

## **SECTION 5: Use Districts**

5.1 **Scope of Regulations.** No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building structure or land be used for any purpose other than is expressly permitted in the district in which the building or land is located as set forth herein.

5.2 **Establishment of Districts.** In the Village, Zoning Districts provide compatibility and predictability of uses. Zoning designation itself is not a determining factor in assessment of value for property tax purposes. Each District is subject to the limitations of Section 5.4-2, Table 1, Bulk Standards. Overlay Districts are subject to the Section 5.4-2 limitations of the underlying district in addition to requirements of the Overlay District. In order to carry out the purposes and provisions of this ordinance, the Village of Bull Valley is hereby divided into the following districts:

5.2-1 **Agricultural Districts.** The purpose of the Agricultural Zoning is to provide areas where agricultural activities and related uses appropriate to the parcel size and location may take place and where small tract subdivisions will not be allowed to proliferate and change the agricultural character of that countryside. These districts set a minimum size zoning lot for the permitted agricultural uses. These districts are intended to preserve and to encourage the continuation of agricultural activities in appropriate areas of the Village.

Ag-5 parcels are anticipated to be used mainly in the same manner as E-5 parcels, with a residence serving as the primary structure. Accessory structures will be limited in size and number to preserve open space on these smaller parcels.

5.2-2 **Uses in “Ag” Agricultural Districts.** All buildings or land within an “Ag” Agricultural District shall only be used for the following purposes:

- (a) Single family residence;
- (b) **Ag-5:** On lots of 3.00-4.99 acres that have been improved with a single family residence:
  1. Accessory buildings as defined in Section 4.1, including one accessory apartment as described in Section 11A, but specifically excluding trailers, mobile homes, outdoor recreational vehicles, and other temporary structures or uses.
  2. Growing field and garden crops and seasonal, temporary roadside farmstand sales of raw produce grown exclusively thereon when such sales are incidental and not the primary purpose of the growing activity.
  3. The keeping of dogs, cats or other small animals, including poultry, for recreation of or use as pets by members of the family living on the property, in quantities reasonably sufficient for enjoyment as pets or recreation or for immediate use by the family, or any or all of them, but not for monetary gain.
  4. Keeping of two (2) equines for enjoyment as pets or recreation by the family, or any or all of the occupants of the dwelling, but only if the property has enough available acreage to provide adequate shelter, turnout, storage and

maintenance requirements, including regular removal of manure and the exercise of best management practices for small-acreage horse keeping.

For the purposes of this section, available acreage for keeping horses is one-acre for up to two horses, including one-half acre of fenced pasture and/or paddock turnout, and one-half acre for a barn/stable; hay and equipment storage building; and a commercial dumpster with weekly service for manure. Available acreage excludes land used for the primary residence and accessory structures, landscaping and lawns, all impervious surfaces, septic fields, wooded areas, steep slopes, nature preserves, sites identified in the Illinois Natural Areas Inventory or the McHenry County Natural Areas Inventory and similar incompatible sites.

5. No animals may be kept on the property without appropriate shelter and containment being constructed subsequent to the construction of the primary residence and prior to the installation of the animals.
  6. Special uses, subject to the provisions of Section 6.
  7. Signs, subject to the sign ordinance, Municipal Code Chapter 14.
  8. Vehicle parking as required in Section 9.
  9. Permitted home occupations as described in Section 8 of this Ordinance.
- (c) **Ag-10:** On lots of 5.00-9.99 acres that have been improved with a single family residence:
1. All the above uses;
  2. Farming of field and garden crops and wholesale and retail sales of produce grown exclusively thereon;
  3. Orchards, nurseries, greenhouses and mushroom barns; including wholesale sales and incidental retail sales of produce grown thereon;
  4. Keeping of up to four (4) equines for enjoyment as pets or recreation by the family, or any or all of the occupants of the dwelling, but only if the property has enough available acreage to provide adequate shelter, turnout, storage and maintenance requirements, including regular removal of manure and the exercise of best management practices for small-acreage horse keeping.

For the purposes of this section, available acreage for keeping horses is one-acre for up to two horses and one-half for each additional horse, subject to requirements and limitations of the respective zoning district and including one-half acre of fenced pasture and/or paddock turnout for every two horses and one-half acre or more for a barn/stable; hay and equipment storage building; and a commercial dumpster with weekly service for manure. Available acreage excludes land used or planned to be used for the primary residence and accessory structures, landscaping and lawns, all impervious surfaces, septic fields, wooded areas, steep slopes, nature preserves, sites identified in the Illinois Natural Areas Inventory or the McHenry County Natural Areas Inventory and other sites.

