

ARTICLE VIII

Conditional Uses (Special Uses)

8.1 CONDITIONAL USES

Conditional Uses are those which require individual review by the Bureau County Planning Commission, Zoning Board of Appeals, and the Bureau County Board to insure conformance with the intent of all Comprehensive Plan elements.

Conditional Uses include two basic categories:

- 8.11 Planned Development Projects - Complex projects designed to take maximum advantage of unique site characteristics and potentials along with original design and use concepts, and submitted for review under the Planned Development Procedure.
- 8.12 Conditional Uses - Single uses or single aspects of permitted uses specifically identified in the Zoning Ordinance as requiring individual review under the Conditional Use Procedure.

8.2 PLANNED DEVELOPMENT PROCEDURE

8.21 Intent

The Planned Development Procedure is intended to provide a single, uniform procedure for total review of a proposed development, both design and use. The procedure combines the design review procedure of subdivision approval and the use review procedure of zoning amendment, and enables the Planning Commission and the County Board to review all aspects of a proposed development simultaneously, to permit greater flexibility and originality in concept according to the intent of Comprehensive Plan elements, and still to exercise greater final control over the approved development than is possible through pre-regulated zoning districts.

8.22 Standards

8.22-1 Design Standards

Because the design standards for use, dimensions, density, and qualitative attributes are subject to evolution through continuous plan review, they are not included as an integral part of the unchanging Planned Development Procedure. This Zoning Ordinance refers to the officially adopted policies, detailed area plans, and all other elements of the evolving Comprehensive Plan

for the standards to guide the approval of Planned Development projects. A Planned Development project may depart from conformance with the dimension, area, and use regulations for the standard zoning districts and from conformance with the design standards in the County Maps, Plats, and Subdivision Code. However, a Planned Development project shall conform with all applicable elements of the officially adopted Comprehensive Plan.

8.22-2 Required Improvements

Planned Development projects shall be subject to the regulations governing required improvement found in the County Maps, Plats, and Subdivision Code.

8.22-3 Parking, Loading, Traffic, and Access

Planned Development projects shall be subject to the regulations for parking, loading, traffic, and access of this Zoning Ordinance.

8.22-4 Special Conditions

The Planning Commission and the County Board may attach special conditions to approval of the final plats to insure conformance with the intent of the official plan elements.

8.23 Procedure

8.23-1 General

A Planned Development project may be permitted only by amendment to the Zoning Map according to the amendment procedure found in Article XII. For procedural purposes, a Planned Development project shall be treated as a subdivision, and the procedure for subdivision approval as set forth in the County Maps, Plats, and Subdivision Code, shall be followed in its entirety, whether the development be in single or divided ownership.

8.23-2 Preliminary Plat

A preliminary plat of the Planned Development project shall be submitted as required by the Maps, Plats, and Subdivision Code to determine whether the developer's intent agrees with the intent expressed by all Comprehensive Plan elements. Additional supporting material beyond that required by the Maps, Plats and Subdivision Code for the preliminary plat shall include:

- a. One (1) copy of the preliminary plat shall be submitted to each of the following: the Planning Commission, the Plat Officer, and the Bureau County Soil and Water Conservation District.
- b. Explanation of the character of the Planned Development and the manner in which it has been planned to take advantage of the flexibility of these regulations.
- c. Statement of present and proposed ownership of all land within the project.
- d. Development Schedule, indicating:
 - 1. Stages in which projects will be built with emphasis on areas, density, use, and public facilities, such as open space to be developed with each stage. Overall design of each stage shall be shown on the plat and through supporting graphic materials.
 - 2. Approximate dates for beginning and completion of each stage.
- e. Agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the Planned Development and any of its common open space.

8.23-3 Amendment

The Conditional Use procedure established in Article XII shall be initiated after approval of the preliminary plat by the Planning Commission. Under this procedure, the zoning map may be amended to designate the location proposed in the preliminary plat as a Conditional Use. This amendment shall be in conformance with all Comprehensive Plan elements. The Planned Development shall be valid only for that preliminary plat and supporting material upon which the amendment was based. All supporting material shall remain on file with the preliminary plat.

8.23-4 Final Plats

If the Conditional Use is approved, final plats shall be prepared for each stage according to the Development Schedule. The final plat and supporting material shall show in detail the design and use of all buildings and overall land development plans as well as such other information the Planning Commission may require for the complete consideration of the project in addition to information required by the County Maps, Plats, and Subdivision Code. The final plats shall conform to the preliminary plat and supporting material, except that the Planning Commission and the County Board may approve minor changes, without public hearing at this time, which do not change the concept or intent of the Development. Major changes - changes in density, height of buildings, reduction of proposed open space, changes in the financing, development schedule, or final governing agreements, provisions, or covenants, or resubdivision - may be approved only by submission of a new preliminary plat or applicable supporting material followed by the amendment procedure.

8.23-5 Continuing Control

The Planned Development project shall be developed only according to the approved and recorded final plat and all supporting material. The recorded final plat and all supporting material, together with all recorded amendments shall be binding on the applicants, their successors, and assigns, and shall limit and control the uses of premises and location of structures in the Planned Development project. Minor changes in the final plat during or after construction shall be accomplished by submission of a new preliminary plat followed by the amendment procedure. The County Board shall consider the Planned Development amendment subject to revocation if construction falls more than one (1) year behind schedule.

