

Chapter 2

Administration, Enforcement, and Procedures

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2.1. THE ZONING ADMINISTRATOR

2.1.1. Establishment. The office of Zoning Administrator is hereby established. For the purpose of this Section the Director of Planning, hereinafter referred to as Zoning Administrator, shall serve in this capacity. Such other employees of the office of the Zoning Administrator shall be appointed by the Zoning Administrator with the approval of the County Board.

2.1.2. Duties. The Zoning Administrator shall administer this Ordinance and in addition, he or she shall:

- A. Receive, file, and forward to the Zoning Board of Appeals all applications and petitions for appeals, variations, or for other matters on which the Board of Appeals is required to act under this Ordinance.
- B. Receive, file and forward to the Zoning Board of Appeals all applications for the amendments, Planned Developments, Special Uses, or for other matters which under this Ordinance require referral to the Zoning Board of Appeals and/or the County Regional Planning Commission.
- C. Maintain permanent and current records of this Ordinance, including but not limited to maps, amendments, rules of practice and procedure of the Zoning Board of Appeals, variations, appeals, and applications for any of the above, and records of hearings thereon including the recording of district amendments and special uses on the zoning district map.
- D. Maintain all zoning records which are a part of the administration of this Ordinance.
- E. Decide or make recommendations on all other matters under this Ordinance upon which the Zoning Administrator is required to act.
- F. Initiate, direct and review from time to time, a study of the provisions of this Ordinance, and make reports of his recommendations to the Zoning Board of Appeals, the County Regional Planning Commission and the County Board not less frequently than annually.
- G. Assist the office of the State's Attorney in the development of proposed amendments to the provisions of this Ordinance as may be necessary from time to time.

- H. Annually update and publish this Ordinance or changes thereto including the zoning district map.
- I. Provide and maintain public information service relative to matters arising out of this Ordinance.
- J. Give assistance to the Zoning Enforcement Officer.

2.2. THE ZONING ENFORCEMENT OFFICER

2.2.1. Establishment. The office of Zoning Enforcement Officer is hereby established for the purpose of enforcing this Ordinance.

2.2.2. Duties. The Zoning Enforcement Officer shall enforce this Ordinance, and in addition, he or she shall:

- A. Examine and approve an application pertaining to the use of land or structures when the application complies with the provisions of this Ordinance.
- B. Issue Zoning Certificates and such similar administrative duties as permissible under law, and make and maintain records thereof.
- C. Provide inspection of structures and uses of land to determine compliance with the terms of this Ordinance, and where there are violations, initiate action to secure compliance.
- D. Order discontinuance of illegal uses of land, buildings, or structures.
- E. Order removal of illegal buildings or structures or illegal additions or structural alterations.
- F. Order discontinuance of any illegal work being done.
- G. Take any other action authorized by this Ordinance to ensure compliance with or to prevent violation(s) of this Ordinance.

2.2.3. Violations. Upon finding that any of the provisions of this Ordinance are being violated, the Zoning Enforcement Officer shall notify the property owner and offending party in writing of the action(s) necessary to correct such violation.

2.2.4. Appeal of Decision of Zoning Enforcement Officer. An appeal of the decision of the Zoning Enforcement Officer may be made to the Zoning Board of Appeals as provided in Section 2.9.

2.3. ZONING BOARD OF APPEALS

2.3.1. Establishment. The Boone County Zoning Board of Appeals (ZBA) is hereby established.

2.3.2. Appointment. Terms of office, vacancies, successors, appointments, etc. of the members of the Zoning Board of Appeals shall be in accordance with requirements of the Illinois Compiled Statutes at the time of enactment of this amendment, and they shall continue to serve in the capacity for the remainder of the terms to which they have been duly appointed. Said members shall be eligible for reappointment upon completion of their present terms providing they meet all of the requirements for appointment. All members and such officers as are deemed necessary shall be appointed by the County Board.

2.3.3. Length of Term. The Zoning Board of Appeals shall consist of five (5) members, each residing in a different township. Each member shall be appointed for a five (5) year term.