- (d) **Ag-10+:** On lots of 10 to 39.99 acres that have been improved with a single family residence:
1. All the above uses in Section 5.2-2.
  2. Customary farm outbuildings and structures that are necessary to facilitate agriculture and agricultural activity.
  3. Dairy farm on 35 acres or more.
  4. The growing of row crops, hay and other low intensity farming activities for wholesale or retail sales.
  5. Raising of stock animals, including cattle, horses, goats, sheep, excluding pigs, poultry and fur bearing animals; limited to quantities that are reasonable for the acreage available to provide adequate shelter, turnout, storage and maintenance requirements, including manure management but excluding and/or processing of animals on the premises, other than quantities reasonably sufficient for personal consumption by the occupants of the subject property and not for financial gain, and to exercise best management practices for the animals kept, taking into consideration the impact of these uses on adjacent properties. For the purposes of this section, available acreage shall include only that acreage which is actually to be utilized for the purposes of keeping the animals, and shall specifically exclude areas situated within septic fields, nature preserves, permeable surfaces and sites identified in the Illinois Natural Areas Inventory or the McHenry County Natural Areas Inventory and other incompatible sites.
- (e) **Ag-40+**
1. On lots of 40 or more acres that have been improved with a single family residence, all the above uses with attendant conditions and requirements.
  2. On lots of 40 or more acres that have NOT been improved with a single family residence, agriculture and agricultural activities that do not involve the keeping, breeding, raising, slaughter and/or processing of animals on the premises, other than quantities reasonably sufficient for personal consumption by the occupants of the subject property and not for financial gain or selling of animals of any kind including, but not limited to, fish, birds, insects or other animals.
  3. On lots of 60 or more acres, private recreational land uses similar, but not limited to archery ranges, hunting preserves, private zoos and fishing areas, provided and on condition that, such use may only be allowed if:
    - i. The use of the facility and land is limited to owners, occupants, family members and guests, and not to the general public;
    - ii. No fees are charged;
    - iii. The total structures shall not exceed 40,000 square feet;
    - iv. All structures shall be located no closer than 500 feet from any boundary line of the land;

- v. The minimum width of the lot shall be no less than 330 feet, plus one foot for every two feet of lot depth in excess of 660 feet;
- vi. Any area in a hunting preserve that is 500 feet or less from any boundary line of the lot shall be excluded from the discharge of firearms and no firearm discharge shall fall on adjacent lands; and any area in an archery range that is 500 feet or less from any boundary line of the lot shall be excluded from the discharge of arrows and no arrow, when discharged, shall fall on adjacent lands.

5.2-3 **Estate Districts.** The “E” Estate Districts are established to provide areas for home sites typical of existing home site and non-agricultural conditions in the Village and surrounding area. Estate District land should preserve and highlight sites made unique by topographic variation, woodlands and wetlands. Development in an Estate District is further defined by its location in Area One or Area Two as defined in the Bull Valley Comprehensive Land Use and Preservation Plan.

Briefly:

- (a) Area One is the Pre 1992 Village and the pockets of adjacent non-annexed lands. Area One has great historical significance environmentally as the area of greatest topographical diversity, with rolling hills and natural features such as kettles, seeps and glacial ridges that support a heavily wooded environment. Design standards outlined in the Bull Valley Comprehensive Land Use and Preservation Plan call for rural architecture, agricultural uses and open space as well as preserving a natural look where the development is in harmony with the landscape.
- (b) Area Two/1992 – present. Area Two Estate development represents the lower intensity end of the Suburban character class. Development is clearly residential, but it requires low-density development on larger, naturally landscaped property that produces a country feeling. Design standards stress a rural look in harmony with the existing landscape including extensive use of native vegetation in landscaping. Area One characteristics frequently appear within Area Two but must be respected under Area One standards.

Developers are strongly encouraged to read the Area One and Two Design Standards incorporated in the Land Use Plan.

5.2-4 **Uses in “E” Estate District.** All buildings and land in the “E” Estate District shall only be used for the following purposes:

- (a) Single family residence.
- (b) On lots that have been improved with a single family residence:
  1. Accessory structures as defined in Section 4.1 including up to one accessory apartment as described in Section 11A, specifically excluding trailers, mobile homes, outdoor recreational vehicles and other temporary structures or uses.

2. Growing field and garden crops for use or consumption by the family and seasonal, temporary roadside sales of produce grown thereon when such sales are incidental and not the primary purpose of the growing activity.
3. The keeping or raising of dogs, cats or other small animals, including poultry, for recreation or use as pets by members of the family living on the property in quantities reasonably sufficient for enjoyment as pets or recreation or for immediate use by the family or any or all of them, but not for monetary gain.
4. Keeping of two (2) equines in E-5, and up to four (4) equines in E-10 zoning for enjoyment as pets or recreation by the family, or any or all of the occupants of the dwelling, but only if the property has enough available acreage to provide adequate shelter, turnout, storage and maintenance requirements, including regular removal of manure and the exercise of best management practices for small-acreage horse keeping.

For the purposes of this section, available acreage for keeping horses is one-acre for up to two horses in the E-5 zoning district and one-acre for up to two horses, plus one-half acre for each additional horse, up to four horses in the E-10 zoning district, including one-half acre of fenced pasture and/or paddock turnout for every two horses and one-half acre or more for a barn/stable, hay and equipment storage building, and a commercial dumpster with weekly service for manure. Available acreage excludes land used for the primary residence and accessory structures, landscaping and lawns, all impervious surfaces, septic fields, wooded areas, steep slopes, nature preserves, sites identified in the Illinois Natural Areas Inventory or the McHenry County Natural Areas Inventory and similar sites.

