and Design Regulations in AO-2: APZ-2.**

(1) **Permitted Uses.**

- (a) Permitted uses are listed on Table 123.1, provided that no uses shall be allowed where not permitted in the underlying zoning district.
- (b) Single-family residential density shall be limited to one (1) dwelling unit per acre within the APZ-2.

(2) **Prohibited Uses.**

- (a) Manufacturing or above-ground bulk storage of flammable liquids, gases, or other explosive materials is prohibited.
- (b) No use shall be permitted that emits smoke, steam, dust, gases, or projectiles of any type that may interfere with safe aircraft operation.
- (c) Higher density housing is prohibited. This includes multi-family housing, attached single-family housing, short- and long-term hotels, lodgings, campsites, RV parks, mobile home parks, group homes, or dormitories.
- (d) Places of large assemblies shall be prohibited to protect the general public against the grave consequences of an aircraft mishap. Places where the mobility-challenged and youth regularly assemble are also prohibited. These include hospitals, in-patient clinics, nursing homes, child care centers, schools, movie theaters and auditoriums, churches and places of worship or meditation, sports arenas, restaurants and other places of assembly.

(3) **Lot Coverage.**

- (a) The maximum gross acreage for all nonresidential buildings on any single lot is 20%. Use restrictions shall comply with Table 123.1 of this Division. Height restrictions shall comply with Subdivision 7, Height Restrictions, of this Division.
- (b) For industrial uses, in addition to all other limitations on concentrations of people, a sliding scale of employment density per shift and maximum acreage coverage shall be utilized as shown in Figure 123.B.
- (c) A Planned Development approach is encouraged to maximize flexibility in layout and guide buildings away from the centerline of the runway.

Figure 123.A

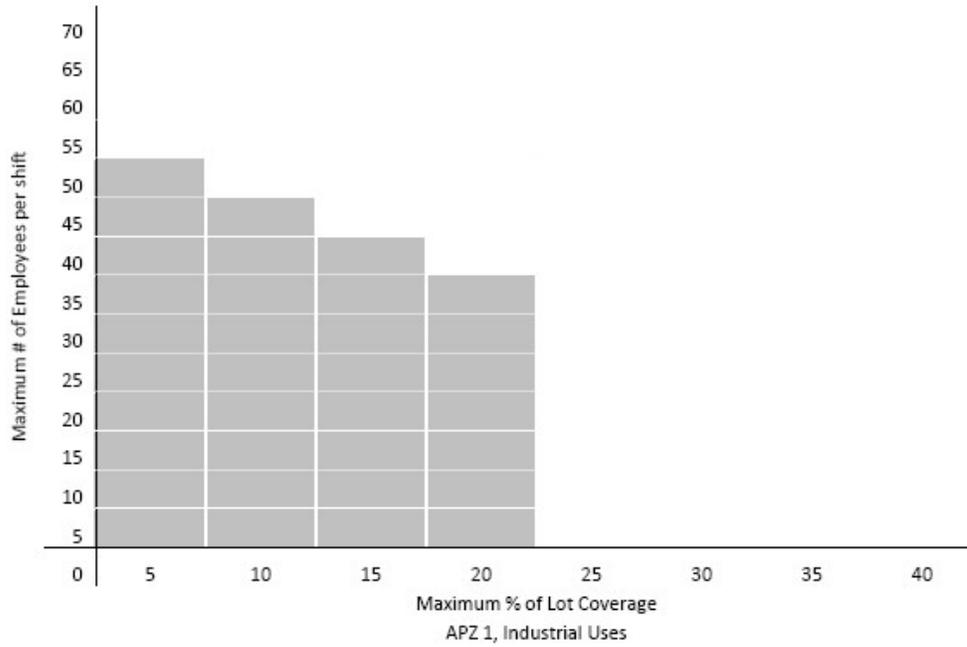
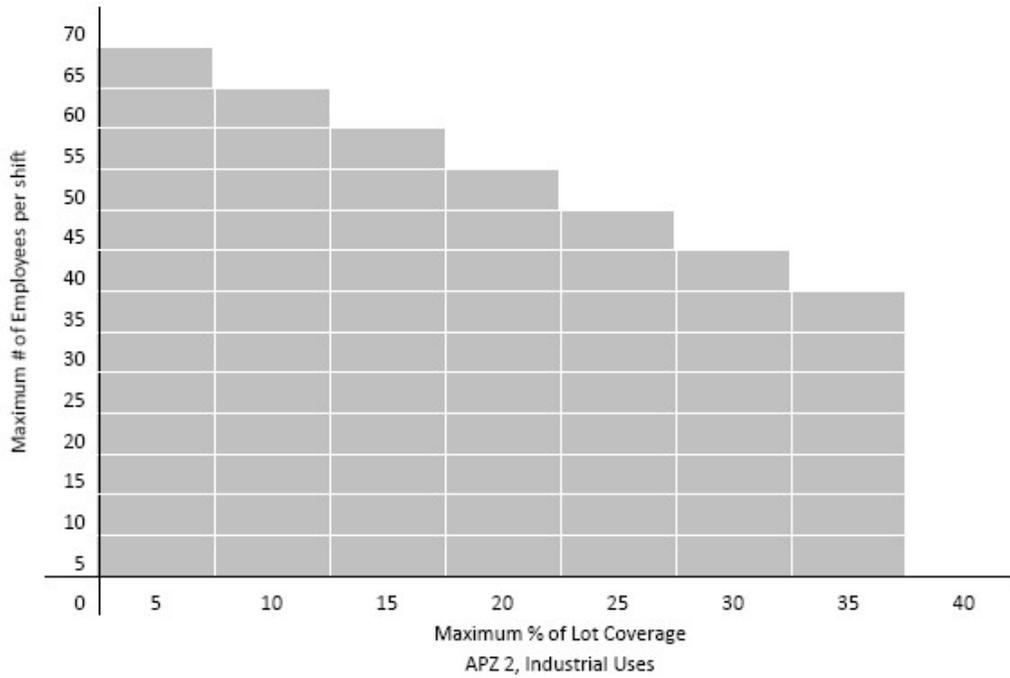


Figure 123.B



ST CLAIR COUNTY CODE

(D) **Permitted Land Uses in AO-2: Safety Zones.**

- (1) Table 123.1 describes those uses that are permissible within the areas designated as safety zones. Within Table 123.1, the designation with the letter “Y” indicates that the land use is permissible, subject to compliance with the standards of the Zoning Code and this Division.
- (2) The designation with the letters “PS” indicates that the land use is permissible, subject to compliance with the standards of the Zoning Code, and the supplemental standards specified for the use. Supplemental standards are contained in Sections 40-4-123(A), (B), and (C).
- (3) The designation with the letter “N” indicates the land use is prohibited.
- (4) Any land use that is not identified in Table 123.1 is prohibited unless it is found to be substantially similar by the Director. A requested use shall be considered substantially similar when the characteristics of the requested use are equivalent in type, intensity, degree, or impact when compared to a permissible use named in Table 123.1. Such characteristics include, but are not limited to:
 - (a) Typical numbers of employees and public located on the property at any given time;
 - (b) Typical hours of operation;
 - (c) Generation of noise, light pollution, odor, smoke, dust, electromagnetic interference, or vibration;
 - (d) Bulk of structures and large equipment storage;
 - (e) Use of outdoor storage;
 - (f) Typical airspace intrusion;
 - (g) Attractiveness to birds and wildlife;
 - (h) Customary functions of the use.
- (5) Accessory uses and structures incidental to a permitted principal structure or use are permitted so long as they are within the intent, purpose, or objectives of these regulations.
- (6) Temporary uses and structures are permitted so long as they are within the intent, purpose, or objectives of these regulations.

Table 123.1

Land Use		AO-2 DISTRICT SAFETY ZONES		
		CZ/RPZ	APZ 1	APZ 2
10	Residential			
11	Household units			
11.11	Single units; detached	N	N	PS
11.12	Single units; semi detached	N	N	N
11.13	Single units; attached row	N	N	N
11.21	Two units; side-by-side	N	N	N
11.22	Two units; stacked	N	N	N
11.31	Apartments; walk up	N	N	N
11.32	Apartments; elevator	N	N	N
12	Group quarters	N	N	N
13	Residential hotels	N	N	N
14	Mobile home parks or courts	N	N	N
15	Transient lodgings	N	N	N
16	Other residential	N	N	N

ST CLAIR COUNTY CODE

Land Use		AO-2 DISTRICT SAFETY ZONES		
SLCUM	Name	CZ/RPZ	APZ 1	APZ 2
20	Manufacturing			
21	of Food & kindred products	N	PS	PS
22	of Textile mill products	N	PS	PS
23	of Apparel and other finished products made from fabrics, leather, and similar materials	N	PS	PS
24	of Lumber and wood products (except furniture)	N	PS	PS
25	of Furniture and fixtures	N	PS	PS
26	of Paper & allied products	N	PS	PS
27	of Printing, publishing, and allied industries	N	PS	PS
28	of Chemicals and allied products	N	PS	PS
29	of Petroleum refining & related industries	N	PS	PS
30	Manufacturing			
31	Rubber and miscellaneous plastic products	N	PS	PS
32	Stone, clay, and glass products	N	PS	PS
33	Primary metal industries	N	PS	PS
34	Fabricated metal products	N	PS	PS
35	Professional and scientific instruments	N	PS	PS
39	Miscellaneous manufacturing	N	PS	PS
40	Transportation, communications, and utilities			
41	Railroad, rapid rail transit and street railroad transportation	N	PS	Y
42	Motor vehicle transportation	N	PS	Y
43	Aircraft transportation	N	PS	Y
44	Marine craft transportation	N	PS	Y
45	Highway & street right-way	PS	Y	Y
46	Automobile parking	N	PS	Y
47	Communications	N	PS	Y
48	Utilities	N	PS	Y
48.23	Natural or manufactured gas storage and distribution points	N	N	N
49	Other transportation communications and utilities	N	PS	Y
50	Trade			
51	Wholesale trade	N	PS	Y
52	Retail trade -building materials, hardware, and farm equipment	N	PS	PS
53	Retail trade - general merchandise	N	PS	PS
54	Retail trade - food	N	PS	PS
55	Retail trade - automotive, marine craft, aircraft, and accessories	N	PS	PS
55.3	Gasoline service stations	N	N	N
56	Retail trade - apparel and accessories	N	PS	PS
57	Retail trade - furniture, home furnishings and equipment	N	PS	PS
58	Retail trade - eating and drinking establishments	N	N	PS
59	Other retail trade	N	PS	PS
60	Services			
61	Finance, insurance, and real estate services	N	N	PS
62	Personal services	N	N	PS
62.4	Cemeteries	N	PS	PS
63	Business services	N	PS	PS
63.7	Warehousing and storage services	N	PS	PS
64	Repair services	N	PS	PS
65	Professional services	N	N	PS
65.1	Hospitals, nursing homes	N	N	N

ST CLAIR COUNTY CODE

Land Use		AO-2 DISTRICT SAFETY ZONES		
SLCUM	Name	CZ/RPZ	APZ 1	APZ 2
65.1	Other medical facilities	N	N	N
65.11	Physician services	N	N	N
65.12	Dental services	N	N	N
66	Contract construction services	N	PS	PS
67	Governmental services	N	N	PS
68	Educational services	N	N	N
69	Miscellaneous services	N	PS	PS
70	Cultural, entertainment and recreational			
71	Cultural activities (including churches)	N	N	PS
71.2	Nature exhibits	N	PS	Y
72	Public assembly	N	N	N
72.1	Auditoriums, concert halls	N	N	N
72.11	Outdoor music shell, amphitheaters	N	N	N
72.2	Outdoor sport arenas, spectator sports	N	N	N
73	Amusements	N	N	N
73.99	Shooting ranges and gun clubs	N	N	N
74	Recreational activities (including golf course & riding stables)	N	PS	Y
75	Resorts and group camps	N	N	N
76	Parks	N	PS	PS
76.1	Parks – General recreational (active)	N	N	PS
76.2	Parks - leisure and ornamental (passive)	N	PS	PS
79	Other cultural, entertainment and recreation	N	PS	PS
80	Resources production and extraction			
81	Agriculture (except livestock)	PS	Y	Y
81	Livestock farming and animal breeding	N	Y	Y
82	Agricultural related activities	N	PS	Y
83	Forestry activities and related services	N	Y	Y
84	Fishing activities and related services	N	PS	Y
85	Mining activities and related services	N	PS	Y
89	Other resources production and extraction	N	PS	Y

SUBDIVISION 7: AO-3: HEIGHT RESTRICTION AREA

40-4-124 PURPOSE AND GENERALLY.

- (A) The purpose of this section is to require that new or redeveloped buildings within the Height Restriction Area, Airport Overlay (AO-3) District, be constructed to prevent interference with safe aircraft operation and to maintain a visually permeable and physically secure buffer that lowers the vulnerability of personnel on the base to outside attacks.
- (B) The AO-3 District designates the areas that primarily include standards for controlling height. Except as otherwise provided herein for this District, no structure shall be erected, altered, or maintained in the AO-3 District to a height in excess of the applicable height limitations established in this Subdivision 7 or those established and enforced by the FAA, DoD, or IDOT Division of Aeronautics.
- (C) **Establishment of Height Restriction Areas.** Buildings, structures, or land shall be occupied or used only in conformity with all of the regulations set forth herein for the district in which they are located. The boundaries of the AO-3 Installation Buffer and Height Hazard

restriction areas are shown on the map in Section 40-4-111. There are two (2) height restriction areas within the AO-3 District:

- (1) “Height Hazard Area”: a height hazard area as shown on the map depicted in Figure 111.C encompassing all of the AO-3 District and defined by the Airport Imaginary Surfaces described in Sections 16.50 - 16.110 of the State Airport Hazard Zoning regulations, Title 92, Part 16 of the Illinois Administrative Code.
- (2) “Installation Buffer”: a subarea of the AO-3 District being a buffer extending 1,500 feet from the boundaries of Scott Air Force Base, as shown on map depicted in Figure 111.C and establishing supplemental height restrictions in the AO-3 District.

40-4-125 PROCEDURES AND DESIGN REGULATIONS IN THE HEIGHT RESTRICTION AREA.

- (A) **Consultation.** Development Applications on properties within the AO-3 District established by reference to Scott Air Force Base shall require consultation with the Air Force to the extent required by Section 40-4-115 of this Division.
- (B) **Design Regulations.** Properties within the AO-3 District shall also comply with all the standards established per Subdivision 5 of this Division.

40-4-126 AREA REGULATIONS.

(A) **“AO-3: Installation Buffer Area.”**

(1) **Permitted Uses.**

- (a) All uses are permitted as defined by the underlying zoning district, except for those listed as a Prohibited Use below.
- (b) Single-family residential density shall be limited to two (2) dwelling units per acre within Installation Buffer.

(2) **Prohibited Uses.**

- (a) Manufactured housing shall not be permitted within the Installation Buffer.
- (b) Multi-family housing shall not be permitted within the Installation Buffer.
- (c) Group homes, dormitories, or hotels and overnight lodging sites shall not be permitted within the Installation Buffer.

- (3) **Maximum height.** The maximum height of any structure within the Installation Buffer for shall be 35 feet. However, this maximum height limitation shall not be applicable to any governmental use, building, or structure. (Ord. # 15-1131 08-31-15)

(B) **“AO-3: Height Hazard Area.”**

(1) **Maximum height.**

- (a) The maximum height of any structure or object of natural growth in the AO-3 subarea shall be determined by the limits of the Airport Imaginary Surfaces described in Sections 16.50 - 16.110 of the State Airport Hazard Zoning regulations, Title 92, Part 16 of the Illinois Administrative Code.

- (b) The Airport Imaginary Surfaces are based on the imaginary surfaces in 14 C.F.R. Part 77, effective October 1, 2002, and are visually represented on the Airport Airspace sheet of the Airport Layout Plan for MidAmerica St. Louis Airport dated January 7, 2009 and adopted by the Illinois Department of Transportation, Division of Aeronautics. Sample graphic depictions of the Airport Imaginary Surfaces are contained in Appendix B to this Division. The drawings in Appendix B are for illustrative purposes only.
 - (c) No structures are permitted within the Clear Zone/Runway Protection Zone as defined by Section 40-4-123(A).
- (2) **Maximum Height Exception.** Any maximum height limitation as set forth in 40-4-126(B)(1)(a-c) shall not be applicable to any governmental use, building, or structure. (Ord. # 15-1131 08-31-15)

40-4-127 HEIGHT EXCEPTIONS AND LIMITATIONS.

- (A) The building height limitations stipulated in the AO-3 District, shall apply to all structures within this district, including, but not limited to:
- (1) Air conditioning units
 - (2) Antennae
 - (3) Chimneys
 - (4) Church steeples
 - (5) Communication towers
 - (6) Elevator towers
 - (7) Flag poles
 - (8) Parapet walls
 - (9) Silos
 - (10) Utility transmission towers
 - (11) Windmills
 - (12) Similar structures
 - (13) Landscaping
- (B) No structure shall be erected to a height that would encroach into or through any established public or private airport approach plan, prepared in accordance with the criteria established by the Department of Defense and/or the Federal Aviation Administration.
- (C) Irrespective of any section or provision of this Subdivision 7, the limitation of height of any use, structure, or building as provided for therein, shall not be applicable to any governmental use, building, or structure. (Ord. # 15-1131 08-31-15)

SUBDIVISION 8: AO-4: NOISE ZONES AREA

40-4-128 PURPOSE AND GENERALLY.

- (A) The purpose of this section is to require that new or redeveloped buildings within the Noise Zones Area, Airport Overlay (AO-4) District, be constructed with materials and in such manner that aircraft noise is reduced by the structure to an interior level which has no adverse impact on the health, safety, and general welfare of the residents.
- (B) The AO-4 District designates the area that primarily includes standards for the attenuation of noise.
- (C) **Establishment of Noise Zones.**

- (1) Buildings, structures, or land shall be occupied or used only in conformity with all of the regulations set forth herein for the district in which they are located. The boundaries of the noise contour zones are shown on the map in Subdivision 3. There are four (4) applicable noise zones:
 - (a) NZ 1: Area within the noise zone where the DNL is between 65 and 69 dB.
 - (b) NZ 2: Area within the noise zone where the DNL is between 70 and 74 dB.
 - (c) NZ 3: Area within the noise zone where the DNL is between 75 and 79 dB.
 - (d) NZ 4: Area within the noise zone where the DNL is greater than 80 dB.
- (2) Other industry-standard noise zones exist around the airfields. However, all land uses are considered compatible with noise levels below 65 dB. Noise Zone 4 is only located on federally controlled land.

40-4-129 PROCEDURES AND DESIGN REGULATIONS IN NOISE ZONES.

- (A) **Consultation.** Development Applications on properties within the AO-4 District shall require consultation with the Air Force to the extent required by Section 40-4-115 of this Division.
- (B) **Design Regulations.** Properties within the AO-4 District shall also comply with all the standards established per Subdivision 5 of this Division.

40-4-130 USE REGULATIONS IN NOISE ZONES.

(A) **Use and Design Regulations in AO-4: NZ 1.**

(1) **Permitted Uses.**

- (a) Permitted uses are listed on Table 130.1, provided that no uses shall be allowed where not permitted in the underlying zoning district. When regulations within the Airport Overlay District overlap, the more stringent standard shall apply.
- (b) Single-family residential density shall be limited to one (1) dwelling unit per acre within the NZ-1.

(2) **Prohibited Uses.**

- (a) Manufactured housing shall not be permitted within the NZ-1.
- (b) Outdoor amphitheatres shall not be permitted within the NZ-1.

(3) **Sound Attenuation.**

- (a) To the extent permitted by law, sound attenuation standards to achieve an NRL of at least 25 dB is required for all new or expanded hospitals, clinics, nursing homes, child care centers, schools, movie theaters, auditoriums, churches, and places of worship and meditation. The requirements of this section shall apply only to the area of expansion. Expansion shall include any such work that results in an increase of the cubic content of the building or the floor or ground area devoted to the noise sensitive use or in any way increases or creates a site-related non-conformity.

- (b) Sound attenuation standards to achieve an NRL of at least 25 dB are required for all new residential construction within the NZ-1.

(B) **Use and Design Regulations in AO-4: NZ 2.**

- (1) **Permitted Uses.** Permitted uses are listed on Table 130.1, provided that no uses shall be allowed where not permitted in the underlying zoning district. When regulations within the Airport Overlay District overlap, the more stringent standard shall apply.

(2) **Prohibited Uses.**

- (a) Manufactured housing shall not be permitted within the NZ-2.
- (b) Outdoor amphitheaters shall not be permitted within the NZ-2.
- (c) All residential uses, including hotels and overnight lodging sites, shall be prohibited within the NZ-2.

(3) **Sound Attenuation.**

- (a) To the extent permitted by law, sound attenuation standards to achieve an NRL of at least 30 dB is required for all new or expanded hospitals, clinics, nursing homes, child care centers, schools, movie theaters, auditoriums, churches and places of worship and meditation.
- (b) Sound attenuation standards to achieve an NRL of at least 25 dB is required for all new or expanded structures containing office, business, retail, and wholesale trade uses. Within new or expanded industrial structures, those portions of the building where the public is received, offices are located, and other places where low noise levels are normally expected shall utilize sound attenuation standards to achieve an NRL of at least 25 dB.

(C) **Use and Design Regulations in AO-4: NZ 3.**

- (1) **Permitted Uses.** Permitted uses are listed on Table 130.1, provided that no uses shall be allowed where not permitted in the underlying zoning district. When regulations within the Airport Overlay District overlap, the more stringent standard shall apply.

(2) **Prohibited Uses.**

- (a) Manufactured housing shall not be permitted within the NZ-3.
- (b) Outdoor amphitheaters shall not be permitted within the NZ-3.
- (c) All residential uses, including hotels and overnight lodging sites, shall be prohibited within the NZ-3.
- (d) All hospitals, clinics, nursing homes, child care centers, schools, movie theaters, auditoriums, churches and places of worship and meditation are prohibited.

- (3) **Sound Attenuation.** Sound attenuation standards to achieve an NRL of at least 30 dB is required for all new or expanded structures containing office, business, retail, and wholesale trade uses. Within new or expanded industrial structures, those portions of the building where the public is received, offices are located, and other

places where low noise levels are normally expected shall utilize sound attenuation standards to achieve an NRL of at least 30 dB.

(D) **Use and Design Regulations in AO-4: NZ 4.**

- (1) **Permitted Uses.** Permitted uses are listed on Table 130.1, provided that no uses shall be allowed where not permitted in the underlying zoning district. When regulations within the Airport Overlay District overlap, the more stringent standard shall apply.
- (2) **Prohibited Uses.**
 - (a) Manufactured housing shall not be permitted within the NZ-4.
 - (b) Outdoor amphitheaters shall not be permitted within the NZ-4.
 - (c) All residential uses, including hotels and overnight lodging sites, shall be prohibited within the NZ-4.
 - (d) All hospitals, clinics, nursing homes, child care centers, schools, movie theaters, auditoriums, churches and places of worship and meditation are prohibited within the NZ-4.
- (3) **Sound Attenuation.** Sound attenuation standards to achieve an NRL of at least 30 dB is required for all new or expanded structures containing office, business, retail and wholesale trade uses. Within new or expanded industrial structures, those portions of the building where the public is received, offices are located, and other places where low noise levels are normally expected shall utilize sound attenuation standards to achieve an NRL of at least 30 dB.

(E) **Permitted Land Uses in AO-4: Noise Zones.**

- (1) Table 130.1 describes those uses that are permissible within the areas designated as noise zones. Within Table 130.1, the designation with the letter “Y” indicates that the land use is permissible, subject to compliance with the standards of the Zoning Code and this Division.
- (2) The designation “PS 25” indicates that the land use is permissible, subject to compliance with the standards of the Zoning Code and demonstrating noise reduction materials have been incorporated into the design and construction of proposed development in a manner that achieves a noise level reduction of 25 dB.
- (3) The designation “PS 30” indicates that the land use is permissible, subject to compliance with the standards of the Zoning Code and demonstrating noise reduction materials have been incorporated into the design and construction of proposed development in a manner that achieves a noise level reduction of 30 dB.
- (4) The designation with the letter “N” indicates the land use is prohibited.
- (5) The recommendations for permitted and prohibited types of facilities or land uses by noise level reduction are based on the U.S. Department of Transportation and Federal Aviation Administration (FAA) charts for aircraft noise avoidance.

ST CLAIR COUNTY CODE

Table 130.1

Land Use		AIRPORT OVERLAY AO-4 NOISE ZONES (dB)			
SLCUM	Name	NZ 1 65-69	NZ 2 70-74	NZ 3 75-79	NZ 4 80+
10	Residential				
11	Household units				
11.11	Single units; detached	PS 25	N	N	N
11.12	Single units; semi detached	N	N	N	N
11.13	Single units; attached row	N	N	N	N
11.21	Two units; side-by-side	N	N	N	N
11.22	Two units; stacked	N	N	N	N
11.31	Apartments; walk up	N	N	N	N
11.32	Apartments; elevator	N	N	N	N
12	Group quarters	N	N	N	N
13	Residential hotels	N	N	N	N
14	Mobile home parks or courts	N	N	N	N
15	Transient lodgings	N	N	N	N
16	Other residential	N	N	N	N
20	Manufacturing				
21	of Food & kindred products	Y	PS 25	PS 30	PS 30
22	of Textile mill products	Y	PS 25	PS 30	PS 30
23	of Apparel and other finished products made from fabrics, leather, and similar materials	Y	PS 25	PS 30	PS 30
24	of Lumber and wood products (except furniture)	Y	PS 25	PS 30	PS 30
25	of Furniture and fixtures	Y	PS 25	PS 30	PS 30
26	of Paper & allied products	Y	PS 25	PS 30	PS 30
27	of Printing, publishing, and allied industries	Y	PS 25	PS 30	PS 30
28	of Chemicals and allied products	Y	PS 25	PS 30	PS 30
29	of Petroleum refining & related industries	Y	PS 25	PS 30	PS 30
30	Manufacturing				
31	Rubber and miscellaneous plastic products	Y	PS 25	PS 30	PS 30
32	Stone, clay, and glass products	Y	PS 25	PS 30	PS 30
33	Primary metal industries	Y	PS 25	PS 30	PS 30
34	Fabricated metal products	Y	PS 25	PS 30	PS 30
35	Professional and scientific instruments	Y	PS 25	PS 30	N
39	Miscellaneous manufacturing	Y	PS 25	PS 30	PS 30
40	Transportation, communications, and utilities				
41	Railroad, rapid rail transit and street railroad transportation	Y	PS 25	PS 25	PS 25
42	Motor vehicle transportation	Y	PS 25	PS 25	PS 25
43	Aircraft transportation	Y	PS 25	PS 25	PS 25
44	Marine craft transportation	Y	PS 25	PS 25	PS 25
45	Highway & street right-way	Y	PS 25	PS 25	PS 25
46	Automobile parking	Y	Y	Y	Y
47	Communications	Y	PS 25	PS 25	N
48	Utilities	Y	Y	Y	Y
49	Other transportation communications and utilities	Y	PS 25	PS 25	N
50	Trade				
51	Wholesale trade	Y	PS 25	PS 30	PS 30
52	Retail trade-building materials, hardware, and farm equipment	Y	PS 25	PS 30	PS 30
53	Retail trade- general merchandise	Y	PS 25	PS 30	N
54	Retail trade- food	Y	PS 25	PS 30	N
55	Retail trade- automotive, marine craft, aircraft, and accessories	Y	PS 25	PS 30	N

ST CLAIR COUNTY CODE

Land Use		AIRPORT OVERLAY AO-4 NOISE ZONES (dB)			
SLCUM	Name	NZ 1 65-69	NZ 2 70-74	NZ 3 75-79	NZ 4 80+
56	Retail trade- apparel and accessories	Y	PS 25	PS 30	N
57	Retail trade- furniture, home furnishings and equipment	Y	PS 25	PS 30	N
58	Retail trade- eating and drinking establishments	Y	PS 25	PS 30	N
59	Other retail trade	Y	PS 25	PS 30	N
60	Services				
61	Finance, insurance, and real estate services	Y	PS 25	PS 30	N
62	Personal services	Y	PS 25	PS 30	N
62.4	Cemeteries	Y	PS 25	PS 30	N
63	Business services	Y	PS 25	PS 30	N
64	Repair services	Y	PS 25	PS 30	PS 30
65	Professional services	Y	PS 25	PS 30	PS 30
65.1	Hospitals, nursing homes	PS 25	PS 30	N	N
65.1	Other medical facilities	PS 25	PS 30	PS 30	N
66	Contract construction services	Y	PS 25	PS 30	N
67	Governmental services	Y	PS 25	PS 30	N
68	Educational services	PS 25	PS 30	N	N
69	Miscellaneous services	Y	PS 25	PS 30	N
70	Cultural, entertainment and recreational				
71	Cultural activities (including churches)	PS 25	PS 30	N	N
71.2	Nature exhibits	Y	N	N	N
72	Public assembly	Y	N	N	N
72.1	Auditoriums, concert halls	PS 25	PS 30	N	N
72.11	Outdoor music shell, amphitheaters	N	N	N	N
72.2	Outdoor sport arenas, spectator sports	Y	Y	N	N
73	Amusements	Y	Y	N	N
74	Recreational activities (including golf courses, riding stables, water recreation)	Y	PS 25	PS 30	N
75	Resorts and group camps	Y	Y	N	N
76	Parks	Y	Y	N	N
79	Other cultural, entertainment and recreation	Y	Y	N	N
80	Resources production and extraction				
81	Agriculture (except livestock)	Y	Y	Y	N
81.5-81.7	Livestock farming and animal breeding	Y	Y	Y	N
82	Agricultural related activities	Y	Y	Y	N
83	Forestry activities and related services	Y	Y	Y	N
84	Fishing activities and related services	Y	Y	Y	Y
85	Mining activities and related services	Y	Y	Y	Y
89	Other resources production and extraction	Y	Y	Y	Y

40-4-131 ATTENUATION.