2.3.4. Vacancy. Any vacancy shall be filled by appointment of the County Board Chairman for the unexpired term only.

2.3.5. Removal for Cause. The Chairman of the County Board shall have authority to remove any member of the Zoning Board of Appeals for cause, after public hearing.

2.3.6. Jurisdiction. The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:

- A. To hear and decide appeals from any order, requirement, decision or determination made by the Zoning Enforcement Officer under this Ordinance.
- B. To hear and pass upon applications for variations from the term provided in this Ordinance in the manner prescribed by, and subject to, the standards established herein.
- C. To hear all applications for Special Uses and amendments to this Ordinance in the manner prescribed by, and subject to, the standards established herein, and report said findings and recommendations to the County Board.

2.3.7. Meetings and Rules. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such times as the Board may determine. Hearings shall be conducted by said Zoning Board of Appeals or a majority of its members and shall be open to the public. Any person may appear and testify at a hearing, either in person or by attorney. Other agents (those other than attorneys) must be authorized by original signature of the vested party. The Chairperson, or in his absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses. The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearing and other official actions. A copy of every rule or regulation, every amendment, and every order, requirement, decision or determination of the Zoning Board of Appeals shall be filed immediately in the Office of the Zoning Administrator and shall be a public record. The Zoning Board of Appeals shall adopt its own rules and procedure, not in conflict with this Ordinance or with the applicable Illinois Compiled Statutes.

2.3.8. Expenditures. In the performance of its duties, the Zoning Board of Appeals may incur such expenditures as are authorized by the County Board.

2.4. ZONING CERTIFICATES

- 2.4.1. Issuance.** It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate has been issued by the Zoning Enforcement Officer. It shall be the duty of the Zoning Enforcement Officer to issue a certificate, provided he is satisfied that the structure, building or premises, and the proposed use thereof conforms to all the requirements of this Ordinance. No permit for excavation, construction or reconstruction shall be issued by the Zoning Enforcement Officer unless the plans, specifications and the intended use conform to the provisions of this Ordinance.
- 2.4.2. Response to Application.** Upon proper application from the owner or authorized agent, the Zoning Enforcement Officer shall issue a Zoning Certificate for any building or premises existing at the time of enactment of this Ordinance certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Ordinance.
- 2.4.3. Compliance with Ordinance.** Any Zoning Certificate issued in conflict with the provisions of this Ordinance shall be null and void.
- 2.4.4. Zoning Certificate Required.** Zoning Certificate shall be required for any of the following:
- A. Construction or structural alteration of any building, including accessory buildings.
 - B. Change in use of an existing building or accessory building to a use of a different classification.
 - C. Occupancy and use (particularly a non-agricultural use) of vacant land.
 - D. Change in the use of land to a use of a different classification.
 - E. Any change in the use of a nonconforming use.
 - F. Any Adult Use establishment, per Section 4.12.
- 2.4.5. Application and Issuance:** The following shall apply to the issuance of Zoning Certificates:
- A. Written application shall be made for a zoning certificate for the construction of a new building or the alteration of an existing building. Said certificate shall be issued within a reasonable time period after a written request for the same has been made to the Zoning Enforcement Officer or his agent, provided such construction or alteration is in conformity with the provisions of this Ordinance.
 - B. Written application for a zoning certificate for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Enforcement Officer. If the proposed use is in conformity with the provisions of this Ordinance, the certificate therefore shall be issued within a reasonable time after the application for same has been made.
 - C. Every application for a Zoning Certificate shall be accompanied by a plot plan in duplicate, and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be based on an actual survey.
 - D. The applicant shall be notified within thirty (30) days in case of a refusal of their Zoning Certificate. Failure to notify the applicant shall entitle the applicant to a Zoning Certificate unless the applicant consents to an extension of time.

2.5. PROJECT REVIEW PROCEDURES

2.5.1. Site Plan Requirements. Each plan shall show:

- A. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street. A location map shall be provided.
- B. The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.
- C. Map scale and North arrow.
- D. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure(s) thereon.
- E. The location and size of the proposed structure(s), and/or the proposed enlargement of the existing structure.
- F. Any other information which in the judgment of the Zoning Administrator may be necessary to provide for the enforcement of this Ordinance.