5. No animals may be kept on the property without appropriate shelter and containment being constructed subsequent to the construction of the primary residence and prior to the installation of the animals;
6. Special uses, subject to the provisions of Section 6;
7. Signs, subject to the sign ordinance, Municipal Code Chapter 14;
8. Vehicle parking as required in Section 9;
9. Permitted home occupations as described in Section 8 of this Ordinance.

5.2-5 **Natural Resource Conservation District.** This is an “overlay district;” i.e., one or more other zoning districts may be included within the boundaries of this district. The “NR” Natural Resource Conservation District designation may be placed on an area that contains any of the designated areas in (b) below.

- (a) **Purposes.** The purposes of the “NR” Natural Resource Conservation District are as follows:

- (i) To protect unique natural areas where identified problem soil conditions exist, where wetlands create unusual constraints, where topography establishes scenic vistas or abrupt changes in the landscape, or where woodlands provide a natural cover, so that proposed use or development of these lands will be based upon an assessment of conditions, an analysis of alternative solutions and a plan which recognizes both the limitations and opportunities found in these areas;
  - (ii) To serve as an acknowledgment of the physical and cultural heritage of the Village and surrounding area;
  - (iii) To maintain natural areas and enable the Village to place limits on the use of land and construction of buildings therein;
  - (iv) To conserve prime agricultural land, natural resource areas and open space
- (b) **Areas Designated.** The following lands are designated a part of and, therefore, are included in the “NR” Natural Resource Conservation District:
- (i) “Problem soil” lands;
  - (ii) “Prime Farmland” being any tract of land 40 acres or more in size that is classified as “prime agricultural land” in the Technical Guide published by the Soil Conservation Service, as revised from time to time by the McHenry County Soil and Water Conservation District;
  - (iii) “Flood plain” lands as so classified and located on the United States Geological Survey Flood Plain map or maps;
  - (iv) “Wetlands” as defined in Section 4.103 of this ordinance.
  - (v) “Woodlands” as defined in Section 4.104 of this ordinance.
  - (vi) “Scenic lands,” being lands that are none of the lands as set forth in subparagraphs (i) through (v) above, but which, nevertheless, contain unique geographical, geological, geophysical, floral, faunal, scenic, historical or cultural features, such features being “unique” in comparison to surrounding areas.
  - (vii) Sensitive Aquifer Recharge Areas (SARA). This is a map adopted in the McHenry County Water Resources Action Plan and incorporated here be reference. Its purpose is to protect the most sensitive recharge areas from excessive build out of impermeable surfaces that interfere with the infiltration of surface water to recharge the aquifers.

5.2-6 **“Uses in “NR” Natural Resource Conservation District.** No principal buildings may be located in the “NR” Natural Resource Conservation District except as herein provided, and all land in the “NR” Natural Resource Conservation District shall only be used for the following purposes:

- (a) Grazing;
- (b) The harvesting of any wild crops, such as hay, ferns, moss, berries, tree fruits and tree seeds;

- (c) Hunting and fishing, subject to other ordinances and laws, if any, but only by the owner or occupants of the property and not the general public;
- (d) Sustained yield forestry;
- (e) Non-residential buildings used solely in conjunction with the raising of waterfowl, bait fish and other small lowland animals, fish or fowl;
- (f) The following regulations shall be met as to use and all other functions:
  - (i) The regulations of the underlying use district, i.e., “E” Estate or “Ag” Agricultural, as the case may be including lot size and zoning regulations;
  - (ii) The general regulations of Village ordinance, i.e., those regulations of this ordinance that apply to any lands, regardless of the underlying use district;
  - (iii) The provisions of Section 10, Flood Plain Regulations, and any other applicable provisions of Village ordinance.
  - (iv) Residential Structures:
    1. No residential structure or part thereof, or service facility therefor, may be erected in a Wetland, and no residential structure or part thereof, or service facility therefor, may be erected on Flood Plain Land;
    2. No more than one residential structure and other such accessory buildings and living quarters as are allowed in Section 11 and 11A may be erected on Prime Farmland unless there is compliance with the requirements of and provisions for Special Uses and Planned Developments, in accordance with the procedures therefor;
    3. No more than one residential structure and other such accessory structures as are allowed in Section 11 and 11A may be erected on Scenic Land unless there is compliance with said requirements and provision for Special Uses and Planned Developments in accordance with the procedure therefor, and the unique feature or features of such land are not destroyed or substantially diminished;
    4. Coverage limitations of Section 5.3-4 Class III Special Resource Groundwater Protections Areas will be applied in the Natural Resources Conservation District.
    5. Residential structures may be erected in Woodlands, but such construction shall comply with Bull Valley Municipal Code Section 12.14.K and Zoning Code Section 19 Tree Preservation as applicable.
    6. Residential structures may be erected on Problem Soil lands only after approval of well and septic system by the McHenry County Health Department and Stormwater Divisions.

