

**ARTICLE II - ZONING DISTRICT REGULATIONS**

**DIVISION I - GENERAL PROVISIONS**

**40-2-1 ZONING DISTRICTS - INTENT AND PURPOSE.** For the purpose of this Code, the entire County of Monroe outside the limits of cities, villages and incorporated towns which have in effect municipal zoning ordinances is hereby divided into the following zoning districts:

<u>District</u>	<u>Designation</u>	<u>Minimum Size In Acres *</u>
Agricultural	A-1	None
Agricultural/Single-Family Residential	A-2	15
Single-Family Residential	R-1	15
Single-Family Residential	R-2	15
Single-Family Residential	R-3	10
Single-Family Residential	R-4	5
Manufactured Home	R-MH	5
Multiple-Family Residential	R-MF	5
Neighborhood Business	B-1	2
Highway Business	B-2	5
General Business	B-3	5
Light Industrial	I-1	10
Heavy Industrial	I-2	20
Conservation	C-1	None
Special Food Hazard Areas	F-1	None

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

**(Ord. No. 06-04; 04-17-06)**

**40-2-2 ZONING MAP AND DISTRICT BOUNDARIES.** The boundaries of the listed zoning districts are hereby established as shown on the official zoning map of the County. This official zoning map, including all notations and other information hereto, is hereby made a part of this Code by reference. The official zoning map shall be kept on file in the office of the Administrator.

**40-2-3 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION.** In determining with precision what territory is actually included with any zoning district, the Administrator shall apply the following rules:

- (A) Where a district boundary as indicated on the zoning map approximately follows any of the features listed below they shall be deemed the district boundary:
- (1) Center line of any street, alley, or highway.
  - (2) Lot line.
  - (3) Railroad tracks.
  - (4) Stream.

- (5) Section lines, quarter section lines, quarter-quarter section lines, survey lines.
- (B) Whenever any street, alley or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.
- (C) The regulatory flood elevation at any point in question shall determine where the flood hazard overlay boundary is located on the land.

**40-2-4 DE-ANNEXED TERRITORY.** Any territory hereafter de-annexed from a municipality shall automatically be in the County zone classification most closely corresponding to the zone classification while under the municipal zoning jurisdictions until duly changed by an amendment to this Code.

**40-2-5 UNLISTED USES PROHIBITED.** Whenever any use is not specifically listed as permitted or special within a particular zoning district, the use shall be deemed prohibited in that district. However, if the Land Use Committee, following consultation with the Administrator, finds that the unlisted use is similar to and compatible with the listed uses, they may make a written ruling to that effect, and classify the use as a use permitted by right. The Committee's decision shall become a permanent public record.

**40-2-6 TEMPORARY USES.** Except as specifically provided otherwise in this Code, no temporary structure shall be used or occupied for any purpose, and no land shall be used for any temporary enterprise except by written permission of the Administrator.

**40-2-7 - 40-2-10 RESERVED.**

## DIVISION II - "A-I" AGRICULTURAL DISTRICT

**40-2-11 PURPOSE OF DISTRICT.** The Agricultural District of Monroe County encompasses areas where soil, water, vegetal, and topographical resources generally provide conditions well suited to the raising of crops and domestic animals. The district is designed to prevent the intrusion of non-agricultural land use and development which would hinder agricultural pursuits by reason of congestion on public roads, chemical and biological pollution of air and water, environmental conditions, soil erosion, and the depletion of natural cover causing runoff of storm water onto and across agricultural land. The district is designed to protect and preserve the areas of high agricultural productivity and is intended to preserve conditions suitable to agricultural purposes. Anyone applying for a permit for a residence in this Agriculture Zoned District must sign a certificate that they are aware that there might be a sight, smell, or sound of agriculture business in the area. **(Ord. No. 03-04; 03-17-03)**

**40-2-12 CONDITIONS OF USE.**

- (A) See Schedule 2A: AREA AND BULK REGULATIONS. (ED. NOTE: Schedule 2A is on file in the County offices.)
- (B) Living area shall be a minimum of **nine hundred (900) square feet.**

**40-2-13 USES PERMITTED BY RIGHT.** All uses commonly classified as agriculture, apiculture, horticulture, or forestry including crop and tree farming, truck farming, gardening, nursery

operations, dairy farming, livestock raising, animal and poultry breeding, raising and feeding of animals, forestry operations together with building and the operations of machinery or vehicles, but not including stockyards or agricultural product processing plants other than for agricultural use. (See Section 40-3-16)

- (A) Clubhouses.
- (B) Farm residences, existing prior to **July 1, 1995**, may be sold off of an existing agricultural zoned plot, provided at least **two and one-half (2.5) acres** is deeded with the residence. These residences must meet exception 9 of the State Plat Act.
- (C) Fish and game preserves.
- (D) Greenhouses and nurseries, wholesale.
- (E) Governmental use facilities and buildings for the County.
- (F) Lakes, including fee fishing, provided that no building, parking lot, or other intense use activity is located nearer than **five hundred (500) feet** to any dwelling on another lot and must meet setbacks from the lot line, whichever is greater.
- (G) Modular homes.
- (H) Non-commercial recreational activities.
- (I) Parks, forest preserves, and recreational areas, when publicly owned and operated.
- (J) Railroad rights-of-way and trackage, but not including classification yards, terminal facilities or maintenance facilities.
- (K) Single-family detached residences.

