

CHAPTER 6

SPECIAL USES

9-6-1: Intent

In order to accomplish the general purpose of this Title, certain unusual uses need special consideration. The purpose of the Special Use is to establish standards for those uses which, because of their unique characteristics cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

9-6-2: General Requirements

The following uses and those additional uses designated as special uses in Table 1 shall be subject to the regulations of this Chapter, subject to any additional requirements imposed in the public interest to cover circumstances unique to the selected site. All conditions and requirements set forth for a particular Special Use shall be considered as additional to the general requirements of this Title for the zoning district in which the Special Use is located, except where specifically amended by the terms of the particular Special Use Permit.

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Other uses of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities, and which are not allowed by right may also be allowed as Special Uses, subject to the basic requirements of this Chapter.

9-6-3: Application Procedure

9-6-3-1: An application for Special Use Permit shall be submitted to the Zoning Board of Appeals.

9-6-3-2: All applications for Special Use Permits shall be accompanied by at least the following information and exhibits:

1. A map of the proposed site and the surrounding area within three hundred (300) feet of the site. Such map shall show the following:
 - A. The location and names of all streets;
 - B. The location of all easements and rights-of-way;
 - C. The location of any parks;
 - D. The location of any public space uses;
 - E. The location of any and all residences or other permanent structures.
2. A plot plan of the site showing the location of all existing and proposed structures, enclosures and other improvements.
3. A Natural Resource Inventory Report prepared by the McHenry County Soil and Water Conservation District or proof of application for this report.
4. Any additional information specified in this Chapter for a particular special use. Such additional information must be filed with the Zoning Board of Appeals at the same time as the filing of the special use application.

NOTE: When the scale to be used for the map and plat plan required above is not specified for a particular Special Use, the scale shall be reasonable to the area of land covered so as to show necessary detail, and so that the area covered may be included on the map, the width of which does not exceed forty-two (42) inches. Suggested scales to be used are:

up to 10 acres	1" = 100'
up to 40 acres	1" = 200'
40 acres and above	1" = 400'

9-6-4: Standards for Special Uses

No special use shall be approved unless, after public hearing and recommendations of the Village Zoning Board of Appeals, as is provided, the Village Board shall find:

1. That the minimum standards listed in the section covering individual special uses have been met.
2. That the site shall be so situated that the proposed use is compatible with the existing or planned future development of the area.
3. That the establishment, maintenance or operation of the special use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity.
4. That the special use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
5. That the special use shall not substantially diminish and impair property value within the neighborhood.
6. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
7. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and hazard on the public streets.
8. That the special use shall in all other respects conform to the applicable regulations of this Title for the district in which it is located.
9. That there is a necessity for the special use, as opposed to a mere convenience.

9-6-5: Requirements for Particular Special Uses

The following sections contain information specific to each listed special use, including:

1. Additional information which must be filed with the applications for that particular use.
2. The minimum standards which apply to that special use and any other criteria to be applied in evaluating that type of special use.

9-6-6: Airports, Restricted Landing Areas and Heliports

9-6-6-1: Application: In the case of an application for a Special Use Permit to establish or operate an Airport, Restricted Landing Area or a Heliport, the basic information required in Section 9-6-2 shall be modified to the following extent:

1. If the proposed facility is for the use of fixed-wing aircraft, the map required in Section 9-6-2 shall be modified to show the surrounding area within one-half (1/2) mile of the proposed site.
2. If the proposed facility is an airport, a noise assessment study shall accompany the application. This study shall include maps depicting Noise Exposure Forecast (NEF) contours for both the degree of operation being proposed, and the maximum noise which would be allowable under state and federal requirements and regulations for the class of facility being proposed.
3. All State and/or Federal permits or licenses shall be obtained by the applicant prior to granting of a special use permit. If a permit or license cannot be obtained prior to zoning, a letter from the appropriate agency stating acceptance for permit pending zoning approval will be required. This evidence shall be available at the time of the public hearing.

9-6-6-2: Standards: The design and operation of Airports, Restricted Landing Areas, and Heliports shall be governed by the following standards:

1. The applicant shall provide adequate written evidence that the areas are sufficient and the site otherwise adequate to meet the standards of the United States Department of Transportation, Federal Aviation Administration and the Illinois Department of Transportation, Division of Aeronautics for the class of airport proposed, and are designed and constructed in accordance with the published rules and regulations of those agencies.
2. All buildings and structures shall meet the setback requirements of the zoning district in which they are located. However, this requirement shall not apply to equipment normally installed at the end of a runway such as ILS localizer antennas or VASI light arrays.
3. Any proposed runway or landing strip shall be sited so that the approach zones within one-half (1/2) mile of the landing area do not pass over any school, hospital, multiple family dwelling or R-3 zone.
4. Off-street parking space shall be provided. As a minimum, one automobile parking space shall be provided for each aircraft or storage space. Additional automobile parking spaces will be required if the proposed facility will have scheduled air carrier service.

9-6-7: Campgrounds

9-6-7-1: Application: An application for a Special Use Permit to establish or operate a campground shall be accompanied by the basic information required in Section 9-6-2.

9-6-7-2: Standards: The design and operation of a campground shall be governed by the following standards:

1. The applicant shall provide adequate written evidence that the campground shall comply with all requirements of the McHenry County Camp Grounds Ordinance, as amended from time to time, and with all applicable requirements of the McHenry County Health Department.
2. The campground shall have direct access to a County, State or U.S. road or highway.
3. Spaces in the campground may be provided to accommodate travel trailers, motor homes, tents or other types of short-term housing.
4. Management headquarters, recreational facilities, coin operated laundry facilities and other uses and structures customarily associated with the operation of a campground are permitted as accessory uses.
5. Spaces in the campground may be provided for year-round housing of travel trailers and motor homes which have not had chassis removed when the total of such spaces do not exceed twenty percent (20%) of the total available spaces.