2.5.2. Required Statements. Each plan shall bear statements declaring:

- A. That no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
- B. Which abutting land was formerly that of the owner of the land involved in the application, and, if any, the approximate date of transfer of title.

2.5.3. Survey Required. Where complete and accurate information is not readily available from existing records, the Zoning Administrator may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.

2.5.4. Correct Information. Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.

2.5.5. Filing Procedure. A file of such applications and plans shall be kept in the office of the Zoning Administrator. If, after examination, it appears that the proposed development or use of the site will be in compliance with this Section and such other ordinances and resolutions passed by the County Board applicable thereto, the Zoning Administrator shall approve such application and issue the appropriate permit as soon as practicable. If the examination reveals otherwise, the application shall be rejected and the Zoning Administrator's findings shall be noted in a written report to be attached to the application. A copy of the report shall be provided to the applicant upon request.

2.5.6. Application Fees: Fees shall be charged in accordance with the Fee Schedule adopted by the Boone County Board.

2.5.7. Development Permit Requirements.

- A. All work performed under a development permit shall conform to the approved application and plans, and approved amendments thereto.
- B. A copy of the development permit shall be posted in a conspicuous place on the premises, in plain view from a public road, during the execution of the work and until completion of the same.
- C. A development permit under which no work is commenced within twelve (12) months after issuance shall expire by limitation and a new development permit shall be secured before work is started.

2.5.8. Revocation of a Permit. The Zoning Administrator may revoke a permit in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit was based. The Zoning Administrator may revoke a permit when work is performed contrary to the provisions of the application or plans on which the permit is based. When a permit is revoked, the Zoning Administrator shall inform the permittee in writing of the specific steps the permittee must take in order to have the permit reissued. It shall be unlawful to continue any work authorized by a permit after revocation of that permit and until the permit is reissued or until a new permit is issued.

2.5.9. Violations.

- A. PENALTIES. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of the provisions of this Ordinance or any amendment or supplement thereto adopted by the County Board. Once a Special Use Permit is utilized by the holder of a permit, it shall be unlawful to fail to comply with any condition or restriction that the County Board has imposed as a condition precedent to the granting of that Special Use Permit under Section 2.7 of the Boone County Zoning Code. Any person, firm, company, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance, shall, upon conviction be fined not more than \$500.00 plus the costs of the prosecution ; for each offense. Each day that a violation continues to exist shall constitute a separate offense.
- B. REMEDIES. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, or the holder of a Special Use Permit fails to comply with a condition or restriction imposed by the County Board as a condition precedent to the granting of that Special Use Permit, the County Board, the State's Attorney, the Zoning Administrator, the Zoning Enforcement Officer, or any person the value or use of whose property is or may be affected by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

2.5.10. Reimbursement for Consultant/Outside Staff Review Time. Every applicant for rezoning, Special Use permit, planned development, concept plan, preliminary plat or plan, final development plat or plan, or Site Plan Review involving new parking facilities in any commercial or industrial district shall reimburse the County for expenses incurred by the County in connection with all legal, engineering, land planning and other professional services required during the review of applications required by this Title and to assure compliance with the standards contained in this Title.

- A. The applicant shall deposit into a specified account with the County at the time of each application an amount not less than \$500 and not more than \$2,500. The amount shall be determined by the County Administrator or Zoning Administrator and shall be based upon the expected complexity of the proposed application and the anticipated amount of time required by the County's consultants to review the application and supporting documentation. *The final fee billed to the applicant may be more or less than the County Administrator or Zoning Administrator's estimate.*
- B. Such expenses shall include, but are not limited to, the following:

1. Meetings with the applicant will be charged at prevailing hourly charges of all outside staff members and consultants deemed necessary by the County; and,
 2. The prevailing hourly charges of all outside staff members and consultants, deemed necessary by the County, for time spent on reviewing applications.
- C. All proceedings in connection with the rezoning, special use permit or planned development shall be stayed until such sum so designated is deposited with the County as required.
- D. Upon submission of bills by the Attorney, Engineer, Planner or other consultant hired to review the application, the County shall pay these fees out of the specified account. At such time the balance of the account reaches one-fourth (1/4) of the original amount deposited, the County Administrator may demand from the applicant a sum of money that, in addition to the balance of the account shall equal the amount originally required by the County, or such lesser fraction thereof that the County Administrator may in such case determine.
1. All proceedings with regard to such rezoning, special use permit, or planned development shall be stayed until said subsequent demands for payment of fees shall be deposited in said account.
 2. Any demand or subsequent demand of the County not deposited by the applicant within ten (10) days of the date of the demand shall, at the discretion of the County Board and upon written notice to the applicant, terminate and render null and void the application for the proposed rezoning, Special Use permit, or planned development.
- E. The County shall present a final statement by the Attorney, Engineer, Planner or other consultant hired to review the application within sixty (60) days of the approval of the application. If, upon payment of these fees, any balance is remaining in the specified account, said balance shall be returned and repaid to the applicant.

2.6. AGRICULTURAL LAND EVALUATION AND SITE ASSESSMENT SYSTEM (LESA)

2.6.1. Purpose. The Zoning Board of Appeals and the Planning Commission shall utilize the Agricultural Land Evaluation and Site Assessment System, commonly known as LESA, as described by the United States Soil Conservation Service, when deciding the following issues:

- A. The determination of which lands should be set aside for agricultural use;
- B. The conversion of agricultural land to non-agricultural uses; and,
- C. The construction of sewer, water and transportation projects in agricultural areas.

2.6.2. Intent. The LESA system is intended to be used as one of several tools of evaluation when making a land use decision.

2.6.3. Establishing LESA Regulations. The Zoning Board of Appeals and the Planning Commission, after consultation with the Zoning Administrator, may organize the LESA Committee to promulgate such rules and regulations necessary to implement, update, or revise the LESA system and said rules and regulations shall be enforceable to the degree and in the same manner as this Ordinance.

2.6.4. Enacting LESA Scores. The Zoning Administrator and his/her staff will implement the rules and regulations of the system to generate a score for each individual property or project.

2.6.5. LESA Committee. The following persons shall comprise a LESA Committee:

- A. The Zoning Administrator;
- B. A member of the County Board, appointed by the Chairperson of the County Board with the County Board's advice and consent;
- C. The Chairperson of the Zoning Board of Appeals;
- D. The Chairperson of the County Regional Planning Commission;
- E. The District Conservationist of the U.S. Soil Conservation Service in Boone County;
- F. The Chairperson of the Board of Directors of the Boone County Soil and Water Conservation District;
- G. A representative of the County Health Department; and,
- H. Any other person(s) which the above members select by majority vote.

2.6.6. Jurisdiction. The LESA Committee shall:

- A. Review the rules and regulations enacted in Section 2.6.3 and from time to time propose any amendments or additions thereto to the Zoning Board of Appeals and the County Regional Planning Commission;
- B. Upon request by the County Board, the Zoning Board of Appeals or the Planning Commission, appear before and inform said Committees of the status of their investigations or of agricultural matters;
- C. Establish a Site Assessment Subcommittee, which shall be chaired by the Zoning Administrator; and,
- D. Establish a Land Evaluation Subcommittee, which shall be chaired by the District Conservationist of the U.S. Soil Conservation Service.
- E. Upon request by either the Zoning Board of Appeals or the County Regional Planning Commission regarding the issues in Section 2.6.1 evaluate any parcel of

agricultural land per the LESA system, and submit a written report of its evaluation and recommendation(s) to the appropriate parties.

2.7. SPECIAL USES

2.7.1. Purpose. Because of their unique and/or potentially harmful characteristics, and as set forth in the Illinois Compiled Statutes, certain uses set forth in this Ordinance shall be located in a district or districts only upon consideration in each case of the impact of such use upon neighboring land and of the public need for such a use at the particular location. Such uses, hereby designated as Special Uses, fall into three categories:

- A. Public or quasi-public uses either municipally operated, or operated by regulated public utilities, or traditionally affected by a public interest;
- B. Uses entirely private in character but of such nature that their operation may give rise to unique, special, or unusual impacts upon the use or enjoyment of neighboring property or public facilities; and
- C. Uses that affect planned developments.