**40-2-14 SPECIAL USES.**

- (A) Agricultural implement and machinery sales, service and repair.
- (B) Airports or aircraft landing fields.
- (C) Animal feed, storage, preparation, grinding, and mixing--wholesale and retail.
- (D) Animal hospitals, provided that adequate safeguards, structural, mechanical, and location shall be provided to protect adjacent properties from the effects of noisome or injurious substances, conditions and operations.
- (E) Bed and Breakfast Establishments.
- (F) Blacksmith or welding shops.
- (G) Churches, rectories, and parish houses.
- (H) Commercial recreation areas or camps.
- (I) Construction-related equipment, limited storage of.
- (J) Fairgrounds.
- (K) Fertilizer sales, including bulk storage and mixing.
- (L) Golf courses, and country clubs, of regulation size, but not commercially operated driving ranges or miniature golf courses; and provided that no clubhouses or accessory buildings shall be located nearer than **five hundred (500) feet** to any dwelling on another zoning lot.
- (M) Governmental facilities and uses, other than Monroe County.
- (N) Grain elevators and storage, commercial.
- (O) Greenhouses and nurseries, retail--including landscaping operations.
- (P) Gun clubs, if located not nearer than **one thousand (1,000) feet** to any residence other than that of the owner or lessee of the site and if not so operated as to withdraw the land from its primary agricultural use.
- (Q) Home occupations, that do not comply with **Section 40-4-7**.
- (R) Hospitals, clinics, and sanitariums.
- (S) Kennels, commercial.
- (T) Livestock depots and sales yards.
- (U) Living quarters for persons employed in agricultural or related activities that are conducted on the premises.
- (V) Manufactured Homes.
- (W) Marinas.
- (X) Mineral extraction and storage.
- (Y) Oil Wells.

- (Z) Private clubs or lodges, private recreation areas or camps, except those the chief activity of which is customarily carried on as a business.
- (AA) Propane and fuel oil sales.
- (BB) Public service uses, other than the County, including utility substations, filtration plants, pump stations, water reservoirs, police and fire stations.
- (CC) Sanitary and natural material landfills to include any combustible or non-combustible materials.
- (DD) Sawmills.
- (EE) Schools and colleges for academic instruction.
- (FF) Stables, commercial.
- (GG) Storing explosives of any kind.
- (HH) Wedding/Reception Venues. **(Ord. No. 20-01; 01-21-20)**
- (II) Wind generator/windmill. **(Ord. No. 11-02; 03-07-11)**
- (JJ) Wineries. **(Ord. No. 12-07; 08-20-12)**
- (KK) Wind energy conversion system. **(Ord. No. 12-11; 11-19-12)**

**40-2-15 PERMITTED ACCESSORY USES.**

- (A) Accessory uses clearly associated with and supplementary to the principal use of the lot or tract of land.
- (B) Home occupations, that comply with **Section 40-4-7.**
- (C) Kennels, private, however, such use is limited to **ten (10)** or less dogs or domesticated animals over the age of **four (4) months.**
- (D) Permitted signs, see **Article VI** of Zoning Code (Street Graphics).
- (E) Stables, private.
- (F) Small solar energy installations. **(Ord. No. 2018-06; 02-05-18)**

**40-2-16 PERMITTED TEMPORARY USES.** It is the intent of the following to regulate the operation of certain transitory or seasonal uses as follows:

- (A) Auctions.
- (B) Carnivals, circuses and similar amusement enterprises provided that adequate off-street parking is available and that traffic congestion or hazard would not be created in conjunction with the location or access thereto (Permit required, see **Section 40-4-28**).
- (C) Garage/yard sales, limited to **three (3)** per calendar year.
- (D) Outdoor festivals, music or religious gatherings (Permit required, see **Section 40-4-28**).
- (E) Sawmills, temporary.
- (F) Temporary produce stands for the sale of agricultural produce raised on the premises, provided that adequate off-street parking is available and that traffic congestion or hazard would not be created in conjunction with the location or access thereto.

**40-2-17 RESERVED.**

**DIVISION III - "A-2" AGRICULTURAL DISTRICT**

**40-2-18 PURPOSE OF THE DISTRICT.** The "A-2" Agricultural District of Monroe County recognizes that some of the land indicated for agricultural purposes in the Comprehensive Plan Land Use Map will not be farmed because of a variety of conditions including topography, karst terrain, flooding, wetlands, vegetation, man-made facilities and barriers, including essential services and public facilities. Further, that all areas of high agricultural productivity in the County have not been designated in the

Comprehensive Plan and zoned exclusively for agriculture because of existing urban development. This district is primarily for areas undergoing transition from agriculture to more intensive residential uses, to serve as a buffering district between the "A-1" and the residential districts.