- (A) **Minimum Noise Attenuation Requirements and Standards.** Where a particular structure contains different occupancy uses, the more stringent requirements shall apply, except where it is architecturally possible to achieve the appropriate noise level reduction for each different use and the uses are acoustically separated by a wall or partition with a minimum STC of 25.
- (B) **Compliance Use Above Minimum.** In any instance where noise level reduction is required by this Division, all plans and specifications are to be certified by a recognized acoustical specialist for compliance.

(C) **Noise Reduction.**

- (1) Buildings, structures, and active outdoor recreation space shall be located at the greatest distance from the noise source, taking maximum advantage of existing topographical features to minimize noise impacts, and within zoning district requirements such as required setbacks.
- (2) Buildings and structures shall be oriented to minimize exposure to the noise source and building openings, such as windows, shall be located away from the noise source. The amount of passive outdoor recreational space where individuals would be subject to noticeable or severe levels of noise should be minimized. Landscaping materials should be used to deflect noise. Noise attenuation shall be accomplished as follows:
 - (a) All mechanical ventilation systems shall provide the minimum air circulation and fresh air supply requirements as provided in the Building Code for the proposed occupancy without the need to open any exterior doors or windows.
 - (b) The perimeter of all exterior windows and door frames shall be sealed airtight to the exterior wall construction.
 - (c) Fireplaces shall be equipped with well-fitted chimney cap devices.
 - (d) All ventilation ducts, except range hoods, connecting interior space to outdoors shall be provided with a bend such that no direct line of sight exists from exterior to interior through the vent duct.
 - (e) Doors and windows shall be constructed so they are close-fitting. Weather-stripping seals shall be incorporated to eliminate all edge gaps.
 - (f) All penetration through exterior walls by pipes, ducts, conduits, and the like shall be caulked airtight to the exterior construction.

- (D) **Existing residences.** Any existing residence may be added to, structurally altered, or repaired without conforming to the referenced specifications provided the property owner signs a waiver indicating notification of said specifications and provided that all generally-applicable requirements of the Building Code are complied with.

SUBDIVISION 9: SUPPLEMENTAL PROCEDURES

40-4-132 GENERALLY.

- (A) The purpose of this Subdivision 9 is to provide mechanisms for obtaining relief from the provisions of this Division. There are several ways that potential relief from hardship is addressed, including through nonconforming development, the grant of a variance, the grant of a special use permit, or through appeal.
- (B) All cases shall be administered in accordance with the appeal, variance, nonconforming use, and special use permit procedures established in the Zoning Code, provided that all such procedures shall comply with applicable procedures set forth in the Airport Zoning Act, 620 ILCS 25/24, 27, 28, and 29.
- (C) This Division provides supplemental requirements beyond those required by applicable state or federal law. The failure of the County to specifically or precisely conform to any notice, review, or other procedural requirement herein shall not invalidate any action or approval of the County unless such invalidation is required by law.
- (D) **Aviation easement.** As a condition of approval of a Development Application in an Airport Overlay (AO) District subarea, including the application for a variance, rezoning or special

use permit prior to receiving final approval of the application, the applicant may be required to convey to the appropriate authority an avigation easement consistent with the avigation easement described in Section 40-4-119 of this Division.

40-4-133 BOARD OF APPEALS.

- (A) The Zoning Board of Appeals established and existing under the Zoning Code is hereby established as and shall serve as the Board of Appeals under this Division. The Board of Appeals shall exercise the following powers:
 - (1) To hear and decide appeals from any order, requirement, decision, or determination made by the Director in the enforcement of the airport zoning regulations of this Division.
 - (2) To hear and decide specific variances under this Division.

- (B) All appeals and variances shall be administered in accordance with the appeal and variance procedures established in the Zoning Code, provided that:
 - (1) The vote of a majority of the members of the Board of Appeals shall be sufficient for all purposes, including the reversal of any order, requirement, decision, or determination of the Director, or a decision in favor of the applicant on any matter upon which it is required to pass under the airport zoning regulations, or to effect any variation in such regulations.
 - (2) Meetings of the Board of Appeals shall be held at the call of the Chairman of the Board of Appeals and at such other times as the Board may determine. The Chairman, or in his absence the vice-chairman, may administer oaths or affirmations and issue subpoenas to compel the attendance of witnesses. All hearings of the Board of Appeals shall be public. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Board of Appeals and shall be a public record.

40-4-134 APPEALS.

- (A) Except as provided below, appeals shall be made in a manner consistent with procedures for appeals established within the Zoning Code, Article 11, Division IV.
- (B) All appeals must be taken within a reasonable time, as provided in the Zoning Code, by filing with the Director and with the Board of Appeal, a notice of appeal specifying the grounds thereof. The Director shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- (C) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Director certifies to the Board of Appeals, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in the Director's opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by order of the Board of Appeals on notice to the Director and on due cause shown.
- (D) The Board of Appeals shall fix a reasonable time for the hearing of appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time, consistent with the times and procedures for notice, hearing and decision of appeals provided

in the Zoning Code. Upon the hearing any party may appear in person or by agent or by attorney.

- (E) The Board of Appeal may, in conformity with the provisions of this Division and the Airport Zoning Act, 620 ILCS 25/1 *et seq.*, reverse or affirm, wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Director from which the appeal is taken.

40-4-135 VARIANCES.

- (A) Except as provided herein, variance applications shall be made in a manner consistent with the procedures for variances established within the Zoning Code, Article 11, Division III.
- (B) Any person(s) seeking a variance from the height limitations of this Division shall include as part of their variance application a determination from the FAA as to whether the proposed construction or alteration for which the variance is being sought would be a hazard to air navigation, pursuant to the standards and procedures set forth in 14 C.F.R. Part 77.

40-4-136 NON-CONFORMITIES.

- (A) Structures and uses existing on the effective date of this Division shall not be required to change in order to comply with these regulations, except where otherwise required by law or where a threat to public safety warrants a determination that the ongoing use is a public nuisance. The nonconforming use requirements of this section shall otherwise apply to the future applicability of the standards and requirements contained herein, provided that the requirements of this section shall be supplemented by provisions of the Zoning Code governing non-conformities which do not conflict with the provisions of this section.
- (B) Before any non- conforming structure or object of natural growth may be replaced, substantially altered, or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the Director, authorizing such replacement, change or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non- conforming structure or tree or non- conforming use to be made or become higher or become a greater hazard to air navigation than it was on the effective date of this Division or than it is when the application for a permit is made.
- (C) Whenever the Director determines that a non- conforming use or non- conforming structure or tree has been abandoned or more than 80 percent torn down, destroyed, deteriorated, or decayed: (a) no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations; and (b) whether application is made for a permit under this section or not, the Director may by appropriate action compel the owner of the non- conforming structure or tree, at his own expense, to lower, remove, reconstruct, or equip such object as may be necessary to conform to the regulations.
- (D) If the owner of the non- conforming structure or tree shall neglect or refuse to comply with such order for 10 days after notice thereof, the Director may proceed to have the object so lowered, removed, reconstructed, or equipped and shall have a lien, upon behalf of the County, upon the land whereon it is or was located, in the amount of the cost and expense thereof. Such lien may be enforced by the County by an action for the enforcement thereof, as in the case of other liens.

40-4-137 AIRPORT HAZARD MARKING. In granting any Development Application, the Director or Board of Appeals may, if it deems such action advisable to effectuate the purposes of this Division and the Airport Zoning Act, 620 ILCS 25/1 *et seq.*, and reasonable in the circumstances, so

ST CLAIR COUNTY CODE

condition such grant, consistent with 620 ILCS 25/25, as to require the owner of the structure or tree in question to permit the State or the County, as the case may be, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

Appendix A – PROCESS CHART

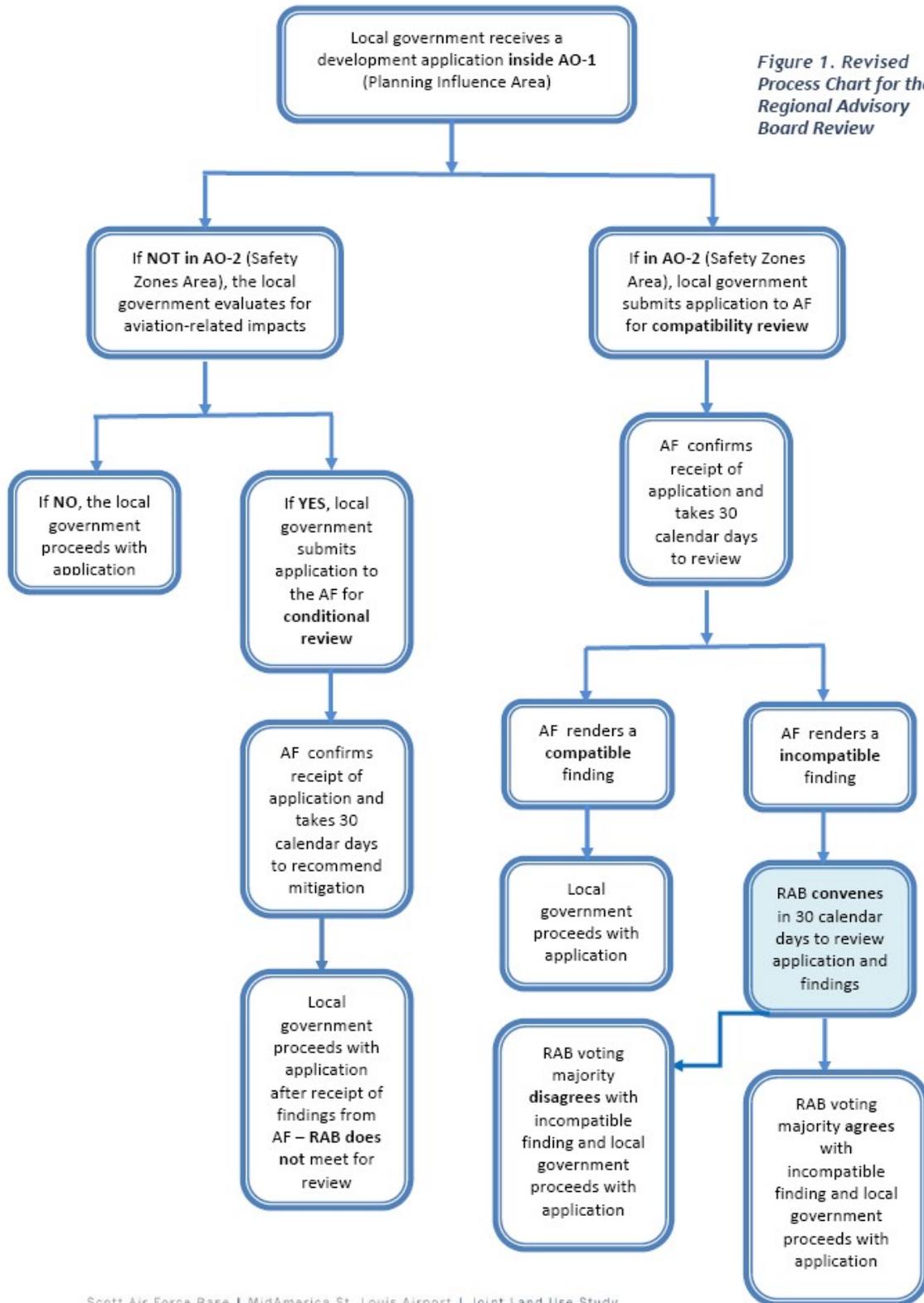


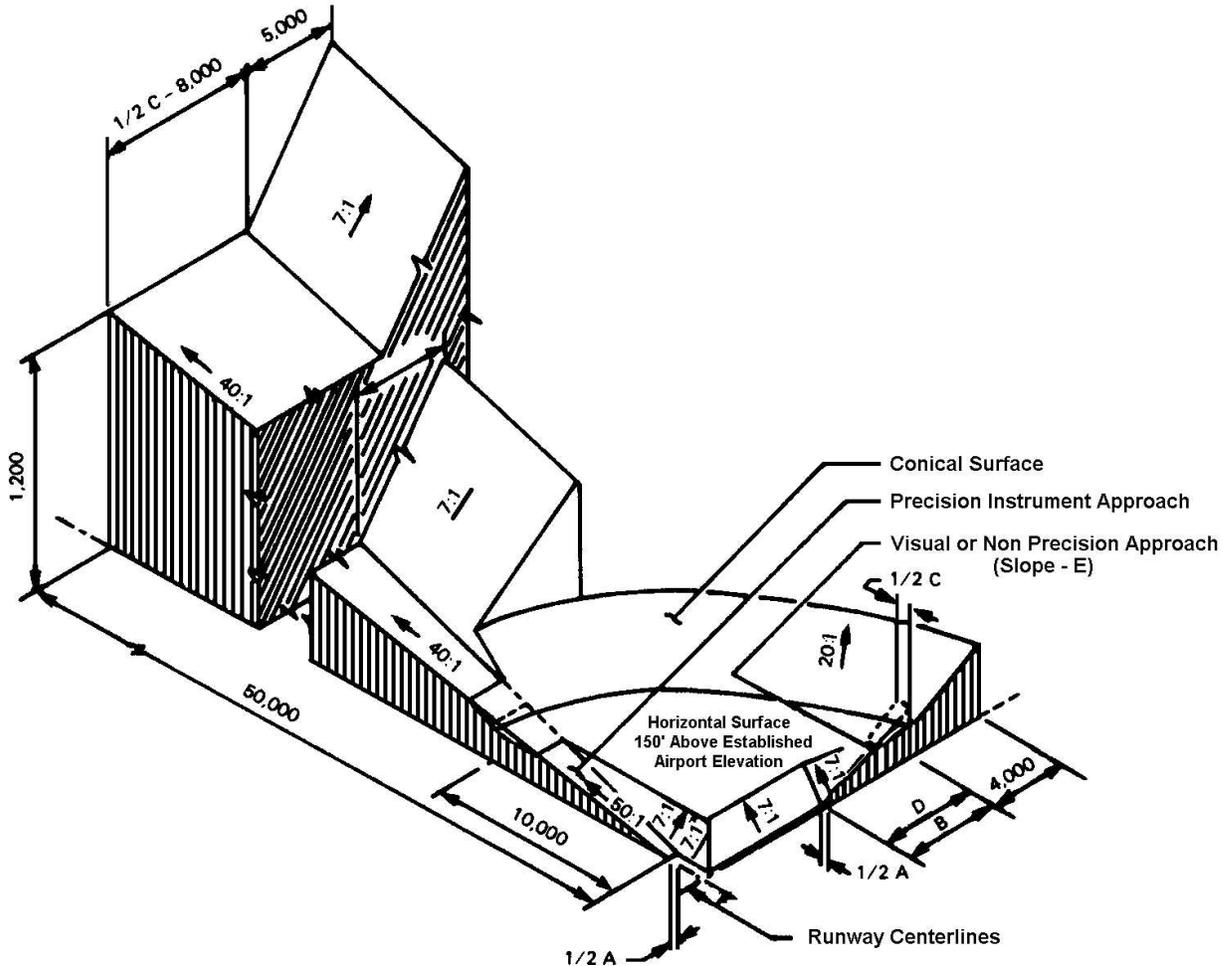
Figure 1. Revised Process Chart for the Regional Advisory Board Review

Appendix B – AIRPORT IMAGINARY SURFACES

OBSTRUCTION IDENTIFICATION SURFACES
FEDERAL AVIATION REGULATIONS PART 77

DIM	ITEM	DIMENSIONAL STANDARDS (FEET)					
		VISUAL RUNWAY		NON - PRECISION INSTRUMENT RUNWAY			PRECISION INSTRUMENT RUNWAY PIR
		A	B	A	B		
A	WIDTH OF PRIMARY SURFACE AND APPROACH SURFACE WIDTH AT INNER END	250	500	500	500	1,000	1,000
B	RADIUS OF HORIZONTAL SURFACE	5,000	5,000	5,000	10,000	10,000	10,000
		VISUAL APPROACH		NON - PRECISION INSTRUMENT APPROACH			PRECISION INSTRUMENT APPROACH
		A	B	A	B		
		A	B	A	C	D	
C	APPROACH SURFACE WIDTH AT END	1,250	1,500	2,000	3,500	4,000	16,000
D	APPROACH SURFACE LENGTH	5,000	5,000	5,000	10,000	10,000	*
E	APPROACH SLOPE	20:1	20:1	20:1	34:1	34:1	*

- A - UTILITY RUNWAYS
- B - RUNWAYS LARGER THAN UTILITY
- C - VISIBILITY MINIMUMS GREATER THAN 3/4 MILE
- D - VISIBILITY MINIMUMS AS LOW AS 3/4 MILE
- * - PRECISION INSTRUMENT APPROACH SLOPE IS 50:1 FOR INNER 10,000 FEET AND 40:1 FOR AN ADDITIONAL 40,000 FEET



Appendix B (cont.)

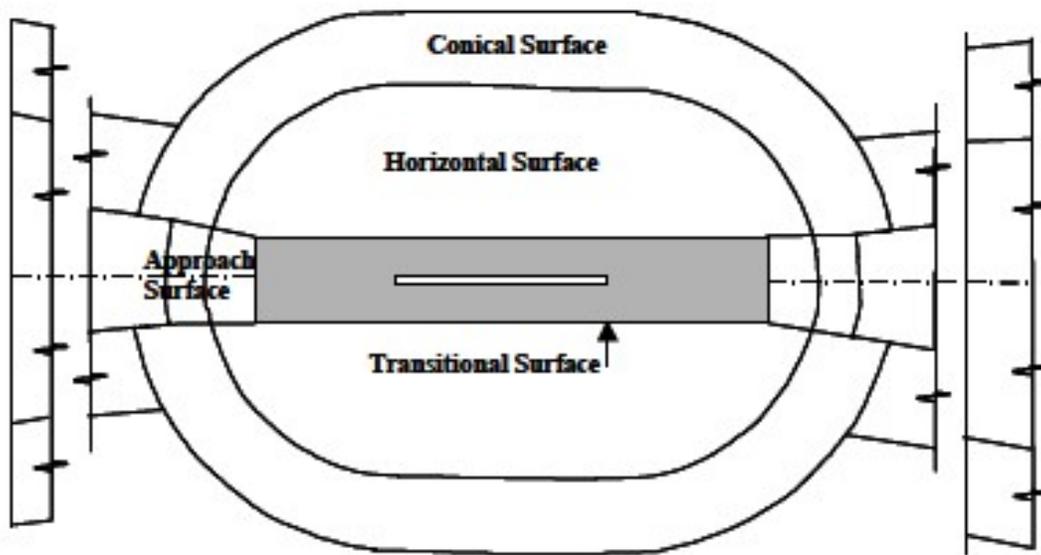


Figure 1. Plan view of FAA imaginary obstruction space standard, FAR Part 77 (3)

3-D VIEW OF FAA AIRPORT AIRSPACE CONTROL SURFACE

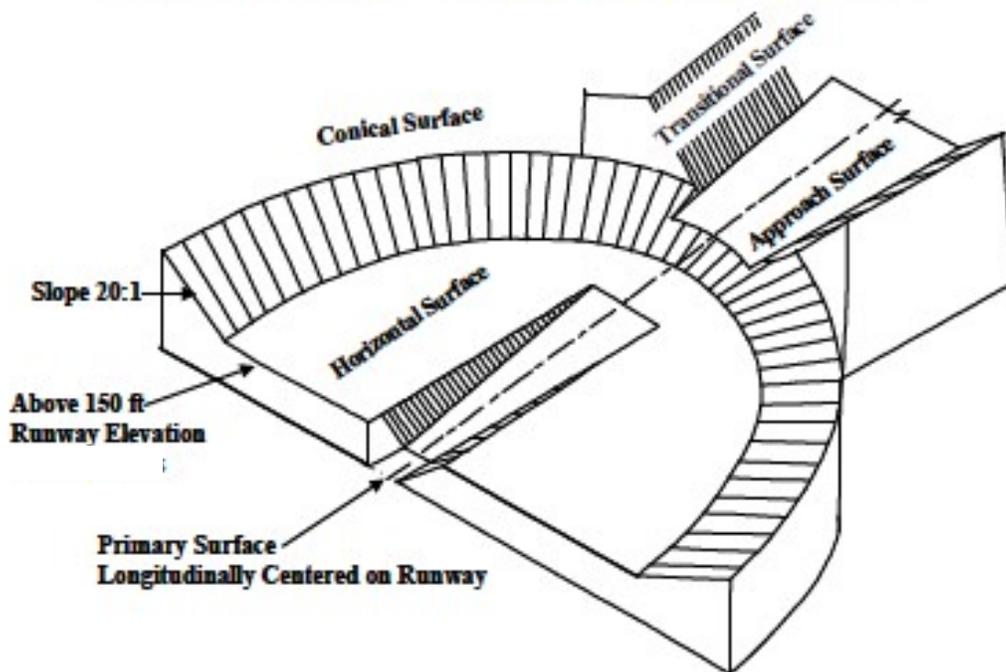


Figure 2. Isometric view of FAA imaginary obstruction space standard, FAR Part 77 (3)

Appendix C – MAXIMUM ASSEMBLY REQUIREMENTS

Uses are compatible if they do not result in a gathering of individuals in an area that would result in an average density or greater than 25 persons per acre during a 24 hour period, not to exceed 50 persons per acre at any time. **(Ord. No. 11-1043; 05-31-11)**

The following table specifies the maximum persons per acre per hour for the duration of the time that persons are expected to be on site during a 24-hour period.

Hours of Operation Per Day	Maximum Persons Allowed Per Acre During Each Hour*
24	25
23	26
22	27
21	28
20	30
19	31
18	33
17	35
16	37
15	40
14	42
13	46
12 or less	50**

*Fractions in the “ Maximum Persons Allowed” column are rounded to the lowest whole number.

**Concentration of people may not exceed 50-people/ acre at any time.

Average densities of persons per hour during a 24-hour period are determined by calculating the number of persons per acre expected on a site; multiplying by the number of hours they will be on the site, and dividing the total by 24.

Example # 1. One 8-hour shift of 30 workers on a one-acre site.

Average density = 30 persons expected X 8 hours on site = 240

Then $240/24 = 10$: Therefore average density = 10 persons per acre per hour per a 24 – hour period.

Example # 2. Two 8- hour shifts of 30 workers on a one-acre site.

Average density = 30 persons expected X 16 hours on site = 480

Then $480/24 = 20$: Therefore average density = 20 persons per acre per hour per a 24 hour period.

The maximum density of persons allowed per acre per hour is calculated by dividing the number of hours persons will be on site by 24 hours, and then dividing 25 persons per acre per hour by the result. The resulting number is the maximum number of persons allowed per acre per hour, provided it does not exceed 50. Fifty persons per acre at any one time is the maximum number of persons allowed under this standard.

Example. Maximum density for two 8-hour shifts on a one-acre site.

25 divided $16/24 = 37.5$ persons per acre per hour allowed.

ARTICLE V

DIVISION I SUPPLEMENTARY USE, AREA, AND BULK REGULATIONS

40-5-1 ANIMAL HOSPITALS. All animals shall be kept in a completely enclosed, soundproof building and further adequate safeguards (structural, mechanical, and locational) shall be provided to protect adjacent properties from the effects of noisome or injurious substances, conditions, and operations.

40-5-2 BOATS AND TRAVEL TRAILERS. The parking of not more than **one (1) boat** and/or unoccupied camp trailer or utility trailer (not exceeding **ten (10) feet** wide and **thirty-eight (38) feet** long) in the rear yard or in a completely enclosed garage only is hereby permitted; provided that no living quarters or businesses shall be maintained in any such camp trailer and/or utility trailer, and provided further that the parking of camp trailer and/or utility trailer shall comply with the yard requirements for accessory buildings of the district in which it is located.

40-5-3 CHURCHES AND PLACES OF FORMAL WORSHIP. In any district where churches or buildings for religious worship are permitted, the following additional requirements shall be met:

- (A) The minimum size of the lot or tract shall be not less than **two (2) acres** and shall have minimum frontage on a public street as required by the zoning district or **one hundred fifty (150) feet** which ever is greater.
- (B) One parsonage shall be permitted on the same lot as the church or building for religious worship and no more than **seventy-five (75) feet** from the principal building for religious worship.
- (C) No part of a church or building for formal worship or accessory use shall be used for residential or commercial purposes.
- (D) Each principal building shall be located at least **twenty-five (25) feet** from all property lines.
- (E) Parking requirements shall comply with applicable requirements of **Section 40-6-16(B)**. Where benches are used, each **two (2) feet** bench seating area (including Sunday school accommodations) shall be counted as one seat. **(Ord. No. 96-563; 03-25-96)**

40-5-4 DRIVE-IN THEATERS. In any district where drive-in theaters are permitted, the establishment of such theaters shall be subject to the following requirements:

- (A) Projection screens and parking areas shall not be closer than **fifty (50) feet** from any street right-of-way line and not closer than **one hundred (100) feet** from any “A”, “R-R”, “SR”, “MH” and “MR” zoning district.
- (B) The projection surface of motion picture screens shall not be visible from any major traffic street.
- (C) Loudspeakers shall be limited to the individual type which are designed to be heard by the occupants on **one (1) car** only.
- (D) Entrances and exits shall connect only to major arterial or collector street and shall be designed so as not to unduly interfere with or unnecessarily impede traffic flow.
- (E) Entrances and exit waiting space for cars shall be provided to accommodate not less than **ten percent (10%)** of the theater’s parking capacity.

40-5-5 FENCES, WALLS, AND HEDGES. Fences, walls, or hedges used for any purpose shall in all districts conform to the following:

- (A) For the purpose of minimizing traffic hazards at street intersections, by improving visibility for converging vehicles, obstructions higher than **two (2) feet** above the adjacent top of the curb elevation shall not be permitted to be planted, placed, or erected on any corner lot within the triangular portion of land designated as “restricted area” in Figure 1, **Section 40-2-3**.
- (B) No barbed wire below **ten (10) feet** above ground level or other such sharp pointed fence and no electrically charged fence shall be erected or maintained except in agricultural or rural residential districts where they do not constitute undue hazard.
- (C) No permanent fence or retaining wall shall be constructed or erected within any public street or alley right-of-way unless specifically authorized by the County Board. Fences erected on public easement or across ditches shall be so constructed that drainage shall not be obstructed and, in event of necessity for removal of such fence for maintenance or other purpose, removal and/or replacement of such fence or other improvement shall be the responsibility of the property owner at the owner’s expense.
- (D) Fences, walls, and hedges in any district may be located along lot lines, provided such fences, walls and hedges exceeding **six (6) feet** high shall be subject to the minimum yard requirements of the district in which such fences are located.

40-5-6 GARAGES, REPAIR. All repair work, servicing, storage of parts and equipment and the dismantling of vehicles shall be done completely within an enclosed building, or shall be enclosed by a solid fence at least **six (6) feet** in height.

40-5-7 GARAGE/YARD SALES. Garage/yard sales shall be limited to no more than **two (2)** per calendar year. A permit shall be required prior to holding such yard sales.

40-5-8 GASOLINE SERVICE STATIONS. In districts where gasoline service stations are permitted, the establishment of such uses shall be subject to the following requirements:

- (A) All gasoline pumps, lubrication or similar devices and other facilities shall be located at least **twenty-five (25) feet** from any street right-of-way line.
- (B) All fuel and oil storage, pumps or other such fuel or lubricant dispensing devices shall be located at least **twenty (20) feet** from any side or rear lot line.
- (C) No access drive shall be within **two hundred (200) feet** of a fire station, school, public library, church, park, or playground.
- (D) All devices for dispensing or selling of milk, ice, cold drinks, and the like shall be located within or immediately adjacent to the principal building.
- (E) No vehicle entry-way or exit shall be located nearer than **fifty (50) feet** to the intersection of **two (2)** public streets.

40-5-9 HOME OCCUPATIONS.

- (A) **Special Accessory Use Permit.** A home occupation shall be treated as a Special Accessory Use and may be permitted in the “A”, “RR”, “SR”, and “SR-MH” Zone Districts subject to compliance with the following requirements and other requirements determined necessary to achieve compatibility with the area of location.
 - (1) The use shall be clearly incidental and secondary to the use of the dwelling and dwelling purposes and shall not change the character of use as a dwelling.
 - (2) The use shall be conducted entirely within a dwelling or permitted accessory building and carried on by the inhabitants living there, and no others.

- (3) The home occupation shall not utilize more than **forty percent (40%)** of the dwelling unit or a total of not more than **four hundred (400) square feet** in an accessory building including enclosed storage area.
- (4) No more than **one (1)** home occupation shall be permitted for any single dwelling.
- (5) There shall be no display outside the building or any evidence of the home occupation except a nameplate not to exceed **one (1) square foot** in size which shall be in accordance with the provisions of identification signs.
- (6) There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation including inoperative automobiles or machinery; automobile, machine, or equipment parts; or discarded material resulting from or related to the home occupation.
- (7) The home occupation shall not be open to the public at times earlier than **8:00 a.m.** nor later than **10:00 p.m.**
- (8) There shall be no offensive noise or shall there be vibrations, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
- (9) There shall be no storage or use of toxic, explosive, or other dangerous or hazardous materials upon the premises.
- (10) A home occupation, including studios or rooms for instruction, shall provide off-street parking area adequate to accommodate needs created by the home occupation.
- (11) The use must be in conformance with all valid covenants and agreements recorded with the Recorder of Deeds of St. Clair County, covering the land underlying the dwelling.

- (B) **Permit Required.** No home occupation shall be permitted without prior application to and hearing by the Zoning Board of Appeals.
- (C) The applicant for a home occupation shall be responsible for providing all information including maps and plans required by the Board of Appeals for a hearing and determination on the application.
- (D) A hearing upon the application shall be held in accordance with the rules and regulations of the Zoning Board of Appeals.
- (E) **Activities Not Covered.** No home occupation permit shall be required for activities such as telecommuting, involving occasional visits by members of the public to the home. As used in this, “telecommuting” means working in the home by using a computer terminal connected by the telephone line to a central office or central computer.