9-6-8: Camps, Day and Youth, Day Care Centers and Nursery Schools

9-6-8-1: Applications: In the case of an application for a Special Use Permit to establish one of these facilities, the following is required in addition to the basic information required in Section 9-6-2:

A report from the McHenry County Health Department stating that the proposed facilities will meet the requirements of that department for the type of facility proposed.

9-6-8-2: Standards

1. The applicant shall provide adequate written evidence that all facilities shall comply with all requirements of the McHenry County Health Department and the State of Illinois for the type of facility being proposed.
2. The site of any of these facilities shall include a useable outdoor recreation area of not less than one-half (1/2) acre per fifty (50) persons for which other facilities are provided. The recreation area shall not be a part of any required yard.

3. In addition to the front yard required in the zone in which the camp is located, there shall be two (2) side yards and a rear yard of at least thirty (30) feet each. No outside recreation apparatus or play fields shall be located in any required yard.
4. All outdoor recreation areas within two hundred (200) feet of a street or boundary line shall be bounded with a chain link fence.

9-6-9: Cemeteries

9-6-9-1: Application: An application for a Special Use Permit to establish or operate a cemetery shall be accompanied by the basic information required in Section 9-6-2.

9-6-9-2: Standards: The design and operation of cemeteries shall be governed by the following standards:

1. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets. The site shall have direct access to a public thoroughfare.
2. All burial buildings shall be set back at least eighty (80) feet from any street bounding a cemetery or memorial park and there shall be two (2) side yards and a rear yard of at least fifty-five (55) feet each. A burial building is any building used for the interment of bodies or other remains of persons and includes mausoleums, vaults and columbariums.
3. All graves or burial lots shall be set back at least thirty (30) feet from any right of way bounding the cemetery and there shall be two (2) side yards and a rear yard of at least twenty-five (25) feet each, which are to contain no burial lots or graves.
4. Adequate facilities shall be provided on the site and no cemetery parking will be permitted on any public streets.
5. Pet cemeteries may also be allowed as special uses. Pet cemeteries shall comply with all state and county requirements covering this type of use.

9-6-10: Churches

9-6-10-1: Application

An application for a Special Use Permit to locate and operate a church shall be accompanied by the basic information required in Section 9-6-2, and it shall also include a traffic study and report showing an unobstructed line of site distance along all contiguous streets, an estimate of peak traffic volumes generated by the church facility, and counts on said streets (Traffic count maps are available from the Illinois Department of Transportation, Schaumburg).

9-6-10-2: Standards

1. Unobstructed line of sight stopping distances along contiguous streets shall be observed and shall meet the following schedule of posted traffic speeds:

Existing Speed Posted (Miles Per Hour)	Required Stopping Sight Distance (In Feet)
15	18
20	120
25	160
30	200
40	275
50	350

2. Certification by a qualified traffic engineer that the traffic generated by the church facility remains within the designed capacity of the contiguous streets.
3. The church facility shall comply with the parking requirements of Chapter 5 of this Title.
4. Drainage and stormwater detention shall conform to County standards for stormwater detention, retention and release.
5. The applicant shall provide adequate written evidence that the church facility shall comply with all applicable requirements of the McHenry County Health Department based upon an estimated church membership.

9-6-11: Earth Materials Extraction, Processing and Site Reclamation

9-6-11-1: Intent: It is the purpose of this Section to establish regulations and standards for surface mining operations and to provide for conservation and reclamation of lands affected by surface mining in order to restore them to optimum future productive use. Earth materials extraction, processing and site reclamation shall be determined and permitted on a Special Use basis.

9-6-11-2: Applicable Districts and Operations: In any zone, all operators extracting and/or processing earth materials shall apply for a special use jointly with the owner or any person who is entitled to legal possession of the property to be affected and shall comply with the operation and reclamation regulations in this Section.

9-6-11-3: Compliance with State and Federal Regulations

It shall be unlawful for any owner/operator to engage in surface mining without first obtaining from the Illinois Department Mines and Minerals a permit to do so, if required, pursuant to the Surface-Mined Land Conservation and Reclamation Act, 225 ILCS 715/1, et seq.

All owner/operators shall provide adequate written evidence that they shall comply with the Regulations of USEPA and any State or Federal regulatory agencies for occupational health and safety and obtain any necessary permits prior to issuance of the required special use permit.

9-6-11-4: Application for Special Use: All owner/operators, except as specified above in the Section entitled: “Applicable Districts and Operations”, shall apply for a Special Use. In addition to the basic information required in Section 9-6-2, the operator/owner shall present the following statements, maps and plan.

9-6-11-5: Statements

1. Ownership of land.
2. Minerals to be mined.
3. Character and composition of vegetation and wildlife on land to be affected.
4. Current assessed valuation of lands to be affected.
5. Assessed valuation shown by two quadrennial assessments next preceding the currently effective assessment.
6. The nature, depth and proposed disposition of the overburden.
7. The estimated depth to which the mineral deposit will be mined.
8. The technique to be used in surface mining.
9. Estimated type and volume of excavation.
10. The equipment proposed to be used.
11. Practices and methods proposed to be used to minimize noise, dust, air contaminants and vibration and to prevent pollution of surface or underground water.
12. The recycling of water used for washing and grading.
13. The proposed usage or drainage of excess water.
14. The simultaneous reclamation plan including methods of accomplishment, phasing and timing.