2.7.2. Authorized Special Uses. The County Board may authorize, by ordinance, the establishment, operation or construction of any Special Use as designated in each of the zoning districts. All of the other applicable provisions of this Ordinance, including the requirements and restrictions of the zoning district in which the proposed Special Use is to be located, shall be applicable to the establishment and maintenance of such Special Use unless the ordinance authorizing the establishment or construction of the particular Special Use expressly provides otherwise. Subject to the findings contained in Section 2.7.3, the County Board shall have authority to permit Special Uses as designated in each of the zoning districts of land or structure, or both, provided it shall find that the proposed Special Use will comply with the findings contained in Section 2.7.3.

2.7.3. Findings. A Special Use Permit shall be granted only if the County Board finds evidence of the following:

- A. The proposed structure or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community;
- B. The proposed structure or use will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare; and
- C. The proposed structure or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations, and
- D. Such other standards and criteria as are established by the ordinance for a particular Special Use as set forth in Section 2.7.4 and as applied to Planned Developments as set forth in Section 2.10 shall apply to the property for as long as the Special Use Permit is in effect, and
- E. That the Special Use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendations of the Zoning Board of Appeals.
- F. That the potential public benefits of the Special Use outweigh any potential adverse impacts of the Special Use after taking into consideration the Applicant's proposal and any requirement recommended by the Applicant to ameliorate such impacts.

2.7.4. Conditions. The Zoning Board of Appeals may recommend and the County Board may impose such conditions or restrictions upon the location, construction, design and operation of a special use as they shall respectively find necessary or appropriate to secure compliance with the standards set forth herein. In cases in which a Special Use is granted, the County Board may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be in compliance. Failure to comply with such conditions or restrictions imposed shall constitute a violation of this Ordinance.

- A. All conditions and restrictions regarding non-operational requirements shall be satisfied prior to the commencement of the Special Use.
- B. When a Certificate of Occupancy is required, all conditions and restrictions regarding non-operational requirements shall be satisfied before the Building Officer issues a Certificate of Occupancy following a final inspection of the premises intended to accommodate the Special Use.
- C. In any case, except those discussed in this subsection, all conditions, restrictions and guarantees including those addressed by (A) and (B) above, shall be satisfied within one (1) year from the date of granting thereof.

2.7.5. Procedures.

- A. **AUTHORIZATION.** The County Board is authorized to issue a Special Use Permit for those listed in the Table of Permitted Uses, Section 3.16, and for Planned Developments, subject to the standards set forth in Section 2.10 and such conditions as may be imposed pursuant to Section 2.7.4. Prior to the issuance of any Special Use Permit, a public hearing shall be held and published notice shall be given, in the manner prescribed in Section 2.7.5.E.
- B. **PRE-APPLICATION MEETING (Optional).** Prior to application, any person or group may meet with the Zoning Administrator or his/her staff to evaluate permitting options for a given property, and particularly for controversial uses, the meeting should include the State's Attorney, Zoning Enforcement Officer, Zoning Administrator, County Engineer, Township Road Commissioner, a representative from each of the County Health Department and County Soil and Water Conservation District.
- C. **APPLICATION FOR SPECIAL USE.** Any person having a proprietary interest in the premises may file an application for a Special Use with the Zoning Administrator. The application shall be in such number, in such form, and contain such information as the Zoning Administrator may prescribe. The Zoning Administrator shall process such application and hearing shall be held in the manner prescribed below.
- D. **RECOMMENDATION OF ZONING ADMINISTRATOR.** The Zoning Administrator shall review the application for Special Use and send his findings and recommendations to the County Regional Planning Commission and the County Zoning Board of Appeals. The Zoning Administrator shall apply the standards, conditions, and requirements contained in this Ordinance to the Special Use under review.
- E. **RECOMMENDATION OF REGIONAL PLANNING COMMISSION.** Prior to consideration of the Special Use application by the Zoning Board of Appeals, the County Regional Planning Commission shall review and evaluate the Special Use request for consistency with the County Comprehensive Plan. The Commission's report and recommendation shall be forwarded to the Zoning Board of Appeals for its consideration.