5.2-7 **Class III Special Resource Groundwater Protection Areas Overlay District:** Boone Creek Fen, Parker Fen, Gladstone Fen, Illinois Natural Area Watershed Districts.

Like the Natural Resource Conservation District, this is an “overlay district.” The overlay district encompasses the Boone Creek Fen Illinois Natural Area Watershed, the Parker Fen Illinois Natural Area Watershed, and the Gladstone Fen Illinois Natural Area Watershed, and any Illinois Natural Area Watershed granted Class III status in the future.

Each of these areas has been designated as a Class III Special Resource Ground water, protection area, a designation established by the Illinois Environmental Protection Agency. It is an exclusive designation that applies to demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standards specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a dedicated nature preserve that has been listed by the Illinois Environmental Protection Agency. This District has also been identified by the Illinois State Geological Survey as having “high potential for aquifer contamination” due to the presence of highly permeable soils and subsurface materials, principally gravels and sands.

- (a) **Purpose:** The purpose of the District is to protect the quality and quantity of natural groundwater recharge flows supplying the District which will:
  - (i) Preserve the quality and quantity of groundwater supplying the Boone Creek Fen Illinois Natural Areas and dedicated nature preserves therein.
  - (ii) Preserve and maintain the recharge of the regional aquifer and shallow sand and gravel aquifers.
  - (iii) Prevent the installation of improper drainage, septic systems and sanitary sewer systems that would degrade the underlying aquifers.
  - (iv) Control allowable groundwater supply development practices to conserve the groundwater resource.
  - (v) Minimize grading and compaction of surficial soils and underlying materials.
  - (vi) Promote the restoration and conservation of natural landscapes, wildlife and open spaces for the education, recreation and general welfare of the public.

5.2-8 **Uses in Class III Special Resource Groundwater Protection Areas Overlay Districts:** Boone Creek Fen, Parker Fen, Gladstone Fen Illinois Natural Area Watershed Districts.

All buildings and land in these Overlay Districts shall only be used pursuant to the underlying zoning district and in addition shall be subject to the regulations of Chapter 12, Section 12.08.I of the Bull Valley Municipal Code.

5.2-9 **Retail Planned Development District.** The Retail Planned Development District (Retail PD) is a special use district established to provide specific areas, which are depicted on the Bull Valley Comprehensive Plan map revision dated September 21, 2009, and as further revised from time to time, for limited retail development that will serve the daily shopping needs of Village residents and contribute to the fiscal stability of the Village.

All retail development, including but not limited to design and development standards, acceptable uses, lot size, type, construction and bulk of such development shall be governed by and subject to Section 6.5 of this Zoning Ordinance as it relates to Retail Planned Development. All applications for a Retail PD shall include a market analysis.

5.2-10 **Uses in Retail Planned Development District** as permitted by Section 6.5.

5.2-11 **Select, Limited Retail District.** The Select, Limited Retail District is established for certain specific retail uses in chosen key locations for the Village, such as Illinois Route 120, as depicted and provided in the map in Appendix A of this Section and incorporated herein by this reference. No parcel is eligible for rezoning to the Select, Limited Retail District unless it is within the area depicted in Appendix A.

5.2-12 **Uses in Select, Limited Retail District.** No principal building may be located in the Select, Limited Retail District unless used exclusively for one of the permitted uses below, and all land in the Select, Limited Retail District shall only be used for the following permitted purposes:

- (a) Restaurants, including coffee shops, ice cream parlors, etc.
- (b) Specialty retail stores offering unique clothing, jewelry, gifts, crafts, etc.
- (c) Farm Market, including home grown or crafted food and beverages.

For purposes of this section, a specialty retail store shall be defined as a small store which specializes in a specific range of merchandise and related items. Most specialty retail stores have an extensive depth of stock for the item that they specialize in and provide high levels of service and expertise. The pricing policy is generally in the medium to high range, depending on factors like the type and exclusivity of merchandise and whether they are owner operated. They differ from department stores and supermarkets which carry a wide range of merchandise.

5.2-13 **Select Limited Cannabis District (SL-C)** The Select Limited Cannabis District is established to permit Cannabis Businesses as described in Section 5.3-14 to be established in certain key locations concurrent with areas identified in Section 5.2-11 for the Select Limited Retail District.

5.2-14 **Uses in Select Limited Cannabis District (SL-C)**

- (a) The following are permitted uses in the SL-C Zoning District subject to the restrictions contained herein:

Adult-Use Cannabis Craft Grower<sup>1</sup>

Adult-Use Cannabis Dispensing Organization<sup>2</sup>  
Adult-Use Cannabis Infuser Organization

<sup>1</sup>An Adult-Use Cannabis Craft Grower shall not be located within 1,500 feet of another Adult-Use Cannabis Craft Grower or Adult-Use Cannabis Cultivation Center.