9-6-11-6: Maps and Plan

1. The owner/operator shall provide adequate written evidence that all maps, plans, and other exhibits shall comply with in the “Earth Material Extraction Reclamations Plan Standards” adopted by McHenry County, and as amended from time to time, hereinafter referred to in this Section as “Standards”.

2. The owner/operator shall furnish the Village Board with a copy of the aforesaid statements, maps, plans and other related exhibits for review of the reclamation plan no less than thirty (30) days before the Zoning Board of Appeals hearing.
3. The Village shall cause to be prepared a written report and oral statement on the reclamation plan and enter it into evidence at the Zoning Board of Appeals hearing.
4. All surface mining approvals shall expire ten (10) years from the date they were approved by the Village Board unless a longer period is expressly stated in such approval. At the public hearing with the Zoning Board of Appeals, a time limit will be established in which the operator will complete the mining of the parcel. If mining is not completed at the agreed time the owner/operator will be required to request a renewal of the special use through the Zoning Board or cease operation. The maximum allowable time limit will be ten (10) years. The Zoning Enforcement Officer will be responsible for monitoring the operation.

9-6-11-7: Renewal of a Special Use: A renewal of a Special Use shall be for a period of time not more than ten (10) years unless a longer period of renewal is expressly stated in such approval.

1. A request to renew a Special Use that involves acreage or equipment, in addition to that allowed in the original Special Use, shall be treated in the same manner as the initial application.
2. A request to renew a Special Use when no additional acreage or equipment will be brought into use shall be handled in the following manner:

If an owner/operator is not able to finish mining the acreage described in the Special Use Permit in the time specified, he shall apply to the Zoning Board of Appeals. A public hearing will be held. The maps required by this Ordinance for the initial hearing shall be revised, updated and resubmitted along with a statement of the current status of the mining reclamation. A new map describing conditions present on the site shall be furnished as described in "EXISTING CONDITIONS" of the Standards.

The applicant shall furnish the Village Board with a copy of the aforesaid maps, plans and other related exhibits for review of the revised or extended reclamation plan no less than thirty (30) days before the Zoning Board of Appeals hearing.

The Village Board may prepare a written report and oral statement on the revised or extended reclamation plan and enter it into evidence at the Zoning Board of Appeals hearing.

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9-6-11-8: Reclamation Guarantee

All owner/operators shall be required to obtain the proper permits and submit an irrevocable letter of credit as a reclamation guarantee. Such a guarantee will be required by the Village for each acre to be affected. The actual dollar amount will be established during the hearing process with the Zoning Board of Appeals. The actual operation shall be monitored by the Zoning Enforcement Officer, and he shall prepare a written report on the progress, including a recommendation which shall be submitted to the Village Board for its approval before any release of such letter of credit.

The letter of credit shall be held by the Village Clerk. Such letter of credit will remain in effect until the affected lands have been reclaimed in accordance with the reclamation plan approved by the Village Board and the Zoning Enforcement Officer at the Annual Review of the operation. Land shall not be mined unless a letter of credit for that land has been posted with the Building and Zoning Department. The form of such letter of credit shall be approved by the Village Attorney. The letter of credit shall secure completion of reclamation and the initial letter of credit amount shall be set on the anticipated three (3) year working basis with reasonable allowance for inflation of costs. Before the end of each three (3) year period, the Zoning Enforcement Officer's evaluation and the Village Board's approval of the past work shall be required for release of or reduction of the letter of credit amount for the past three (3) year period and at that time, re-posting shall be established for the next three (3) year period or fraction thereof.

9-6-11-9: Reclamation Regulations: The Reclamation Plan map and statement of sequential operation and reclamation shall be followed to produce a finished condition that complies with the reclamation plan map and the provisions of this Section so as to provide for the return to a useful purpose of the affected land.

9-6-11-10: Changing the Reclamation Plan: In the event that a change in the Reclamation Plan is necessary due to the unanticipated characteristics of the area concerned, the Zoning Board of Appeals shall study the proposed change and given the report to the Zoning Enforcement Officer and the Village Board for their review. Changes may be made in the Reclamation Plan upon the mutual consent of the owner/operator and the Zoning Enforcement Officer. The change shall preserve as substantially as possible the original Reclamation Plan, but shall also provide for the previously unknown variables.

9-6-11-11: Finished Conditions: The finished conditions of all land affected by surface mining shall:

1. Be graded to a rolling topography traversable by machines necessary for maintenance in accordance with the planned use, with slopes having no more than 15% grade. In the case of those lands to be reclaimed in accordance with the filed plan for forest plantations, recreation or wildlife, the final cut spoil, the outside slope of the box cut spoil, the outside slopes of all overburden deposition area, and the side slopes of haulage road inclines shall not exceed 30% grade; but such slopes need not be reduced to less than the original grade of the overburden of the area prior to mining;
2. Be designed to control conditions that could cause erosion on site or on surrounding properties;
3. Be designed to eliminate large undrained depressions other than artificial lakes, or depressions designed specifically for erosion control;
4. Be designed so that any surface drainage from the property shall leave the property at the original, natural drainage points. If this is not possible, the drainage plans must be approved by the Building Inspector. Drainage volume shall not be increased over what it would have been if the site was left in its former use and water conservation practices were applied. The finished condition must meet the Standards for stormwater retention-detention;
5. Be covered with arable topsoil to a minimum depth of six (6) inches, and shall have a minimum of ten percent (10%) organic material, except that no greater depth of topsoil or percentage of organic material shall be required than that originally existing on the property prior to commencement of operations;
6. Be successfully planted (after replacement of the topsoil) with trees, shrubs, legumes, grasses or ground cover in accordance with the reclamation plan in order to avoid erosion;
7. Whenever production and/or processing on any property shall have been completed, then all processing plants, buildings (other than those shown on the Reclamation Plan), structures (except fences) and equipment shall be entirely removed from the property within one (1) year after completion.