40-5-10 HOSPITALS AND SANITARIUMS. In any district where hospitals and sanitariums are permitted, the following additional requirements shall be met:

- (A) The minimum site for any hospital or sanitarium shall be **five (5) acres**; provided that for a hospital or sanitarium containing more than **fifty (50) beds**, the minimum site shall be **five (5) acres plus one (1) acre** for each additional **fifty (50) beds** or part thereof.
- (B) All principal buildings shall be located at least **twenty-five (25) feet** from all lot lines.
- (C) The site shall have a minimum length and width dimension of **two hundred (200) feet**.

40-5-11 JUNK YARDS AND AUTO WRECKING YARDS. In any district where junk yards or auto wrecking yards are permitted, the establishment and/or maintenance of such uses shall be subject to the following requirements:

- (A) All storage of parts, equipment and the dismantling of vehicles shall be done within a completely enclosed building, or within an area enclosed by a solid fence not less than **six (6) feet** in height.

ST CLAIR COUNTY CODE

- (B) Any junk yard or auto wrecking yard shall be located not less than **five hundred (500) feet** from any residential district boundary.
- (C) Noisome and injurious substances, conditions and operations shall be prohibited.

40-5-12 MANUFACTURED HOME. The following requirements and standards shall apply to any manufactured home located in any zoning district in St. Clair County unless otherwise specifically provided therein.

- (A) The manufactured home shall meet all requirements for the lot size and yard requirement of the zoning district in which it is located. Manufactured homes built prior to the Housing and Urban Development Federal Code known as the National Manufactured Home Construction and Safety Standards must comply with the following requirements and standards.
 - (1) All Pre House-Urban-Development-Homes (HUD Homes) (June 15, 1976) shall be inspected and approved by the County Building Inspector before being placed on any site.
 - (2) An inspection fee of **One Hundred Dollars (\$100.00)** shall be paid prior to inspection.
 - (3) Mileage reimbursement at the prevailing state rate per mile to and from the inspection site shall be paid prior to inspection. **(Ord. No. 95-12; 05-30-95)**
- (B) That the manufactured home shall be placed on either piers, runners or a solid slab. With that, the following requirements shall be followed in the placement of piers, runners, or solid slab:
 - (1) **Piers.** The minimum size requirement per pier used shall be **two (2) feet by two (2) feet by two (2) feet (2' x 2' x 2')** deep, if a round pier is used the minimum size requirements shall be **eighteen (18) inches** in diameter and **twenty-four (24) inches** in depth. The distance from the center of a pier to the center of another pier shall not exceed **ten (10) feet**.
 - (2) **Runners.** Runners shall be at least **thirty (30) inches** wide by **six (6) inches** deep with **two (2) three-eighths (3/8) inch** reinforcing rods installed the entire length of each runner. The runners shall be placed beneath the center of the I-beams of the manufactured home. If a crossbeam type of runner is preferred, the beams shall be a minimum size of **ten (10) inches** wide by **six (6) inches** deep with **twenty-four (24) inch** deep piers beneath the points of blocking. These beams must be placed no further than **ten (10) feet** from the center of a beam to a center of a beam.
 - (3) **Solid Slab.** The minimum depth of a solid slab shall be **four (4) inches** with reinforcing wire mesh in the concrete. A footing of **one (1) foot by one (1) foot** deep is required around the perimeter of the solid slab.
- (C) That the base of the manufactured home shall be completely enclosed with either commercial skirting, mortared brick, mortared concrete blocks or a poured concrete foundation on a footing of **one (1) foot by one (1) foot**;
- (D) That the manufactured home shall be tied down in accordance with the Illinois Mobile Home Tie Down Act of 1980;
- (E) That the manufactured home shall have all wheels and hitch mechanisms removed.

40-5-13 CONTINUATION OF MANUFACTURED HOME.

- (A) Any lawful manufactured home existing at the time of the enactment of this Code may be continued in use, even though such manufactured home does not conform to the provisions of this Code for the district in which it is located, and whenever a district shall be changed

hereafter, the then existing lawful use of a mobile home may be continued, subject to the provisions of this Section.

- (B) Any legal nonconforming manufactured home may be continued in use provided there is no physical change other than normal maintenance and repairs except as otherwise provided herein. However, a nonconforming manufactured home shall not be replaced unless the replacement fully complies with all requirements of this Code.
- (C) Any manufactured home for which a permit has been lawfully granted prior to the effective date of this Code, or amendments hereto, may be completed in accordance with the approved plans; provided construction is started within **one hundred eighty (180) days** and completed within **one (1) year**. Such manufactured homes shall be thereafter deemed to be a lawfully established manufactured home.
- (D) **Nonconformities.** For any nonconforming lot, nonconforming building or structure and nonconforming use, the provisions of **Section 40-8-10** shall be complied with.

40-5-14 SALE OF A MANUFACTURED HOME SITE.

- (A) The owner of the premises of a manufactured home which was lawfully used or lawfully placed at the time of the enactment of this Code, shall be permitted to sell or grant said premises to a subsequent owner, who will have the same rights of occupancy and use of said premises as a location for a manufactured home as the grantor possessed. However, subsequent to the enactment of this Code, should the owner or subsequent owner of the premises replace the manufactured home existing on the premises at the time of the enactment of this Code or the manufactured home which was lawfully placed on the premises by receiving a Special Use Permit, the replacement manufactured home shall have been manufactured in the same year or a subsequent year of the previous manufactured home.

40-5-15 TEMPORARY PARKING – MANUFACTURED HOMES. The temporary parking of an individual manufactured home is permitted subject to the following regulations:

- (A) An individual manufactured home may be parked outside the public right-of-way, as not otherwise prohibited, for a period of **seventy-two (72) hours**, provided that no such manufactured home is parked nearer than **twenty-five (25) feet** to the right-of-way of any public street.
- (B) An individual manufactured home may be parked on a zoning lot for a period of **two (2) weeks** provided that:
 - (1) Such individual manufactured home is parked in compliance with all setback requirements from any lot line or right-of-way line;
 - (2) A permit is secured by the property owner within **seventy-two (72) hours** from the Zoning Officials of the County, showing the date of issuance, name and address of property owner, address for which the permit issued and the date of termination;
 - (3) Not more than **three (3) permits** shall be issued to any property owner during any calendar year, except on approval of the Zoning Board of Appeals.

40-5-16 PARKING FOR INSPECTION AND SALES – MANUFACTURED HOME. A mobile home may be parked for inspection and sale on any lawful automobile or trailer sales lot.

ST CLAIR COUNTY CODE

40-5-17 NEIGHBORHOOD BUSINESS. The establishment and/or expansion of any Neighborhood Business District shall conform to the following additional locational, design, area, and bulk, and use requirements:

- (A) **Location of District.** Any Neighborhood Business District shall be located at least **one-half (1/2) mile** from another Neighborhood Business District or from the boundary of any “B-1” zoning district.
- (B) **Gross Floor Area.** The aggregate gross floor area of all buildings for business use on an “NB” site shall not exceed **five thousand (5,000) square feet** and no individual shop or business shall comprise more than **two thousand (2,000) square feet** of the total floor area permitted for business use.
- (C) **Design Standards.** The lot on which the neighborhood business is situated shall be landscaped and maintained in conformity with the general character of the surrounding area. There shall be provided and maintained along rear lines and side lot lines of the lot a solid fence **six (6) feet** in height or a planting or other appropriate screen of size and density adequate to provide visual screening from adjacent properties. Yard requirements for a lot on which a neighborhood shopping unit is located shall not be less than the yard requirements of the most restrictive abutting zoning district.
- (D) **Access Ways.** Any access way to any off-street parking lot or loading berth shall be located at least **ten (10) feet** from any lot side line.
- (E) **Home Occupation.** No home occupation shall be permitted in any “NB” district.
- (F) **Refuse Containers.** All garbage and other refuse shall be in removable, covered containers within a completely enclosed building or in covered storage areas in compliance with county health standards and in such manner that the same is concealed from view.

40-5-18 NURSING HOMES. In any district where nursing homes are permitted, the following requirements shall be met:

- (A) The minimum site for any nursing home shall be **two (2) acres**; provided that for a nursing home containing more than **forty (40) beds**, the site size shall be increased by **one (1) acre** for each additional **forty (40) beds** or part thereof.
- (B) All principal buildings shall be located at least **twenty-five (25) feet** from all lot lines.
- (C) The site shall have a minimum length and width dimension of **two hundred (200) feet**.

40-5-19 NURSERY SCHOOLS/DAY CARE CENTERS. In any district where nursery schools/day care centers are permitted, the following additional requirements shall be met:

- (A) For each child, at least **fifty (50) square feet** of floor space shall be provided in addition to that provided for sleeping purposes.
- (B) For each child, at least **one hundred (100) square feet** of outdoor, enclosed (fenced) play area shall be provided.
- (C) When nursery school or day care centers are conducted within an occupied residence, there shall be no more than **five (5) children** in addition to the children of the occupant.
- (D) Any nursery school/day care center shall comply with all other requirements of the Illinois Child Care Act of 1969 as amended (**225 ILCS 10/11 et seq.**)

40-5-20 PLANT NURSERIES AND GREENHOUSES. In any district where tree and plant nurseries and greenhouses are permitted, the establishment of such uses shall be subject to the following requirements:

ST CLAIR COUNTY CODE

- (A) No fertilizer, compost, manure or other odor or dust producing substance shall be stored within **fifty (50) feet** of any property line.
- (B) Greenhouse heating plants shall be in an enclosed building and shall not be less than **fifty (50) feet** from any property line.
- (C) Along any side or rear lot line, there shall be provided and maintained a planting or other appropriate screen of such size and density as to provide visual screening from adjacent residential properties.

40-5-21 PUBLIC BUILDINGS. In any district where publicly-owned buildings are permitted, the following additional requirements shall be met:

- (A) In any “A”, “RR” “SR”, “MH”, “MR”, and “NB” zoning district, all publicly-owned buildings shall be located at least **twenty-five (25) feet** from all property lines.
- (B) In any “RR”, “SR”, “MH”, “MR”, “NB”, “HB”, and “B-1” zoning district, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building or hauling equipment).

40-5-22 PUBLIC BUILDINGS AND PUBLIC UTILITIES BUILDINGS. The County Board may permit any building or use of county, municipal, the township, public school district, university, or any state or federal agency, in either a governmental or proprietary capacity in any zoning district as the Board deems necessary for the public safety, convenience and welfare. Such buildings or use shall be subject to the requirements of the district wherein the buildings or use is situated and to such of the other regulations and requirements applying to uses permitted in the development as the Board deems necessary to comply with the general provisions and to assure compatibility of the development with the character of its locality.

40-5-23 PUBLIC UTILITY STATIONS; EXCHANGES; ESSENTIAL SERVICES. Electrical substations, gas regulator stations in any “A”, “RR” “SR” “MH”, “MR”, and “NB” zoning district shall comply with the following restrictions: **(Ord. No. 96-577; 07-29-96)**

- (A) No public office, repair or storage facilities shall be maintained in connection with substations or exchanges.
- (B) The building housing any such facility shall be designed and constructed to conform to the general character of the neighborhood.
- (C) The area on which the facility is located shall be landscaped and maintained in conformance with the general character of the surrounding area.
- (D) Where all facilities and equipment are entirely within a completely enclosed building, the minimum lot may be as follows:
 - (1) Lot width shall not be less than the total width of the building plus the total of the minimum required side yards; and
 - (2) Lot depth shall not be less than the depth of the building plus the minimum required front yard plus the **five (5) foot** minimum rear yard.
- (E) Where facilities or equipment are located outside the completely enclosed building, no such facilities or equipment shall be located closer than **fifteen (15) feet** to any side or rear lot line.
- (F) If transformers are exposed, there shall be provided an enclosing fence or wall, at least **six (6) feet** in height that provides visual and safety screening of the enclosed facilities.

40-5-24 POLE BUILDINGS. Pole buildings and other accessory use buildings in any “SR” “MH”, and “MR” district shall not exceed **nine hundred (900) square feet** of floor area.

ST CLAIR COUNTY CODE

40-5-25 SANITARY LANDFILL. In any district where a sanitary landfill is permitted, the landfill shall comply with all requirements of the St. Clair County Health Department. No zoning or construction permit shall be issued by the Zoning Director until written certification of approval is provided.

40-5-26 SATELLITE DISHES. In any district where a satellite dish is erected, it shall comply with the accessory setback requirements of **Section 40-3-7**.

40-5-27 SCHOOLS, PUBLIC, PRIVATE AND PAROCHIAL. In any district where private or parochial schools are permitted, the following site size requirements shall be met:

Elementary School **Five (5) acres plus one (1) acre for each one hundred (100) students.**

Junior High School **Twenty (20) acres plus one (1) acre for each one hundred (100) students.**

Senior High School and Colleges **Thirty (30) acres plus one (1) acre for each one hundred (100) students.**

40-5-28 SWIMMING POOLS. No public or private swimming pool in any district shall be located in any required front yard, however, if not more than **six (6) feet** in height, such use may be located in the side or rear yard. No wall of a swimming pool shall be located less than **six (6) feet** from any rear or side property line or **twenty-five (25) feet** from any side street property line. Pools shall further be subject to all applicable provisions of the St. Clair County Swimming Pool Code.

40-5-29 MEDICAL CANNABIS FACILITIES. The following sections shall apply to all Medical Cannabis Facilities located in unincorporated St. Clair County, Illinois, that are subject to the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1, *et seq.*). **(Ord. No. 14-1097 05-27-14)**

- (A) **Definitions.** The definitions of those terms contained in section 10 of the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/10), and as thereafter amended by the State of Illinois, are hereby adopted and incorporated herein as if specifically set forth herein, and apply only to this Section (40-5-29).

All other definitions set forth in Article II of this Code (Section 40-2-2) shall apply when applicable and to the extent that they are not inconsistent with the definitions contained in Section 10 of the Compassionate Use of Medical Cannabis Pilot Program Act.

- (B) **Findings and Application.** **(Ord. No. 19-1223 11-25-19)**

1. Cannabis is illegal under the Federal Controlled Substances Act (21 U.S.C. Section 801 *et seq.*). State and local regulations do not preempt federal law. Persons and businesses involved in the cultivation, growing, production, processing, infusing, transporting, dispensing, sales and possession of cannabis could still be subject to prosecution under federal law. Local zoning and other regulations are not a defense against a violation of federal law.

2. The purpose of this Section of the St. Clair County Zoning Code (Chapter 40) is to provide a uniform and comprehensive set of standards for the location and development of facilities intended for the production and distribution of medical cannabis as provided in the Illinois Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*) The intent of these regulations is to protect the public health, safety and community welfare of St. Clair County citizens while allowing the development of Medical Cannabis Cultivation Centers and Medical Cannabis Dispensaries in compliance with state law and St. Clair County's Ordinances/Code. Nothing in this Section or the St. Clair County Zoning Code shall be construed as an authorization to circumvent or violate state or federal law, as permission to any persons or entity to violate federal law, or to supersede any legislation prohibiting the uses subject to this Section.

3. This Section of the St. Clair County Zoning Code (Chapter 40) shall apply to those Medical Cannabis Cultivation Centers and Medical Cannabis Dispensaries that are permitted and licensed pursuant to the Illinois Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*) and any amendments thereto.

4. All policies, procedures, rules, regulations and standards of Chapter 40, Article XI, Division V (Special Use Permits) of the St. Clair County Zoning Code shall apply, except as otherwise noted in this Section, to all Petitions for a Special Use Permit for Medical Cannabis Cultivation Centers and Medical Cannabis Dispensaries.

- (C) **MEDICAL CANNABIS CULTIVATION CENTERS.** In any zoning district where Medical Cannabis Cultivation Centers are allowed by Special Use Permit the following rules, regulations, and conditions shall be complied with, met, and followed by the owner/operator of a Medical Cannabis Cultivation Center.

- (1) **Ownership of Property.** If the real property on which a Medical Cannabis Cultivation Center is to be situated is not owned solely by the person, persons, partnership, corporation or entity that will be maintaining and operating the

Medical Cannabis Cultivation Center, then the applicant shall provide to the Zoning Director and with the petition for a special use, a notarized written statement from the property owner and any other lessor, certifying consent that the applicant may operate a Medical Cannabis Cultivation Center on the premises, and a complete copy of the fully executed lease, purchase contract, or recorded bond for deed agreement pertaining to the property for the purpose of operating a Medical Cannabis Cultivation Center until at least December 31, 2017.

- (2) **Minimum Distance from Protected Uses.** No Medical Cannabis Cultivation Center shall be located, established, maintained or operated on any lot that has a property line within 1,500 feet of a pre-existing public or private nursery school, preschool, primary or secondary school, day care facility/center, day care home or residential care home, community residence, nursing home, group day care home, part day child care facility, clinic or hospital.; Learning centers and vocational or trade centers/schools shall not be classified as a public or private school for purposes of this Section. Further, no Medical Cannabis Cultivation Center shall be located, established, maintained, or operated within a dwelling unit or within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes. **(Ord. No. 19-1223 11-25-19)**
 - (a) For the purposes of this subparagraph (2), distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which an applicable cultivation center is located to the nearest point on a property line of any protected use (as defined in this subparagraph (2)).
- (3) **Compliance with State Regulations and Rules.** Each Medical Cannabis Cultivation Center shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1, *et seq.*) and all rules and regulations adopted in accordance thereto.
- (4) **Single Use Property.** No Medical Cannabis Cultivation Center may be established in multiple use or planned building development (“PBD”) property or on a site that shares parking with other uses.
- (5) **Setbacks.** Each Medical Cannabis Cultivation Center shall be a minimum of fifty (50) feet from its surrounding property lines.
- (6) **Parking.** Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by cultivation center staff and are continually recorded in a tamper-proof format.
- (7) **Signage.** Each Medical Cannabis Cultivation Center shall adhere to the following requirements pertaining to signage:
 - (a) All commercial signage for a cultivation center shall be limited to one (1) flat wall sign not to exceed ten (10) square feet in area, and one identifying sign, not to exceed two (2) square feet in area, which may only include the cultivation center address; such signs shall not be directly illuminated.
 - (b) Electronic message boards and temporary signs are not permitted in connection with a cultivation center;
 - (c) Signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis.

- (8) **Age and Access Limitations.** Each Medical Cannabis Cultivation Center shall prohibit any person who is not at least eighteen (18) years of age from entering the cultivation center property. Medical Cannabis Cultivation Centers shall not employ anyone under the age of eighteen (18). Access to the cultivation center site shall be limited exclusively to cultivation center staff and local and state officials (including but not limited to the St. Clair County Sheriff's Department and the St. Clair County Zoning Department) and those specifically authorized under the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1, *et seq.*).
- (9) **Security and Video Surveillance.** Each Medical Cannabis Cultivation Center shall adhere to the following requirements pertaining to Security and Video Surveillance:
- (a) All cultivation, production and related operations at a Medical Cannabis Cultivation Center shall occur in an enclosed locked facility ("facility"). Each Medical Cannabis Cultivation Center shall provide and maintain at a minimum adequate security on the entire site on which the cultivation center sits, including lighting, video surveillance, security personnel and alarms reasonably designed to ensure the safety of persons and to protect the site from theft. The facility shall be enclosed by a security fence or wall of at least eight (8) foot in height. The fence or wall must be adequately secure to prevent unauthorized entry and include gates tied into an access control system;
 - (b) The Medical Cannabis Cultivation Center parking area, cultivation area, production area, warehousing area and shipping bays and entrance shall be monitored by video surveillance equipment whose live images can be viewed by cultivation center staff and continually recorded in a tamper-proof format.
 - (c) A sign shall be posted in a prominent location which includes the following language "This area is under live/recorded video surveillance to aid in the prosecution of any crimes committed against this facility."
 - (d) The St. Clair County Zoning Director or his/her designee and the St. Clair County Sheriff or his/her designee shall review the adequacy of lighting, security, and video surveillance installations with assistance from any other local law enforcement officials. The St. Clair County Zoning Director or the St. Clair County Sheriff has the discretion to conduct periodic review of security features as appropriate.
 - (e) Loading of product shall occur within secure enclosed shipping bays and shall not be visible from the exterior of the facility.
- (10) **Noxious Odors.** All Medical Cannabis Cultivation Centers shall operate in a manner that prevents odor impacts on neighboring premises and properties and, if necessary, the facility shall be ventilated with a system for odor control.
- (11) **Conduct on Site.** A Medical Cannabis Cultivation Center may not sell or distribute any cannabis or any form of cannabis, including but not limited to cannabis-infused products, to any individual or entity other than a dispensary organization registered under the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1, *et seq.*). Further, Medical Cannabis Cultivation Centers are restricted as follows:

- (a) It shall be prohibited to conduct retail sales of medical cannabis or medical cannabis-infused products at cultivation centers;
- (b) It shall be prohibited to cultivate, manufacture, process or package any product, other than medical cannabis and cannabis-infused products, at a Medical Cannabis Cultivation Center;
- (c) It shall be prohibited to consume cannabis products in a Medical Cannabis Cultivation Center or anywhere on the site occupied by the cultivation center. A sign, at least 8.5 by 11 inches, shall be posted inside the cultivation center building in a conspicuous place and visible to staff and shall include the following language: “Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on cultivation center property.”

(D) **MEDICAL CANNABIS DISPENSARY.** In any zoning district where Medical Cannabis Dispensaries are allowed by Special Use Permit the following rules, regulations, and conditions shall be complied with, met, and followed by the owner/operator of a Medical Cannabis Dispensary.

(1) **Ownership of Property.** If the real property on which a Medical Cannabis Dispensary is to be situated is not owned solely by the person, persons, partnership, corporation or entity that will be maintaining and operating the Medical Cannabis Dispensary, then the applicant shall provide to the Zoning Director and with the petition for a special use, a notarized written statement from the property owner and any other lessor, certifying consent that the applicant may operate a Medical Cannabis Dispensary on the premises, and a complete copy of the fully executed lease, purchase contract, or recorded bond for deed agreement pertaining to the property for the purpose of operating a Medical Cannabis Dispensary until at least December 31, 2017.

(2) **Minimum Distance from Protected Uses. (Ord. No. 19-1223 11-25-19)**

- (a) No Medical Cannabis Dispensary or dispensing organization shall be located, established, maintained or operated on any lot that has a property line within 1,500 feet of a pre-existing public or private nursery school, preschool, primary or secondary school, day care facility/center, day care home or residential care home, community residence, nursing home, group day care home, part day child care facility, clinic or hospital. Learning centers and vocational/trade centers/schools shall not be classified as a public or private school for purposes of this Section. Further, no Medical Cannabis Dispensary shall be located, established, maintained, or operated within a dwelling unit or within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- (b) No Medical Cannabis Dispensary or dispensing organization shall be located, established, maintained, or operated within 500 feet of the property line of a pre-existing place of worship, park, or forest preserve.
- (c) For the purposes of subparagraphs (a) and (b) to Section (D)(1), distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which an applicable dispensary is located to the nearest point on any property line of any protected use.

- (3) **Compliance with State Regulations and Rules.** All Medical Cannabis Dispensaries shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1, *et seq.*) and all rules and regulations adopted in accordance thereto.
- (4) **Single Use Site.** No Medical Cannabis Dispensary shall be established in a multiple use or planned building development (“PBD”) property or on a site that shares parking with other uses.
- (5) **Setbacks.** Each Medical Cannabis Dispensary shall be a minimum of thirty (30) feet from its surrounding property lines.
- (6) **Buffering from Other Medical Cannabis Facility.** Each Medical Cannabis Dispensary shall be a minimum of 1,000 feet from all other medical cannabis dispensaries, and Medical Cannabis Cultivation Centers, as measured from the applicable property lines.
- (7) **Parking.** Parking shall be located in an area which is visible from a public road or a private road that is accessible to the public. It cannot be screened from the roadway with vegetation, fencing or other obstructions. Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by dispensary staff and are continually recorded in a tamper-proof format.
- (8) **Exterior Display.** No Medical Cannabis Dispensary shall be maintained or operated in a manner that causes, creates, or allows the public viewing of medical cannabis, medical cannabis-infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or any property other than the lot on which the dispensary is located. No portion of the exterior of the dispensary shall utilize or contain any flashing lights, search lights or spot lights or any similar lighting system.
- (9) **Signage and Advertising.** Each Medical Cannabis Dispensary shall adhere to the following requirements pertaining to Signage and Advertising:
 - (a) All commercial signage for a dispensary shall be limited to one flat wall sign not to exceed ten (10) square feet in area, and one (1) identifying sign, not to exceed two (2) square feet in area, which may only include the dispensary’s address; such signs shall not be directly illuminated. Exterior signs on the dispensary building shall not obstruct the entrance or windows on the dispensary;
 - (b) Electronic message boards and temporary signs are not permitted in connection with a dispensary.
 - (c) Signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth, or language referencing cannabis.
 - (d) A sign shall be posted in a conspicuous place at or near all dispensary entrances and shall include the following language: “Only cardholders, designated caregivers, and staff may enter these premises. Persons under the age of 18 are prohibited from entering.” The required text shall be no larger than one (1) inch in height.
 - (e) Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes, or boxes, shall be opaque without text or graphics advertising or identifying the contents of the products contained within.
- (10) **Drug Paraphernalia Sales.** Medical Cannabis Dispensaries that display or sell drug paraphernalia shall do so in compliance with the Illinois Drug Paraphernalia

Control Act (720 ILCS 600/1, *et seq.*) and the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1, *et seq.*).

- (11) **Age and Access Limitations.** Each Medical Cannabis Dispensary shall prohibit any person who is not at least eighteen (18) years of age from entering the dispensary facility. Medical Cannabis Dispensaries shall not employ anyone under the age of eighteen (18). Access to the dispensary facility shall be limited exclusively to dispensary staff, cardholders, designated caregivers, local and state officials, and those specifically authorized under Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1, *et seq.*).
- (12) **Hours of Operation.** Medical Cannabis Dispensaries shall operate only between 6:00 a.m. and 10:00 p.m. **(Ord. No. 19-1223 11-25-19)**
- (13) **Drive-Thru Windows.** Medical Cannabis Dispensaries may not have a drive-through service.
- (14) **Security and Video Surveillance.** Each Medical Cannabis Dispensaries shall adhere to the following requirements pertaining to Security and Video Surveillance:
 - (a) Each Medical Cannabis Dispensary shall be an enclosed locked facility (“facility”). Each Medical Cannabis Dispensary shall provide and maintain, at a minimum, adequate security on the entire property on which the dispensary exists, including lighting, video surveillance, security personnel, and alarms reasonably designed to ensure the safety of persons and to protect the site from theft.
 - (b) Each Medical Cannabis Dispensary parking area, client entrance, sales area, back room, storage areas and delivery bay and entrance shall be monitored by video surveillance equipment whose live images can be viewed by dispensary staff and continually recorded in a tamper-proof format.
 - (c) A sign shall be posted in a prominent location which includes the following language “This area is under live/recorded video surveillance to aid in the prosecution of any crimes committed against this facility or its patrons.”
 - (d) The St. Clair County Zoning Director or his/her designee, and the St. Clair County Sheriff or his/her designee shall review the adequacy of lighting, security, and video surveillance installations with assistance from other local law enforcement officials. The Zoning Director and the Sheriff has the discretion to conduct periodic review of a Medical Cannabis Dispensary’s security features as they deem appropriate.
 - (e) Each dispensary shall report all criminal activities occurring on the property to the applicable law enforcement agency immediately upon discovery.
 - (f) Deliveries shall occur during normal business hours within a secure enclosed delivery bay and shall not be visible from the exterior of the facility.
- (15) **Conduct on Site.**
 - (a) Loitering is strictly prohibited on the Medical Cannabis Dispensary’s property.
 - (b) It shall be prohibited to consume cannabis products in the Medical Cannabis Dispensary or anywhere on the site occupied by the dispensary.

A sign, at least 8.5 by 11 inches, shall be posted inside the dispensary building in a conspicuous place and visible to a client and shall include the following language: “Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on dispensary property.”

(E) Notice and Affirming Statement. At the time of submission of a zoning petition (a special use request) for a Medical Cannabis Cultivation Center or a Medical Cannabis Dispensary, the Petitioner(s) shall submit a signed statement certifying and affirming that the Petitioner(s) has full knowledge of and actual notice that, notwithstanding state law and any action by the County of St. Clair, that: **(Ord. No. 19-1223 11-25-19)**

- a. Cannabis is a prohibited Schedule I controlled substance under federal law;
- b. Participation in the Illinois Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.) is permitted only to the extent provided by the strict requirements of the Act and subsequent implementing regulations;
- c. Any activity not sanctioned by the Illinois Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.) and its subsequent implementing regulations may be a violation of state law and may result in the revocation of zoning;
- d. Growing, distribution or possessing cannabis in any capacity, except through a federally-approved research program, is a violation of federal law;
- e. Use of medical cannabis may affect an individual’s ability to receive federal or state licensure in other areas;
- f. Use of medical cannabis, in tandem with other conduct, may be a violation of state or federal law;
- g. Participation in the Illinois Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.) or approval of zoning by the St. Clair County Zoning Board of Appeals and St. Clair County does not authorize any person or entity to violate federal or state law and, other than as set out in the Illinois Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.) does not provide any immunity from or affirmative defense to arrest or prosecution under federal or state law; and
- h. Petitioner(s) for the zoning of a Medical Cannabis Cultivation Center or a Medical Cannabis Dispensary by the County of St. Clair shall indemnify, hold harmless, and defend the County of St. Clair, including but not limited to its Zoning Administrator, Zoning Board of Appeals and its individual members, Zoning Attorney, County Board Members, employees, agents, and elected and appointed officials for any and all civil or criminal penalties resulting from the participation in the Illinois Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.) and St. Clair County’s zoning; and Petitioner(s) further agrees to and accepts to indemnify, hold harmless, and defend the County of St. Clair, including but not limited to its Zoning Administrator, Zoning Board of Appeals and its individual members, Zoning Attorney, County Board Members, employees, agents, and elected and appointed officials for any and all liability for Petitioner(s) Medical Cannabis Cultivation Center or Medical Cannabis Dispensary, and Petitioner(s) employees, customers, customer’s employer or employees, family members or guests, for any and all damage, injury, including death, accident, loss, compensation or claim, based on, arising out of (directly or indirectly), or resulting from the property for which the zoning/special use requested is being used pursuant to the Illinois Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.), including but not limited to,

the following: arrest, seizure of persons or property, prosecution pursuant to federal or state laws, any fire, injury, death, robbery, theft, mysterious disappearance or any other casualty; or the action of any other person or entity. This provision shall survive the expiration or the early termination of the zoning, if the zoning is granted, or dissolution of use or any subsequent special use or change in zoning.