<sup>2</sup>An Adult-Use Cannabis Dispensing Organization must comply with each of the following restrictions:

1. An Adult-Use Cannabis Dispensing Organization shall not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
2. An Adult-Use Cannabis Dispensing Organization shall not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
3. An Adult-Use Cannabis Dispensing Organization shall file an affidavit with the Village affirming compliance with all requirements of the Cannabis Regulation and Tax Act on each anniversary of the date of adoption of this ordinance.

Additional Requirements: Adult-Use Cannabis Dispensing Organization shall install building enhancements, such as security cameras, lighting or other improvements, as the Village may require to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the site design for an Adult-Use Cannabis Dispensing Organization and the site on which it is located, consistent with the requirements of the Cannabis Regulation and Tax Act.

Co-Location of Cannabis Business Establishments. The Village may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization or Infuser, or both, subject to the provisions of the Cannabis Regulation and Tax Act. The co-located Cannabis Business Establishments shall be the sole use of the space.

The following methods of sale of cannabis by Adult-Use Cannabis Dispensing Organization are prohibited:

1. Drive-through windows;
2. Vending machines;
3. Transport of cannabis to residences or other locations where purchasers may be for delivery.

An Adult-Use Cannabis Dispensing Organization is only allowed to operate in accordance with the following requirements:

1. Operation is only allowed between 6:00 a.m. and 10:00 p.m. local time.
  2. Operation is prohibited when video surveillance equipment is inoperative.
  3. Operation is prohibited when point-of-sale equipment is inoperative.
  4. Operation is prohibited when the state's cannabis electronic verification system is inoperative.
  5. Operation is prohibited when there are fewer than two people working at any time within a dispensing organization.
- (b) At the time of application for a building permit for any use within the Select, Limited (SL-C) District the applicant must submit with such application the following:
1. A professionally prepared site plan setting forth the proposed height, dimension, square footage of all improvements proposed for the subject property, including access points, parking accommodations and setbacks.
  2. A lighting plan that minimizes the possibility of light being cast upon adjacent properties and compliant with the Village Outdoor Lighting (Dark Sky at Night) Ordinance.
  3. A McHenry County Storm Water permit or letter waiving such permit.
  4. Additional documentation may be requested by the Board including but not limited to a Natural Resource Inventory Report (NRI), an endangered species report, proof of compliance with McHenry County Health Department requirements for well and septic, traffic study, landscape and screening plans and others.

#### 5.2-15 Municipal Lands District.

- (a) **Purposes.** The Municipal Lands District is intended to provide specifically delineated areas of public use for land owned by the Village of Bull Valley.
- (b) **Standards for Classifying Property.** Property shall not be classified in the Municipal Lands District unless it meets the following standards:
- (i) Minimum Lot Size. The minimum lot area in the district is 10,000 square feet and the minimum lot width in the district is 80 feet.
  - (ii) Front, Side and Rear Yard Setbacks. The minimum front, side and rear yard setbacks where this district abuts any other zoning district are as follows: the front and side yard setbacks shall be 25 feet from the street or property line; the minimum rear yard setback shall be 30 feet from the property lines.
  - (iii) Height. The maximum height for principal buildings shall be 38 feet.
  - (iv) Maximum Lot Coverage. The maximum coverage per lot in the district is 40 percent.

- (v) Minimum Open Space. The minimum open space in the district is 60 percent.
- (vi) Existing structures on municipal land as of the date of this ordinance are exempt from the above restrictions.

5.2-16 **Uses in Municipal Lands District.** All buildings or land within a Municipal Lands District shall be used only for the following purposes:

- (a) Government Facilities, Offices, Storage Building, Garage; Communication Tower;
- (b) Cultural Facilities, Community Center;
- (c) Recreation, Active Outdoor;
- (d) Recreation, Passive Outdoor;
- (e) Public/Private Utility Buildings and Structures;
- (f) Agriculture;
- (g) Dog Park;
- (h) Nature Preserves/Conservation Areas;
- (i) Low Intensity Commercial Uses.

5.3 **Zoning Maps.** The locations and boundaries of the zoning districts established herein shall be shown upon a map designated Official Zoning Map, Bull Valley, Illinois. This map, together with all notations, references and other information, including all amendments, is incorporated as a part of this ordinance. The Official Zoning Map shall be maintained by the Village Clerk and made available for public inspection and reference.

5.3-1

(a) **Unclassified or Annexed Lands.** It is the intent of this ordinance that every part of the area within the municipal boundaries of the Village of Bull Valley be classified in a zoning district. Any premises within the municipal boundary and any lands to be annexed in the future, in the absence of a public hearing and determination of a zoning district by the Planning and Zoning Commission, shall be classified in the “E” Estate District if the size thereof is five acres to under 10 acres in the “Ag” Agricultural District if 10 acres to under 40 acres, and in the Ag-40 Agricultural District if 40 or more acres.