9-6-11-12: Operation and Reclamation Standards: The operation and reclamation of extractive product areas shall be in accordance with the following conditions:

1. Existing trees, shrubs and other types of woody vegetation along road frontages shall be protected and maintained. Weeds and other unsightly noxious vegetation shall be cut or trimmed as may be necessary to present a reasonable neat appearance, to prevent grass fires or the hazard of grass fires;
2. No extraction operations shall be conducted in such a manner that the groundwater table of surrounding properties is harmfully lowered. Water pumped from the site for the purpose of washing shall be retained in a pond until the silt and clay settles and then the water shall be recycled in the area affected.
3. If the subject areas shall front on a Village road which is used for access to site, the owner/operator shall, coincidental with commencement of operations, bring that Village road up to a paving standard approved in advance by the Village Board, from the entrance to the subject area to the nearest Federal, State, County, or Township road used by the operator. The owner/operator shall repair any section of road damaged as a result of gravel hauling operations, but shall not be responsible for the normal wear and tear of the road. This provision shall not be construed to require the operator to purchase additional right-of-way.
4. All operations shall be conducted in a safe manner, especially with respect to hazards to person, damage to adjacent lands or improvements and wells, and damage to any street by slides, sinking or collapse of supporting soil adjacent to an excavation;
5. The following apply to mining conditions only - not to reclamation conditions:
 - a. Surface mining operations that remove and do not replace the lateral support shall not approach property lines or established right-of-way lines of any public roads, streets or highways closer than a distance of 30 feet unless a lesser distance is mutually agreed to by the operator and adjacent property owner or the authority having jurisdiction over such public road, street or highway;
 - b. The toe of the mined face of the excavation shall not be closer to the point determined pursuant to sub-paragraph 5(a) above, than a distance equal to one and one half (1 1/2) times the depth of excavation;

- c. If consolidated materials occur in the mined face, the slope of the face may be steeper than 1 1/2 to 1 slope pursuant to sub-paragraph 5(b) above for the depth(s) of those materials, however all other mined slopes of unconsolidated materials shall be no steeper than those pursuant to sub-paragraph 5(b) above;
 - d. In the case that the right-of-way has not been recently surveyed by a registered land surveyor and clearly marked or only exists by common law dedication, the right-of-way line shall be assumed to be, for the purpose of this Section, a minimum of forth (40) feet from the center line of the road;
- 6. All active operation shall be contained by an earthen berm of not less than six (6) feet in height or a farm fence of not less than fifty-four (54) inches in height and of such a design so as to allow the free flow of wild animals, but to discourage trespass by humans and farm animals. Berms that will remain in place for one (1) year or longer shall be planted with grass, shrubs and trees and maintained as a visual and acoustical screen. They shall be designed so that they do not erode into the road or highway right-of-way or onto the adjoining property;
 - 7. The processing and stockpiling of sand and gravel shall not be conducted within three hundred (300) feet of any adjoining property line;
 - 8. The hours of operation for all activities other than maintenance functions shall be from five (5) o'clock a.m. to nine (9) o'clock p.m. from April 1st until October 31st. The rest of the year the hours of operation shall be restricted to six (6) o'clock a.m. to six (6) o'clock p.m.;
 - 9. The owner/operator shall from time to time as requested by the Village, provide adequate written evidence that the operations shall and are being conducted so that noise levels and air and water standards comply with Federal, State and County standards;
 - 10. Access ways and on-site roads shall be maintained in a dust-free condition either by oiling or by spraying with calcium chloride or other products of like effect;
 - 11. The premises shall be neat and orderly, free from junk, trash or unnecessary debris. Buildings shall be maintained in a sound condition, in good repair and appearance. Salvageable equipment stored in a non-operating condition shall be suitably screened or garaged.
 - 12. Enough topsoil must be stockpiled to meet the finished conditions of number five (5) in the Reclamation Regulations above.

9-6-11-13: Enforcement

The Zoning Enforcement Officer shall annually review each surface mining Special Use. In addition to the Reclamation Plan/map; the owner/operator shall provide the Village Board with an annual air photo of his total operation, enlarged to a scale of one (1) inch equals one hundred (100) feet or other scale that would adequately display the property affected on a thirty (30) inch square format. All air photos shall be taken during the first year in operation and subsequent photos shall be taken in the same month of the following years. Each year's photo shall be presented at the same scale for the purpose of comparison.

The Zoning Enforcement Officer shall prepare a report and submit it to the Village Board for their review. If it is determined that the operator is not in compliance with this Ordinance, the Reclamation Guarantee requirements, the simultaneous operation and reclamation statement or the reclamation plan/map, the Zoning Enforcement Officer shall stop all operations other than reclamation work needed to bring the operation into compliance.

Every three (3) years, at the time of the annual review, the Zoning Enforcement Officer shall review the operator's compliance with the requirements of this Chapter related to the Reclamation Guarantee. In addition, the operator shall provide the Zoning Enforcement Officer with topographic survey with two (2) foot contours, at the same scale as the air photo, said topographic survey to show status of existing conditions on subject site.