(F) Annual Proof of Licensure/Registration. Successful Petitioners shall file with the Zoning Administrator annually a current copy of his/her/their/its license/registration issued by the State of Illinois (i.e., Illinois Department of Agriculture or Illinois Department of Finance and Professional Regulation). The failure to provide proof of licensure/registration annually may result in the special use permit being revoked. **(Ord. No. 19-1223 11-25-19)**

(G) Dissolution of Use and Revocation of Zoning. **(Ord. No. 19-1223 11-25-19)**

(1) Failure to obtain state registration/licensure. Should a Medical Cannabis Cultivation Center or a Medical Cannabis Dispensary fail to provide evidence to the Zoning Administrator that the facility has achieved its approval of registration/licensure from the State of Illinois within 180 days of the approval of its special use permit by the County Board, its special use permit shall become null and void, and the zoning or use of the parcel shall revert to that which existed prior to the County Board action which approved the special use permit under this Section.

However, within 90 working days of the date upon which such special use permit was approved by the County Board, a Medical Cannabis Cultivation Center or a Medical Cannabis Dispensary may request of the County Board, through the Zoning Administrator, an extension of the 180 days for an additional 90 days, upon the provision of evidence providing the cause of the delay and the need for an extension. Such additional extension may be allowed only at the discretion of the County Board.

(2) Failure to comply with state and county regulations. Should a Medical Cannabis Cultivation Center or a Medical Cannabis Dispensary fail to conform to and meet all laws, rules and regulations established by the State of Illinois pursuant to the Illinois Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.), and the rules and regulations of the County of St. Clair this may be considered a dissolution of use, allowing for the revocation of the special use permit issued by the County of St. Clair. Should the special use permit be revoked, the zoning or use of the parcel shall revert to that which existed prior to the County Board action which approved the special use permit under this Section.

(3) Termination of use. Should a Medical Cannabis Cultivation Center or a Medical Cannabis Dispensary fail to use the property for the purpose under which the special use permit was provided for a period of 180 days, this may be considered a dissolution of use, allowing for the revocation of the special use permit by the County Board. Should the special use permit be revoked, the zoning or use of the parcel shall revert to that which existed prior to the County Board action which approved the special use permit under this Section.

40-5-30 - SOLAR ENERGY SYSTEMS

The following sections shall apply to Solar Energy Systems located in unincorporated St. Clair County, Illinois. (Ord. No. 23-1282; 05/30/2023)

(A) Definitions.

“Commercial Solar Energy Facility”: Means a “commercial solar energy system” as defined in Section 10-720 of the Property Tax Code [35 ILCS 200/10-720]. “Commercial solar energy facility” does not mean a utility-scale solar energy facility being constructed at a site that was eligible to participate in a procurement event conducted by the Illinois Power Agency pursuant to subsection (c-5) of Section 1-75 of the Illinois Power Agency Act [20 ILCS 3855/1-75].

“Ground Mount Solar Energy System”: A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

“Net Metering”: A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

“Solar Energy”: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

“Solar Energy System (SES)”: The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing.

“Personal Solar Energy System (PSES)”: Any device or combination of devices or elements which rely upon direct sunlight as an energy source including but not limited to any substance or device which collects sunlight for generating electricity for use on-site. However, the energy output may be delivered to a power grid to offset the cost of energy on-site.

“Solar Panel”: A device for the direct conversion of solar energy into electricity.

“Structure Mount Solar Energy System”: A solar energy system in which solar panels are mounted on top of a roof structure as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optical angle.

All other definitions set forth in Article II of this Code (Section 40-2-2) shall apply when applicable and to the extent that they are not inconsistent with the definitions contained in this Section (40-5-30).

(B) Personal Solar Energy System (PSES).

(1) **Purpose and Intent.** The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of PSESs designed for on-site use that shall be used solely to reduce on-site consumption of utility power, but energy output may be delivered to a power grid to offset the cost of energy on-site. The intent of these regulations is to protect the public’s health, safety, and welfare without unduly restricting the development of PSESs.

(2) **Permitted Use.** PSESs shall be considered an accessory use to a principal permitted use or a granted special use in any zoning district.

(3) **Special Requirements.** PSESs shall be subject to the requirements included in Sections 40-3-6 (Area and Bulk Requirements) and 40-3-7 (Minimum Area, Bulk, Yard Requirements) unless otherwise stated herein:

- (a) **Ground Mounted PSES Height and Size.** The height shall not be greater than ten (10) feet at maximum tilt of the solar panel(s) as measured from the average grade at the base of the supporting structure to the highest edge of the system, and the size of the entire PSES shall not occupy more than 2,500 square feet of ground in any zoning district; unless a variance is applied for and granted by the Zoning Board of Appeals.
- (b) **Structure Mounted PSES Height.** Shall not be greater than the allowable height of any structure within the zoning district in which the PSES is to be installed.
- (c) **Setbacks.** The PSES shall maintain perimeter setbacks of at least ten (10) feet, and no PSES shall be permitted to be located in the required front yard; unless a variance is applied for and granted by the Zoning Board of Appeals.
- (d) **Building Codes.** All county, state, and national construction codes shall be followed, as well as applicable electrical codes.
- (e) **Use.** The PSES shall provide electricity for on-site use by the owner. This does not prohibit an owner from making excess power available for net metering.
- (f) **Approved Solar Components.** Electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent. Solar energy collectors shall be documented by the manufacturer as being non-reflective pursuant to recognized engineering standards showing reflectivity of less than thirty percent (30%) or shall be placed such that concentrated sunlight or glare shall not be directed onto aircraft or nearby properties or streets.
- (g) **Screening.** Ground mounted PSES must be substantially screened from public view (including adjacent properties and public rights-of-way) by fencing, walls, plantings, or other architectural feature, or any combination thereof; provided however, that the screening shall not be required to be so dense, so tall, or so located as to render the equipment essentially non-functional.

(4) **Certificate of Compliance.** Before a building permit is issued for a PSES, the following shall be submitted to the St. Clair County Building and Zoning Department for review:

- (a) Site plan showing:
 - (i) Name, address, and phone number of the property owner;
 - (ii) Property lines;
 - (iii) All structures;
 - (iv) Septic field (if any);
 - (v) Field tile location (if any);

- (vi) Setback lines;
 - (vii) Location of all solar panels and associated equipment, including all electrical lines; and,
 - (viii) Location of the electrical disconnect for the PSES.
- (b) Evidence that the local electric utility has been informed of the applicant's intent to install a PSES.
- (c) Evidence that the site plan has been submitted to the local fire protection district or department.

After an approved final inspection of the PSES and all building permits, a certificate of compliance shall be issued.

(C) Commercial Solar Energy Facility (CSEF).

(1) Purpose and Intent.

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the location, installation, and development of CSEFs designed for commercial energy production. The intent of these regulations is to protect the public's health, safety, and welfare, while allowing development of CSEFs in compliance with state law and St. Clair County's Zoning Code, however, should a conflict exist between this Section (40-5-30) and state law concerning the siting and zoning of CSEFs, state law shall control.

(2) Special Use.

CSEFs shall be considered for a special use permit in the following zoning districts only: Agricultural Industry District ("A"), Research and Assembly Industrial District ("I-1"), and General Industrial District ("I-2"). All policies, procedures, rules, regulations, and standards of the St. Clair County Zoning Code shall apply to CSEFs, except as otherwise provided for in this Section. The applicant upon application for a special use permit for a CSEF shall provide all items of information as required in Chapter 40, Article XI, Division V, entitled Special Use Permits, as well as any additional information required in this Section and state law.

(3) Additional Definitions.

"Facility Owner": Means (i) a person with a direct ownership interest in a commercial solar energy facility, regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the facility, and (ii) at the time the facility is being developed, a person who is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility, regardless of whether the person will own or operate the facility.

"Nonparticipating Property": Means real property that is not a participating property.

"Nonparticipating Residence": Means a residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the commercial solar energy facility is filed with the county.

“Occupied Community Building”: Means any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the commercial solar energy facility is filed with the county: a school, place of worship, day care facility, public library, or community center.

“Participating Property”: Means real property that is the subject of a written agreement between a facility owner and the owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing a commercial solar energy facility or supporting facilities. “Participating property” also includes real property that is owned by a facility owner for the purpose of constructing a commercial solar energy facility or supporting facilities.

“Participating Residence”: Means a residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the commercial solar energy facility is filed with the county.

“Protected Lands”: Means real property that is:

(1) subject to a permanent conservation right consistent with the Real Property Conservation Rights Act (765 ILCS 120/0.01, *et seq.*); or

(2) registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act (525 ILCS 30/1, *et seq.*).

“Supporting Facilities”: Means the transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the commercial solar energy facility.

(4) Hearings and Notice.

a. All hearings involving a CSEF shall be noticed, held, and conducted pursuant to 55 ILCS 5/5-12020(c) and those provisions contained in the St. Clair County Zoning Code not in conflict therewith.

b. All applicants/Facility Owners must enter into an agricultural impact mitigation agreement with the Illinois Department of Agriculture prior to the date of the hearing before the St. Clair County Zoning Board of Appeals.

(5) Setbacks and Other Requirements.

a. All CSEFs shall meet those setback distances as set forth in 55 ILCS 5/5-12020(e). All setback distances shall be measured from the nearest edge of any component of the facility.

b. All CSEFs shall comply with electric facility clearances approved or required by the National Electrical Code, The National Electrical Safety Code, Illinois Commerce Commission, Federal Energy Regulatory Commission, and their designers or successors.

c. A CSEF shall be sited so that the facility’s perimeter is enclosed by fencing having a height of at least six (6) feet and no more than twenty-five (25) feet, and that no component of a solar panel has a height of more than twenty (20) feet above ground when the solar energy facility’s arrays are at full tilt.

d. The sound limitation for any components in a CSEF shall adhere to those sound limitations established by the Illinois Pollution Control Board under 35 Ill. Adm. Code Parts 900, 901, and 910.

e. A CSEF shall comply with all provisions and requirements of Division XVII-Airport Overlay (“AO”) District of the St. Clair County Zoning Code, if applicable.

f. The Zoning Board of Appeals or the County may require as a condition of the approval of the special use that a CSEF and/or its supporting facilities be screened from public view by appropriate fencing, plantings or other architectural feature, or any combination thereof, provided however, that the screening shall not be so dense, so tall, or so located as to render the equipment essentially non-functional.

g. The Zoning Board of Appeals or the County may require as a condition of the approval of the special use that a Facility Owner plant, establish, and maintain for the life of the facility vegetative ground cover, consistent with the goals of the Pollinator-Friendly Solar Site Act [525 ILCS 55/1 et seq.], and require the submittal of a vegetation management plan in the application for a special use permit to construct and operate a CSEF.

h. Any road use agreement between a Facility Owner and the state of Illinois, a road district, or other unit of local government that is required for a CSEF shall comply with 55 ILCS 5/5-12020(s).

i. The Zoning Board of Appeals or the County may require as a condition of the approval of the special use that a CSEF adhere to the recommendations provided by the Illinois Department of Natural Resources in an EcoCAT natural resource review report under 17 Ill. Admin. Code Part 1075.

(6) Construction.

All applicants upon application shall provide a construction and development schedule with provisions of reasonable guarantee of completion in accordance therewith, as well as preliminary plans in accordance with 40-11-33. The applicant’s construction and development schedule, as well as preliminary plans, shall also include and address at a minimum all construction related items in the Agricultural Impact Mitigation Agreement template then in effect, irrespective of whether the landowner(s) agreed to waive any such requirements.

(7) Environmental Requirements.

All applicants shall provide upon application for a special use permit the following:

A. EcoCat & U.S. Fish & Wildlife:

(i.) The results and recommendations from consultation with the Illinois Department of Natural Resources that are obtained through the Ecological Compliance Assessment Tool (EcoCAT) or a comparable successor tool; and

(ii.) The results of the United States Fish and Wildlife Service’s Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.

B. Documentation that demonstrates avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission; or consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.

C. Evidence of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.

(8) Decommission/Deconstruction Plan and Financial Assurance.

A. Decommission/Deconstruction Plan. The applicant, prior to the initial public hearing date, shall provide the following:

(i.) A fully executed Illinois Department of Agriculture’s Standard Agricultural Impact Mitigation Agreement, version 8.19.19, or then current form in effect, pertaining to the construction of a CSEF; and

(ii.) A detailed decommission/deconstruction plan in accordance with the Illinois Department of Agriculture’s Standard Agricultural Impact Mitigation Agreement pertaining to the construction of a CSEF. The decommission/deconstruction plan shall account for the removal of all of the components and equipment of the facility irrespective if the landowner waives removal of any components and/or equipment.

B. Financial Assurance.

The amount of financial assurance for decommissioning/deconstruction purposes that shall be posted by the applicant/Facility Owner with St. Clair County, if the special use is approved and prior to a building permit being issued, shall be limited to the cost identified in the decommissioning/deconstruction plan, as required by the Agricultural Impact Mitigation Agreement, minus the salvage value of the project. The financial assurance shall be provided to St. Clair County in the timing sequence provided for in the Agricultural Impact Mitigation Agreement. The applicant/Facility Owner’s failure to provide the appropriate financial assurance by the appropriate anniversary dates as set forth in the executed Agricultural Impact Mitigation Agreement shall be grounds for revocation of the special use permit. The Financial Assurance shall be nonrevocable, posted in the name of St. Clair County, Illinois, as the primary beneficiary, and contain such other requirements and conditions deemed acceptable by St. Clair County.

(9) Enforcement.

A Facility Owner's failure to comply with the requirements and conditions of a special use permit granted under this Section, comply with the requirements and conditions of a building permit issued, or comply with the provisions of this Section and applicable state law shall be deemed a violation of St. Clair County's Zoning Code. The St. Clair County State's Attorney may bring an action to enforce compliance with the requirements of the special use permit, building permit, the Zoning Code, as well as state law by filing an action in the Circuit Court, Twentieth Judicial Circuit Court, St. Clair County, Illinois for an injunction requiring conformance therewith, and may seek any other appropriate remedy, including penalties/fines, or such other order as deemed necessary to secure compliance.

Any person who violates this Section shall be subject to those penalties/fines as set forth in 40-11-10. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Nothing herein shall prevent St. Clair County from seeking such other legal or equitable remedies available to prevent or remedy any violations of the requirements and conditions of special use permit, building permit, the Zoning Code or state law.

40-5-31 – ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS. The following sections shall apply to state permitted and licensed Adult-Use Cannabis Business Establishments located in unincorporated St. Clair County, Illinois. (Ord. No. 19-1223 11-25-19)

(A) Findings and Application.

1. Cannabis is illegal under the Federal Controlled Substances Act (21 U.S.C. Section 801 *et seq.*). State and local regulations do not preempt federal law. Persons and businesses involved in the cultivation, growing, production, processing, infusing, transporting, dispensing, sales and possession of cannabis could still be subject to prosecution under federal law. Local zoning and other regulations are not a defense against a violation of federal law.

2. The purpose of this Section of the St. Clair County Zoning Code (Chapter 40) is to provide a uniform and comprehensive set of standards for the location and development of facilities intended for the production and distribution of adult-use cannabis as provided in the Illinois Cannabis Regulation and Tax Act (P.A. 101-0027) (410 ILCS 705/1-1, *et seq.*). The intent of these regulations is to protect the public health, safety and community welfare of St. Clair County citizens while allowing the development of Adult-Use Cannabis Business Establishments in compliance with state law and St. Clair County’s Ordinances/Code. Nothing in this Section or the St. Clair County Zoning Code shall be construed as an authorization to circumvent or violate state or federal law, as permission to any persons or entity to violate federal law, or to supersede any legislation prohibiting the uses subject to this Section.

3. This Section of the St. Clair County Zoning Code (Chapter 40) shall apply to those Adult-Use Cannabis Business Establishments that are permitted and licensed pursuant to the Illinois Cannabis Regulation and Tax Act (P.A. 101-0027) (410 ILCS 705/1-1, *et seq.*) and any amendments thereto.

4. All policies, procedures, rules, regulations and standards of Chapter 40, Article XI, Division V (Special Use Permits) of the St. Clair County Zoning Code shall apply, except as otherwise noted in this Section, to all Petitions for a Special Use Permit for an Adult-Use Cannabis Business Establishments.

5. Any type of on-site cannabis consumption (including but not limited to absorbing, drinking, eating, ingesting, or smoking) business establishments are strictly prohibited.

(B) Definitions.

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

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

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis

business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

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

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

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

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

AREA ZONED OR USED FOR RESIDENTIAL PURPOSE: Means the RR-1, RR-3, SR-1, SR-2, SR-3, SR-MH, MHP, MR-1, and MR-2 zoning districts, and any similar districts in adjacent jurisdictions.

All other definitions set forth in Article II of this Code (Section 40-2-2) shall apply when applicable and to the extent they are not inconsistent with the definitions contained herein or to the extent they are not inconsistent with any defined term contained in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1 *et seq.*) or as thereafter amended.

(C) General Components for Consideration for All Adult-Use Cannabis Business Establishments.

The Zoning Board of Appeals when considering any type of Adult-Use Cannabis Business Establishment or Facility in a particular zoning district, shall consider the following components of the Establishment or Facility and such shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

1. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.

2. Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.
3. Hours of operation and anticipated number of customers and employees.
4. Off-street parking and loading availability in accordance with Article VI (Off-street Parking and Loading) of the Zoning Code and as specifically identified in this Section.
5. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
6. Site design, including access points and internal site circulation, including but not limited to:
 - a. Setbacks. Evidence demonstrating that the Adult-Use Cannabis Business Establishment would meet all requirements of state law regarding setbacks and separation distances required in the Illinois Cannabis Regulation and Tax Act (P.A. 101-0027) (410 ILCS 705/1-1, *et seq.*), and the required setbacks of the zoning district in which the facility is seeking a special use permit.
7. Proposed signage plan, subject to Section 40-5-31(E)(2) below.
8. Proposed lighting of the premises.
9. Proposed location of video surveillance equipment, and the location, height and nature of any fences or any other barriers meant to provide security for the site.
10. Nature and adequacy of supervision and security at the site.
11. Compliance with all requirements specifically provided for that particular type of Adult-Use Cannabis Business Establishment as set forth in this Section.
12. Any other criteria determined to be necessary either by the Zoning Administrator or the Zoning Board of Appeals as set forth in Article XI, Division V (Special Use Permits) of Chapter 40 Zoning Code.

(D) Requirements for specific Adult-Use Cannabis facilities.

In addition to the General Components contained in the preceding section, the Zoning Board of Appeals when considering a specific type of Adult-Use Cannabis Business Establishment in a particular zoning district shall consider the following requirements for the specific type of Adult-Use Cannabis Business Establishment and such establishments shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the property and the existing and intended future use of properties in the general area:

1. **Adult-Use Cannabis Craft Grower:** In those zoning districts in which an Adult-Use Cannabis Craft Grower may be located as a special use permit, the proposed facility must comply with the following:
 - a. A facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care facility/center, day care home, residential care home, group day care home, part day child care facility, community residence, nursing home, clinic or hospital. Learning centers and vocational or trade centers/schools shall not be classified as a public or private school for purposes of this Section.
 - b. A facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.
 - c. A facility may not be located within 1,500 feet of the property line of a pre-existing place of worship, park, or forest preserve.

- d. Unless otherwise limited under this Section or Chapter (Ch. 40), the setbacks and minimum yard requirements for an Adult-Use Cannabis Craft Grower facility shall be the same as that of the zoning district in which it is located.
- e. A facility may not conduct any sales or distribution of cannabis other than as authorized by the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*).
- f. For purposes of determining required parking and loading spaces, an Adult-Use Cannabis Craft Grower facility shall be required to have the following parking and loading spaces: (i) Employee spaces: one (1) designated space for every employee per shift; (ii) Customer/Visitor spaces: one (1) space per 300 sq. ft. of floor area; and (iii) Loading Spaces: one (1) designated space for 1 sq. ft. to 10,000 sq. ft. of floor area; more than 10,000 sq. ft. one (1) designated space, plus one (1) additional designated space per 50,000 sq. ft. of floor area in excess of 10,000 sq. ft. All other requirements for Off-Street Parking and Loading of Article VI of the Zoning Code shall be complied with. Notwithstanding the requirements herein, the Zoning Board of Appeals may, at its discretion, require additional parking and loading spaces be provided as a result of its analysis completed through its consideration of the special use permit.
- g. Petitioner shall file an affidavit with the County affirming compliance with Section 40-5-31(E)(6) as provided herein and all other requirements of the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*).

2. Adult-Use Cannabis Cultivation Center: In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located as a special use permit, the proposed facility must comply with the following:

- a. A facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care facility/center, day care home, residential care home, group day care home, part day child care facility, community residence, nursing home, clinic or hospital. Learning centers and vocational or trade centers/schools shall not be classified as a public or private school for purposes of this Section.
- b. A facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- c. A facility may not be located within 1,500 feet of the property line of a pre-existing place of worship, park, or forest preserve.
- d. Unless otherwise limited under this Section or Chapter (Ch. 40), the setbacks and minimum yard requirements for an Adult-Use Cannabis Cultivation Center facility shall be the same as that of the zoning district in which it is located.
- e. A facility may not conduct any sales or distribution of cannabis other than as authorized by the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*).
- f. For purposes of determining required parking and loading spaces, an Adult-Use Cannabis Cultivation Center/facility shall be required to have the following parking and loading spaces: (i) Employee spaces: one (1) designated space for every employee per shift; (ii) Customer/Visitor spaces: one (1) space per 300 sq. ft. of floor area; and (iii) Loading Spaces: one (1) designated space for 1 sq. ft. to 10,000 sq. ft. of floor area; more than 10,000 sq. ft. one (1) designated space, plus one (1) additional designated space per 50,000 sq. ft. of floor area in excess of 10,000 sq. ft. All other requirements for Off-Street Parking and Loading of Article VI of the Zoning Code shall be complied with. Notwithstanding the

requirements herein, the Zoning Board of Appeals may, at its discretion, require additional parking and loading spaces be provided as a result of its analysis completed through its consideration of the special use permit.

- g. Petitioner shall file an affidavit with the County affirming compliance with Section 40-5-31(E)(6) as provided herein and all other requirements of the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*).

3. Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located as a special use permit, the proposed facility must comply with the following:

- a. A facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care facility/center, day care home, residential care home, group day care home, part day child care facility, community residence, nursing home, clinic or hospital. Learning centers and vocational or trade centers/schools shall not be classified as a public or private school for purposes of this Section.
- b. A facility may not be located in a dwelling unit or within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- c. A facility may not be located within 500 feet of the property line of a pre-existing place of worship, park, or forest preserve.
- d. Unless otherwise limited under this Section or Chapter (Ch. 40), the setbacks and minimum yard requirements for an Adult-Use Cannabis Dispensing Organization/facility shall be the same as that of the zoning district in which it is located.
- e. At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*), and no dispensing organization shall also sell food for consumption on the premises other than such food sales containing cannabis products as authorized by the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*) but in no event shall such food products be consumed on premises.
- f. A facility may not conduct any sales or distribution of cannabis other than as authorized by the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*).
- g. For purposes of determining required parking and loading spaces, an Adult-Use Cannabis Dispensing facility shall be required to have the following parking and loading spaces: (i) Employee spaces: one (1) designated space for every employee per shift; (ii) Customer/Visitor spaces: one (1) space per 300 sq. ft. of floor area; and (iii) Loading Spaces: one (1) designated space for 1 sq. ft. to 10,000 sq. ft. of floor area; more than 10,000 sq. ft. one (1) designated space, plus one (1) additional designated space per 50,000 sq. ft. of floor area in excess of 10,000 sq. ft. All other requirements for Off-Street Parking and Loading of Article VI of the Zoning Code shall be complied with. Notwithstanding the requirements herein, the Zoning Board of Appeals may, at its discretion, require additional parking and loading spaces be provided as a result of its analysis completed through its consideration of the special use permit.
- h. An Adult-Use Cannabis Dispensing Organization/facility shall operate only between the hours of 6:00 a.m. and 10:00 p.m.
- i. Conduct on site:

- i. No person shall reside in or permit any person to reside in an Adult-Use Cannabis Dispensing facility.
 - ii. Drive-through and vending services shall be prohibited. This regulation shall not be varied.
 - iii. Outdoor seating shall be prohibited. This regulation shall not be varied.
 - iv. Loitering is prohibited on dispensary property.
- j. A facility that displays or sells drug paraphernalia shall do so in compliance with the Illinois Drug Paraphernalia Control Act (720 ILCS 600/1 *et seq.*), the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*), and the Business Regulations of the St. Clair County Code, and any subsequent amendments to these Acts or Code.
- k. Petitioner shall file an affidavit with the County affirming compliance with Section 40-5-31(E)(6) as provided herein and all other requirements of the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*).

4. Adult-Use Cannabis Infuser Organization: In those zoning districts in which an Adult-Use Cannabis Infuser Organization may be located as a special use permit, the proposed facility must comply with the following:

- a. A facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care facility/center, day care home, residential care home, group day care home, part day child care facility, community residence, nursing home, clinic or hospital. Learning centers and vocational or trade centers/schools shall not be classified as a public or private school for purposes of this Section.
- b. A facility may not be located in a dwelling unit or within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- c. A facility may not be located within 1,500 feet of the property line of a pre-existing place of worship, park, or forest preserve.
- d. Unless otherwise limited under this Section or Chapter (Ch. 40), the setbacks and minimum yard requirements for an Adult-Use Cannabis Infuser Organization/facility shall be the same as that of the zoning district in which it is located.
- e. At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*). The facility may not conduct any sales or distribution of cannabis other than as authorized by the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*).
- f. For purposes of determining required parking and loading spaces, an Adult-Use Infuser facility shall be required to have the following parking and loading spaces: (i) Employee spaces: one (1) designated space for every employee per shift; (ii) Customer/Visitor spaces: one (1) space per 300 sq. ft. of floor area; and (iii) Loading Spaces: one (1) designated space for 1 sq. ft. to 10,000 sq. ft. of floor area; more than 10,000 sq. ft. one (1) designated space, plus one (1) additional designated space per 50,000 sq. ft. of floor area in excess of 10,000 sq. ft. All other requirements for Off-Street Parking and Loading of Article VI of the Zoning Code shall be complied with. Notwithstanding the requirements herein, the Zoning Board of Appeals may, at its discretion, require additional

parking and loading spaces be provided as a result of its analysis completed through its consideration of the special use permit.

- g. Petitioner shall file an affidavit with the County affirming compliance with Section 40-5-31(E)(6) as provided herein and all other requirements of the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*).

5. Adult-Use Cannabis Processing Organization: In those zoning districts in which an Adult-Use Cannabis Processing Organization may be located as a special use permit, the proposed facility must comply with the following:

- a. A facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care facility/center, day care home, residential care home, group day care home, part day child care facility, community residence, nursing home, clinic or hospital. Learning centers and vocational or trade centers/schools shall not be classified as a public or private school for purposes of this Section.
- b. A facility may not be located in a dwelling unit or within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- c. A facility may not be located within 1,500 feet of the property line of a pre-existing place of worship, park, or forest preserve.
- d. Unless otherwise limited under this Section or Chapter (Ch. 40), the setbacks and minimum yard requirements for an Adult-Use Cannabis Processing Organization/facility shall be the same as that of the zoning district in which it is located.
- e. At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*). A facility may not conduct any sales or distribution of cannabis other than as authorized by the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*).
- f. For purposes of determining required parking and loading spaces, an Adult-Use Cannabis Processing facility shall be required to have the following parking and loading spaces: (i) Employee spaces: one (1) designated space for every employee per shift; (ii) Customer/Visitor spaces: one (1) space per 300 sq. ft. of floor area; and (iii) Loading Spaces: one (1) designated space for 1 sq. ft. to 10,000 sq. ft. of floor area; more than 10,000 sq. ft. one (1) designated space, plus one (1) additional designated space per 50,000 sq. ft. of floor area in excess of 10,000 sq. ft. All other requirements for Off-Street Parking and Loading of Article VI of the Zoning Code shall be complied with. Notwithstanding the requirements herein, the Zoning Board of Appeals may, at its discretion, require additional parking and loading spaces be provided as a result of its analysis completed through its consideration of the special use permit.
- g. Petitioner shall file an affidavit with the County affirming compliance with Section 40-5-31(E)(6) as provided herein and all other requirements of the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*).