- G. PUBLIC HEARING NOTICE. Notice of hearing shall be published at least once, not more than thirty (30) days or less than fifteen (15) days before the hearing, in conformance with the requirements of Illinois Compiled Statutes. This includes providing notice to municipalities within one and one-half (1.5) miles of the proposed Special Use.
 - H. COURT REPORTER REQUIRED. A certified Court Reporter shall record all Public Hearings before the Zoning Board of Appeals. The cost of the Court Reporter and all transcripts shall be born by the Applicant. The Zoning Administrator may, at his discretion, waive the requirement for a Court Reporter.
 - I. REPORT OF HEARING. Following the hearing, the Zoning Board of Appeals shall transmit to the County Board a written report giving its findings as to compliance of the proposed Special Use with the standards governing Special Uses and giving its recommendations for action to be taken by the County Board.
 - J. CONDITIONS. The Zoning Board of Appeals may recommend and the County Board may impose such conditions or restrictions upon the location, construction, design and operation of a Special Use, including but not limited to, provisions for off-street parking spaces and the duration of such permit, as they shall respectively find necessary or appropriate to secure compliance with the standards set forth in Section 2.7.4, Section 2.10, and in Chapter 4 of this Ordinance.
 - K. ACTION BY COUNTY BOARD. After receiving the recommendations and report of the Zoning Board of Appeals, the County Board shall review the recommendations and report and may accept or reject the findings and recommendations of the Zoning Board of Appeals in whole or in part; or the County Board may refer the matter back to the Zoning Board of Appeals for further consideration; or, in the case of rejecting the Zoning Board of Appeals' recommendation and findings, the County Board may or grant or deny the Special Use request.
- 2.7.6. Effect of Denial of a Special Use.** No application for a Special Use which has been denied wholly or in part by the County Board shall be resubmitted, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the County Board.
- 2.7.7. Termination of a Special Use Permit.**
- A. If the proposed Special Use is not established within twelve (12) months from the date of the authorization by the County Board, or if the conditions of approval established by the County Board are not constantly satisfied while the Special Use is established and/or operating, the authorization shall become null and void and all rights thereunder shall lapse. Upon written application, the County Board may authorize an extension of the time limit for a period of not more than one year.
 - B. In any case where a Special Use has been established and has satisfied its conditions of approval is then discontinued for a period of at least one (1) year or discontinues satisfying its conditions of approval for one (1) year, then, without further action by the County Board, the Special Use and authorization thereof shall be null and void, unless upon the permittee's requested review by the County Board prior to the end of said year, circumstances beyond the control of the permittee indicate that continuance of the use has been impossible.
 - C. This time limitation shall not apply to any real property or interest in real property owned by Federal, State or local government, including but not limited to Fire Districts and School Districts. This time limitation shall not apply to any real

property or interest in real property owned by any entity that has received tax exempt status from the federal government or whereupon the land in question has been granted current tax exempt status by the Boone County Board of Review.

2.7.8 Additional Standards and Criteria. In addition to the standards and criteria established in this Section 2.7, no Special Use Permit shall be granted unless evidence is presented to establish that the standards and criteria for the following uses set forth in Chapter 4 of this Ordinance are satisfied: airports, restricted landing areas, ultralight land area (for six or more craft), mobile home parks, earth materials extraction, wind towers (WECS), adult entertainment establishments, accessory relative living quarters, planned developments, and group homes.

2.8. VARIATIONS

2.8.1. Purpose. The Zoning Board of Appeals shall determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Zoning Board of Appeals makes a Findings of Fact based upon the standards hereinafter prescribed, that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.

2.8.2. Authorized Variations. Variations from the regulations of this Ordinance shall be granted by the Zoning Board of Appeals only in accordance with the standards, as set forth in this Section, and may be granted only in the following instances, and in no others:

- A. To permit any yard or setback less than a yard or a setback required by the applicable regulations.
- B. To permit the use of a lot or lots not of record on the effective date of this Ordinance for a use otherwise prohibited solely because of insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than ninety percent (90%) of the required area and width.
- C. To permit lot frontage (street frontage) less than the lot frontage required by the applicable regulations for an existing, landlocked tract with an existing residence, both of which existed prior to May 10, 1978.
- D. To permit the same off street parking facility to qualify as required off street parking for two (2) or more uses, provided that the use of such facility by each use does not take place at approximately the same hours of the same days of the week, thereby causing the facilities to be inadequate for either user.
- E. To reduce the applicable off street parking or off-street loading facilities required by not more than one parking space or loading space, or twenty percent (20%) of the applicable regulations, whichever number is greater.
- F. To increase by not more than twenty five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served.