Before release of a Reclamation Guarantee, an on-site inspection of the acreage reclaimed shall be made by the Zoning Enforcement Officer to check for compliance with the Reclamation Plan and any conditions of the Special Use. A random count procedure shall be used to check seeding, plantings and depth of topsoil.

9-6-12: Fairgrounds, Exposition Grounds, Sports Centers, Summer Theaters and Amphitheaters

9-6-12-1: Application: An application for a Special Use Permit to establish one of these uses shall be accompanied by the basic information required in Section 9-6-2.

9-6-12-2: Standards: The design and operation of one of these facilities shall be governed by the following standards:

1. The applicant shall provide adequate written evidence as requested from time to time by the Village that the facility shall and/or does meet all applicable requirements of the McHenry County Department of Health;
2. The site shall contain at least twenty (20) acres and shall have direct access to a major street or road;

3. All yards shall be at least fifty (50) feet from the boundary line of the P.I.Q. on the sides, rear and front;
4. Adequate vacant area must be available on the site to provide sufficient parking space to handle all anticipated crowds;
5. Accessory uses consistent with the operations of the grounds shall be permitted to the extent that they do not constitute a general retail sales outlet.

9-6-13: Floodplain Regulation Special Uses

9-6-13-1 Application: In addition to the basic information required in Section 9-6-2, an application for a Special Use Permit under the Floodplain Regulations (Title 8 of this Code) shall be accompanied by such additional information and exhibits as specified under said Floodplain Regulations.

9-6-13-2: Standards: All uses which are classified as Special or Conditional Uses under the Floodplain Regulations of this Code shall be governed by the applicable standards contained within that Title.

9-6-14: Game Breeding and Shooting Preserve Areas

9-6-14-1: Application: In the case of an application for a Special Use Permit to establish or operate a Game Breeding and Shooting Preserve Area, the basic information required in Section 9-6-2 shall be modified to the following extent:

1. The map required in Section 9-6-2 shall be modified to show the surrounding area within one-half (1/2) mile of the site.
2. A letter from the Illinois Department of Conservation is required, stating that the proposed area meets the requirements of that Department for the establishment of a Game Breeding and Shooting Preserve Area.

9-6-14-2: Standards: Game Breeding and Shooting Preserve Areas shall be operated in accordance with the following standards:

1. All shots or any projectile resulting from the discharge of any gun, rifle, or device used to take game discharged on a preserve area must fall within the limits of the preserve area unless written permission is obtained from surrounding landowners.
2. The applicant shall provide adequate written evidence from time to time as requested by the Village that the area shall and/or does comply with all requirements established by Illinois statutes and regulations relating to game breeding and shooting preserve areas, as amended from time to time.
3. All state and/or Federal permits required shall be obtained prior to the issuance of a Special Use Permit.

9-6-15: Homes – Retirement, Children’s, Nursing and Semi-Independent

9-6-15-1: Application: In the case of application for a Special Use Permit to establish or operate one of the above facilities, the information and procedures required in Section 9-6-2 shall be met and accompanied by the following:

1. When submitted, the application shall also include the following:
 - A. A statement of the exact nature of the facility planned.
 - B. The qualifications of the organization which will operate the facility.
 - C. The type and number of personnel who will be involved in the daily operation of the facility.
 - D. Evidence that the facility will be able to obtain all of the Federal, State and local licenses and certification of accreditation needed for the type of use being proposed.
2. In the case of a health-related facility which requires a State certificate of need, the proposed facility shall be reviewed by the local Health Systems Agency, and a copy of their report shall be attached to the application.
3. In the case of a facility related to mental health, including but not limited to those involved in developmental disabilities, mental retardation, drug abuse or alcohol rehabilitation, the proposed facility shall be reviewed by the local Mental Health Board. A copy of their report shall be attached to the application.

9-6-15-2: Standards: The design and operation of homes shall be governed by the following standards:

1. All homes 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 the Special Use.
2. All group facilities shall meet the off-street parking regulations of Section 9-5-6 this Title.
3. Semi-Independent living residences shall conform as much as possible to the type and outward appearance of the residences in the area in which they are located. This provision shall in no way restrict the installation of any ramp or other special features required to serve handicapped residents.
4. Any residential care facility which has residents who may require medical consultation shall have provisions for obtaining the medical consultation whenever necessary. This provision shall in no way require constant, in-house medical care.

9-6-16: Hospitals:

9-6-16-1: Applications: In the case of an application for a Special Use Permit to establish or operate a hospital, the information and procedures required in Section 9-6-2 shall be met and in addition, accompanied by the following:

1. The proposed hospital shall be reviewed by the local Health Systems Agency. A copy of their report shall be attached to the application.
2. The application shall be accompanied by any permits required by the State of Illinois for the construction of a hospital, or evidence that the needed permits will be issued pending the granting of proper zoning.

9-6-16-2: Standards: The design and operation of a hospital shall be governed by the following standards:

1. The facility shall meet all standards set by the State of Illinois which cover the design and operation of hospitals.
2. The hospital shall obtain and maintain any licenses and certification of accreditation required for its operation. Failure to maintain such licensure may result in a revocation of the Special Use.
3. The facility shall comply with the off-street parking requirements of Section 9-5-6 of this Title.