6. Adult-Use Cannabis Transporting Organization: In those zoning districts in which an Adult-Use Transporting Organization may be located as a special use permit, the proposed facility must comply with the following:

- a. A facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care facility/center, day care home, residential care home, group day care home, part day child care facility, community residence, nursing home, clinic or hospital. Learning centers and vocational or trade centers/schools shall not be classified as a public or private school for purposes of this Section.
- b. A facility may not be located in a dwelling unit or within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- c. A facility may not be located within 500 feet of the property line of a pre-existing place of worship, park, or forest preserve.
- d. Unless otherwise limited under this Section or Chapter (Ch. 40), the setbacks and minimum yard requirements for an Adult-Use Cannabis Transporting Organization/facility shall be the same as that of the zoning district in which it is located.
- e. The transporting organization shall be the sole use of the tenant space in which it is located. A facility may not conduct any sales or distribution of cannabis other than as authorized by the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*).
- f. For purposes of determining required parking and loading spaces, an Adult-Use Cannabis Transporting facility shall be required to have the following parking and loading spaces: (i) Employee spaces: one (1) designated space for every 1.5 employees on the major shift of the facility, plus 1 space per company vehicle; (ii) Customer/Visitor spaces: at a minimum three (3) designated spaces, plus one additional space per every 25 employees on the major shift; and (iii) Loading Spaces: one (1) designated space for 1 sq. ft. to 20,000 sq. ft. of floor area and open lot; 20,001 – 50,000 sq. ft. of floor area and open lot two (2) designated spaces; 50,001 sq. ft. – 90,000 sq. ft. of floor area and open lot three (3) designated spaces; above 90,000 sq. ft. of floor area and open lot three (3) spaces plus 1 additional space per 50,000 sq. ft. of floor area and open lot in excess of 90,000 sq. ft. All other requirements for Off-Street Parking and Loading of Article VI of the Zoning Code shall be complied with. Notwithstanding the requirements herein, the Zoning Board of Appeals may, at its discretion, require additional parking and loading spaces be provided as a result of its analysis completed through its consideration of the special use permit.
- g. Petitioner shall file an affidavit with the County affirming compliance with Section 40-5-31(E)(6) as provided herein and all other requirements of the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*).

(E) Additional Adult-Use Cannabis Business Establishment Requirements and Conditions.

In addition to any requirements and conditions set forth above, and all applicable requirements of the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*), and any all subsequent amendments and rules and regulations adopted thereunder, all Adult-Use Cannabis Business Establishments are subject to the following requirements and conditions:

- 1. *Enhancements/Improvements.* Petitioner shall install building enhancements, such as security cameras, lighting or any such other improvements, as may be required as a condition of its special use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis

Business Establishment and the site on which it is located, consistent with the requirements of the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*).

2. *Advertising/Signs.* All advertisements, advertising, or signs pertaining to, representing, reflecting, related to, or promoting any Adult-Use Cannabis Business Establishment shall comply not only with Article VII (Sign Regulations) of the St. Clair County Zoning Code but shall also comply with any and all rules and regulations contained in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*). To the extent that any provision contained in Article VII (Sign Regulations) is in conflict with a similar rule or regulation contained in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*), the more restrictive rule or regulation shall control. Notwithstanding, electronic message boards and temporary signs are not permitted in connection with any Adult-Use Cannabis Business Establishment.

3. *Prohibition of alcohol and/or liquor.* No Adult-Use Cannabis Business Establishment shall sell, offer for sale, serve, provide, give away, donate or in any other manner supply or allow alcoholic and/or liquor beverages in, at, or upon its property or facility, except those cannabis products that contain alcohol (i.e., tinctures) and that are approved for retail sale by the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*).

4. *Age and access limitations.* It shall be unlawful for any Adult-Use Cannabis Business Establishment to allow any person who is not at least 21 years of age on the premises. Any Adult-Use Cannabis Business Establishment shall not employ anyone under the age of 21 years. Access to an Adult-Use Cannabis Craft Grower facility or an Adult-Use Cannabis Cultivation Center shall be limited exclusively to staff and local and state officials and those specifically authorized under the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*), and any subsequent amendments.

5. *Noxious odors.* All Adult-Use Cannabis Business Establishments shall operate in a manner that prevents odor impact on neighboring premises and properties and, if necessary, the facility shall be ventilated with a system designed for odor control that is approved by the St. Clair County Health Department.

6. *Notice and Affirming Statement.* At the time of submission of a zoning petition (a special use request) for an Adult-Use Cannabis Business Establishment, the Petitioner(s) shall submit a signed statement certifying and affirming that the Petitioner(s) has full knowledge of and actual notice that, notwithstanding state law and any action by the County of St. Clair, that:

- a. Cannabis is a prohibited Schedule I controlled substance under federal law;
- b. Participation in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*) is permitted only to the extent provided by the strict requirements of the Act and subsequent implementing regulations;
- c. Any activity not sanctioned by the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*) and its subsequent implementing regulations may be a violation of state law and may result in the revocation of zoning;
- d. Growing, distribution or possessing cannabis in any capacity, except through a federally-approved research program, is a violation of federal law;
- e. Use of Adult-Use cannabis may affect an individual's ability to receive federal or state licensure in other areas;
- f. Use of Adult-Use cannabis, in tandem with other conduct, may be a violation of state or federal law;

- g. Participation in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*) or approval of zoning by the St. Clair County Zoning Board of Appeals and St. Clair County does not authorize any person or entity to violate federal or state law and, other than as set out in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*) does not provide any immunity from or affirmative defense to arrest or prosecution under federal or state law; and
- h. Petitioner(s) for the zoning of the Adult-Use Cannabis Business Establishment by the County of St. Clair shall indemnify, hold harmless, and defend the County of St. Clair, including but not limited to its Zoning Administrator, Zoning Board of Appeals and its individual members, Zoning Attorney, County Board Members, employees, agents, and elected and appointed officials for any and all civil or criminal penalties resulting from the participation in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*) and St. Clair County's zoning; and Petitioner(s) further agrees to and accepts to indemnify, hold harmless, and defend the County of St. Clair, including but not limited to its Zoning Administrator, Zoning Board of Appeals and its individual members, Zoning Attorney, County Board Members, employees, agents, and elected and appointed officials for any and all liability for Petitioner(s) Adult-Use Cannabis Business Establishment, and Petitioner(s) employees, customers, customer's employer or employees, family members or guests, for any and all damage, injury, including death, accident, loss, compensation or claim, based on, arising out of (directly or indirectly), or resulting from the property for which the zoning/special use requested is being used pursuant to the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*), including but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to federal or state laws, any fire, injury, death, robbery, theft, mysterious disappearance or any other casualty; or the action of any other person or entity. This provision shall survive the expiration or the early termination of the zoning, if the zoning is granted, or dissolution of use or any subsequent special use or change in zoning.

7. *Annual Proof of Licensure/Registration.* Successful Petitioners shall file with the Zoning Administrator annually a current copy of his/her/their/its license/registration issued by the State of Illinois (i.e., Illinois Department of Agriculture or Illinois Department of Finance and Professional Regulation). The failure to provide proof of licensure/registration annually may result in the special use permit being revoked.

(F) Co-Location of Cannabis Business Establishments.

The Zoning Board of Appeals may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, subject to the provisions of the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*) and the Special Use criteria within the Zoning Code as to each such type of Adult-Use Cannabis Business Establishment. In a co-location, the floor space requirements of Section 40-5-31(D)(3)(e) and 40-5-31(D)(4)(e) shall not apply, but the co-located establishments shall be the sole use of the tenant space.

(G) Dissolution of Use and Revocation of Zoning.

1. *Failure to obtain state registration/licensure.* Should an Adult-Use Cannabis Business Establishment fail to provide evidence to the Zoning Administrator that the facility has achieved its

ST CLAIR COUNTY CODE

approval of registration/licensure from the State of Illinois within 180 days of the approval of its special use permit by the County Board, its special use permit shall become null and void, and the zoning or use of the parcel shall revert to that which existed prior to the County Board action which approved the special use permit under this Section.

However, within 90 working days of the date upon which such special use permit was approved by the County Board, an Adult-Use Cannabis Business Establishment may request of the County Board, through the Zoning Administrator, an extension of the 180 days for an additional 90 days, upon the provision of evidence providing the cause of the delay and the need for an extension. Such additional extension may be allowed only at the discretion of the County Board.

2. *Failure to comply with state and county regulations.* Should an Adult-Use Cannabis Business Establishment fail to conform to and meet all laws, rules and regulations established by the State of Illinois pursuant to the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*) and the rules and regulations of the County of St. Clair this may be considered a dissolution of use, allowing for the revocation of the special use permit issued by the County of St. Clair. Should the special use permit be revoked, the zoning or use of the parcel shall revert to that which existed prior to the County Board action which approved the special use permit under this Section.

3. *Termination of use.* Should an Adult-Use Cannabis Business Establishment fail to use the property for the purpose under which the special use permit was provided for a period of 180 days, this may be considered a dissolution of use, allowing for the revocation of the special use permit by the County Board. Should the special use permit be revoked, the zoning or use of the parcel shall revert to that which existed prior to the County Board action which approved the special use permit under this Section.

40-5-32- COMMERCIAL WIND ENERGY FACILITIES.

The following sections shall apply to all Commercial Wind Energy Facilities located in unincorporated St. Clair County, Illinois. (**Ord. No. 23-1282; 05/30/2023**)

(A) Findings and Application.

1. The purpose of this Section of the St. Clair County Zoning Code is to provide a uniform and comprehensive set of standards and regulations the location and development of Commercial Wind Energy Facilities in unincorporated St. Clair County, Illinois. The intent of these standards and regulations is to protect the public’s health, safety, and general welfare, while allowing the development of Commercial Wind Energy Facilities in compliance with state law and St. Clair County’s Zoning Code; however, should a conflict exist between this Section (40-5-32) and state law concerning the siting and zoning of Commercial Wind Energy Facilities, state law shall control.

2. All policies, procedures, rules, regulations, and standards of the St. Clair County Zoning Code shall apply to Commercial Wind Energy Facilities, except as otherwise provided for in this Section.

3. The applicant upon application for a special use permit for a Commercial Wind Energy Facility shall provide all items of information as required in Chapter 40, Article XI, Division V, entitled Special Use Permits, as well as any additional information required in this Section and state law.

4. Commercial Wind Energy Facilities shall be considered for a special use permit in the following zoning districts only: Agricultural Industry District (“A”), Research and Assembly Industrial District (“I-1”), and General Industrial District (“I-2”).

5. The Zoning Board of Appeals or the County may require, for the siting of Commercial Wind Energy Facilities that are located in the unincorporated areas of St. Clair County but which are located within the 1.5-mile radius surrounding the zoning jurisdiction of a municipality, such additional requirements or conditions, including but not limited to greater setback distances, additional screening, additional shadow flicker requirements, and additional sound and height restrictions, than those contained in this Section, and as may be appropriate under the circumstances or that may be requested by the municipality whose 1.5-mile radius the proposed Commercial Wind Energy Facility is located.

(B) Definitions.

“Commercial wind energy facility”: Means a wind energy conversion facility of equal or greater than 500 kilowatts in total nameplate generating capacity. “Commercial wind energy facility” includes a wind energy conversion facility seeking an extension of a permit to construct granted by a county or municipality before January 27, 2023.

“Facility Owner”: Means (i) a person with a direct ownership interest in a commercial wind energy facility, regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the facility, and (ii) at the time the facility is being developed, a person who is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility, regardless of whether the person will own or operate the facility.

“Nonparticipating Property”: Means real property that is not a participating property.

“Nonparticipating Residence”: Means a residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the commercial wind energy facility is filed with the county.

“Occupied Community Building”: Means any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the commercial wind energy facility is filed with the county: a school, place of worship, day care facility, public library, or community center.

“Participating Property”: Means real property that is the subject of a written agreement between a facility owner and the owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing a commercial wind energy facility or supporting facilities. “Participating property” also includes real property that is owned by a facility owner for the purpose of constructing a commercial wind energy facility or supporting facilities.

“Participating Residence”: Means a residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the commercial wind energy facility is filed with the county.

“Protected Lands”: Means real property that is:

- (1) subject to a permanent conservation right consistent with the Real Property Conservation Rights Act (765 ILCS 120/0.01, *et seq.*); or
- (2) registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act (525 ILCS 30/1, *et seq.*).

“Supporting Facilities”: Means the transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the commercial wind energy facility.

“Wind Tower”: includes the wind turbine tower, nacelle, and blades.

All other definitions set forth in Article II of this Code (Section 40-2-2) shall apply when applicable and to the extent that they are not inconsistent with the definitions contained in this Section (40-5-32).

(C) **Hearings and Notice.**

1. All hearings involving a Commercial Wind Energy Facility shall be noticed, held, and conducted pursuant to 55 ILCS 5/5-12020(c) and those provisions contained in the St. Clair County Zoning Code not in conflict therewith.

2. All applicants/Facility Owners must enter into an agricultural impact mitigation agreement with the Illinois Department of Agriculture prior to the date of the hearing before the St. Clair County Zoning Board of Appeals.

(D) Test Wind Towers.

The St. Clair County Zoning Administrator with the approval and consent of the St. Clair County Zoning Board of Appeals may allow test wind towers to be sited without formal approval by the County Board upon those terms and conditions imposed by the St. Clair County Zoning Administrator and the Zoning Board of Appeals.

(E) Setbacks and Other Requirements.

1. All Commercial Wind Energy Facilities shall meet those setback distances as set forth in 55 ILCS 5/5-12020(e). All setback distances shall be measured from the center of the base of the wind tower.

2. All Commercial Wind Energy Facilities shall comply with electric facility clearances approved or required by the National Electrical Code, The National Electrical Safety Code, Illinois Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors.

3. A wind tower of a Commercial Wind Energy Facility shall be sited so that industry standard computer modeling indicates that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions.

4. The sound limitation for wind towers in Commercial Wind Energy Facilities shall adhere to those sound limitations established by the Illinois Pollution Control Board under 35 Ill. Adm. Code Parts 900, 901, and 910.

5. Blade tip height limitations for wind towers shall comply with those height limitations set forth in a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 C.F.R. Part 77, and shall also comply with all provisions and requirements of Division XVII-Airport Overlay (“AO”) District of the St. Clair County Zoning Code. If a wind tower is to be placed in an “AO” District, and the limitations of 14 C.F.R. Part 77 conflict with those provisions and requirements of the “AO” District, the “AO” District provisions and requirements shall control, unless the limitations of 14 C.F.R. Part 77 are more restrictive.

6. The Zoning Board of Appeals may require as a condition of the approval of the special use that a wind tower and/or its supporting facilities be screened from public view by appropriate fencing, plantings or other architectural feature, or any combination thereof, provided however, that the screening shall not be so dense, so tall, or so located as to render the equipment essentially non-functional.

7. Any road use agreement between a facility owner and the state of Illinois, a road district, or other unit of local government that is required for a Commercial Wind Energy Facility shall comply with 55 ILCS 5/5-12020(s).

8. The Zoning Board of Appeals or the County may require as a condition of the approval of the special use that a Commercial Wind Energy Facility adhere to the recommendations provided by the Illinois Department of Natural Resources in an EcoCAT natural resource review report under 17 Ill. Admin. Code Part 1075.

9. The requirements set forth in sections E(1) and E(3) above may be waived subject to the written consent of the owner of each affected nonparticipating property.

(F) Construction.

All applicants upon application shall provide a construction and development schedule with provisions of reasonable guarantee of completion in accordance therewith, as well as preliminary plans in accordance with 40-11-33. The applicant's construction and development schedule, as well as preliminary plans, shall also include and address at a minimum all construction related items in the Agricultural Impact Mitigation Agreement template then in effect, irrespective of whether the landowner(s) agreed to waive any such requirements.

(G) Environmental Requirements.

All applicants shall provide upon application for a special use permit the following:

1. EcoCat & U.S. Fish & Wildlife:

(a) The results and recommendations from consultation with the Illinois Department of Natural Resources that are obtained through the Ecological Compliance Assessment Tool (EcoCAT) or a comparable successor tool; and

(b) The results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with the "U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines."

2. Documentation that demonstrates avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission; or consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.

3. Evidence of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.

(H) Decommission/Deconstruction Plan and Financial Assurance.

1. Decommission/Deconstruction Plan. The applicant, prior to the initial public hearing date, shall provide the following:

(a) A fully executed Illinois Department of Agriculture's Standard Agricultural Impact Mitigation Agreement on the Illinois Department of Agriculture's template 81818, or then current form in effect, pertaining to the construction of a Commercial Wind Energy Facility; and

(b) A detailed decommission/deconstruction plan in accordance with the Illinois Department of Agriculture's Standard Agricultural Impact Mitigation Agreement pertaining to the construction of a Commercial Wind Energy Facility. The decommission/deconstruction plan shall account for the removal

of all of the components and equipment of the facility irrespective if the landowner(s) waives removal of any components and/or equipment.

2. Financial Assurance.

The amount of financial assurance for decommissioning/deconstruction purposes that shall be posted by the applicant/Facility Owner with St. Clair County, if the special use is approved and prior to a building permit being issued, shall be limited to the cost identified in the decommissioning/deconstruction plan, as required by the Agricultural Impact Mitigation Agreement, minus the salvage value of the project. The financial assurance shall be provided to St. Clair County in the timing sequence provided for in the Agricultural Impact Mitigation Agreement. The applicant/Facility Owner's failure to provide the appropriate financial assurance by the appropriate anniversary dates as set forth in the executed Agricultural Impact Mitigation Agreement shall be grounds for revocation of the special use permit. The Financial Assurance shall be nonrevocable, posted in the name of St. Clair County, Illinois, as the primary beneficiary, and contain such other requirements and conditions deemed acceptable by St. Clair County.

(I) Enforcement.

A Facility Owner's failure to comply with the requirements and conditions of a special use permit granted under this Section, comply with the requirements and conditions of a building permit issued, or comply with the provisions of this Section and applicable state law shall be deemed a violation of St. Clair County's Zoning Code. The St. Clair County State's Attorney may bring an action to enforce compliance with the requirements of the special use permit, building permit, the Zoning Code, as well as state law by filing an action in the Circuit Court, Twentieth Judicial Circuit Court, St. Clair County, Illinois for an injunction requiring conformance therewith, and may seek any other appropriate remedy, including penalties/fines, or such other order as deemed necessary to secure compliance.

Any person who violates this Section shall be subject to those penalties/fines as set forth in 40-11-10. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Nothing herein shall prevent St. Clair County from seeking such other legal or equitable remedies available to prevent or remedy any violations of the requirements and conditions of special use permit, building permit, the Zoning Code or state law.

(This page was left blank intentionally.)

ARTICLE VI

OFF-STREET PARKING AND LOADING

40-6-1 APPLICABILITY OF REGULATIONS. Off-street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Code.

40-6-2 GENERAL REQUIREMENTS – PARKING.

- (A) Each required parking space shall be at least **ten (10) feet** wide and **twenty (20) feet** long, and shall have at least **seven (7) feet** of vertical clearance. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.
- (B) Markings shall be laid and restored as often as necessary to clearly delineate each parking space in parking lots.
- (C) All parking aisles and parking spaces shall be entirely within the lot lines, and not on a public right-of-way. Parking spaces shall be so arranged that no part of any vehicle overhangs the public right-of-way or lot line.
- (D) Parking spaces shall be arranged so that no direct entrance and/or egress to an individual parking space is from the public right-of-way for any “MR”, “MHP”, “NB”, “B” and “I” district use.
- (E) All parking areas developed for “MHP”, “MR”, “NB”, “B” and “I” district uses shall be paved with an all-weather surface and shall be properly drained and maintained.
- (F) Parking spaces shall not be permitted within any required yard abutting a street in the “RR”, “SR”, “MHP”, and “MR” districts.
- (G) Where off-street parking is provided between any building and a street in the “MR-2”, “NB”, “HB”, “B-1”, “B-2”, and “I” Districts, a **six (6) inch** vertical curb shall be provided to separate such off-street parking areas from the public right-of-way and pedestrian walkways.
- (H) No part of any off-street parking area required for any building or use for the purpose of complying with the provisions of this Code shall be included as a part of an off-street parking space similarly required for another building or use.

40-6-3 LOCATION OF PARKING. All off-street parking shall be located in conformity with the following requirements:

- (A) **Location of Parking Lots.** Parking areas whether open or enclosed shall be provided upon the same lot containing the use for which they are required, or on separate lots as follows:
 - (1) Within a **two hundred (200) foot** radius in all “R-R”, “SR”, “MHP” “MR”, and “NB” zoning districts.
 - (2) Within a **six hundred (600) foot** radius in all other zoning districts.
 - (3) Such separate lots shall be classified as “parking lots” or “parking garages” in determining whether they are permitted in a particular district.
 - (4) Such separate lots and the lot containing the use shall be held under unified ownership or controlled as required for a lot.
- (B) **For Residential Uses.** Parking spaces accessory to a dwelling shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard, but may be located in the side lot or rear yards. Each parking space accessory to a multiple-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area.

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

- (1) Every off-street parking space accessory to any business or industrial use shall be located within **eight hundred (800) feet** of the use served; provided, that no portion of any parking lot for such use shall extend into any Residential District.
- (2) In any Business or Industrial District, off-street parking facilities for different buildings or uses may be provided collectively, but only if the total number of spaces is not less than the sum of the separate requirements for each use, and if all other pertinent regulations are observed.

40-6-4 ACCESS WAY REQUIREMENTS.

- (A) Unobstructed and direct access ways shall be provided from off-street parking to a street or alley.
- (B) Access ways shall have a minimum width of **eight (8) feet** to a private residence or private garage.
- (C) The access way to every parking lot located in any Residential District shall be at least **ten (10) feet** wide; but if the parking lot contains more than **eight (8) parking spaces** or if the access way is longer than **one hundred (100) feet**, access shall be provided either by **one (1)** two-way drive at least **twenty (20) feet** wide or by **two (2)** one-way drives, each at least **ten (10) feet** wide.
- (D) The access way to a parking lot located in any Business or Industrial District shall be at least **twenty-four (24) feet** wide unless **two (2)** one-way drives, each **twelve (12) feet** wide, are provided.
- (E) The alignments of access ways shall intersect the abutting street lines approximately at right angles (variations not to exceed **twenty (20) degrees**).
- (F) In no case shall any access way from a public street exceed **thirty-five (35) feet** in width.
- (G) No access way or lane shall be within **fifty (50) feet** of any corner formed by the intersection of the rights-of-way of **two (2)** or more streets. On a corner where traffic signals or stop signs exist, such entrance or exit shall be located at such distance and in such manner so as not to cause or increase traffic hazard or undue congestion.
- (H) 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 (60) degree** parking shall be at least **eighteen (18) feet** wide.

40-6-5 LIGHTING. Any light(s) used to illuminate any parking area shall be arranged or shielded so as to confine direct light rays within the parking lot boundary lines to the greatest extent practicable.

40-6-6 INTERIOR LANDSCAPING. In order to reduce heat and glare, to minimize blowing of dust and trash, and to reduce the oppressive visual effects of large open parking lots, approved landscaping shall be provided and maintained within every parking lot that contains **thirty (30)** or more parking spaces.

40-6-7 SURFACING. Parking lots shall be graded and improved with a compacted **six (6) inch** stone base of No. 6, 7 or 8 stone surfaced with **two (2) inches** of bituminous concrete or approved comparable material.

40-6-8 DRAINAGE.

- (A) All grading and construction shall be done in such manner that drainage and ponding shall be away from all buildings, parking lots, loading areas and from pedestrian/vehicular access ways thereto.
- (B) Drainage plans shall be based on a **4.9 inch per twenty-four (24) hour** rainfall.
- (C) Drainage plans and construction shall be such as to protect the property from being developed and adjacent properties from flooding, ponding, washing and erosion.
- (D) Retention ponds or basins shall be provided as necessary to insure that water entering receiving streams, and/or drainage facilities shall be at no greater volume than would be so discharged prior to development of the tract and that the velocity or volume of the water released at any point will not cause flooding, ponding, washing or erosion of adjacent property.

40-6-9 GENERAL REQUIREMENTS – OFF-STREET LOADING. All off-street loading facilities shall conform to the minimum standards indicated below:

- (A) **Size of Berths.** Each required loading berth may be open or enclosed and shall have the following minimum dimensions being the greater of:
 - (1) **Fifty (50) feet long, twelve (12) feet wide and fourteen (14) feet high;** or
 - (2) Such greater requirements as are needed to accommodate vehicles so that no vehicle overhangs into the public right-of-way or access way.
 - (3) And reasonably adequate turning and maneuvering space shall be provided in addition to said minimum size loading berth requirements.
- (B) **Loading Berths in Yards, Open Spaces and Parking Areas.** Open off-street loading berths or areas shall be provided in addition to required off-street parking and shall not be located within required front yards or access ways.

40-6-10 LOCATION OF BERTHS. All off-street loading areas shall be located on the same lot as the use for which they are permitted or required.

40-6-11 ACCESS TO LOADING BERTHS. Access ways at least **twelve (12) feet** in width shall connect all loading berths to a street or alley. Such access ways may be coincidental with access roadways or driveways to parking areas.

40-6-12 BUFFER STRIPS. No loading space or area for vehicles over **two (2) ton** capacity shall be developed closer than **fifty (50) feet** to any lot located in any Residential District unless such space/area is screened by walls, a solid fence, or closely planted shrubbery at least **six (6) feet** in height and of sufficient density to block the view from the residential property.

40-6-13 SURFACING. Every off-street loading area shall be improved with a compacted stone base at least **seven (7) inches** thick of No. 6, 7 or 8 stone, surfaced with at least **two (2) inches** of bituminous concrete, or approved comparable material.

40-6-14 COMPUTATION OF REQUIRED PARKING/LOADING SPACES. In computing the number of parking spaces required by this Code, the Zoning 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

ST CLAIR COUNTY CODE

parking” means “one parking space shall be required per one and one-half (1.5) employees”, unless otherwise stated.

- (B) In computing parking or loading space requirements on the basis of building floor area, the gross floor area shall be used.
- (C) Whenever it is necessary to translate gross parking lot area into number of parking spaces, **three hundred fifty (350) square feet** of gross area shall be deemed **one (1) parking space**.
- (D) If computation of the number of parking or loading spaces required by this Code results in a fractional space, any fraction of **one-half (1/2)** or more shall be counted as **one (1) space**.
- (E) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking or loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.

40-6-15 EXISTING PARKING/LOADING FACILITIES.

- (A) Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced – 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, parking/loading facilities equivalent to those existing at the time of such damage or destruction shall be restored, but additional parking/loading facilities need not be provided.
- (C) Whenever the use of any structure or premises is intensified through addition of dwelling units, increased floor area, greater seating capacity, or similar changes, additional parking and loading facilities commensurate with such increases in use-intensity shall be provided.
- (D) Whenever the existing use of a structure is changed to a different use, parking or loading facilities shall be provided as required herein for the new use.

40-6-16 NUMBER OF PARKING AND LOADING SPACES REQUIRED. Off-street parking and loading spaces shall be provided as indicated in tabular form below. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The Zoning Administrator shall make the determination of similarity.

USE	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED (IF ANY)
(A) DWELLING, LODGINGS		
Hotel, motels, boarding houses, lodges	1 space per lodging unit, plus employee parking	1 space if the use has 20,000 sq. ft. or more of floor area
Mobile homes	2 spaces per mobile home	Not applicable
Multiple-family dwellings	2 spaces per dwelling unit	Not applicable
Single-family and two-family dwellings	2 spaces per dwelling unit	Not applicable
(B) EDUCATIONAL, INSTITUTIONAL, RECREATIONAL		
Churches, auditoriums	1 space per 4 seats in the largest seating area	Not applicable
Hospitals	1 space per 2 beds plus employee parking	To 50,000 sq. ft. of floor area 1 space 50,001 – 100,000 sq. ft. 2 spaces 100,001 – 200,000 sq. ft. 3 spaces
Libraries, museums	1 space per 500 sq. ft. of floor area	On review by the Administrator

ST CLAIR COUNTY CODE

USE	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED (IF ANY)
Nursing homes	1 space per 500 sq. ft. of floor area	To 50,000 sq. ft. of floor area 1 space 50,001 – 100,000 sq. ft. 2 spaces, 100,001 – 200,000 sq. ft. 3 spaces
Schools		On review by the Administrator
Elementary and Junior High	1 space for 20 students that the building is designed to accommodate, plus employee parking	
Senior High	1 space or every 4 students over 15 years old that the building is designed to accommodate, plus employee parking	
Trade Schools	1 space for every 2 students that the building is designed to accommodate, plus employee parking	
(C) COMMERCIAL, OFFICE, SERVICE		
Note: All commercial and service uses unless specifically indicated otherwise below	1 space per 300 sq. ft. of floor area	To 10,000 sq. ft. of floor area 1 space; more than 10,000 sq. ft. 1 space plus 1 additional space per 50,000 sq. ft. of floor area in excess of 10,000 sq. ft.
Banks, savings, and loans		
Walk-in	1 space per 300 sq. ft. of floor area plus employee parking	(Both walk-in and drive-in) To 30,000 sq. ft. of floor area non required; 30,001 – 100,000 sq. ft. 1 space; more than 100,000 sq. ft. 1 space plus 1 additional space per 100,000 sq. ft. of floor area in excess of 100,000 sq. ft.
Beauty and barber shops	1 space per chair plus employee parking	Not applicable
Bowling alleys	4 spaces per bowling land plus additional spaces as required herein for affiliated uses such as a restaurant and taverns	Not applicable, except as required for affiliated uses
Car wash	5 spaces per wash lane	Not applicable
Furniture and appliance stores	1 space per 600 sq. ft. of floor area	To 25,000 sq. ft. of floor are 2 spaces more than 25,000 sq. ft. of floor area 2 spaces plus 1 additional space per 25,000 sq. ft. of floor area in excess of 25,000 sq. ft.
Home occupation	2 spaces in addition to the parking requirements of the dwelling	Not applicable

ST CLAIR COUNTY CODE

USE	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED (IF ANY)
Office, generally, but not medical/dental offices	1 space per 300 sq. ft. of floor area	To 30,000 sq. ft. of floor area none required; 30,001 – 100,000 sq. ft. 1 space; more than 100,000 sq. ft. 1 space plus 1 additional space per 100,000 sq. ft. of floor area in excess of 100,000 sq. ft.
Office, medical/dental	1 space per 200 sq. ft. of floor area or 3 spaces per professional whichever is greater	Not applicable
Mortuaries	1 space per 5 seats plus 1 space per funeral vehicle but less than 20 spaces per chapel or state room	1 space per 10,000 sq. ft. or more of floor area
Restaurants, refreshment stands		(Both sit-down and drive-in) 1 space per structure having 10,000 sq. ft. or more of floor area
Restaurant Sit-down	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater	
Restaurant Drive-in	1 space per 25 sq. ft. of floor area	
Service stations	2 spaces per service stall, plus employee parking	Not applicable
Tavern	1 space per 3 seats or 1 space per 50 sq. ft. of floor area, whichever is greater	1 space per structure having 100,000 sq. ft. or more of floor area
Theaters Indoor	1 space per 3 seats in the largest seating area	Not applicable
Theaters Drive-in	On review by the Administrator	
Vehicle sale (autos, boats, trailers, etc.)	1 space per 600 sq. ft. of enclosed floor area plus; Up to 10,000 sq. ft. of open lot area devoted to sale/display of vehicles 1 space per 2,500 sq. ft. of open lot area; above 10,000 sq. ft. 4 spaces plus 1 additional space per 5,000 sq. ft. of open lot area in excess of 10,000 sq. ft.	To 25,000 sq. ft. of floor area and open lot area 2 spaces; more than 25,000 sq. ft. of floor area and open lot area 2 spaces plus 1 additional space per 25,000 sq. ft. in excess of 25,000 sq. ft.
(D) INDUSTRIAL		
Any manufacturing, warehousing, or other Industrial use	Employee parking (1 space per 1.5 employees plus 1 space per company vehicle, plus 1 visitor space per 25 employees on the major shift	To 20,000 sq. ft. of floor are 1 space; 20,001 – 50,000 sq. ft. 2 spaces, 50,001 – 90,000 sq. ft. 3 spaces; above 90,000 sq. ft. 3 spaces plus 1 additional space per 50,000 sq. ft. of floor area in excess of 90,000 sq. ft.