(b) **Less than Three Acres.** Anything in this Ordinance to the contrary notwithstanding, 75 percent of each and every setback requirement set forth in Table 1, Lot Area, Yard and Bulk Requirements, of Section 5.5-3(a) herein shall apply to each and every individual lot or parcel which i) is less than three acres in size and ii) was annexed to the Village after January 1, 1997. Such individual lot or parcel may be utilized only for a single family dwelling, notwithstanding any other provision herein which may be inconsistent with this

restriction. Under no circumstances shall this provision be construed as a separate zoning district or classification.

5.3-2 **Boundary Lines.** Any uncertainty as to the boundary of any district line as shown on the Official Zoning Map shall be resolved using the following rules:

- (a) Where district lines follow or approximately follow municipal boundaries, the line shall be interpreted to be the same as the municipal boundary line;
- (b) Where district lines follow streets, alleys, streams, railroads or similar rights-of-way, the center line shall be the district boundary;
- (c) Where district lines approximately follow lot lines, the lot line shall be construed to be the district boundary;
- (d) Where a lot (as distinguished from acreage), held in one ownership and of record at the effective date of this ordinance, is divided by a district boundary line, the entire lot shall be construed to be in the less restrictive district; provided that the use of this rule does not increase the area of the less restrictive portion of the lot by more than 20 percent;
- (e) In subdivided property, unless otherwise indicated, the district boundary lines shall be determined by the use of the scale indicated on the Official Zoning Map, a part of this ordinance.

5.3-3 **Zoning of Streets, Public Ways and Railroad Rights-of-Way.** All streets, public ways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public ways and railroad rights-of-way. Where the center line of a street, alley, public way or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center.

5.3-4 **Rezoning of Public and Semi-Public Areas.** An area indicated on the zoning map as a public park, recreation area, public school site, cemetery, or other similar open space, shall not be used for any other purpose than that designated; and when the use of the area is discontinued, it shall automatically be zoned to the most restricted adjoining district until appropriate zoning is authorized by the Village Board within three months after the date of application filed for rezoning.

5.3-5 **Animals.** Any animal not specifically classified by the terms of this chapter, shall be classified by the Zoning Officer based upon a determination of what animal it is most similar to and the probable impact on the health, safety or general welfare of the community and neighborhood. Exotic animals may not be kept within the Village.

#### 5.4 **Bulk, Lot Coverage and Building Height Regulations.**

##### 5.4-1 **In General.**

- (a) No building shall be erected, reconstructed, relocated, or structurally altered so as to have a greater height, a higher ratio of lot coverage, or smaller yards (open space)

about it than permissible under the limitations herein set forth for the district in which such building is located, except as provided in Section 5.5-3(b).

- (b) No accessory building, structure or use shall be constructed or implemented prior to completion of a single family residence on the property which shall be the primary or principal building.
- (c) No space allocated to a building or dwelling group for the purpose of complying with the side, rear or front yard, or court or other open space, or lot area requirements of this ordinance shall thereafter, by reason of a change in ownership or for any other reason, be used to satisfy the yard, court, open space, or lot area requirements of any other building or dwelling group;
- (d) No existing usable open space, off-street parking space or loading space, or as may be provided hereafter, for any building shall be reduced below the minimum requirements, or increased above the maximum requirements, as the case may be, hereinafter set forth for such usable open space, parking space, or loading space, nor further reduced or increased if already less or more than said minimum or maximum requirements, as the case may be;
- (e) When two or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the district in which they are located, are contiguous and are held in one ownership, they may be combined through the Office of the McHenry County Supervisor of Assessments into one zoning lot for such use. Once combined as one zoning lot, they may not be re-subdivided or otherwise treated as separate lots.

5.4-2 **Specific Regulations Lot Area.** The area, yards and bulk requirements below are designed to maintain the Village character of open space and minimal intrusion upon the land by development

- (a) **Area.** Any principal building and all accessory buildings shall be located on a lot having no less than the area shown in Section 5.5-3, Table 1, Column 1;
- (b) **Lot Width/Frontage.** Any principal use, along with all accessory uses, shall be located on a lot having a minimum width as shown in Section 5.5-3, Table 1, Column 3, except as provided in Section 5.3-1(d)(4)(v). Where unusual angles or curves are found, due to uneven terrain or streets terminating in a cul-de-sac, the lot width may be measured at the front yard building set-back line. Minimum width for a lot improved with a townhouse or other attached dwelling shall be the sum of the width required for the first dwelling unit (D.U.) use plus the width required for the second D.U. use plus the width required for each additional D.U. use as shown in Section 5.5-3, Table 1, Column 2;
- (c) **Width to length ratio.** The minimum width of a lot shall be no less than 330 feet, plus one foot for every two feet of lot depth in excess of 660 feet as shown in Section 5.5-3, Table 1, Column 3.