9-6-17: Kennels, Commercial and Private

9-6-17-1: Applications: In the case of an application for a Special Use Permit to establish or operate a Commercial or Private Kennel, the information required in Section 9-6-2 shall be met and modified to the following extent:

1. The map required in Section 9-6-2 shall be modified to show the surrounding areas within one-quarter (1/4) mile of the site;
2. The plan of the site required in Section 9-6-2 shall also show any existing or proposed plantings and landscape features which may serve as noise buffering and visual screening elements;
3. A report from the McHenry County Department of Health is required, certifying that the proposed location and operation will not create a public hazard or in any way cause pollution of any surface or groundwater supply and that the owner and/or operator complies with the existing McHenry County Public Health Ordinance.

9-6-17-2: Standards: The design and operation of Commercial kennels and Private kennels subject to this Chapter shall be governed by the following standards:

1. The owner and/or operator shall provide adequate written evidence from time to time as requested from the Village that the kennel shall and/or does meet all applicable requirements of the McHenry County Public Health Ordinance as required above;
2. The owner and/or operator shall meet all applicable requirements of the Building Code of the Village of Holiday Hills (Title 7 of this Code);
3. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized;
4. Exercise yards, when provided for training or exercising, shall be restricted to use during daylight hours;

In addition thereto, Commercial kennels shall be governed by the following standards:

1. The owner and/or operator or a responsible person shall be present at all times;
2. All points on the perimeter of the kennel structure shall be at least one hundred (100) feet from the nearest boundary line of the parcel on which the structure is located.

9-6-18: Migrant Labor Residential Facility

9-6-18-1: Application: In the case of an application for a Special Use Permit to establish a Migrant Labor Residential Facility, the information and procedures required in Section 9-6-2 shall be met and accompanied by the following:

1. The type of building proposed;
2. The type of sewage disposal system proposed;
3. The number of inhabitants to be housed in the facility;
4. The type of business conducted on the property in question;
5. The time period of occupancy.

9-6-18-2: Standards: The establishment of a Migrant Labor Residential Facility shall be governed by the following standards:

1. All facilities shall obtain and maintain any State, Federal or local licenses required for their operation. Failure to maintain such license may result in a revocation of the special use permit;

2. All facilities shall meet the off-street parking regulations of Section 9-5-6 of this Title.
3. All facilities shall be compatible with the type and outward appearance of the residences in the area in which they are located;
4. Adequate solid waste containers shall be provided to maintain a clean appearance;
5. All buildings and/or structures will be maintained in good repair;
6. The applicant shall provide adequate evidence from time to time as requested by the Village that the operation of the facility will be and/or is in compliance with the McHenry County Health Ordinance.

9-6-19: Mobile Home Parks

9-6-19-1: Application: In the case of an application for a Special Use Permit to develop a Mobile Home Park, the information and procedures required in Section 9-6-2- shall be met and modified to the following extent:

1. Before submitting an application for a Mobile Home Park, an applicant shall confer with the Zoning Enforcement Officer to obtain information and guidance before entering into building commitments or incurring substantial expense in the preparation of plans, surveys and other data;
2. The map required in Section 9-6-2 shall be met and modified to show the surrounding area within one-quarter (1/4) mile of the proposed site.

9-6-19-2: Standards: The design and operation of Mobile Home Parks shall be governed by the following standards:

1. The applicant shall provide adequate evidence from time to time as requested by the Village that the facility shall and/or does comply with all requirements of the McHenry County Health Department and the State of Illinois applicable to this type of use;
2. The applicant shall provide adequate evidence from time to time as requested by the Village that the facility shall and/or does comply with all requirements of the McHenry County “Trailer Park and Motel Control Law”, as amended from time to time.
3. The applicant shall provide adequate evidence from time to time as requested by the Village that the facility shall comply with all requirements of the McHenry County Subdivision Ordinance, as amended from time to time.

9-6-20: Outdoor Shooting Ranges

9-6-20-1: Application: In the case of an application for a Special Use Permit to establish an Outdoor Shooting Range, the basic information required in Section 9-6-2 shall be met and modified to the following extent: the map required in that section shall be modified to show the surrounding area within one-half (1/2) mile of the site. The map shall also include any part of the downrange safety area, discussed below, which extends beyond one-half (1/2) mile from the site.

9-6-20-2: Standards: The design and operation of an Outdoor Shooting Range shall be governed by the following standards:

1. The layout of all handgun, rifle, shotgun, trap and skeet ranges shall conform to National Rifle Association standards with regard to layout and dimensions. The range proper shall be fenced in a manner so as to prohibit entrance onto the property by members of the public, and shall have signs posted at one-hundred (100) foot intervals warning members of the public of the danger.
2. Ranges designed for the use of handguns and rifles shall provide berms at least twenty (20) feet high and six (6) feet thick at the top, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. Berms shall be located as follows:
 - A. Shotgun Ranges: No berms required;
 - B. Ranges for handguns and rifles not more powerful than .22 long rifle;

BACKSTOP - at least one-hundred fifty (150) feet from the firing line;
LATERAL - not closer than thirty (30) feet from the firing line.
 - C. Ranges for rifles more powerful than .22 long rifle;

BACKSTOP - at least three-hundred (300) feet from the firing line;
LATERAL - not closer than thirty (30) feet from the firing line.
3. The range shall be located on a site where an uninhabited downrange safety area is available. The required length of the safety area shall be as follows:

- A. Shotgun Ranges - 1,500 feet, provided that shot size is limited to #4 or smaller;
- B. Ranges for handguns and rifles not more powerful than .22 long rifle -- 7,000 feet;
- C. Ranges for rifles more powerful than .22 long rifle - 13,500 feet.

The safety area shall conform to National Rifle Association standards for the shape and width. The safety area shall have signs posted at intervals warning of the potential danger from stray bullets. If a street or road passes through the safety area, both right-of-way lines shall be posted.