ARTICLE VII

SIGN REGULATIONS

40-7-1 INTENT AND PURPOSE. It is the intent and purpose of the sign regulations to provide for the use of signs as means of communication and for directing persons to desired destinations; to improve traffic and pedestrian safety and convenience; to enhance economic activity; to minimize possible adverse effects of signs on public and private property; to maintain the aesthetic environment and to provide reasonable requirements and consistent enforcement. The sign regulations are adopted under the zoning enforcement authority of St. Clair County in furtherance of the general purposes set forth in the Zoning Code.

40-7-2 GENERAL SIGN REGULATIONS.

- (A) All signs hereafter constructed, erected, painted, or otherwise established, moved, altered, or changed within the County’s limits of jurisdiction shall comply with the following regulations.
- (B) Sign regulations of this Code shall not apply to governmental signs (including traffic signs) which are erected and intended for public information, direction, safety, or control purposes; or to a sign of less than **twelve (12) square feet** that identifies an agricultural product being raised on the premises.
- (C) A permit shall be required prior to the construction, erection, or placement of any and all signs except identification signs; real estate signs of less than **thirty-two (32) square feet** and governmental signs.
- (D) No sign shall be constructed, erected, or otherwise placed on any lot in such manner that it would endanger or cause a hazardous condition to persons or property.
- (E) No sign shall be erected in such manner as to obscure or otherwise physically interfere with an official traffic sign, signal, or device; directional or informational sign; or to interfere with a driver’s view of approaching, merging or intersecting traffic.
- (F) Signs existing at the time of the enactment of this Code and not conforming to its provisions but which were constructed in compliance with previous regulations shall be regarded as legal nonconforming signs. Nonconforming signs which are structurally altered, relocated, or replaced shall at that time be made to comply with all provisions of this Code.
- (G) Repair and/or maintenance of lawful, nonconforming signs shall be in accordance with the regulations set forth in **Section 40-8-10**.
- (H) In no case shall any part of any sign, be erected or placed within or above a public right-of-way, public easement, or publicly owned land, except signs authorized by the governmental agency of primary jurisdiction.
- (I) No sign or part thereof, including supports, braces or otherwise, shall be located nearer than **ten (10) feet** to any lot line or right-of-way line, unless otherwise specifically permitted or as further restricted by this Code.
- (J) **Lighting.**
 - (1) No sign located nearer than **seventy-five (75) feet** to a residential zoning district shall be illuminated.
 - (2) No sign may be erected which contains, includes, or is illuminated by any flashing, intermittent or moving light(s), except those giving public service information such as, without limiting the generality of the foregoing, time, weather, date, and temperature.
 - (3) No sign may be erected or maintained which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way

or any interstate or primary highway or which is of such intensity of brilliance as to cause glare or to impair the vision of the driver of any motor vehicle.

- (K) **Height of Signs.** The height of all signs shall be determined by the type of sign erected and regulations of the district in which it is located.
- (L) **Determination of Sign Area.** The size of all signs shall be determined by the type of sign erected and regulations of the district in which it is located. The area of a sign shall be determined by computation of the area of the smallest square, rectangle, triangle, or circle that will encompass the entire area of the sign including border and trim.
- (M) Moveable signs or any other sign or advertising device (except temporary signs for which a temporary permit is in effect) shall be counted as part of the maximum permitted sign area.

40-7-3 PERMITTED SIGNS – DEFINED BY CONSTRUCTION OR LOCATION. The following signs are permitted as hereby defined and classified by type of construction, location, and usage.

(A) **“Sign” by Structural Type.**

- (1) **“Combination Sign”.** A type of sign designed to attract attention of both pedestrian and vehicular traffic incorporating any combination of the features of “freestanding”, “projecting” and “roof signs”. The design, construction and/or erection of any combination sign shall comply with the most restrictive provisions and requirements for a “freestanding”, “projecting” and “roof sign” as provided in this Section.
- (2) **“Freestanding Sign”.** A detached sign which is supported by one or more uprights, poles, or braces in or upon the ground. A freestanding sign shall be subject to the following requirements:
 - (a) No establishment or development (including Planned Building Development) shall construct, erect, or display more than **one (1)** freestanding signs on any one street frontage.
 - (b) Freestanding sign supports shall not be set nearer than **ten (10) feet** to any lot line, except when advertising signs/billboards are erected, sign supports shall not be set nearer than **twenty-five (25) feet** to any lot line.
 - (c) Freestanding signs shall not project more than **four (4) feet** into any required yard.
 - (d) No part of any freestanding sign (excluding supports) shall extend below a point **eight (8) feet** above ground level at the base of the sign.
 - (e) No part of any sign (freestanding, projecting, combination or otherwise), excluding vertical supports, that is erected or placed above a pedestrian or vehicle access way, shall extend below a point **ten (10) feet** above ground level at the base of the sign. However, if the vehicle access way is to be used by emergency or service vehicles, delivery trucks or similar equipment, then said sign shall not extend below a point **fourteen (14) feet** above ground level at the base of the sign.
- (3) **“Projecting Sign”.** Any sign, other than a wall sign that is attached to and projects more than **one (1) foot** from the wall or face of a building. A projecting sign shall be subject to the following requirements:
 - (a) A projecting sign shall not project more than **four (4) feet** from the wall of a building to which it is attached or more than **four (4) feet** above the eave

line of the adjacent roof, except in the case of an identification sign which shall not project more than **two (2) feet** from the wall of the building to which it is attached.

- (b) A projecting sign shall not project more than **four (4) feet** into any required yard.
- (c) A projecting sign shall be at least **ten (10) feet** above finished grade level.

(4) **“Roof Sign”**. A sign erected upon or above a roof or parapet wall of a building or structure. Roof signs shall be subject to the following requirements:

- (a) Roof signs shall not extend more than **ten (10) feet** above the roof structure of the building to which it is attached, except in the “NB” zone district where roof signs shall not extend more than **five (5) feet** above the roof structure to which it is attached. Roof signs shall be prohibited in the “A”, “R-R”, “SR”, “MR” and “MHP” zone districts.

(5) **“Wall Sign”**. Any sign painted, attached, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall and extending not more than **twelve (12) inches** from the face of the wall.

40-7-4 PERMITTED SIGNS – DEFINED USE; MAXIMUM SIZE AND HEIGHT.

(A) **“Advertising Sign/Billboard”**. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the lot where the sign is located, or only incidentally on that lot if at all. All advertising signs shall be erected in compliance with the Highway Advertising Control Act of 1971.

(1) **Maximum Sign Area.**

- (a) The lesser of **three hundred (300) square feet** or **one (1) square foot** of sign area for each linear foot or lot frontage on a street.
- (b) The maximum size of any advertising/billboard sign shall be limited to **three hundred (300) square feet** of sign area, including border and trim, but excluding ornamental base or apron, supports and other structural members. Double faced signs, back-to-back signs within **three (3) feet** of each other and V-type signs shall be considered as one sign.
- (c) In determining the total permitted sign area of advertising signs or billboards, the total sign area of all such signs on the lot shall be considered as part of the total sign area permitted.

(2) **Location of Signs.**

- (a) All advertising/billboard signs located along any roadway shall not be less than **one and one-half (1.5) miles** from the nearest corporate limits of any municipality.
- (b) Advertising/billboard signs shall not be located nearer than **two hundred (200) feet** to any building or structure.
- (c) Along all public roads and highways, advertising signs on the same side of the highway shall be erected no less than **five hundred (500) feet** apart.
- (d) No advertising sign may be erected along any roadway adjacent to, or within **five hundred (500) feet** of an interchange, rest area, or weigh station. Such **five hundred (500) feet** shall be measured along the main-

- traveled way from the beginning or ending or pavement widening at the exit from or entrance to the main-traveled way.
- (e) No advertising sign may be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal, information sign or device or to obstruct or physically interfere with the driver's view of approaching, merging or intersection traffic; such signs shall not be within **one thousand (1,000) feet** of any signal device or point of intersection or merging traffic.
 - (f) Advertising/billboard signs shall not be permitted along County or Township highways/roads or local streets.
- (3) **Height of Signs.** No sign shall exceed **thirty-five (35) feet** in height from ground level at the base of the sign, except in the "B-2", "I-1" and "I-2" zoning districts in which case a **forty-five (45) foot** height is permitted.
- (B) **"Area Identification Sign".** A sign intended and constructed to permanently identify an area or major building complex such as a shopping center, office or industrial complex, multi-building residential area or a major public use development. Projecting and roof signs are prohibited from use as area identification signs.
- (1) **Maximum Sign Area.** The total sign area of any such sign(s) shall not exceed **forty (40) square feet** and not more than **one (1)** identification sign shall be placed on a common street frontage. Not more than **two (2) signs** shall be permitted for any one development. A Special Use Permit shall be required for area identification signs of more than **forty (40) square feet** in area. Application for a Special Use Permit shall be accompanied by a scale drawing of the proposed sign with designation of the type of construction materials to be used and a map showing the proposed location(s) on the premises.
 - (2) **Height of Sign.** Shall not exceed the permitted height of buildings for the district in which the sign is located.
- (C) **"Bulletin Board".** As used in this Code, a sign used for purposes of notification to the public of an event or other occurrence of public interest, such as church service, political rally, civic meeting, or similar event.
- (1) **Maximum Sign Area.** **Twenty-four (24) square feet** with a maximum greatest dimension of **eight (8) feet**.
 - (2) **Height of Signs.** No sign shall exceed **ten (10) feet** in height from ground level at the base of the sign.
- (D) **"Business Sign".** A sign which directs attention to a business, profession, service display or entertainment conducted upon a lot or to a commodity stored, sold, or displayed on a lot.
- (1) **Maximum Sign Area in "NB" District.** The total surface area of all signs shall be limited to the greater of **two (2) square feet** of sign area for each linear foot of building width or **one (1) linear foot** of sign for each foot of lot frontage. However, the total area of any sign shall not exceed **one hundred (100) square feet**.
 - (2) **Maximum Sign Area in "B" and "I" Districts.**
 - (a) The total surface area of all signs shall be limited to the greater of **two (2) square feet** of sign for each linear foot of width of the business building or

- one (1) square foot** of sign for each linear foot of lot frontage, provided that the total area of any sign shall not exceed **two hundred (200) square feet** on any business building.
- (b) For buildings which include more than **one (1)** business, the front width of each individual business unit shall be used to determine the maximum sign area for that business.
 - (c) For any business building facing more than **one (1)** street, each street frontage shall be considered separately to determine the maximum sign area for each street frontage.
- (3) **Height of Signs in “NB” District.** No sign shall exceed **twenty-five (25) feet** in height measured from ground level at the base of the sign.
- (4) **Height of Signs in “B” and “I” Districts.** No sign shall exceed **thirty-five (35) feet** in height from ground level at the base of the sign, except in the “B-2”, “I-1” and “I-2” zoning districts in which case a **forty-five (45) foot** height is permitted.
- (E) **“Construction Sign”.** A sign advertising the development or improvement of a property by a building contractor or other person furnishing services, materials or labor to said premises, which sign is intended for a limited period of display, and erected on the same lot with the work being done. Projecting signs and roof signs shall be prohibited from use as construction signs.
- (1) **Maximum Sign Area.** **Thirty-two (32) square feet** with a maximum greatest dimension of **eight (8) feet** and shall be removed within **fourteen (14) days** after the project is completed.
 - (2) **Height of Sign.** No construction sign shall exceed **twelve (12) feet** in height from ground level at the base of the sign.
- (F) **“Identification Sign”.** A sign which establishes the identity of a person and/or his/her business or professional title, occupying the premises, such as a name plate. As used in this Code, the term “identification sign” shall not be construed to include a sign identifying a commercial or industrial use or a commodity or service offered on the premises.
- (1) **Maximum Sign Area.**
 - (a) **Single and Multiple-Family Residence.** **Two (2) square feet** per building.
 - (b) **All Other as Permitted.** **Two (2) square feet** for each principal use.
 - (2) **Height of Signs.** Freestanding identification signs shall not exceed **eight (8) feet** in height from ground level at the base of the sign.
- (G) **“Real Estate Sign”.** A sign indicating the availability for sale, rent or lease of the specific lot and/or building upon which the sign is erected or displayed.
- (1) **Maximum Sign Area.** **Six (6) square feet** for portable real estate signs and **thirty-two (32) square feet** for non-portable real estate signs. A Special Use Permit shall be required for Real Estate Signs of more than **thirty-two (32) square feet** in area. Application for a Special Use Permit shall be accompanied by a scale drawing of the proposed sign with designation of the type of construction materials to be used and a map showing the proposed location(s) on the premises.

- (2) **Height of Signs.** Freestanding signs shall not exceed **twelve (12) feet** in height from ground level at the base of the sign.

- (H) **“Subdivision Sign”.** A sign advertising the subdivision of land, sale and/or development thereof, with such sign erected upon the subject property, as distinguished from a real estate sign. Projecting signs and roof signs shall be prohibited from use as subdivision signs.
 - (1) **Maximum Sign Area.** **Thirty-two (32) square feet** with a maximum greatest dimension of **eight (8) feet**.
 - (2) **Maximum Number of Signs.** In any subdivision for which a plat has been recorded with the county, non-illuminated subdivision signs may be erected subject to the following requirements:
 - (a) Not more than **two (2)** temporary or **one (1)** permanent sign shall be permitted for any subdivision held in single or common ownership.
 - (b) Temporary subdivision signs may be displayed for a period of time not to exceed **two (2) years** from the date of issuance of the permit for the first building in the subdivision or for the duration of the project, whichever is less, unless an extension for a specific additional period of time is granted by the Board of Zoning Appeals.
 - (3) **Height of Signs.** No subdivision sign shall exceed **twelve (12) feet** in height above the finished grade.

- (I) **“Temporary Sign”.** A sign, banner or other advertising device or display constructed of cloth, canvas, cardboard, wall board or other light temporary materials, with or without a structural frame, intended for a temporary period of display; such as decorative displays for holidays or public demonstrations.
 - (1) **Maximum Sign Area.** **Forty-eight (48) square feet** or as otherwise specifically permitted by the Board of Appeals.
 - (2) **Height of Signs.** Freestanding signs shall not exceed **twenty-five (25) feet** in height from ground level at the base of the sign to the top of the sign.
 - (3) **Term of Permit.** Temporary signs shall not remain in place for a period of more than **thirty (30) days** except that the zoning official may extend the time period for an additional **thirty (30) days**. Any further time extension shall thereafter be applied for through the Board of Zoning Appeals.

ARTICLE VIII

GENERAL REQUIREMENTS AND STANDARDS

40-8-1 GENERAL PROHIBITION. Hereafter, it shall be unlawful: to erect, use, occupy, enlarge, alter, relocate, or reconstruct any structure or part thereof; to create any lot; or to use, occupy, or develop any lot or part thereof except in conformity with the provisions of this Code.

40-8-2 NUISANCE, DETRIMENTAL AND HAZARDOUS CONDITIONS.

- (A) This Section shall be utilized in conjunction with St. Clair County Code, Chapter 25, Article II, and its subsections. It is the express intent of the County that this Section provide for a separate and wholly distinguishable enforceable method of addressing nuisance, detrimental and hazardous conditions, without divesting any other ordinance or section. Any lots shall be properly graded for drainage and maintained in good condition, free from trash and debris, unlicensed automobiles and inoperable vehicles and equipment. For the purpose of this specific provision, trash and debris shall be deemed to include discarded or unusable household furniture and fixtures; lumber, paper, wire, roofing material, concrete, brick and other building materials; auto parts including tires; yard wastes; dead trees; household wastes including boxes and paper, barrels and toys; clothing; unused machines and machine parts; recreation equipment or parts thereof including boats, trailers and camp trailers; and such similar articles or material that likewise has been discarded and/or has no foreseeable practical value or use. **(Ord. No. 06-900; 05-30-06)**
- (B) Noise emanating from any use shall not be of such volume or frequency as to be unreasonably offensive at or beyond the property lines. Unreasonably offensive noises, due to intermittence, beat frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses.
- (C) No obnoxious, toxic, or corrosive matter, smoke, fumes, or gases shall be discharged into the air or across the boundaries of any lot in such concentrations as to be detrimental to the use and enjoyment or value of adjacent property, or to endanger the public health, safety, comfort, or welfare or to cause injury or damage to property or business.

40-8-3 BUILDING, USE AND BULK.

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

40-8-4 FRONTAGE AND YARDS.

- (A) A lot in any zoning district shall have frontage abutting a public street of not less than **one-half (1/2)** the width of the lot at the building line or **fifty (50) feet**, whichever is greater, except on a lot fronting on the circular terminus of a cul-de-sac which shall be permitted a street frontage of not less than **thirty-five (35) feet**. These shall govern unless otherwise specifically approved by the County Board as a Special Use Permit for a Planned Building Development.

ST CLAIR COUNTY CODE

- (B) **Corner and Through.** Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage, unless otherwise provided herein.
- (C) **Corner Lots: Visibility.** On corner lots, in the triangular portion of land bounded by the street line of such corner lots and a line joining the **two (2)** points each of which is on **one (1)** street line and **thirty (30) feet** from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between **two (2)** and **ten (10) feet** above the level of the adjacent street. See **Section 40-2-3, Figure 1.**
- (D) **Front Setbacks in Certain Built-Up Areas.** In any Residential or Business Zoning District, where lots having **fifty percent (50%)** or more of the frontage on one side of a street between intersections, (that is, in one block), are developed with buildings, and the front setbacks of those lots do not differ by more than **ten (10) feet**, the minimum required front setbacks on that block shall be the average of the existing front setbacks; provided however, that in any built-up area, no front setback less than **twenty-five (25) feet** shall be permitted.

40-8-5 YARDS, INTRUSIONS INTO. To the extent indicated below, the following feature of principal buildings may intrude into required yards that exceed **ten (10) feet** in width without thereby violating the minimum setback requirements:

Feature	Maximum Intrusion
Cornices, chimneys, planters, or similar architectural features	Two (2) feet
Fire escapes	Four (4) feet
Patios and unroofed decks	No limit, but not near than three (3) feet to any lot line and shall not extend into any required front yard
Porches and covered decks, if unenclosed and at ground level	Six (6) feet
Balconies	Four (4)
Canopies, roof overhangs	Four (4)

40-8-6 MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES – SPECIAL EXCEPTIONS. The height limitations of this Code shall not apply to church spires, belfries, cupolas, penthouses, or domes not used for human occupancy; not to chimneys, ventilators, skylights, water tanks, silos, parapet walls, cornices without windows, antennas or necessary mechanical appurtenances usually carried above the roof level.

40-8-7 YARDS, LOCATION, REQUIRED OPEN SPACE. All yards, courts, and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group unless otherwise specifically provided for herein.

40-8-8 ACCESSORY USES.

- (A) Any accessory use shall be deemed permitted in a particular zoning district only if such accessory use is listed as an accessory use and is accessory to a principal structure or use that is allowed in that zoning district as a Permitted Use or by approved Special Use Permit and is in compliance with all requirements therefore.
- (B) **Use as Dwelling.** Use of any accessory building or structure as a dwelling is strictly prohibited except a single family dwelling constructed to standards for residential use in the “A” Agricultural Industry District.

- (C) **Setbacks.** No accessory use in any zoning district shall be located in any part of any front or side yard that is required because of the setback regulations of such districts.

40-8-9 USE OF TEMPORARY ACCESSORY STRUCTURE OR FACILITY. No temporary accessory structure or facility shall be used or occupied for any residential, commercial, industrial or institution use, including storage, except as permitted or required by this Code.

- (A) The Zoning Administrator may permit the use of such a temporary structure or facility for a period not to exceed **sixty (60) days** in compliance with reasonable consideration of the general health, safety or general welfare relating to fire, explosion, flood or other health or safety threatening situations. Any such temporary structure so located for more than **sixty (60) days** shall require approval of the Zoning Board of Appeals for a defined time period and use.
- (B) The Zoning Administrator may issue a permit for a temporary accessory structure or facility for office or storage use in conjunction with construction, demolition, or similar activity for a period not to exceed **one (1) year**. Such permit may be extended by **six (6) month** increments to the end of the project, but not beyond. **(Ord. No. 96-563; 03-25-96)**

40-8-10 NONCONFORMITIES. The requirements imposed by this Code are designed to guide the use and intensity of use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts.

- (A) **Nonconforming Lots.** Any vacant lot that does not conform to **one (1)** or more of the lot requirements, (i.e. lot size, area, or dimension) of the district in which it is located may, nonetheless, be developed for any use permitted in that district if such vacancy lot was recorded in the County Recorder of Deeds office prior to the enactment of this Code and is at least **fifty (50) feet** wide and all setback yard requirements must be met.
- (B) **Nonconforming Structures.** Any otherwise lawful structure which exists on the effective date of this Code, but which could not be erected under the terms of this Code because of requirements/restrictions concerning lot size, height, setbacks, or other characteristics of the structure or its location on the lot, may lawfully remain, subject to the following provisions:
- (1) **Maintenance.** A nonconforming structure may be maintained by ordinary repairs.
 - (2) **Enlargement, Alterations.** A nonconforming structure may be enlarged and/or altered, provided that such enlargement and/or alteration meets all area and bulk requirements.
 - (3) **Reconstruction.** A nonconforming structure built prior to **December 1, 1969** that is damaged or destroyed shall not be rebuilt if the Zoning 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 Zoning Administrator determines the estimated cost of reconstruction is less than **fifty percent (50%)** of the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided such work starts within **six (6) months** from the date the damage occurred and is diligently prosecuted to completion.

NOTE: The Zoning Administrator may require that the applicant show proof of the building permit date and 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 the information and estimates for the Zoning Administrator at the owner's cost.

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

- (C) **Nonconforming Uses.** Any otherwise lawful use existing on the effective date of this Code that would not be permitted under the terms of this Code may lawfully continue, subject to the following provisions:
 - (1) **Expansion/Intensification.** A nonconforming use which does not occupy a structure (such as a nursery) may be expanded/intensified, but only within the confines of the lot lines and yard requirements as such lines existed on the effective date of this Code. A nonconforming use which occupies a structure may be expanded or intensified, but only within that structure and/or within any conforming additional structure.
 - (2) **Re-establishment.** A nonconforming use which is destroyed or damaged may be re-established subject to **Section 40-8-10(B)**. However, if the owner of said damaged/destroyed use proposed to expand, relocate, or change it, then the pertinent paragraphs of this Section shall control. Moreover, if no significant steps have been taken to re-establish the use within **one (1) year** from the date the damage/destruction occurred, then the use shall be considered abandoned and subject to the provisions of paragraph (5) of this Section.
 - (3) **Relocation.** A nonconforming use shall not be moved, in whole or in part, unless upon relocation it will conform to all pertinent regulations of the district in which it will be located.
 - (4) **Change of Use.** A nonconforming use may continue, but shall not be changed except to a Permitted Use that is allowed under the applicable district regulations.
 - (5) **Discontinuance.** When a nonconforming use is discontinued for a period of **twelve (12) consecutive months**, it shall not thereafter be resumed, and any subsequent use of the premises shall conform to the applicable district regulations. The property owner shall be required to provide proof of the date of discontinuance. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

- (D) **Nonconformities Under Permit Authority.** The regulations of this Section shall not affect the terms of any current permit issued prior to the effective date of this Code or any pertinent amendment thereto provided that the work authorized by such permit is completed within the time period required by this Code or as otherwise specifically required.

40-8-11 PUBLIC UTILITY DISTRIBUTION FACILITIES – EXCEPTIONS. Except as provided in **Section 40-5-23** and **40-5-24**, public utility transmission and distribution facilities are exempt from minimum rear yard requirements.

40-8-12 SLOPE. In any district where the slope of any lot exceeds **ten percent (10%)** within **fifty (50) feet** of any wall of the principal building, the following additional requirements shall be met:

- (A) A site plan shall be drawn to a scale of not less than **two hundred (200) feet equals one (1) inch** with contour intervals every **two (2) feet**, and the location of all buildings and

structures and their required minimum yards shall also be indicated. The principal use of the lot and of each building shall be indicated.

- (B) Adequate evidence must be presented to show that undue erosion will not result from development and use of the lot. Structural, mechanical, and locational measures shall be taken to prevent and protect any building from hillside slumpage and drainage.
- (C) A stable angle of recline for the properties of soil on the lot shall be provided, and stabilizing ground cover shall be planted and maintained to prevent erosion.
- (D) Significant changes in the natural flow of water courses shall be prohibited. Run-off of storm water that would cause additional ponding or erosion shall not be permitted to drain onto adjacent property.
- (E) Adequate provision shall be made for access to the property and the principal building and for emergency vehicle access and turn-around.
- (F) Structural and mechanical devices shall be installed to provide reasonable protection against undue hazards created or caused by the development. This shall include fences along steep slopes and **six (6) inch** vertical curbs on access drives or slopes over **ten percent (10%)**.
- (G) In no case shall any development be detrimental to adjacent properties or cause hazards to users of the property or to adjacent property.
- (H) Before any building permit or certificate of occupancy shall be issued for any such lot, the Zoning Administrator shall review the site plan and determine that all conditions imposed hereunder have been complied with.

40-8-13 SEWER AND WATER. No lot may be developed unless it meets the minimum requirements established by the County Health Department and the Illinois Environmental Protection Agency for the provision of potable water and sewer service to adequately serve the use of the lot.

40-8-14 INDIVIDUAL WATER AND SEWAGE SYSTEMS. In any district where individual water and sewage systems are used in place of public water and/or sewage facilities, the location of the facilities shall be subject to approval of the County Health Department. When doubt exists as to the adequacy of the soil structure or other conditions of the lot to properly accommodate an individual water and/or sewage system, the Zoning Board may require the property owner to first obtain a written opinion from the County Health Department as to the size of lot required for an individual water and/or sewage system to operate on the lot according the safe health standards and further provided that such lot size and proposed use shall not endanger or compromise reasonable or similar use of adjacent properties. If the findings of the County Health Department indicate that larger lots are necessary, the Zoning Board may refuse issuance of a zoning permit or require a lot size in excess of the minimum area defined for the district in which it is located that would safely accommodate the proposed water and/or sewer system.

40-8-15 FLOODING. In any district where the map entitled “FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS OF ST. CLAIR COUNTY, ILLINOIS” indicates a potential flood hazard or where sufficient records are available to determine the area that may be endangered during the **one hundred (100) year** flood interval, all uses shall conform to the following additional requirements, except where levees or other structural and/or mechanical safeguards have been constructed to adequately protect the area from the **one hundred (100) year** flood interval. The map entitled “FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS OF ST. CLAIR COUNTY, ILLINOIS” together with all notations, references, data, and other information thereon, is hereby made a part of the Zoning Code by reference. Said map, properly attested, shall remain on file in the Office of the Zoning Official. In any such case, the following additional regulations shall apply:

- (A) Any building or structure designed, arranged, or intended for human habitation, commercial or industrial purposes shall be provided with an all-weather access road at least **one (1) foot** above the 100-year flood level.

- (B) Any building or structure must be provided with adequate structural, mechanical, or locational safeguards to protect the building or structure from flooding, scouring or other erosional effects of flood waters.
- (C) Any building or structure shall be raised to a sufficient level so that all flood levels shall be **one (1) foot** higher than the **one hundred (100) year** flood elevation.
- (D) Any building or structure shall be located, designed, or arranged so that such building or structure shall not unduly impede or impair the natural flow of water.
- (E) Sanitary landfills shall be prohibited from any area where flooding, as provided in this Section, is deemed a potential hazard. **(See Chapter 13 – Flood Plain Code)**

40-8-16 LIGHTING CONTROLS. Any light used for the illumination of signs, parking areas, swimming pools, or for any other purpose shall be arranged in such a manner as to direct the light away from neighboring residential properties and away from the vision of passing motorists.

40-8-17 STREETS AND HIGHWAYS. The division and development of any land, including but not limited to subdivisions and Planned Building Developments, shall provide for compliance with the street and highway network of the county as indicated in the County Comprehensive Plan, plans of the County Highway Department, the County Subdivision Regulations, and **Article IV, Division XVI** of this Code. Such compliance shall include the provision of required street right-of-way, the location and alignment of streets to achieve continuity of traffic movement and safety at intersections with other streets or access ways.

