

## **SECTION 6: Special Uses**

- 6.1 **Purpose.** In addition to those uses permitted by right in each district, there are certain other uses which may be specially permitted. In addition to the restrictions of the underlying district, and any applicable overlay districts, these special uses require particular consideration as to their proper location and their relationship to surrounding uses and zoning districts, their impact upon the planned and orderly development of neighboring property and upon property values throughout the Village. The following uses of land or structures are hereby determined to be special uses, and the Board of Trustees may permit the following uses of land or structures, or both, if it finds that the proposed location and establishment of any such use:
- (a) will be desirable or necessary to the public convenience or welfare; and
  - (b) will be harmonious and compatible with other uses adjacent to the site and throughout the Village, and
  - (c) Meets the requirements of any applicable county ordinance including the McHenry County Stormwater Management Ordinance and the McHenry County Public Health Ordinance, and
  - (d) Is compliant with all applicable state and federal laws and regulations, including licensing requirements, and
  - (e) Meets the requirements of 6.3-3 below.
- 6.1-1 Golf courses, public or private, in the “Ag” Agricultural and “E” Estate Districts.
- 6.1-2 Municipal or privately owned recreation building or community center, in the “Ag” Agricultural and “E” Estate District.
- 6.1-3 Private clubs or lodges in any use district, and the serving of food and beverages, including alcoholic beverages, in any building located thereon, provided and on condition that:
- (a) The premises, dining, kitchen and all other facilities therein, conform to all statutes, ordinances, rules and regulations of the Federal government, State of Illinois, County of McHenry, and Village of Bull Valley, including, without limitation, those of the State Fire Marshal and the McHenry County Health Department;
  - (b) The sale of such food and beverages is limited to members and their guests, and it is secondary and incidental to the main activities of the association (none of which activities shall be related to eating and drinking), and, insofar as the sale of alcoholic beverages is concerned, the owner of the land and the association are properly licensed to sell such beverages by the State of Illinois and the Village; and
  - (c) Parking, signage, hours of operation and other conditions as to the improvement or operation of the club or lodge are met as established by the ordinance granting such special use.
- 6.1-4 Retail Planned Developments, as provided for in Section 6.5 and Residential Planned Developments as provided for in Section 6.4
- 6.1-5 Public or private park or playground in any use district on condition that the park or playground is in character with the surrounding areas and will not disturb the quiet enjoyment of neighboring properties.

6.1-6 Public utility facilities and public radio transmitting towers, pursuant to Section 6A.

6.1-7 Residential Care Facility:

- (a) A residential care facility located in a private home shall be limited to a capacity of 6 children or adults, and shall be located on a minimum of five acres in any zone. A residential care facility located in a freestanding construction, other than a single-family home, shall be limited to a capacity of 12 children or adults and shall be located on ten acres in any zone.
- (b) There shall be a minimum one hundred (200) foot buffer from all structures, recreational facilities, parking facilities and driving lanes from any adjacent residential property line.
- (c) A residential care facility shall also submit the following as part of the special use application.
  - 1. A statement of the exact nature of the facility planned.
  - 2. The qualifications of the organization and principals who will operate the facility.
  - 3. The type and number of personnel who will be involved in the daily operation of the facility.
  - 4. In the case of a facility related to mental health, including but not limited to those involved in developmental disabilities, drug abuse or alcohol rehabilitation, the proposed facility shall be reviewed by the local mental health board and a copy of their report attached to the application.
  - 5. All facilities shall obtain and maintain any state, federal or local licenses required for their operation. Failure to maintain such licensure may result in a revocation of any approvals and licenses.
  - 6. Residential care facilities shall conform as much as possible to the type and outward appearance of the structures in the area in which they are located. This provision does not restrict the installation of ramps or other special features required to serve handicapped residents.
  - 7. A management plan is required prior to use approval that includes a plan for safety and security of the facility residents and surrounding neighborhood; a traffic management plan; a general description of the treatment program; a plan for disposal of unused pharmaceuticals in respect to disposal and wastewater. The management plan shall incorporate the relevant best management practices identified by the Environmental Protection Agency.