- (d) **Front Yard.** Each lot shall have a front yard as shown in Section 5.5-3, Table 1, Column 4, except as provided in Section 5.5-4;
- (e) **Rear Yard.** Each lot shall have a rear yard as shown in Section 5.5-3, Table 1, Column 5, except as provided in Section 5.5-4;
- (f) **Side Yard.** Each lot shall have side yards along each side lot line. The total width of the side yards shall be not less than the total shown in Section 5.5-3, Table 1, Column 6, except as provided in Section 5.5-4;
- (g) **Minimum Side Yard.** Each lot shall have side yards along each side lot line. The minimum width of each side yard shall be not less than the total shown in Section 5.5-3, Table 1, Column 7, except as provided in Section 5.5-4;
- (h) **Yard Abutting a Street.** Any side or rear yard which abuts a street shall have a width not less than that shown in Section 5.5-3, Table 1, Column 8, except as provided in Section 5.5-4;
- (i) **Minimum Total Floor Area.** The total floor area shall be the aggregate area of all stories or levels of a building measured from the outside of the exterior walls and shall include utility rooms but shall exclude cellars, basements, open porches, breezeways, garages, decks and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes, except that enclosed space intended to be used as habitable rooms and which are to be completed and so used within one year from the date of the issuance of a building permit may be considered in computing such floor area, and the total floor area shall not be less than the area shown in Section 5.5-3, Table 1, Column 9, nor more than the area shown in Section 5.5-3, Table 1, Column 9;
- (j) **Maximum Total FAR of All Accessories.** The total floor area of all accessory uses shall be the aggregate of all stories or levels of a building measured from the outside of the exterior walls of all accessory uses combined, as shown in Section 5.5-3, Table 1, Column 10;
- (k) **Height and Stories of Principal Use.** No principal building or other structure shall exceed the height in feet shown in Section 5.5-3, Table 1, Column 11, nor shall they exceed the number of stories shown in Table 1, Column 11.
- (l) **Height and Stories of Accessory Use.** No accessory building or structure shall exceed the height in feet shown in Section 5.5-3, Table 1, Column 12. Nor shall they exceed the number of stories shown in Table 1, Column 12.
- (m) **Total Number of Accessory Structures or Uses.** Total number of accessory structures or uses shall not exceed the number shown in Table 1, Column 13.
- (n) **Total Floor Area Ratio.** The total floor area ratio, including both the principal building and all accessory buildings, shall not exceed the ratio (floor area to lot area) shown in Section 5.5-3, Table 1, Column 14;

- (o) **Maximum Lot Coverage.** The total area covered by all buildings and other impervious surfaces on a zoning lot, including the principal and accessory buildings, shall not exceed the percent of the total lot shown in Section 5.5-3, Table 1, Column 11.
- (p) **Utilities.** To the extent permitted by law equipment of a public utility shall be subjected to the provisions of this ordinance or any other Village of Bull Valley ordinance as to type, height, bulk or location of such equipment. All buildings constructed after the date hereof shall be served by underground utility lines.
- (q) **ADID Wetlands.** A 100-foot buffer of appropriate deep-rooted native vegetation shall be required around the perimeter of any ADID wetland in any zone.

5.4-3 **Table 1:** Lot Area, Yard and Bulk Regulations. (At the end of this Section 5.)

5.4-4 **Exceptions to Estate District Regulations.** The following exceptions are established to provide relief from the zoning regulations where appropriate:

**Yard and Building Setback Exceptions.** The following structures or parts of structures shall be permitted to project into or to be constructed in any required yard or beyond the building setback line:

1. Awnings and canopies (not to exceed five feet);
2. Bay windows (not to exceed three feet);
3. Chimneys (not to exceed four feet);
4. Driveways and curbs;
5. Fences, walls and hedges in accordance with subsection 5.5-8(b) of this section and section 11;
6. Flagpoles;
7. Garbage disposal equipment, non-permanent, non-obtrusive;
8. Guardhouse or gatehouse in front yard only;
9. Native landscape features, trees, flowers, shrubs etc. but excluding hardscape features other than driveway monument markers;
10. Mailbox;
11. Sidewalks and steps;
12. Signs, as regulated by the sign ordinance;
13. Steps or stairs to a dwelling, non-enclosed, not to exceed four feet;
14. Patios, not to exceed 20 feet;
15. Terraces (open) and porches (non-enclosed), not to exceed four feet;
16. Backup generators;
17. Yard and service lighting fixtures, poles compliant with the Bull Valley Lighting ordinance Section 6.8.

- 5.4-5 **Location of Buildings.** Except as otherwise provided for in this ordinance, every building shall be constructed or erected upon a lot, or parcel of land, which abuts upon a public street or permanent easement of access to a public street, which easement shall have a minimum width of 25 feet, unless an easement of lesser width was of record prior to the adoption of this ordinance.
- 5.4-6 **Buildings Under Construction.** Nothing in this ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this ordinance and upon which building actual construction has been diligently carried on, and provided further that such building shall be completed within one year from the date of passage and publication of this ordinance.
- 5.4-7 **Buildings on a Zoning Lot.** Except in Planned Developments and other special uses as may be specifically provided for, every principal dwelling hereafter erected or structurally altered shall be located on a zoning lot, and in no case shall there be more than one such dwelling on one zoning lot, except there may be one accessory dwelling structure as allowed in Section 11A of this ordinance.
- 5.4-8 **Design Standards:** *Living With the Land*