The Street and Highway Classification System of the Illinois Department of Transportation utilized by the County Highway Department shall be referenced to determine the specific street/highway classification and all requirements for the street/highway shall be determined by the County Highway Engineer, with consideration given to the adequacy (width and location) of collector streets for the total areas of development and to the adequate provision of street continuity and access to adjacent property.

ARTICLE IX

PLANNED BUILDING DEVELOPMENT (PBD)

40-9-1 INTENT AND PURPOSE. It is the intent and purpose of the Planned Building Development regulation to provide greater flexibility and innovation in the design and development, (i.e. the arrangement of uses, buildings, structures and supplementary service facilities) than may otherwise be possible by development of tracts in strict compliance with all regulations and requirements of the standard zoning districts of the St. Clair County Zoning Code. Such unified planning, flexibility and innovation may provide greater amenities, convenience functional improvement, economic and other benefits than may otherwise be achieved.

To accomplish this purpose, the County Board may reasonably modify (increase or decrease), vary, or waive the specific requirements and/or standards of the Zoning Code for a PBD. However, in no case shall any modification, variance or waiver be granted by the County or made by the applicant/developer that would be in conflict with other ordinances or regulations of the Count (without County approval of specific modifications or waivers), or adversely affect the health, safety and general welfare or the orderly development of the County. All provisions of this Section and **Article XI Division V** shall be complied with.

A major consideration of review and approval of a Planned Building Development shall be whether the quality of resulting development will be at least equal or better than may be achieved by strict compliance with the requirements and standards of the Zoning Code.

40-9-2 GENERAL REGULATIONS AND REQUIREMENTS.

- (A) **Special Use Permit.** A Special Use Permit approved by the County Board and Certificate of Zoning Compliance shall be required prior to issuance of a building permit or the commencement of any grading or construction of a Planned Building Development, unless otherwise specifically provided for herein, or otherwise specifically granted.

40-9-3 CLASSIFICATION AND SIZE. A Planned Building Development shall consist of one of the following:

- (A) **A Planned Single Family Residential Development** shall be situated on a tract of land of a minimum size of **ten (10) acres**.
- (B) **A Planned Multi-Family Residence Development** shall be situated on a tract of land of a minimum size of **five (5) acres**.
- (C) **A Planned “HB” Highway Business Center; or Planned Retail and Service Business Center** shall be situated on a tract of land of a minimum size of **three (3) acres**.
- (D) **A Combined “HB” Highway Business/”B-1” Retail and Service Business Center** shall be situated on a tract of land of a minimum size of **five (5) acres**.
- (E) **A Planned “B-2” Business Development; “I-1” Planned Industrial Center; and an “I-1” Planned Industrial Development** shall be situated on a tract of land of a minimum size of **three (3) acres**, except as otherwise required in **Section 40-4-109**.
- (F) **A Planned Mineral Extraction Development** requires a minimum tract of land as required by **Section 40-9-13(A)**.
- (G) **Combined Planned Building Developments.** Combined Planned Building Development consisting of **two (2)** or more of the PBDs of a classification and size listed above shall each be required to comply with the specified PBD requirement except as otherwise permitted by **Section 40-4-49(B), 40-4-56(B), 40-4-109, 40-9-13(A) and 40-9-4**.
- (H) **Other Planned Building Developments** shall be limited to the following:

- (1) a use listed as a Special Permit Use and that because of unique or special operational or physical characteristic, condition or requirement may have a detrimental impact on adjacent properties, public services or facilities, public health, or safety.
- (2) a legal nonconforming building or use that existed prior to **September 27, 1993**; and
- (3) a use not otherwise listed in the zoning district as a Permitted Use, Accessory Use or Special Permit Use that because of the particular and unique characteristics of the use and/or site, would be compatible with and have no adverse effect on adjacent properties or the general neighborhood of its location.

Evaluation of the compatibility and desirability of any such Special Use request shall consider but not be limited to such factors as adjacent land uses; the general character of the area; traffic generation and street capacity; safety; noise; air quality; the adequacy of public utilities and services including storm drainage; property values and the Comprehensive Development Plan of the County. (**Ord. No. 95-12; 0-5-30-95**)

40-9-4 MINIMUM LOT/TRACT SIZE AND USE. The minimum lot and/or tract size or the uses permitted for any Planned Building Development shall be as required in **Section 40-9-3** unless specifically modified or waived by action of the County Board.

Planned Building Development provisions permit alternate development plans wherein specific requirements for a zoning district may be modified or waived if the quality and compatibility of the resulting development is comparably achieved or improved by compensating changes in accordance with the intent and purpose of the zone district. In Planned Single Family Development, the compensating changes may include but are not limited to: (i) the designation of additional differential land that exceeds the minimum requirements of **Section 40-9-10**; (ii) the dedication of additional land for storm drainage detention or storm drainage ways, or (iii) the dedication of land for common-use off-street parking. However, the lot area required by **Section 40-9-10** shall not be reduced. (**Ord. No. 95-12; 05-30-95**)

40-9-5 UNIFIED ARRANGEMENTS. Any proposed PBD must present a unified arrangement of structures and service facilities having a functional relationship to each other and to the locality in which it is situated.

- (A) A PBD shall be deemed to include all lands, buildings, structures, uses and service facilities, existing or be located on or within the site, including above ground and below ground structures and utilities.
- (B) The PBD shall be under single ownership or control. The sale or transfer of ownership and control of any PBD or any part thereof shall require legally binding covenants and conditions fully adequate to assure that the integrity and function of the PBD will be continued. Noncompliance with these requirements shall be deemed to be a violation of the Zoning Code and subject to all corrective actions and penalties thereof.
- (C) The site of a PBD shall be one parcel or contiguous parcels of developable land.

40-9-6 DEVELOPABLE LAND. Developable land is deemed to be land upon or within which buildings, structures, utilities, parking facilities, road and access ways and similar improvements can be safely constructed, used, and maintained. Developable land is deemed to exclude land subject to the 100-year flood frequency; land exceeding **ten percent (10%)** slope; wetlands; public streets, alleys or easements, or land with other similar physical or legal restrictions of use.

40-9-7 WHERE PERMITTED. For planned Building Developments permitted in any zoning district, the use(s) of the PBD(s) shall be the same as the Permitted Uses, Accessory Uses and Special Use Permit uses in that zoning district, except as otherwise specifically approved by the County Board in accordance with **Article IX** and **Article XI**. (Ord. No. 95-12; 05-30-95)

40-9-8 GUIDELINE REGULATIONS. Except as otherwise provided herein, the most restrictive regulations of the Zoning Code in which a building and/or use is otherwise permitted and the applicable General Supplementary Regulations and Standards of the County Zoning Code shall be used as a general design guide and standard in preparing and evaluating the plans for a PBD.

40-9-9 LETTER OF CERTIFICATION. Prior to the issuance of a Final Certificate of Zoning Compliance for a PBD for any multi-family, business or industrial development, a Letter of Certification shall be filed with the County by a licensed architect, and/or engineer as appropriate to the plan and development, certifying that the PBD complies with the approved plan of the PBD.

40-9-10 PLANNED SINGLE FAMILY RESIDENCE DEVELOPMENTS DIFFERENTIAL LAND.

- (A) Planned single family residence developments may be permitted in the “RR-1”, “SR-1”, “SR-2”, and “SR-3” residential districts only.
- (B) **Reduction of Lot Size.** The County Board may permit the lot size requirements in columns “(C)” through “(E)” of the schedule in **Section 40-3-7** to be reduced as hereinafter set forth, only if the amount of such reduction of lot area for each lot (i.e. “RR-1”: 7,500 square feet; “SR-1”: 5,000 square feet; “SR-2”: 2,500 square feet; “SR-3”: 2,000 square feet) is devoted to neighborhood park purposes as herein provided.

District Area	Minimum Area	Minimum Width	Minimum Depth
“RR-1	36,000	125’	150’
“SR-1”	15,000	90’	125’
“SR-2”	12,500	90’	100’
“SR-3”	8,000	70’	100’

- (C) Such land devoted to neighborhood park purposes is herein referred to as “Differential Land”.

40-9-11 PLANNED MULTI-FAMILY RESIDENTIAL DEVELOPMENTS. Planned Multi-Family Residential Developments may be permitted in the “MR-1” and “MR-2” multi-family districts subject to the following:

- (A) In the “MR-1” zone district, only **two (2)** and **three (3) family** residential structures shall be permitted.
- (B) In the “MR-2” zone district, **two (2)** and **three (3) family** structures and **four (4)** or more family structures may be permitted. However, the lot area requirements shown in **Section 40-3-7** columns “C”, “D” and “E” for each type of residential structure shall be required except as provided herein.
- (C) The County Board may permit the lot requirements of **Section 40-3-7** column “C”, lines 9 and 10 to be reduced by a maximum of **five hundred (500) square feet** per dwelling unit for the site on which the residential structure is located and **Section 40-3-7** column “E”, lines 9 and 10 may be reduced by **ten percent (10%)** but only if the amount of such reduction of lot area for each such lot is devoted to neighborhood park purposes. Such land shall be referred to as “Differential Land”.

40-9-12 REQUIREMENTS FOR “DIFFERENTIAL LAND” RESERVED FOR COMMON USE.

- (A) **Size of Differential Land Reserved For Common Use.** Differential Land reserved for common park use shall consist of a single tract of land of at least **one (1) acre** and shall be a minimum of at least **two hundred (200) feet** long and **two hundred (200) feet** wide.
- (B) **Location of Differential Land.** Differential Land shall be located so that it is reasonably accessible by pedestrians to all the lots contributing to its area and where reasonably possible, so it may be combined with other Differential Land or other parks.
- (C) **Quality of Differential Land.** Land designated as Differential Land shall contain areas of a size, topographic and hydraulic conditions that would accommodate “sandlot” team sports such as baseball, football, soccer, and similar activities. Larger Differential Land areas reserved for common use, may also contain areas of steeper slopes, water courses, wetlands or ponds provided however that such physical conditions do not constitute a hazard to users.
- (D) **Use of Differential Land.** Differential Land shall be used exclusively for park or recreation purposes.
 - (1) Such land may be dedicated to the County and if accepted by the County, the same shall become a public park and be maintained by the County; or
 - (2) Such land may be conveyed to a duly constituted community, neighborhood or other private organization comprised of the owners of the lots contributing to the area of the Differential Land. The land shall thereafter be maintained by such organization as a park for the owners and users of lots contributing to the area of the Differential Land, subject to the other applicable provisions thereof.
- (E) **Improvements of Differential Land.**
 - (1) A public access way at least **twelve (12) feet** wide shall be provided from Differential Land leading to a public street.
 - (2) No structure shall be greater than **twenty-five (25) feet** in height, closer than **twenty-five (25) feet** to any lot line of the Differential Land; or used for any purpose other than recreational purposes and uses accessory thereto.
 - (3) The coverage of any tract of Differential Land by buildings or structures shall not exceed an aggregate of **ten percent (10%)** of the area of the Differential Land.

40-9-13 PLANNED MINERAL EXTRACTION DEVELOPMENT. The County Board may permit a planned mineral extraction development in any “A”, “B-2” or “I-2” zoning district. Such development may include any use permitted in any “A”, “B-2” or “I-2” zone district (except residences), including combinations or such uses as the Board deems necessary for the public convenience and welfare. A planned mineral extraction development shall be subject to the zoning requirements of the “I-2” district and to such of the other regulations applying to uses permitted in the development as the County Board deems necessary to comply with the general provisions of this Code and to assure compatibility of the development with the character of its location. Such developments shall comply with the additional requirements set forth herein:

- (A) **Classification and Size.** A planned mineral extraction development shall consist of one of the following:
 - (1) Stone quarry situated on a tract of a minimum size of **two hundred (200) acres.**
 - (2) Strip mine situated on a tract of a minimum size of **two hundred (200) acres.**

- (3) Shaft mine situated on a tract of a minimum size of **fifty (50) acres**.
- (4) Sand quarry situated on a tract of a minimum size of **thirty (30) acres**.
- (5) Oil and/or natural gas with no minimum size.
- (6) Soil mining with no minimum size.
- (7) Clay and/or shale mining on a tract of a minimum size of **one hundred (100) acres**.
- (8) Combinations of any mineral extraction development classified (1) through (7) above, situated on a tract containing an acreage at least equal to the size required above for any of the individual classification of extraction to be included.

(B) **General Requirements.** Any planned mineral extraction development shall be subject to the following additional requirements:

- (1) No extractive operation shall be carried out within **one thousand (1,000) linear feet** of any existing residential subdivision or development.
- (2) Applicable federal and state requirements shall be met with inspection made as necessary by the County to determine compliance.
- (3) Instead of the site plan required in **Section 40-11-35**, the application shall include **two (2) copies** of a preliminary site plan of the proposed site, at a scale of not less than **two hundred (200) feet equal one (1) inch**, showing:
 - (a) Existing topography of the site at **ten (10) foot** contour intervals.
 - (b) Present use of the land and all natural features such as natural water courses and drainage areas, forested areas, historic sites, and the like.
 - (c) Ownership of the subject property and the abutting properties at the time of filing for the Special Use Permit.
 - (d) A plan for the proposed use of the land indicating the type and location of transportation facilities available and the intended use or loading of these facilities by the mineral extraction operation; the type and location of utilities and power facilities to be used; and such other data as is necessary to explain and define the intended operation.
 - (e) A plan shall be made for reshaping and final grading of the land after the operation has ceased which shall show final contours (at an interval of **five (5) feet**) and drainage plan.
- (4) The plan for reshaping and final grading of the site shall provide that the land can be readily used for urban and/or agricultural purposes, subject to the following additional requirements:
 - (a) The average grade of the total site shall not exceed **ten percent (10%)** and in no case shall any grade exceed **twenty percent (20%)** and further provided, that no more than **twenty percent (20%)** of the total site shall exceed a grade of **ten percent (10%)**.
 - (b) The final grading and contouring of the site shall provide for a stable angle of recline so that no undue and/or excessive erosion will occur.
 - (c) That residue materials such as rocks, boulders, or whatever that would prohibit operation of farm machinery such as tractors, plows, corn pickers or combines shall not be permitted in more than **twenty percent (20%)** of the total site and further provided that such residue materials shall be coincidental with the portion of the total side where the grade exceeds **ten percent (10%)**, if any is provided.

- (d) That any residue materials that would prevent the growth of crops, grasses or trees or would pollute the surface water shall be disposed of in accordance with requirements of the Illinois Environmental Protection Agency.
- (5) Any sediments, pollutants or water borne wastes added to any surface water as a result of an extractive operation shall be removed by an acceptable engineering process before such water is discharged into any drainageway, stream, lake, or other waterway. The water shall be treated to comply with adopted federal, state and/or local water quality standards.
- (6) A performance bond (or property held elsewhere in the County) equal to the assessed valuation of the property in the planned mineral extraction development for tax purposes shall be posted with the County to insure reshaping of the topography in conformance with the site plan after operation has ceased.
- (7) When the mineral extraction is completed or abandoned for any part of the development, the plan for grading and reshaping of the topography of that section shall be carried out within the next **twelve (12) months** or in accordance with the development schedule as the case may be.

40-9-14 RESERVED.

ARTICLE X

LAND EVALUATION AND SITE ASSESSMENT

40-10-1 LAND EVALUATION AND SITE ASSESSMENT FOR ST. CLAIR COUNTY. The Land Evaluation and Site Assessment System is hereby adopted by the St. Clair County Board as an integral part of the St. Clair County Zoning Code.

40-10-2 INTENT AND PURPOSE. The primary purpose of the Land Evaluation and Site Assessment System is to provide St. Clair County with a consistent review process that will assist in decisions on whether specific tracts of agricultural land should be converted to other uses. The Land Evaluation and Site Assessment System is not intended to be the final determinant for conversion of agricultural land to other use. However, it is intended to be a significant factor in that determination by the Board of Appeals and the St. Clair County Board.

40-10-3 PART I – LAND EVALUATION. The Land Evaluation (LE) portion of the LESA utilizes the **Soil Survey of St. Clair County** to determine the soil map units on a site and then establish a relative agricultural value for those soils.

The soil map units in the County were placed into groups based on productivity, land capability class, and important farmland classification. The soil productivity index is based on cropland production listed in the University of Illinois Circular 1156, **Soil Productivity in Illinois**. It has been adjusted for erosion, slope, and subsoil limitations. A weighted productivity index has been calculated for each group. From these weighted indexes each group can be compared and related to each other. The land capability class was obtained from the **Soil Survey of St. Clair County**. The systems for classifying soil and land capability are based on criteria established at the national level and therefore have widespread application. Using the soil characteristics obtained from the soil survey, the soil map units were divided into prime, important, and other.

Based on the above data and methodology, the land evaluation component is assigned -0- to 100 points for agricultural land retention.

	Point Value
Land Evaluation (-0 to 100)	_____

40-10-4 PART II – SITE ASSESSMENT. The evaluation of a site for conversion from farmland requires consideration of a number of significant factors in addition to the value of the soil for the production of crops. These factors listed and assigned weighted values to be used for site assessment.

Site Assessment Factors

(A) **% OF TRACT CLASSIFIED PRIME OR IMPORTANT FARMLAND.** This evaluation factor is intended to assist evaluation of a site relative to the **amount location** and **configuration** of land classified as farmland and the importance of retention based on those factors.

Assessment Factor		Point Value
% of Tract Classified Prime or Important Farmland		
90% or more	18	
70% to 89%	14	
45% to 69%	10	
20% to 44%	6	
0% to 19%	0	

(B) **% OF SITE USED OR READILY USABLE FOR INTENSIVE AGRICULTURE.** This factor addresses the usability of the site or tract for intense agriculture such as row crops. This should also consider the possible use of lands used for hayland or pasture for more intensive use without modification to the land such as clearing of large stones or trees, filling of gullies or structural conservation practices.

Assessment Factor		Point Value
% of Site in Intense Agricultural Use		
90% or more	18	
70% to 89%	9	
45% to 69%	6	
20% to 44%	3	
0% to 19%	0	

ST CLAIR COUNTY CODE

(C) **% OF LAND IN AGRICULTURAL USE WITHIN ½ MILE OF THE SITE.** This factor assesses the character of the general area relative to agricultural use and viability. Areas that have predominant intensive agricultural use on prime and important farmlands, with relatively small amounts of other types of land and/or other land use would rate a high point value.

Assessment Factor	Point Value
% of Land in Agricultural Use within ½ mile of Site	
90% or more	18
70% to 89%	15
45% to 69%	12
20% to 44%	6
0% to 19%	0

(D) **SIZE OF AGRICULTURAL (TRACT).** Review of agricultural statistics for St. Clair County indicates that more than **ninety percent (90%)** of the farmland acreage and cropland acreage is in farms containing **forty (40) acres** or more. Further, the continuing trend toward consolidation to large farm operations indicates needed emphasis on preservation of the larger agricultural tracts. This however does not reduce the need to conserve smaller farm tracts or prime/important farmland that may be in separate ownership but that may be in intensive agricultural use as part of a larger farm operation or used productively otherwise. However, as tracts become smaller, long term agricultural industry viability may tend to decline.

Assessment Factor	Point Value
Vacant Alternative Sites Zoned for the Proposed Use	
½ mile or less	12
½ mile to 1 mile	6
1 mile or more	0

ST CLAIR COUNTY CODE

(E) **VACANT ALTERNATIVE SITES ZONED FOR THE PROPOSED USE.** The presence of land zoned for the proposed use may be indicative of planned land use determined by local government. (The County or municipality’s Land Use Plan should be referenced.) The degree to which the land already zoned and used for that purpose may be indicative of the level of demand for additional zoning at this time. Conversely, the land already zoned may reflect land use and development predating current Land Use Plans and not in accordance with the adopted Land Use Plan.

Assessment Factor	Point Value
% of Tract Classified Prime or Important Farmland	
90% or more	18
70% to 89%	14
45% to 69%	10
20% to 44%	6
0% to 19%	0

(F) **DRAINAGE & FLOOD CONDITIONS/SITE SENSITIVITY FOR WETLANDS, WILDLIFE, HISTORIC OR ARCHEOLOGICAL FEATURES.** The features referenced are those features specifically and officially recognized and/or designated by a division of the Federal Government, the State of Illinois or by St. Clair County for conservation, preservation, mitigation, or replacement. Sites containing one or more of these features would normally be assigned a high point value. Conditions of the site with reasonable modification should comply with the Zoning Code and the St. Clair County Flood Plain Code.

Assessment Factor	Point Value
Drainage/Flood Conditions/Site Sensitive for Wetlands/ Wildlife/Historic or Archeological Features	
Severe	10
Moderate	5
Slight	5

ST CLAIR COUNTY CODE

(G) CONSISTENCY OF PROPOSED USE WITH THE COUNTY LAND USE PLAN.

The County Land Use Plan recognizes the need to preserve and/or conserve prime and important farmland, for the protection of the agricultural industry. It concurrently recognizes that substantial differences exist within the areas broadly designated on the Land Use Plan for Agricultural Preservation. It also recognizes that within the areas designated as Rural Residential and Low Intensity Residential, substantial areas of prime and important farmland exist that should be conserved and not converted to other uses prematurely or the viability of agriculture use degraded by the premature intrusion of development of incompatible and/or conflicting land uses. Therefore, while reasonable latitude should exist for variance within the general policy, consideration is necessary for protection of the agricultural industry and conservation of prime and important farmland.

Assessment Factor	Point Value
Consistency of Proposed Use with County Land Use Plan	
Incompatible with Plan 18	
Compatible with plan, but not 10 with Plan map	
Compatible with Plan and Plan 0 Map	

(H) NONCOMPATIBILITY OF PROPOSED USE WITH EXISTING AGRICULTURAL OPERATIONS. In some instances, State regulations specify the minimum distance that certain type of livestock, poultry or other operations must be from residential or other land uses. These regulations may also tend to limit expansion of such agricultural use if conflicting or agricultural sensitive land uses are permitted in the near vicinity.

Assessment Factor	Point Value
Non-compatibility of Proposed Use with Existing Agricultural Operations	
Severe 8	
Moderate 4	
Slight 0	

ST CLAIR COUNTY CODE

(I) **COMPATIBILITY OF PROPOSED USE TO USES WITHIN ¼ MILE OF THE SITE.** This factor principally is intended to identify areas where the character of the area has changed or may be in process of change from agriculture to other uses. Some isolated non-agricultural uses may be very small or of such character that it would not indicate use compatibility or precedent for further non-agricultural use in the area. However, existing developments of considerable size or multiple developments may indicate a change (and need for change) in the character and land use of the area. Conversely, while the proposed site may be shown as being in accordance with the Land Use Plan, the conversion from agricultural use at this time may be premature. The Land Use Plan provides for development on a “long term basis” (20 years or beyond). The Land Use Plan was established on the premise that certain things must occur before the conversion or change of land use should occur. In the absence of the other occurrences, the conversion of land may be premature.

Assessment Factor	Point Value
Compatibility of Proposed Use Within ¼ Mile of Site	
Not Compatible	10
Somewhat Compatible	3 to 7
Compatible	0

(J) **ACCESS TO TRANSPORTATION FACILITIES.** Historically, Township Roads and minor County roads were designed primarily as farm-to-market access and to serve rural areas otherwise. While major County highways and State service highways serve rural areas, their primary purpose is to serve as collector roads and as major access ways between major traffic generators. These collectors are generally the first destination for traffic on local streets. Thus the local streets connecting to collector roads or highways (principally reserved for that purpose) are fundamental to conversion of agricultural land to other uses. Consideration should also be given to the availability and adequacy of collector streets or major highways that receives traffic from local streets.

Assessment Factor	Point Value
Access to Transportation Facilities	
Township Road or Minor 16 County Road Only	
Major County Collector or 8 State area service highway	
Local street(s) connecting to a 0 County collector or State highway	

ST CLAIR COUNTY CODE

(K) **DISTANCE TO PUBLIC WATER SUPPLY.** This factor is intended to address the current or foreseeable availability of urban type of water service, normally required as density of development increases. Health and Safety are of concern particularly related to a safe, dependable water supply and for fire protection requirements. This may require greater emphasis where septic and other wastes are discharged with minimal prior treatment.

Assessment Factor		Point Value
Distance to Public Water Supply		
2600 feet or more	16	
1500 to 2599 feet	14	
1000 to 1499 feet	12	
500 to 999 feet	8	
0 to 499 feet	0	

(L) **DISTANCE TO PUBLIC SEWER SYSTEM.** This factor is intended to address the current or foreseeable availability of urban type septic sewage disposal normally required as density of development increases. Conditions of health and safety of the development and the general environment condition of the area are of concern.

Assessment Factor		Point Value
Distance to Public Sewer Supply		
2600 feet or more	16	
1500 to 2599 feet	14	
1000 to 1499 feet	12	
500 to 999 feet	8	
200 to 499 feet	4	
0 to 199 feet	0	

ST CLAIR COUNTY CODE

(M) **DISTANCE FROM SITE TO CITY/VILLAGE.** This is an indicator of future need and land use conversion demand for non-agricultural land use. It is also an indicator of available or anticipated extension of urban facilities/services required for urban expansion. Growth rate and population increase of the city/village should be considered along with major public improvements underway or planned for the near future.

Assessment Factor	Point Value
Distance from Site to City/Village	
Over 1.5 miles 18	
1 mile to 1.5 miles 14	
.5 miles to .99 mile 10	
.25 miles to .49 mile 5	
.24 mile or less 0	

(N) **NEGATIVE DEVELOPMENT IMPACT BURDEN ON SCHOOLS.** This factor to address the ability of the school system to reasonably accommodate additional requirements resulting from development. The impact on the system may occur from a single large development or from accumulated needs of a number of small development wherein the effective ability of the school district is exceeded.

Assessment Factor	Point Value
Negative Development Impact Burden on Schools	
Severe 10	
Moderate 5	
Slight 0	

TOTAL SITE ASSESSMENT POINTS _____

ST CLAIR COUNTY CODE

40-10-5 RETENTION VALUATION.

Part I. The Land Evaluation has been assigned a range from -0- to 100 points.

Part II. The Site Assessment has been assigned a range of -0- to 200 points (the additive total points for each of the site assessment factors).

The desirability of retaining the site for agricultural use is determined by addition of the points for Part I and Part II and comparison of the total with the following table.

<u>RETENTION VALUE FOR AGRICULTURE</u>	
240 to 300 points	Very High
220 to 239 points	High
180 to 219 points	Moderate
179 and below	Low

40-10-6 RESERVED.

(This page was left blank intentionally.)

ARTICLE XI

ADMINISTRATION AND ENFORCEMENT

DIVISION I – ADMINISTRATOR

40-11-1 ZONING ADMINISTRATOR. The office of Zoning Administrator of St. Clair County is hereby established. 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 please of the County Board. The Administrator is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

- (A) To review and pass upon applications and issue certificates of zoning compliance;
- (B) To inspect land, structures and uses to determine compliance with this Code, and where there are violations, to initiate appropriate corrective action; and to enter upon the property to make inspections at any reasonable time;
- (C) To review and forward to the Zoning Board all applications for variances and appeals, special permits and amendments;
- (D) To maintain up-to-date records including, but not limited to, district maps, certificates of zoning compliance, special permits, variances, interpretative decisions of the Zoning Board, amendments, and all applications related to any of these matters;
- (E) To carry out the administrative/management functions as necessary for the administration and enforcement of this Code;
- (F) To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on these matters to the Zoning Board;
- (G) To provide information to the general public on matters related to this Code;
- (H) To cooperate with municipal officials in coordinating the enforcement of the provisions of this Code in areas within or adjacent to municipalities; and
- (I) To perform such other duties as the County Board may from time to time prescribe.

40-11-2 CERTIFICATE OF ZONING COMPLIANCE. Upon the effective date of this Code, no lot recorded or created shall be developed, no new use or structure (or part thereof) shall be established or erected, no existing use or structure shall be enlarged, extended, altered, relocated, or reconstructed, nor shall it be used, occupied, or put into operation until a certificate of zoning compliance has been issued except as otherwise specifically permitted. **(See Section 40-1-13 “Agricultural Exemption”.)** The Zoning Administrator shall not issue a certificate of zoning compliance unless he determines that the proposed work conforms to the applicable provisions of this Code.

- (A) **Application.** Every applicant for an **Initial Certificate of Zoning Compliance** shall submit to the Zoning Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Zoning Administrator shall determine which items, if any, are not required.

ITEMS OF INFORMATION:

- (1) Name and address of the applicant;
- (2) Name and address of the owner or operator of the proposed structure or use, if different from (1);
- (3) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (4) Location of the proposed use or structure, and its relationship to existing adjacent uses or structures;

- (5) Area and dimensions of the site for the proposed structure or use;
- (6) Existing topography of the site (USGS 10-foot contour data is acceptable), and proposed finished grade;
- (7) Existing and proposed screening, landscaping, and erosion control features on the site;
- (8) Height and setbacks of the proposed structures;
- (9) Number and size of proposed dwelling units, if any;
- (10) Location and number of proposed parking/loading spaces and access ways;
- (11) Identification and location of all existing or proposed utilities, whether public or private; and
- (12) Such other information, data, records, or maps that the Zoning Administrator deems pertinent and necessary.

40-11-3 DURATION OF CERTIFICATE. **Initial Certificates of Zoning Compliance** shall be valid for **one (1) year**, or until revoked for failure to abide by a corrective action order. The Zoning Administrator may renew **Initial Certificates of Zoning Compliance** for successive **one (1) year** periods upon written request, provided the applicant is making a good faith effort to complete the authorized or required work.

40-11-4 TEMPORARY OCCUPANCY PERMIT. The Zoning Administrator may, upon application therefore, issue a Temporary Occupancy Permit in conjunction with an Initial Certificate of Zoning Compliance, subject to **Section 40-8-9** and to such conditions as the Zoning Administrator deems to be compatible with the character of the area in which the structure is located and in compliance with reasonable considerations of the general health, safety and welfare. (**Ord. No. 96-563; 03-25-96**)

40-11-5 CORRECTIVE ACTION ORDERS. Whenever the Zoning Administrator finds, by inspection or otherwise, that any use, lot, structure, or work thereon, or any Special Use Permit or Variance as granted is in violation of this Code, he shall so notify the responsible party and shall order appropriate corrective action.