6.1-8 Day care facility child or adult:

- (a) Daycare shall be defined as that care relating to children between the ages of 6 weeks and 12 years of age, OR well, ambulatory, or semi-ambulatory (non-bed-ridden) adults.
- (b) All daycare facilities proposed to be located in any estate zoning district shall be situated on no less than five (5) acres of land.
  - (i) A day care facility located in a private home shall be limited to 6 children or adults.
  - (ii) A day care center located in a freestanding construction shall be limited to 12 children or adults and may be located in a retail or commercial zone.
- (c) No freestanding daycare facility shall exceed 1000 square feet in total area.
- (d) All outdoor recreation areas shall be fenced by a minimum four-foot high fence and shall be sized to accommodate one hundred (100) square feet of area per child or adult utilizing the area at any given time.
- (e) There shall be a minimum two hundred (200) foot buffer from all structures, recreational facilities, parking facilities and driving lanes from any adjacent residential property line.
- (f) Parking requirements shall be one (1) space for each employee on a shift and 1 space for each eight (8) children or adults on site, plus two visitor spaces.
- (g) There shall be an adequate circular means of ingress and egress and turning radii for buses and emergency vehicles.
- (h) There shall be a specific drop off/pick up zone to accommodate the site.
- (i) All required licenses, permits and registrations shall be and kept current at all times.

6.1-9 Medical Cannabis Dispensary must be located in any Retail Planned Development District and in compliance with state law for the purpose of dispensing cannabis, paraphernalia, relate supplies and educational material to registered qualifying patients. A Medical Cannabis Dispensary must be registered with the Illinois Department of Financial and Professional Regulation and acquire medical grade cannabis only from a registered Medical Cannabis Cultivation Center.

6.1-10 Medical Cannabis Cultivation Center located in the Ag-40 district so long as it is in keeping with the character of the neighborhood, has adequate access to water without affecting neighboring wells, is in compliance with underlying zoning ordinances and is in compliance with state law. A Medical Cannabis Cultivation Center must be registered by the Illinois Department of Agriculture and must only supply medical cannabis to registered medical cannabis dispensing organizations.

6.1-11 Commercial stable in the Ag-40” Agricultural District under the following conditions, in addition to any other conditions imposed herein:

- (a) The parcel shall not be less than 24 contiguous acres in size under single ownership, and the owner/lesser shall reside on the premises.
- (b) The provision of equines for rental or hire to the general public is prohibited. This does not apply to the provision of lessons on site to clients of the stable.
- (c) Riding on private riding trails located within the Village is strictly prohibited. A notice to that effect shall be posted of such a size and at such a location where it is visible to all persons entering the premises. The Bull Valley Riding Club trails are accessible by individual membership only.
- (d) The proposed location and operation will not create a public hazard or nuisance, cause pollution of any surface or ground water supply or in any other manner violate the provisions of the McHenry County Public Health Ordinance, or any other applicable county ordinance.
- (e) No more than one equine is stabled for each usable acre of the parcel. For the purposes of this section, usable acreage shall include only that acreage which is actually to be utilized for the purposes of keeping equines, and shall specifically exclude areas situated within septic fields, nature preserves, non-permeable surfaces and sites identified in the Illinois Natural Areas Inventory or the McHenry County Natural Areas Inventory.
- (f) There shall be sufficient amount of shelter in the form of barns and run-in shelters provided to accommodate all equines at once and all buildings and sheds used for stabling horses or ponies shall be kept clean and in good repair at all times.
- (g) Fencing must be suitable for restraint of equines, properly maintained and set back a minimum of eight feet from the lot line of any adjacent property, and from roads or access easements. Barbed wire is not acceptable fencing for equines and is prohibited.
- (h) Paddocks and mud lots where equines are kept shall be graded if necessary to keep the surface reasonably dry and to minimize soil erosion. NO manure, urine runoff or SOIL EROSION IS TO DRAIN onto adjacent properties or waterways
- (i) All buildings, sheds, stables, stalls, paddocks, pastures and mud lots must be cleaned of manure and garbage on a regular basis so as not to constitute a health hazard or nuisance or attract insects and vermin.
- (j) Manure shall be collected and stored in a dumpster of sufficient size and removed from the premises not less than weekly, pursuant to Section 6.07 of the Bull Valley Municipal Code.

Alternatively, if acreage is sufficient, and soils are appropriate best management practices (BMPs) may be used in the handling and storage of animal waste. The owner/operator shall comply with those regulations promulgated by the Illinois Pollution Control Board (Title 35, Subtitled E, Part 501) relating to Agriculture Pollution (Section 501.102(b)) and those regulations (Sections 501.404, 501.405) relating to Field Application of Livestock Waste and Odor Control.