8.23-6 Fees and Permits

The County Board may establish a schedule of reasonable fees to be charged for plat review. Zoning permits shall be required for each structure according to Article XI. The County Zoning Enforcing Officer shall base issuance upon conformance with the final plat and supporting material.

8.3 CONDITIONAL USE PROCEDURE

8.31 Procedure

In applying for a Conditional Use, the applicant shall follow all procedures set forth on zoning permits. The Zoning Enforcing Officer shall refer the application to the Planning Commission. The Planning Commission shall, after careful review of the application for Conditional Use, make a recommendation on each application to the Zoning Board of Appeals. The Zoning Board of Appeals, after holding a public hearing in accordance with Illinois State Statutes, shall make a recommendation independent of that submitted by the Planning Commission, within thirty (30) days of the concluded public hearing, forwarding such recommendations directly to the County Board. The County Board may approve, modify, or disapprove the application. In the case of approval or approval with modification, the County Board shall issue written authorization to the County Zoning Enforcing Officer to issue a zoning permit in full conformance with Article XI. This authorization shall remain on permanent file with the application. The County Board may attach special conditions to insure conformance with the intent of all Comprehensive Plan elements. The County Board may establish a schedule of reasonable fees to be charged for Conditional Use permits.

8.31-1 Procedures for Commercial Wind Energy Facilities and Commercial Solar Energy Facilities (a "Facility")

The Planning Commission meeting to review a completed application (as determined by Zoning Enforcing Officer) for the Conditional Use permit(s) for a Facility, shall be held not more than 30 days after the filing date unless a later date is agreed to by the applicant. Within 30 days of the conclusion of its meeting, the Planning Commission shall make its written recommendation(s) concerning the application for the Conditional Use permit(s) and forward the same to the Zoning Board of Appeals and the County Board.

The initial public hearing before the Zoning Board of Appeals shall be held not more than 45 days after the filing of the completed application (as determined by Zoning Enforcing Officer) for the Conditional Use permit(s) for a Facility, unless a later date is agreed to by the applicant. At the public hearing, interested parties shall be permitted an opportunity to present evidence, to cross-examine witnesses, and to make a statement. The Zoning Board may impose reasonable restrictions on the

public hearing, including reasonable time limitations on the presentation of evidence, the cross-examination of witnesses and public statements. Within 30 days of the conclusion of the public hearing, the Zoning Board of Appeals shall make its written recommendation(s) concerning the application for the Conditional Use permit(s) and forward the same to the County Board.

Within 30 days of the conclusion of the public hearing before the Zoning Board of Appeals, the County Board shall make its siting and permitting decisions on the application for the Conditional Use permit(s) for a Facility. The County Board may attach special conditions to insure conformance with the intent of the County's Comprehensive Plan and Zoning Ordinance. As mandated by Section 5-12020(g) of the Counties Code, 55 ILCS 5/5-12020(g), an application for a Conditional Use permit(s) for a Facility shall be approved if the permit application complies with the standards and conditions imposed by the Zoning Ordinance of Bureau County and the conditions imposed under State and federal statutes and regulations.

(Ord. 05-2023; May 9, 2023).

- 8.32 The Conditional Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by another provision of this Ordinance or by the County Board.
- 8.33 Conditional Uses in All Districts: The following are designated as Conditional Uses which may be approved in all zoning districts: public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, cellular and microwave relay towers, municipal water reservoirs, pumping stations, sanitary landfills, government buildings, (personal) transportation facilities, Planned Development, and similar uses; also those regulations designated in Paragraph 2.33.
- 8.34 Conditional Uses in Specified Districts: Other Conditional Uses may be approved in only those zoning districts where they are designated as Conditional Uses under the zoning district regulations.

8.35 Standards for Decisions and Recommendations of the Zoning Board of Appeals and Planning Commission.

No Conditional Use permit shall be recommended by the Zoning Board of Appeals or the Planning Commission unless there is a concurring vote of three (3) members of the Zoning Board of Appeals and a concurring vote of four (4) members of the Bureau County Regional Planning Commission, based on findings of fact that:

- 8.35-1 The establishment, maintenance or operation of the Conditional Use will not be detrimental to or endanger the public health, safety, moral, comfort or general welfare.
- 8.35-2 The Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish property values within the neighborhood.
- 8.35-3 The establishment of the Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 8.35-4 Adequate utilities, access roads, drainage or necessary facilities have been or will be provided.
- 8.35-5 Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

8.36 Time Limit.

- 8.36-1 Sunset Clause: See Article 2.31.
- 8.36-2 Abandonment: Once a Conditional Use ceases or is abandoned for a period of more than twelve (12) months, the Conditional Use shall expire; except that the Conditional Use permit for a junkyard, scrap yard or salvage yard shall automatically expire if the state license for operating said junkyard, scrap yard or salvage yard lapses for a period of time more than six (6) months.

8.36-3 Upon a public hearing, a Conditional Use permit may be revoked by the County Board:

- a. For a violation of the statutes, codes and ordinances of the United States of America, State of Illinois and/or Bureau County;
- b. For a violation of the Zoning Ordinance;
- c. For a Violation or non-compliance with the conditions, limitations or requirements contained in the Conditional Use permit or these regulations.

8.37 Effect of Denial of a Conditional Use Permit.

No application for a Conditional Use permit which has been denied wholly or in part by the County Board shall be re-submitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Zoning Enforcement Officer.