NOTE: The downrange safety area requirement for handgun and rifle ranges may be waived if the firing line is provided with overhead baffling meeting the standards of the National Rifle Association.

- 4. The range shall be provided with bathroom facilities.
- 5. A sign shall be constructed on the range site listing allowable types of firearms, and stating the rules of operation of the range.
- 6. At least one range supervisor shall be present at all times when firing is taking place. The supervisor shall be certified by the National Rifle Association for the type of shooting he is supervising, and shall know and enforce all range rules.
- 7. At least one range flag shall be flown whenever firing is taking place. The flag pole shall be at least eighteen (18) feet high, and the flag shall be bright red, one (1) meter long, fifty (50) centimeters wide at the pole and fifteen (15) centimeters wide at the free end.
- 8. Everyone on the firing line shall be required to have hearing protection and to be wearing safety glasses.
- 9. The outdoor shooting range shall be covered by a minimum amount of one hundred thousand dollars (\$100,000.00) accident and liability insurance .

9-6-21: Public Safety Training Areas

9-6-21-1: Application: In the case of application for a Special Use Permit to establish a Public Safety Training Area, the basic information required in Section 9-6-2 shall be met and modified to the following extent: the map required in that section shall be modified to show the surrounding area within one-half (1/2) mile of the site. The map shall also include any part of the downrange safety area, discussed below, which extends beyond one-half (1/2) mile from the site.

9-6-21-2: Standards: The design and operation of a public safety training area shall be governed by the following standards:

1. The areas proper shall be fenced in a manner so as to prohibit entrance onto the property by members of the public and shall have signs posted at one-hundred (100) foot intervals warning potential intruders of the danger;
2. Areas designed for the use of small arms and the occasional use of automatic weapons, high-powered weapons, and tear gas projectiles shall be provided with berms as are necessary to insure the safety and serenity of the surrounding area. Applicants will be required to present evidence of adequate sound and projectile baffling at the time of hearing. Baffling is herein defined to include earthen, sand and man-made berms;
3. Areas shall be located on a site where a reasonable downrange safety distance is available. Applicants will be required to present evidence of distance requirements at the time of hearing;
4. Areas designed for the execution of emergency and survival activities shall be located on a site of adequate size to accommodate said activities. Applicants will be required to present evidence of the nature of activities to be conducted on the site in question at the time of hearing. Applicants will also be required to present evidence of the protective measures to be employed at the site in question at time of hearing.

9-6-22: Residential Alternatives for Disabled Persons, Seven (7) or More Residents

9-6-22-1: Application: In the case of an application for a Special Use Permit to establish or operate a Residential Alternative for the Disabled Persons serving seven (7) or more developmentally disabled residents, the information required in Section 9-6-2 shall be met and accompanied by the following:

1. A statement of the exact nature of the facility planned;
2. The qualifications of the agency or organization which will operate the facility. If the organization is a not-for-profit corporation, it shall provide evidence of that status;
3. A statement of the type and number of personnel who will be employed in the proposed Residential Alternative Program;
4. A copy of a report from the local Mental Health Board, which report shall review and comment upon the proposed Residential Alternative Program;
5. Adequate written evidence that the proposed Residential Alternative Program will be able to obtain all Federal, State and local licenses and/or certificates of accreditation which may be required by law for the type of program to be operated;
6. In the case of a health-related facility which requires a state certificate of need, the proposed facility shall be reviewed by the local Health Systems Agency, and a copy of their report shall be attached to the application.

9-6-22-2: Standards: The design and operation of a Residential Alternative for the Disabled Persons, seven (7) or more residents, shall be governed by the following standards;

1. That adequate utilities, access roads, drainage and other necessary facilities have been provided or are being provided;
2. That adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion and hazard on the public streets;
3. That the Residential Alternative Program will be able to obtain and maintain any Federal, State or local licenses and/or certificates of accreditation which may be required by law for the type of program to be operated. Failure to maintain such licenses and/or certificates may result in a revocation of the Special Use Permit;
4. That the Residential Alternative Program will meet the off-street parking regulations of Section 9-5-6 of this Title;
5. That the Residential Alternative Program residence will conform, to the extent possible, to the type and outward appearance of the residences in the area in which they are located. The provision shall in no way restrict the installation of any ramp or other special features required to serve handicapped residents;
6. That, if the Residential Alternative Program will have residents who may require medical consultation, such medical consultation will be made available whenever necessary. This provision shall in no way require constant, in-house medical care.

9-6-23: Salvage Yards

9-6-23-1: Application: An application for a Special Use Permit to establish or operate a Salvage Yard shall be accompanied by the basic information required in Section 9-6-2.

9-6-23-2: Standards: The design and operation of a Salvage Yard shall be governed by the following standards.

1. The Salvage Yard shall be completely enclosed by a solid wooden fence, or a similar fence of other opaque material, at least eight (8) feet in height, with openings only for ingress and egress. the fence shall comply with the following setback requirements:
 - A. Where a street right-of-way has been dedicated, the fence may be placed on the right-of-way line;
 - B. Where a right-of-way has not been dedicated, the fence shall be at least forty (40) feet from the centerline of the street or road.

2. No storage of any kind shall be allowed outside the fence required in item No. 1 above.
3. The applicant shall provide adequate evidence from time to time as requested by the Village that the Salvage yard shall and/or does meet all requirements of the McHenry County Health Department applicable to this type of use.