- (k) Manure shall not be permitted to accumulate within 100 feet of a watercourse or body of water if surface drainage is from the point or area of accumulation of said body of water. Manure dumpsters must be set back 100 feet from adjacent residential property lines.
- (l) Horse and stock trailers in usable condition and good repair belonging to the operator or owner of the parcel may be stored on the premises, in, by or behind a building or structure that shields them from view. Storage of other horse or stock trailers is prohibited.
- (m) Outdoor lighting must be in accordance with the Bull Valley Lighting Ordinance.
- (n) Outdoor signage must be in accordance with the Bull Valley Sign Ordinance.
- (o) The Village Code Enforcement Officer has the right to inspect the premises for compliance with this ordinance and to enforce the provisions of this ordinance.
- (p) Failure to correct violations of this section within 30 days after written notice may result in forfeiture of the special use permit granted under this section.
- (q) Every commercial stable must provide proof of liability insurance, naming the Village as additional insured to the Village Code Enforcement Officer each year.
- (r) Adequate parking
- (s) Equine shows, events and related activities (shows) are permitted, upon issuance of a temporary use permit therefore, subject to the following conditions:
  - (i) The Village shall be notified of the event 30 days in advance of said shows.
  - (ii) The hours of the show, event or activity commence no earlier than 9 a.m. and terminate no later than 8 p.m. the same day.
  - (iii) No more than six days of such shows shall occur on the premises during any 12-month consecutive period, such shows shall be no more than two consecutive days in length, and shall be separated, between shows, by no less than 30 days;
  - (iv) The application for the permit must indicate the number of people expected to attend and the number and type of vehicles expected to be temporarily parked at the site. minimum fee of \$25.00 shall be paid to the Village Clerk for each day, or part thereof, with any other additional amounts as determined for the purpose of safety reasons to reasonably cover the Village cost for police protection and traffic control.
  - (v) Sound, light or odor does not emit from the area of the show at such a level that it will create a nuisance to adjoining or nearby lands. Lighting must be in compliance with the Bull Valley Lighting ordinance.
  - (vi) Dogs must be leashed at all times.
  - (vii) Off-street parking is provided for all vehicles. Off street parking may not be located over septic fields.
  - (viii) Stable must provide proof of liability insurance covering the horse show, naming the Village as additional insured, to the Village Code Enforcement Officer.

- (ix) Adequate temporary public restroom facilities must be provided.
- (t) In conjunction with a commercial stable, the stable owner may engage in retail sales of equine related items such as tack and equipment, feed and supplements, and accessories subject to the following conditions.
  - (i) The sale of imported bulk goods, and novelty items, or non-equine related items is prohibited.
  - (ii) The areas used for retail operations is limited to 500 square feet of floor space. Any retail sales area larger than 500 sf is outside the definition of this special use and will require location in a Retail Planned Development Zone.
  - (iii) The business must be registered with the Illinois Secretary of State and the Village and maintain all required permits and licenses from both.
  - (iv) Hours of operation are limited to 7:00 a.m. to dusk.
  - (v) Ample off road parking is available.

6.1-12 Bed and Breakfast in any zone. A proposed Bed and Breakfast facility shall comply with the following standards:

- (a) No Bed and Breakfast shall operate within 200 feet of the nearest residence.
- (b) Maximum number of sleeping rooms shall be five (5) which shall be located in the principal dwelling structure on site and not in any other detached buildings or structures.
- (c) Maximum length of stay for guests shall be two (2) weeks with a maximum of 60 days per calendar year per guest.
- (d) Owner must live on the premises.
- (e) No exterior changes shall be made to the principal dwelling.
- (f) Nameplate signs only may be used to identify the Bed and Breakfast facility. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet from any property line. Such signs may be building mounted or ground mounted.
- (g) Breakfast shall not be offered to the public at large but only to paying guests. No other meals shall be offered to any persons
- (h) One (1) off street parking space shall be provided for each sleeping room in addition to other applicable requirements.