2.8.3. Application. An application for a variation shall be filed with the Zoning Administrator on a prescribed form. The application shall contain such information as the Zoning Board of Appeals may require.

2.8.4. Notification Requirements.

- A. **NOTICE OF PUBLIC HEARING.** Notice of hearing shall be published at least once, not more than thirty (30) days or less than fifteen (15) days before the hearing. The notice shall be in compliance with 55 ILCS 5/5-12009.
- B. **NOTICE POSTED ON THE PROPERTY.** A posted notice of public hearing shall be placed on the property, in an unobstructed view from a public roadway, on County Board approved notice boards. Supplemental or additional notices may be published or distributed as the Board may, by rule, prescribe.

2.8.5. Findings for the Variation. The Zoning Board of Appeals shall not vary the regulations of this Ordinance, as authorized herein, unless it shall make findings based upon the evidence presented to it in each specific case that there are practical difficulties or particular hardships in the way of carrying out the strict letter of regulations of this Zoning Ordinance due to the following Findings of Fact:

- A. The particular physical surroundings, shape, topographical, or other on-site condition of the specific property involved would result in a particular hardship upon the

owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were carried out.

- B. The conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification.
- C. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
- D. The owner of the property has not created the alleged difficulty or hardship.
- E. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- F. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood or adversely affect the health, morals, or general welfare of the public.
- G. That the potential public benefits of the Variation outweigh any potential adverse impacts of the Variation after taking into consideration the Applicant's proposal and any requirement recommended by the Applicant to ameliorate such impacts.

2.8.6. Conditions. The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this Section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and better to carry out the general intent of this Ordinance.

2.8.7. Decisions. The concurring vote of three (3) members of the Zoning Board of Appeals shall be necessary to approve a variation. All decisions shall be subject to judicial review as may be provided by law.

2.8.8. Administrative Variations. Per 55 ILCS 5/5-12009, the Zoning Administrator may, without a public hearing, grant and enforce a variation of less than ten percent (10%) of the regulations as set forth above. A notice of the intent to grant such variation will be sent by certified mail, at applicant's cost, to all adjoining landowners, who will have thirty (30) days to respond with a written objection. If an objection is received, the variation shall be given a public hearing by the Zoning Board of Appeals in the manner prescribed in this Section 2.8.

2.9. APPEALS.

- 2.9.1. Applicability.** An appeal to the Zoning Board of Appeals may be made by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Zoning Enforcement Officer under this Ordinance in accordance with Illinois Compiled Statutes and the following:
- 2.9.2. Filing Procedures.** An application for an appeal shall be filed with the Zoning Administrator within twenty (20) days of the date of the action from which the appeal is being filed for processing. The Zoning Administrator shall forward a notice of appeal specifying the grounds there of, and he shall forthwith transmit to the Zoning Board of Appeals, all the papers constituting the record upon which the action appealed from was taken.
- 2.9.3. Effect of an Appeal.** An appeal stays all the proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals, after the notice of appeal has been filed with him, that by reason of fact stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a vote of the Zoning Board of Appeals.
- 2.9.4. Hearing and Decisions.** The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. At the hearing any party may appear in person or by attorney. The Zoning Board of Appeals may affirm or may on the concurring vote of four (4) members reverse wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be done or made on the premises, and to that end shall have all the powers of the office from whom the appeal was taken.