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 Zoning Administrator if the alleged violator 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/or imposition of fines as per **Section 40-11-10**.
- (H) The Zoning Administrator's corrective action order may state that the violation must cease immediately. In such case, the corrective action order is equivalent to a stop work order.

40-11-6 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 certified mail to his last known address; or
- (C) Posted in a conspicuous place on or about the affected premises.

ST CLAIR COUNTY CODE

40-11-7 **EMERGENCY MEASURES.** Notwithstanding any other provisions of this Article, whenever the Zoning Administrator determines that any violation of this Code poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings or corrective order to alleviate the perilous condition.

40-11-8 **COMPLAINTS.** Whenever any violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint with the Administrator. The Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

40-11-9 **FILING FEES.** By resolution, the County Board shall establish (and may periodically amend) a schedule of filing fees for the various permits and procedures listed in this Code. 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 and are non-refundable. A schedule of filing fees is included in **Attachment "A"**.

40-11-10 **PENALTIES.**

- (A) Any person who is convicted of a violation of this Code shall be guilty of a Class B misdemeanor and shall be fined not less than **Fifty Dollars (\$50.00)** nor more than **Five Hundred Dollars (\$500.00)**, plus costs. Each day that a violation continues shall be considered a separate offense.
- (B) Nothing contained in this Section shall prevent the County from taking any other lawful action that may be necessary to secure compliance with this Code.

40-11-11 **RESERVED.**

(This page was left blank intentionally.)

DIVISION II – ZONING BOARD OF APPEALS

40-11-12 **BOARD ESTABLISHED.** The Zoning Board of Appeals is hereby established in accordance with Illinois law. The Zoning Board of Appeals shall have all the powers and duties prescribed by law and as defined by this Code. (See 55 ILCS Sec. 5/5-12001)

40-11-13 **MEMBERSHIP, RESIDENCY, TERM OF OFFICE, CHAIRMAN.** The Zoning Board of Appeals shall consist of **seven (7) members** appointed by the County Board Chairman with the advice and consent of the County Board. All members of the Zoning Board shall be residents of St. Clair County and shall live in separate congressional townships at the time of their appointment. The terms of office shall be **five (5) years**. The County Board may remove any member of the Zoning Board for cause, after a public hearing thereon. Vacancies shall be filled by the County Board for the unexpired term of any member whose place has become vacant. Each year, at the first meeting in January, the Zoning Board of Appeals shall select one of its members as Chairman and one member as Vice-Chairman.

40-11-14 **MEETINGS.** Meetings of the Zoning Board shall be held at the call of the Chairman and at such times and places within the County as the Board may determine. All hearings conducted by said Zoning Board shall be open to the public and the Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. The Zoning Board shall adopt its own rules and procedures not in conflict with this Code or Illinois statutes.

40-11-15 **RECORDS.** The Zoning Board shall keep minutes of its proceedings showing the vote of each member on each question, or in absence or failure to vote, indicating such fact, and shall also keep a record of its hearing and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement and interpretation, decision or determination of the Zoning Board shall be filed immediately in the office of the Zoning Administrator and shall be a public record.

40-11-16 **COMPENSATION.** The members of the Zoning Board shall be compensated on a per diem basis with a mileage allowance for travel, the amount to be determined by the County Board in the annual budget.

40-11-17 **POWERS AND DUTIES.** The Zoning Board of Appeals is hereby empowered to perform the following:

- (A) **Interpretation.** Upon an appeal from any order, requirement, decision, or determination by the Zoning Administrator, and after a public hearing, to decide any question involving the interpretation of any provisions or term of this Code, including: the determination of the exact location of any district boundary if there is any uncertainty with respect thereto.
- (B) **Area, Yard, and Building Bulk Variances.** To conduct public hearings thereon and vary or adapt the strict application of the required area, yard or building bulk requirements of this Code and authorize permits therefor, in the case of an exceptionally irregular, narrow, shallow or steep lot or other exceptional physical condition, whereby such strict application would result in such practical difficulty and/or unnecessary hardship as would deprive the owner of the reasonable use of the land or building involved, but in no other case. In granting any area/bulk variance, the Board shall prescribe any condition that it deems necessary or desirable for the public interest, convenience, or welfare, subject to **Section 40-1-2**, the Intent and Purpose of the district in which the use would be located and **Section 40-11-23**, (Standards for Variance). The variance shall be the minimum deviation from the provisions and standards that would alleviate the undue hardship and allow reasonable use of the property.

- (C) **Advisory Reports and Recommendations.** To conduct public hearings and to provide reports to the County Board on applications for Special Use Permits (including Planned Building Developments) and Zoning Amendments in the manner prescribed by this Article.
- (D) **Other Activities.** To hear and decide all matters referred to it or upon which it is required to pass under this Code, or prescribed by the applicable provisions of the **Illinois Compiled Statutes.**
- (E) **Required Vote.** The concurring vote of **four (4) members** of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant in any matter upon which it is required to pass.

40-11-18 RESERVED.

DIVISION III – AREA/BULK VARIANCES

40-11-19 **PURPOSE OF AREA/BULK VARIANCES.** An Area/Bulk Variance is a relaxation of the requirements of **Article III** that are applicable to a particular lot or structure. Every request for an ABV shall be treated in accordance with provisions of this Article and Illinois law (**55 ILCS 5/5-12009**).

40-11-20 **APPLICATION.** Every application for an ABV shall be filed with the Zoning Administrator on a prescribed form. (Every ABV application shall also be filed with the **Soil and Water Conservation District** as per Illinois law and if located within **one and one-half (1.5) miles** of a municipality, with the Clerk of that municipality.) A filing fee in accordance with the adopted Filing Fee Schedule shall be paid at the time the application is filed. The Zoning Administrator shall promptly transmit said application, to the Zoning Board together with any recommendation or comment he/she wishes to make. (**See 70 ILCS Sec. 405/22(A)**)

Items of Information

The application shall contain sufficient information to allow the Zoning Board to make an informed decision, and shall include at a minimum, the following:

- (A) Name and address of the applicant and name and address of the owner of subject property;
- (B) Location of the structure/use for which the ABV is sought;
- (C) The specific code requirements which, in the applicant’s opinion, prevent the proposed use or construction;
- (D) The characteristics or conditions of the subject property which allegedly prevent reasonable use of the land or building(s) in compliance with the Zoning Code;
- (E) The hardship or difficulty which would result if the particular code requirements were strictly enforced;
- (F) The reduction/alteration/exception of the Code requirements which would be necessary to allow the proposed use or construction;
- (G) Any other pertinent information that the applicant wishes to provide or that the Zoning Administrator may require.

40-11-21 **PUBLIC HEARING AND NOTICE FOR AREA/BULK VARIANCE.**

- (A) **Public Hearing.** The Zoning 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 public agency in whose jurisdiction the property in question is located) may appear and testify, either in person or by duly authorized agent. All testimony shall be given under oath.
- (B) **Notice.** Notice of an application for an Area/Bulk Variance shall be given not more than **thirty (30) days** not less than **fifteen (15) days** before the hearing by publication in a newspaper of general circulation within the County and shall include the following information:
 - (1) Date, time and place of the hearing;
 - (2) Name and address of the owner of the subject property and name and address of the applicant;
 - (3) The particular location of the real estate for which the ABV is requested by legal description and street address, and if no address then by locating such real estate with reference to any well-known landmark, road or intersection;

- (4) Whether or not the applicant is acting for himself or in the capacity of agent or representative of a principal;
- (5) A brief statement of the ABV requested.

40-11-22 **STANDARDS FOR AREA/BULK VARIANCE.** The Zoning Board of Appeals shall not grant variations to the regulations of the Zoning Code unless (based on the evidence presented to it in each specific case) the Zoning Board of Appeals finds that:

- (A) The granting of any variance is in harmony with the general purpose and intent of this Code, and will not be injurious to the neighborhood, detrimental to the public welfare or in conflict with the County’s comprehensive plan for development and will not:
 - (1) Increase the hazard from fire or other dangers to said property;
 - (2) Diminish the value of land and buildings in the immediate area or throughout the County;
 - (3) Unduly increase traffic congestion in the public streets and highways;
 - (4) Increase the potential for flood damages to adjacent property;
 - (5) Incur additional public expense for flood protection, rescue, or relief; or
 - (6) Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of subject property or adjacent property.

- (B) In granting a variance, the Board of Appeals shall determine that:
 - (1) Strict application of the regulations would result in undue practical difficulty or unnecessary hardship in making reasonable use of the property (not mere inconvenience or decreased financial return on the property);
 - (2) The practical difficulty or hardship conditions is due to circumstances not caused by the owner/applicant;
 - (3) That there is not a reasonable alternative solution to the condition or problem that could be applied by the applicant;
 - (4) The circumstances engendering the variance are peculiar to that specific property and not characteristic to other property in the immediate area wherein a change of the zoning district may be more appropriate consideration;
 - (5) The ABV will not alter the essential character of the area where the premises in question are located;
 - (6) The ABV is the minimum deviation from such requirements that will alleviate the difficulties/hardship and allow a reasonable use of the property; or
 - (7) The ABV is necessary to prevent endangerment or hazard to persons or property.

- (C) **Special Conditions of Area/Bulk Variance.** The Zoning Board of Appeals may require special conditions and restrictions be imposed upon the premises benefited by a variance as may be necessary to comply with the criteria established in this paragraph to reduce or minimize the effect of such ABV upon other property in the area, and to better carry out the general intent of this Code.

40-11-23 **FINDINGS OF FACT, TERM OF RELIEF, REPORT OF RECORD.** The Board of Appeals shall render a decision within a reasonable time after the public hearing on the application and a Report of Record shall be made and retained on file by the Zoning Administrator. A copy of the Report of Record shall be provided to the owner/applicant and copies transmitted to the County officials or others as required. The Report of Record shall define:

ST CLAIR COUNTY CODE

- (A) The relief sought by the owner/applicant as shown in the application and as advertised for public hearing;
- (B) The findings of fact by the Board of Appeals based on the information submitted for their consideration and a determination.
- (C) The term of relief granted or recommended, if any, based on the findings of the Board of Appeals.

40-11-24 RESERVED.

(This page was left blank intentionally.)

DIVISION IV - APPEALS

40-11-25 **APPEALS.** Any person aggrieved by any decision or order of the Zoning Administrator, in any matter related to the interpretation or enforcement of any provision of this Code, may appeal to the Zoning Board. Every such appeal shall be made and treated in accordance with provisions of this Section and Illinois law (**See 55 ILCS Sec. 5/5-12011**)

40-11-26 **FILING APPEAL.** Every appeal shall be made within **forty-five (45) days** of the matter complained of by filing with the Zoning Administrator and the Zoning Board a written notice specifying the grounds for appeal.

40-11-27 **STAY OF FURTHER PROCEEDINGS.** An appeal stays all further action on the matter being appealed unless the Zoning Administrator certifies to the Zoning Board, 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 Circuit Court grants a restraining order for due cause, and so notifies the Zoning Administrator.

40-11-28 **PUBLIC HEARING.** The Zoning 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 public agency in whose jurisdiction the property in question is located) may appear and testify, either in person or by duly authorized agent. All testimony shall be given under oath.

40-11-29 **NOTICE.** Notice of an appeal shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing by publication in a newspaper of general circulation within the County. The notice of public hearing shall also include the following information:

- (A) Date, time and place of the hearing;
- (B) Name and address of the applicant and whether or not the applicant is acting for himself or in the capacity of agent or representative of a principal;
- (C) The particular section of the Code for which the appeal is requested;
- (D) A brief description of the issue.

40-11-30 **DECISION BY BOARD OF APPEALS.** The Zoning Board shall render a decision on the appeal within a reasonable time after the hearing. The Zoning Board 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 Zoning Board has all the powers of the Zoning Administrator.

40-11-31 **RESERVED.**

(This page was left blank intentionally.)

DIVISION V - SPECIAL USE PERMITS

40-11-32 **SPECIAL USES BY PERMIT.** This Code divides the unzoned part of the County into zoning districts and in each district designates the compatible uses permitted by right in each district. Certain other uses which may not be generally appropriate throughout the district because of special operational or physical characteristics, may or may not have a detrimental impact on permitted uses. The detrimental impact may be a factor of precise location, manner of operation, design, installation or otherwise. These uses have been designated as SPECIAL USES and may be permitted subject to special requirements different from and/or in addition to the usual requirements of the district. Special Use Permits shall be determined on a case-by-case basis and allowed only with approval of the County Board.

A Special Use Permit may be approved by the County Board for a PLANNED BUILDING DEVELOPMENT as provided in **Section 40-9-3**, upon determination that the Planned Building Development will result in compatible development that will equal or exceed the quality of development that may result from strict compliance with requirements of this Code for the district in which the use is to be located.

40-11-33 **APPLICATION FOR SPECIAL USE PERMIT.** Every application for a Special Use Permit shall be filed with the Zoning Administrator on a prescribed form and shall include all items of information required in this Article unless otherwise excluded by the Zoning Administrator

- (A) All applications for a Special Use Permit shall be heard by the Zoning Board of Appeals in accordance with **Article XI Division V.**
- (B) Every Special Use Permit application shall also be filed with the St. Clair County Soil and Water Conservation District As per State law.
- (C) If the land in question is within **one and one-half (1.5) miles** of a municipality, the application shall be filed with the Clerk of the municipality. **(See 70 ILCS Sec. 405/22.02(A))**
- (D) If the land or building for which the Special Permit is requested is within the unincorporated area of a township that has a Plan Commission, a copy of the application shall be filed with the Township Board of that Township.
- (E) A filing fee in accordance with the adopted Filing Fee Schedule shall be paid at the time the application is filed. **(Ord. No. 95-12; 05-30-95)**

PROCEDURE

Plans submitted for preliminary approval may be in preliminary form and shall not require the seal of a licensed engineer or architect. However, information and plans submitted shall be adequately complete, clear, and accurate for complete review.

Following Special Use Permit approval by the County Board, final plans bearing all required seals by an engineer or architect and all other required documents shall be submitted for review by the Zoning Administrator and other County officials as necessary. Such final plans and documents shall include required review and approval of other governmental agencies.

Any substantial change from the plans or requirements approved by the County Board or from the required approvals of other governmental agencies shall constitute a cause for denial of a building or use permit for the Special use by the Zoning Administrator.

ITEMS OF INFORMATION

- (A) Name and address of the applicant;
- (B) Name and address of the owner or operator or the proposed structure or use, if different from (A);
- (C) Nature of the proposed use(s), including the type of activity, manner of operation, and number of occupants or employees;
- (D) Any proposed easements or covenants intended to accompany the proposed development;
- (E) A Construction and Development Schedule with provisions of reasonable guarantee of completion in accordance therewith;
- (F) The approved plan and permit by the U.S. Corp of Engineers for the mitigation of any wetlands or the use of any flood plains to be used under Sections 401 and 404 of the Clean Water Act.
- (G) **Preliminary Plans.** Map(s) of the proposed site and development at a scale of not less than **one (1) inch** equals **two hundred (200) feet** showing the following:
 - (1) The dimensions and area of the proposed site.
 - (2) Existing natural conditions of the site including topography (USGS 10-foot contour interval is acceptable); wetland areas; forested areas; areas subject to the 100-year interval flood; ponds and drainage ways; and areas of unstable land resulting from undermining.
 - (3) The approximate location, size, height, and setback of all proposed structures and uses and the relationship to adjacent structures and uses.
 - (4) Vehicle and pedestrian circulation, parking and service plan showing streets, alleys, and access ways, including access ways for emergency and service vehicles or equipment; number and location of loading docks; number and location of parking spaces; pedestrian walks and access ways; and unenclosed storage areas.
 - (5) The location of adjacent pedestrian and vehicular traffic circulation and the relation to the proposal for the site.
 - (6) The location, type, size and height of all signs or outdoor lighting.
 - (7) The proposed development and use of internal spaces including recreation and open space, plazas, or landscape areas.
 - (8) Location and identification of existing and proposed utilities, whether public or private, and verification of their adequacy to serve the proposed development.
 - (9) An overall Sketch Plan for the entire tract indicating all lots at approximate size, approximate location and width of streets, a general drainage plan showing approximate location of retention basins and drainage ways and all proposed land uses to be located on the tract.

40-11-34 **SITE PLAN REVIEW.** Site Plan Review may be required for any Special Use Permit, but shall be required for any Planned Building Development or mobile home park. Additionally, the Zoning Administrator is authorized to require a Site Plan Review for any development proposal for **two (2)** or more principal uses which would occupy **one (1)** principal building or tract, or **two (2)** principal buildings on **one (1) tract**, and where the proposed development, including multi-family residential, is of such size or in such location that adequate evaluation requires a Site Plan Review. The Site Plan Review procedure is intended to insure the adequate review and consideration of potential impacts and/or conflicts of certain proposed developments upon surrounding lands, uses and structures.

- (A) **Site Plan Coverage.** The site plan shall indicate all reasonable steps have been taken to minimize any negative effect upon the surrounding built and natural environment as well as upon the subject site itself, including but not limited to: compatibility of land uses, provision

for public utilities, flooding and storm drainage; wetlands; visual buffering of buildings; parking; traffic and circulation.

- (B) **Review Procedure.** All information required for Site Plan Review shall be submitted to the Zoning Administrator at the time the application for a Special Use Permit is filed. Site plan data shall be provided in accordance with the requirements of this Code. Upon receipt of an application and payment of fees, the following procedure shall be followed:
- (C) The Zoning Administrator shall review the application to determine the impact of such proposed building or use upon adjacent uses, the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general health, safety, and welfare of the County, and submit an advisory report to the Zoning Board of Appeals.

40-11-35 PUBLIC HEARING AND NOTICE FOR SPECIAL USE PERMIT.

- (A) **Public Hearing.** 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.
- (B) **Notice.** Notice of the proposed special use shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing by publication in a newspaper of general circulation within the County and shall include the following information:
 - (1) Date, time and place of the hearing;
 - (2) Name and address of the owner of the subject property and name and address of the applicant;
 - (3) The particular location of the real estate for which the special use is requested by legal description and street address, and if no address then by locating such real estate with reference to any well-known landmark, road or intersection;
 - (4) Whether or not the applicant is acting for himself or in the capacity of agent or representative of a principal;
 - (5) A brief statement of the special use requested.

40-11-36 ADDITIONAL INFORMATION. The Zoning Board may, based on the public hearing and the report of the Zoning Administrator, require additional information including, but not limited to, the following:

- (A) Documentation showing the land is under single ownership or control.
- (B) Documents including the availability of required public and private services including water, sewer, gas and/or electric, telecommunications, police and fire protection and non-sewage waste disposal.
- (C) Maps and other documents showing all existing easements, rights-of-way, covenants, judgments or other legal encumbrances on the land, structures and use thereof.
- (D) Traffic generation and/or traffic impact studies.
- (E) Studies to define the need for the specific proposed development and its impact including: market analysis; fiscal or economic impact.
- (F) Studies of compatibility with and/or impact on surrounding development, public facilities and/or service.
- (G) Financial impact studies.
- (H) Hydrologic studies.
- (I) Soil studies.
- (J) Environmental impact studies including conservation and natural resources.
- (K) Airport operation impact studies.

- (L) A development schedule for the project.

40-11-37 ADVISORY REPORT, FACTORS CONSIDERED. Within a reasonable time after the public hearing, the Zoning Board of Appeals shall submit their advisory report to the County Board. In preparing the advisory report, the Zoning Board of Appeals shall among other things consider the following factors:

- (A) The advisory report of the Zoning Administrator;
- (B) Whether the proposed design, location, development and operation of the proposed Special Use will adequately protect the public health, safety, and welfare and the physical environment;
- (C) Whether the proposed Special Use is consistent with the County’s comprehensive plan;
- (D) The effect the proposed Special Use may have on the value of the neighboring property and on the County’s overall tax base;
- (E) The availability and the effect the proposed Special Use would have on the public utilities and on traffic circulation on nearby streets;
- (F) Whether there are any facilities near the proposed Special Use (such as schools or hospitals) that require special consideration;
- (G) Whether the proposed Special Use is compatible to adjacent uses and uses in the general vicinity; and
- (H) The time period for which the Special Use Permit should be granted or any special requirements for certification of continued compliance with the terms of approval.

40-11-38 ACTION BY COUNTY BOARD. Following submission of the Zoning Board of Appeals Advisory Report and without further public hearing, the County Board by simple majority vote shall act on every application for a Special Use Permit except as required by **Section 40-11-40**.

- (A) The County Board may:
 - (1) Grant the application with or without conditions; or
 - (2) Deny the application; or
 - (3) Refer the application back to the applicant for modification; or
 - (4) Refer the application back to the Zoning Board of Appeals for further study and consideration.
- (B) If the application is granted, a copy of the final plan and other documents shall be placed on file with the County clearly noting all conditions of approval for issuance of a permit, including any time limitations for completion of the development and any conditions relative to continuance or termination of the Special Use Permit.
- (C) If the application is denied, the applicant shall not for a permit for substantially the same proposal unless there has occurred a substantial change of circumstances, and in such case, only with the County Board’s consent first obtained, otherwise not earlier than **one (1) year** after date of the denial.
- (D) If the application is referred back for modification, the applicant may re-submit the application in accordance with the directions of the County Board, if any, otherwise in time for the next regular meeting of the County Board. **(Ord. No. 95-12; 05-30-95)**

40-11-39 GRANTING OF A SPECIAL USE PERMIT. Granting of a Special Use Permit shall be by resolution of the County Board and shall be accompanied by a finding of fact specifying the reason for granting the Special Use Permit.

40-11-40 **DECISION.** The favorable vote of at least **three-fourths (3/4)** of all the members of the County Board is required to approve and grant a Special Use Permit in the following instances:

- (A) In the case where the Zoning Board of Appeals recommends that the Special Use Permit not be granted; or **(Ord. No. 95-12; 05-30-95)**
- (B) In the case of a written protest filed by the Township Board of a Township having a Plan Commission when the land is located in the unincorporated part of that Township. **(Ord. No. 95-12; 05-30-95)**

40-11-41 **PERIOD OF VALIDITY.** No approved Special Use Permit requiring a building permit shall be valid for a period longer than **two (2) years** from the date of approval, unless within such period a building permit is obtained and construction is commenced. The Zoning Board of Appeals may grant extensions not exceeding **one (1) year** each upon written request of the applicant if the proposed development and site plan remain substantially the same as that proposed in the initially approved site plan. **(Ord. No. 95-12; 05-30-95)**

40-11-42 **BUILDING PERMITS FOR APPROVED SITE PLAN.** No building permit shall be issued for grading or the construction of any improvement on property for which a Special Use Permit has been granted which is not in conformity with the recorded final approved plan.

- (A) A final plan shall be filed with the Zoning Administrator and shall include in addition to the preliminary plans required in **Section 40-11-33**, the following:
 - (1) The final finished grade of the site at **one (1) foot** contour interval and the relationship of proposed grade to abutting properties.
 - (2) The final surface drainage plan including channelization, retention basins, and means of access to receiving streams with provision that such drainage will not create flooding, ponding, or erosion of adjacent property.
 - (3) The final location and height of all fences, screening hedges, earth berms and retaining walls.

40-11-43 **REVOCATION.** The County Board may revoke a Special Use Permit issued under this Article if the proposal for which a permit has been issued is not carried out pursuant to the conditions and requirements of approval.

40-11-44 **RESERVED.**

(This page was left blank intentionally.)

DIVISION VI – REZONINGS AND TEXT AMENDMENTS

40-11-45 **AMENDMENTS.** The County Board shall amend this Code in accordance with State law and the provisions of this Section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special or prohibited) and proposed text changes shall be deemed proposed amendments. Amendments may be proposed by the County Board, the Administrator, the Zoning Board of Appeals, County Planning Commission, or any party in interest. (See 55 ILCS Sec. 5/5-12014)

40-11-46 **FILING AMENDMENTS.** Every proposal to amend the zoning regulations shall be filed with the Zoning Administrator on a prescribed form, with payment of required fees and shall include such information as he/she considers necessary to allow the County Board to make an informed decision. The person proposing an amendment shall also file a copy of this proposal with the **Soil and Water Conservation District** and if the land in question is located within **one and one-half (1.5) miles** of a municipality, with the Clerk of that municipality. (See 70 ILCS Sec. 405/22.02(A))

For any change of zoning from “A” Agricultural Industry District to any other zoning district, a request shall be filed concurrently for a Land Evaluation and Site Assessment in accordance with **Section 40-10-1**. In any instance where the subdivision of land is directly related to the proposed zoning change, the Preliminary Subdivision Plat shall be submitted.

The Administrator shall promptly transmit copies of the proposal, together with any comment or recommendation he/she may wish to make, to the Board of Appeals.

40-11-47 **PUBLIC HEARING LOCATION.** The Zoning Board of Appeals shall hold a public hearing on every amendment proposal within a reasonable time after said proposal has been submitted to them. Hearings on text amendments shall be held in the County Courthouse. Hearings on map amendments shall be held in the County Courthouse, however, if the owner of any property affected by such proposed map amendment so requests in writing within **ten (10) days** of the date the notice was published, such hearing shall be held in the township or road district affected by the terms of such proposed amendment. At the hearing, any interested party (including any school or other taxing district in which the property in question is located) may appear and testify, either in person or by duly authorized agent. All testimony shall be given under oath.

40-11-48 **PUBLIC HEARING AND NOTICE FOR ZONING AMENDMENTS.**

(A) **Public Hearings.** The Board of Appeals shall hold a public hearing on every Zoning Amendment 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.

(B) **Notice.** Notice of the proposed zoning amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing by publication in a newspaper of general circulation within the County and shall include the following information:

- (1) Date, time and place of the hearing;
- (2) Name and address of the owner of the subject property and name and address of the applicant;
- (3) The particular location of the real estate for which the zoning amendment is requested by legal description and street address, and if no address then by locating such real estate with reference to any well-known landmark, road or intersection;
- (4) Whether or not the applicant is acting for himself or in the capacity of agent or representative of a principal;

ST CLAIR COUNTY CODE

- (5) The current zoning district in which the property is located and the proposed zoning being requested;
- (6) A brief statement of why the zoning amendment is requested.

40-11-49 **ADVISORY REPORT FROM ZONING BOARD.** Within a reasonable time after the public hearing, the Zoning 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 therefor. 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;
- (E) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since that property was initially zoned or last rezoned;
- (F) Degree of compliance and the effect the proposed rezoning would have on implementation of the County Comprehensive Plan.

40-11-50 **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. Without further public hearing, the County Board may pass any proposed amendment by simple majority vote except as follows:

- (A) In the case where the Zoning Board of Appeals recommends that the proposed amendment not be adopted; or
- (B) 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
- (C) In the case of a written protest against a proposed amendment that affects land located within **one and one-half (1.5) miles** of the limits of a zoned municipality, provided that said written protest is:
- (D) In the case of a written protest filed by the Township Board of a township having a Plan Commission, when that land is located in the unincorporated part of that Township. **(Ord. No 95-12; 05-30-95)**
 - (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.

40-11-51 **EXCEPTIONS: THREE FOURTHS (3/4) MAJORITY VOTE REQUIRED.** The favorable vote of at least three-fourths (3/4) of all the members of the County Board is required to pass an amendment to this code in the following instances:

- (A) In the case where the Zoning Board of Appeals recommends that the proposed amendment not be adopted; or

ST CLAIR COUNTY CODE

- (B) 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
- (C) In the case of a written protest against a proposed amendment that affects land located within one and one half (1 ½) miles of the limits of a zoned municipality, provided that said written protest is:
- (D) In the case of a written protest filed by the Township Board of a township having a Plan Commission, when that land is located in the unincorporated part of that Township. **(Ord. No. 95-12; 05-30-95)**
 - (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.

40-11-52 **RESUBMISSION.** If an application for rezoning is denied, the applicant shall not again apply for a Zoning Amendment for substantially the same proposal unless there has occurred a substantial change of circumstances, and in such case, only with the County board's consent first obtained, otherwise not earlier than **one (1) year** after date of the denial. If the application is referred back for modification, the applicant may re-submit the application in accordance with the directions of the County Board, if any, otherwise in time for the next regular meeting of the County Board.

(Unless otherwise indicated, this Code is Ordinance No. 93-399; June 28, 1993)

(This page was left blank intentionally.)

SCHEDULE OF FILING FEES

Application fees shall be paid at the time application is submitted and accepted by the Zoning Administrator and his/her authorized representative. **(Ord. No. 18-1203 12-17-2018)**

(1) Application for Zoning Compliance.....	\$30.00
(2) Notice of Appeal	\$50.00
(3) Area/Bulk Variance.....	\$300.00
(4) Special Use Permit for other than a Planned Building Development and not requiring a Site Plan Review	\$500.00
(5) Special Use Permit for a Planned Building Development Or otherwise requiring a Site Plan Review	\$1,000.00
(6) Zoning Amendment	\$500.00
(7) Yard Sale Permit	\$10.00
(8) Renewal of Any Special Permit.....	\$20.00
(9) Text Amendment	\$500.00
(10) EcoCAT Information Report	*
(11) EcoCAT Consultant Report	*

ALL FEES ARE NON-REFUNDABLE

* These fees are set by statute, administrative regulation, and/or other legal authority of the State of Illinois, and are subject to change by the Illinois Department of Natural Resources in their implementation of 20 ILCS 805/805-555, 17 Ill. Adm. Code 4020.240(e), and other statutory and administrative regulations. These fees are collected by the Illinois Department of Natural Resources, and can be reviewed or confirmed through that State Agency’s website at: <http://dnr.illinois.gov/EcoPublic>, or by contacting the Agency at dnr.ecocat@illinois.gov.