9-6-24: Sanitary Landfills, Solid Waste Transfer Stations and Commercial Incinerators

9-6-24-1: Application: Unless preempted by State or Federal Statute or regulation, an application for a Special Use Permit to establish or operate a Sanitary Landfill, Solid Waste Transfer Station or Commercial Incinerator will contain the basic information required in Section 9-6-2 and shall be modified to the following extent:

The map required to Section 9-6-2 shall be modified to show the surrounding area within one-quarter (1/4) mile of the proposed site.

9-6-24-2: Standards: The design and operation of Sanitary Landfills, Solid Waste Transfer Stations or Commercial Incinerators shall be governed by the following standards:

1. The applicant shall provide adequate evidence from time to time as requested by the Village that any Sanitary Landfills, Solid Waste Transfer Stations or Commercial Incinerators shall and/or does comply with all requirements of the State of Illinois covering the design, and permitting procedures required for operation of this type of facility;
2. The applicant shall provide adequate evidence from time to time as requested by the Village that any Sanitary Landfills, Solid Waste Transfer Stations or Commercial Incinerators shall comply with any applicable requirements of the McHenry County Health Department.

9-6-25: Theaters, Drive-In Movies

9-6-25-1: Applications: An application for a Special Use Permit to establish or operate a Drive-In Movie Theater shall be accompanied by the basic information required in Section 9-6-2.

9-6-25-2: Standards: The design and operation of Drive-In Movie Theaters shall be governed by the following standards:

1. The site shall contain at least five (5) acres;
2. The site shall have direct access to a major street;

3. All structures, viewing areas and seating areas shall be set back at least one hundred (100) feet from any street or boundary line;
4. All parking areas and access ways shall be adequately lighted, provided however, that such lighting shall be shielded to prevent glare or reflection onto neighboring properties or public streets;
5. Off-street reservoir parking spaces for vehicles of patrons awaiting admission to or departing from any Drive-In Movie Theater shall be equal to ten (10) percent of the vehicle capacity of the theater;
6. The following accessory uses may be permitted as incidental to, and limited to patrons of the principal use:
 - A. Playground area
 - B. Refreshment stands or booths.
7. The viewing surface of the theater screen shall not be visible from any existing or proposed street within one-quarter (1/4) mile of the property lines of the site under construction.

9-6-26: Towers and Customary, Necessary Accessory Structures: Communication, Amateur Radio, Airplane and Citizen Bank Over 100 Feet in Height

9-6-26-1: Application: An application for a Special Use Permit to establish a tower shall be accompanied by the basic information required in Section 9-6-2.

9-6-26-2: Standards:

1. Any tower the height of which exceeds the distance from such tower to the lot's or parcel's property lines shall be constructed to withstand a minimum wind load of forty (40) pounds per square foot surface area at a wind speed of 100 mph.
2. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
3. The plans of tower construction shall be certified by a registered structural engineer.
4. All towers must meet the standards of the FAA and FCC.

9-6-27: Utility Facilities

9-6-27-1: Utility Exemption: In accordance with the statutes of the State of Illinois, nothing in this Title shall impose restrictions on the type, or location of any poles, towers, wires, cables, conduits, vaults, laterals or any similar distributing equipment of a public utility.

9-6-27-2: Application:

In the case of an application for a Special Use Permit to construct and operate a non-exempt Utility Facility, the basic information required in Section 9-6-2 shall be met and modified to the following extent:

An application to construct and operate either water works or sewage treatment plants shall be accompanied by a report and recommendations from the McHenry County Health Department;

If a Special Use Permit is also required under the Soils Overlay Regulations in Section 9-5-6 of this Title only one combined Special Use Permit will be required.

9-6-27-3: Standards:

The design and operation of a non-exempt Utility Facility shall be governed by the following standards:

1. The facility shall comply with any recommendations from the McHenry County Health Department as to design and construction, type of treatment, source of water, standards for testing and sampling, and standards for the quality of effluent which are contained in the report required above;
2. The required lot area and location for the facility shall be determined in relation to the nature of the proposed use, the intensity of such use, and the effects of such upon the environment;
3. If findings indicate that a hazard may result, or that interference with the developments or use and enjoyment of surrounding properties may ensue, fencing or screening with a densely planted hedge or other shielding material may be required in a manner consistent with such findings;
4. The facility shall comply with any Federal, State or local standards which are applicable to the particular type of use.

9-6-28: Schools, Private

9-6-28-1: Application: An application for a Special Use Permit to locate and operate a private school shall be accompanied by the basic information required in Section 9-6-2, and it shall also include a traffic study and report showing an unobstructed line of site distance along all contiguous streets, an estimate of peak traffic volumes generated by the private school facility, and counts on said streets (Traffic count maps are available from the Illinois Department of Transportation, Schaumburg).

9-6-28-2: Standards:

1. Unobstructed line of sight stopping distances along contiguous streets shall be observed and shall meet the following schedule of posted traffic speeds:

Existing Speed Posted (Miles Per Hour)	Required Stopping Sight Distance (In Feet)
15	18
20	120
25	160
30	200
40	275
50	350

2. Certification by the County Highway Department that the traffic generated by the private school facility remains within the designed capacity of the contiguous streets.
3. The private school facility shall comply with the parking requirements of Section 9-5-6 of this Title.
4. The applicant shall provide adequate written evidence from time to time as requested by the Village that drainage and stormwater detention shall and/or does conform to County Standards for stormwater detention, retention and release.
5. The applicant shall provide adequate written evidence from time to time as requested by the Village that the private school facility shall and/or does comply with all applicable Health Department requirements based upon an estimated private school enrollment.