**40-2-19      CONDITIONS OF USE.**

- (A) See Schedule 2A: AREA AND BULK REGULATIONS. (ED. NOTE: Schedule 2A is on file in the County offices.)
- (B) Living area shall be a minimum of **nine hundred (900)** square feet.

**40-2-20      USES PERMITTED BY RIGHT.**

- (A) Agricultural uses, limited to the growing of crops, truck farming, and the raising of grazing animals, see **Section 40-3-16.**
- (B) Clubhouses.
- (C) Fish and game preserves.
- (D) Governmental use facilities and buildings for Monroe County.
- (E) Lakes, including fee fishing, provided that no building, parking lot, or other intense use activity is located nearer than **five hundred (500) feet** to any dwelling on another lot, and must meet setbacks from the lot line, whichever is greater.
- (F) Modular homes.
- (G) Non-commercial recreational activities.
- (H) Residential alternatives for developmentally disabled, having 1-8 residents.
- (I) Single-family detached residences.

**40-2-21      SPECIAL USES.**

- (A) Animal hospitals and animal shelters, provided that adequate safeguards, structural, mechanical and location shall be provided to protect adjacent properties from the effects of noisome or injurious substances, conditions and operations.
- (B) Athletic fields.
- (C) Bed and breakfast establishments.
- (D) Cemeteries and mausoleums.
- (E) Churches, rectories and parish houses.
- (F) Commercial recreational areas or camps.
- (G) Day care and nursery schools.
- (H) Golf courses, and country clubs, driving ranges without overhead lighting, or miniature golf courses; and provided that no clubhouses or accessory buildings shall be located nearer than **five hundred (500) feet** to any dwelling on another lot.
- (I) Greenhouses and nurseries, wholesale and retail, including landscaping operations.
- (J) Home occupations that do not comply with **Section 40-4-7.**
- (K) Hospitals, clinics, and sanitariums.
- (L) Kennels, commercial.
- (M) Private clubs or lodges, private recreation areas or camps, except those the chief activity of which is customarily carried on as a business.
- (N) Public service uses, other than the County, including utility sub-stations, filtration plants, pump stations, water reservoirs, police and fire stations.
- (O) Residential alternatives for developmentally disabled, having more than **eight (8)** residents.
- (P) Schools and colleges for academic instructions.
- (Q) Wedding/Reception Venues. (**Ord. No. 20-01; 01-21-20**)
- (R) Wind generator/windmill. (**Ord. No. 11-02; 03-07-11**)
- (S) Wineries. (**Ord. No. 12-07; 08-20-12**)

**40-2-22 PERMITTED ACCESSORY USES.**

- (A) Accessory uses clearly associated with and supplementary to the principal use of the lot or tract of land.
- (B) Accommodations for professional servants, caretakers, watchmen, or custodians, but not as a separate detached one-family dwelling on the same lot.
- (C) Home occupations that do not comply with **Section 40-4-7.**
- (D) Kennels, private, however, such use is limited to **ten (10)** or less dogs or domesticated animals over the age of **four (4) months.**
- (E) Permitted signs.
- (F) Small solar energy projects. (**Ord. No. 18-06; 02-05-18**)
- (G) Stables, private.

**40-2-23 PERMITTED TEMPORARY USES.** It is the intent of the following to regulate the operation of certain transitory or seasonal uses as follows:

- (A) Auctions.
- (B) Carnivals, circuses and similar amusement enterprises provided that adequate off-street parking is available and that traffic congestion or hazard would not be created in conjunction with the location or access thereto. Permit required, see **Section 40-4-28.**
- (C) Christmas tree sales.
- (D) Garage/yard sales, limited to **three (3)** per calendar year.
- (E) Outdoor festivals, music or religious gatherings. Permit required, see **Section 40-4-28.**
- (F) Temporary produce stands for the sale of agricultural produce raised on the premises, provided that adequate off-street parking is available and that traffic congestion or hazard would not be created in conjunction with the location or access thereto.

**40-2-24 RESERVED.**

**DIVISION IV - "R-1 -- R-4" SINGLE-FAMILY RESIDENTIAL DISTRICTS**

**40-2-25 PURPOSE OF DISTRICT.** The Single-Family Residential Districts of Monroe County, as differentiated herein, and the district locations as depicted on the Monroe County Zone District map, reflect the wide variety of physical and social characteristics found in Monroe County, to the extent that the range of such conditions and characteristics can be divided into meaningful categories. It is the purpose of these regulations to encourage the creation and maintenance of stable and enduring residential areas by establishing limitations on the use and character of development so as to take advantage of, or to avoid conflict with, natural topography, existing or planned community facilities and social needs of the County.

**40-2-26 CONDITIONS OF USE.**

- (A) See Schedule 2A: AREA AND BULK REGULATIONS. (ED. NOTE: Schedule 2A is on file in the County offices.)
- (B) Living areas shall be a minimum of **nine hundred (900) square feet.**

**40-2-27 USES PERMITTED BY RIGHT.**

- (A) Governmental uses, facilities and buildings of the County.
- (B) Modular homes.
- (C) Single-family detached residences.