- (i) No kitchens shall be attached to or located within sleeping rooms.
  - (j) Continued compliance with all Health Department, State Fire Marshall and Department of Revenue requirements pursuant to 50 ILCS 820/1 et seq. currently and as amended from time to time.
- 6.1-13 Conservation/Preservation Special Use Permit which permits those uses outlined in the Conservation District Act, 70 ILCS 410/1 *et seq.*, including, but not limited to the preservation and maintenance of wild land, other open land, scenic roadways and pathways; preserve portions thereof in their natural condition and undertake development of other portions thereof; manage and use such real property in such manner and with such restrictions as will leave it unimpaired for the benefit of future generations; and otherwise promote the conservation of nature, flora and fauna, natural environment and natural resources of the subject property; and law enforcement including, but not limited to, the property owner=employees. The Conservation/Preservation Special Use Permit may specifically prohibit any hunting on the subject property and the discharge of firearms, except by law enforcement personnel in their day to day duties.
- 6.2 **Conditions of Approval.** The Planning and Zoning Commission may recommend, and the Village may impose, such restrictions beyond the conditions described for special uses. These may include conditions upon the design, screenings from public view, lighting, location, operating conditions and hours, height, bulk, yards and area of occupancy, if applicable, of any use or structure so approved for “special use” as may be reasonable under the particular circumstances, provided that such restrictions and stipulations as to height, bulk, yards and area of occupancy shall be not less restrictive than the requirements established for the district in which such structure is proposed to be located. Off-street parking facilities, as well as off-street loading and unloading spaces, may also be stipulated in the order permitting the “special use.”
- 6.3 **Procedure.** The procedure to be followed in considering applications for “special uses” with the exception of Special Uses under Section 6A (Wireless Telecommunication Towers and Antennas), 6.5 (Retail Planned Development) and 6.4 (Residential Planned Development) of this ordinance shall be as described in Section 13.7-2 and as follows:
- 6.3-1 **Application.** An application in conformance with Section 13.7-2 verified by the owner or authorized agent of the owner of the property involved shall be filed with the Village Clerk for the attention of the Planning and Zoning Commission and such other information as petitioner can provide in support of the special use request.
- 6.3-2 **Public Hearing.** Upon receipt of such verified application, the Village Clerk shall notify the Chairman of the Planning and Zoning Commission, or in his absence, the Vice Chairman who shall set a date for public hearing. The petitioner shall give notice of a public hearing in the manner provided in Section 13.7-2(b). A record of pertinent information presented at the public hearing shall be made and maintained by the Planning and Zoning Commission as part of the permanent record relative to the application. The Planning and Zoning Commission may continue the hearing pending presentation of additional information, as determined by the Planning and Zoning Commission.
- 6.3-3 **Determination.** The Planning and Zoning Commission shall then make its findings and recommendations to the Village Board no later than 30 days following the date of close of

public hearings on each application. 13.7-2(d). The Village Board may then authorize a “special use” as defined herein by specific ordinance, provided the evidence presented is such as to establish by clear and convincing evidence:

- (a) That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (b) That the special use will not be injurious to the use and enjoyment of adjacent property for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- (c) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (d) That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.
- (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and roads.
- (f) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Board of Trustees.
- (g) That the proposed use is consistent with the character and philosophy of the Village and conforms to the Village Comprehensive Land Use and Preservation Plan and any pertinent sub plans.

6.3-4 **Duration of Special Use Permit.** Unless otherwise agreed in the grant of special use, a special use permit shall be valid for ten (10) years. The permit holder may apply for renewal of the Special Use Permit during the ninth year of operation and no less than 90 days prior to the expiration of the permit.

6.3-5 **Effect of Denial of a Special Use.** No application for a special use which has been denied wholly or in part by the Board of Trustees shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Planning and Zoning Commission and the Board of Trustees.

6.3-6 **Revocation:**

- (a) In any case where a special use has not been established within six (6) months after the date of granting thereof, then without further action by the Planning and Zoning Commission or the Board of Trustees, the special use authorization shall be null and void. The Planning and Zoning Commission may, upon application filed within



said six (6) months, and for good cause, extend said time an additional six (6) months.

- (b) In any case where a special use is in violation of the conditions imposed when granted, the grantee will be given notice and a reasonable time, based on the severity of the violation and difficulty of cure, to cure the violation(s) after which time the special use authorization shall be null and void.
- (c) A special use permit may be revoked or modified upon a finding that:
  - 1. The use is detrimental to public health, safety or welfare, or is a nuisance as defined in Chapter 6 of the Bull Valley Municipal Code.
  - 2. Issuance of the special use permit was based on information later determined to be inaccurate.
  - 3. The use for which the permit was granted has ceased or discontinued for a period of one year or more.
  - 4. The conditions for which the special permit was granted have changed, such that the intended use conforms to the requirements of the underlying zone in which the property is located and the special use designation is no longer needed.