- (a) **Land Disturbance:** The natural rolling and vegetated topography is a key element in distinguishing Bull Valley and defining its character. New development must respect and maintain the natural topography on a site through sensitive site organization and minimizing land disturbance. Extensive grading or unusual site improvements (e.g., large retaining walls) to force a preconceived design onto a particular piece of property is prohibited. Causing the design to fit the building site generally results in a reduced potential for environmental problems and an improved level of visual interest and variety. Specific requirements are contained in the Bull Valley Municipal Code, Chapter 16 Soil Erosion and Sedimentation Control.
- (b) **Integration with the Natural Environment:** New development should integrate existing natural features and required open space into the overall design and layout of the site. Existing natural features, scenic views, as well as the required common open space, should be used to create site amenities and provide physical separators and buffers from adjacent properties where needed.
- (c) **Surface Water:** Compliance with the McHenry County Storm Water Ordinance is required. A permit from McHenry County Stormwater Department must be submitted with any building permit. Perennial streams, wetlands, and their riparian corridors shall be incorporated into site plans and site designs as major amenities. Buildings, parking areas, and other structures should be set back from such features a sufficient distance to ensure their continued quality and natural functions. Runoff shall be directed into vegetated swales planted with deep root native plantings to filter the water and avoid contamination of the aquifer below.
- (d) **Trees and Native Vegetation:** Compliance with Municipal Code Chapter 12, Subdivisions, Section 12.14-K, Tree Preservation or Zoning Code, Section 19, Tree

Preservation as applicable, shall be required. Landscaping shall be comprised primarily of Illinois Native Species with a goal of 90 % natives after the first year. Areas seeded in non-native short lawn grasses are to be minimized to the greatest extent possible. Plants included on the Illinois Exotic Weeds list or Illinois Noxious Weeds list shall not be planted and if growing on the property, shall be removed. Lists of Illinois Native species and lists of Illinois exotic and noxious weeds are available at Village Hall

- (e) **Restoration, Preservation and Maintenance of Native Landscapes:** Restoration, Preservation and Maintenance of Native Landscaping and development of native habitats for native pollinators including projects sponsored by the World Wildlife Federation's Mayor's Monarch Pledge, is expressly permitted and encouraged and will not be penalized or prohibited as long as non-native and invasive species are controlled and vegetation does not encroach on neighboring properties, public or private roadways, sidewalks, pathways or streets, or other public or common areas or elements and does not interfere with traffic or utilities.
- (f) **Lighting:** Compliance with Zoning Code Section 6.8 Outdoor Lighting.
- (g) **Driveway and other Paved Areas.** The use of coal tar based materials and sealants for residential driveways is strongly discouraged. Use of permeable paving materials for residential driveways is strongly encouraged.
- (h) **Visual Appeal in Development.** While the Village does not prescribe the style and design of individual homes built, but a variety of façade, size, orientation and style features within a development is preferred to add visual appeal.
- (i) **Site Preparation** is required to conform to Chapter 16 of the Bull Valley Municipal Code and the McHenry County Stormwater Ordinance.

#### 5.4-9 **Safety and Aesthetic Regulations.**

- (a) **Clear View of Intersecting Streets.** No hedge, bush, other foliage (other than deciduous trees), fence, wall or other person-made object may be maintained within 25 feet of road intersections at each corner, as measured from the road surface, at a height greater than 24 inches above street grade, or the limbs of any deciduous tree at a height less than 120 inches above the street grade, nor located less than 8 feet from the edge of the pavement.
- (b) **Vehicle Parking Areas.** Except for any farm vehicle on premises in the "Ag" Agricultural District, passenger automobile, pickup truck, motorcycle or other motorized two-wheel vehicle, no motorized vehicle or trailer, including, but not limited to, non-pickup trucks, semi-trailer cabs and trailers, outdoor recreation vehicles, buses, house trailers, stock trailers, horse trailers, or recreational trailers, shall be parked or stored on any premises in such a manner that such vehicle or trailer could be viewed from a public road or from any adjoining premises now owned or occupied by the owner or occupants of the subject premises except that the occasional parking of any such vehicle or trailer that exposes same to such view

is allowed if done for momentary parking or momentary standing purposes, but is removed from such public view as soon as is reasonably practicable.

5.4-10 **Permits.** No application for a building permit or for a certificate of occupancy shall be approved, and no such permit shall be issued which would authorize the use or change in use of any land or building contrary to the provisions of this ordinance, or which would allow the erection, moving, alteration, enlargement or occupancy of any building designated or intended to be used for a purpose or in a manner contrary to the provisions of this ordinance. See Municipal Code Chapter 14, Building, for information on permits.

5.4-10 **Burial of Deceased Human Remains.** Under no circumstances is the burial of any deceased human remain or remains, with the exception of cremated ashes, a permitted use under any district and is prohibited. *2019-20-15*