2.10. TEXT AND MAP AMENDMENTS, COMPREHENSIVE PLAN AMENDMENTS

2.10.1. General Procedure for Zoning Text Amendments.

- A. APPLICATION FOR ZONING ORDINANCE TEXT AMENDMENT. Where an amendment to text of this Title is proposed by someone other than County Staff, the Zoning Board of Appeals or County Board, an application requesting the amendment shall be filed with the Zoning Administrator.
- B. TYPOGRAPHICAL OR DRAFTING ERRORS. Notwithstanding any other provisions set forth above, amendments to correct typographical or drafting errors in the Zoning Ordinance may be adopted by the County Board at a regular meeting without the posting or personal delivery of prior notice and without a public hearing.
- C. NOTICE OF APPLICATION
 - 1. NOTICE TO INTERESTED OFFICIAL BODIES. Upon receipt of an application for an amendment, the Planning Office shall notify such Boone County Official bodies and units of local government, including but not limited to township road commissioners and township supervisors, as may be deemed necessary by the Zoning Administrator and the Zoning Board of Appeals or such notice may be required to be provided by the petitioner.
 - 2. RESOURCES OF OTHER OFFICIAL BODIES. The Boone County Planning Office, Boone County Highway Department, Boone County Health Department and other interested official bodies may provide such data as is requested by the Zoning Board of Appeals. Said data shall be made available for oral testimony and written memorandum at the time of a hearing or the continuation thereof, and shall likewise be subject to cross examination of interested parties. Said data may be used as a resource by the Zoning Board of Appeals.
- D. APPLICATION PROCESS.
 - 1. STAFF REVIEW. Upon receiving an application requesting an amendment, or upon an instruction from the County Board, or Zoning Board of Appeals, that it will consider a proposed amendment, the Zoning Administrator shall review the proposed amendment to evaluate its effect on the integrity of the Ordinance, and its conformity with the Comprehensive Plan. The Zoning Administrator may deliver copies of the proposed amendment to appropriate government agencies for review and comment. Prior to the scheduled public hearing, the Zoning Administrator shall deliver to the Zoning Board of Appeals a written report incorporating or summarizing the comments of the Zoning Administrator, Planning Consultant, other County departments, and other agencies.
 - 2. NOTIFICATION REQUIREMENTS. Notice of hearing shall be published at least once, not more than thirty (30) days or less than fifteen (15) days before the hearing, in accordance with the Illinois Compiled Statutes.
 - 3. ACTION BY THE ZONING BOARD OF APPEALS.
 - a. The Zoning Board of Appeals shall hold a public hearing on the proposed amendment.
 - b. In considering the amendment, the Zoning Board of Appeals shall review the proposed amendment, the report of the Zoning Administrator, and any oral and written comments received by the

Zoning Board of Appeals before or at the public hearing or otherwise made part of the record of the Zoning Board of Appeals on the application.

- c. Following a public hearing, the Zoning Board of Appeals shall transmit within thirty (30) days to the County Board a report thereon containing its recommendations for action to be taken by the County Board.
4. **ACTION BY THE COUNTY BOARD.** After receiving the recommendations and report of the Zoning Board of Appeals, the County Board shall within thirty (30) days review the recommendation and report and may pass the proposed amendment with out change, may reject it, or may recommit it to the Zoning Board of Appeals for further consideration. When written protests are signed by 5% of the land owners of the County, such proposed change or amendment shall not be passed except upon favorable vote of three-fourths (3/4) of all members of the County Board.

2.10.2. Amending the Zoning Map.

- A. **APPLICATION CONTENTS FOR ZONING MAP AMENDMENT.** Every application for an amendment to the Zoning Map shall be accompanied by the following:
 1. A plat, in duplicate, of the piece or parcel of land, lot(s), block(s), or parts or portions thereof, drawn to scale showing the actual dimensions of the subject property, according to the recorded plat of such land.
 2. A site plan, drawing to scale and in such form as may from time to time be prescribed by the Zoning Administrator showing the location, ground area, height, and bulk of all present and proposed structures, drives and off-street parking and loading spaces, the building lines in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land, and such other information as may be required by the Zoning Administrator for the proper enforcement of this Title;
 3. A legal description of the subject property;
 4. Evidence of ownership of the subject property and, if the applicant is not the record owner of the subject property, written consent of the record owner to make such application;
 5. A description of the activity to be conducted in sufficient detail to enable the Zoning Administrator to determine that there will be compliance with all of the applicable standards of this Title; and
 6. **CERTIFICATION OF NOTICE.** The applicant shall furnish, at or before the time of hearing, a written statement certifying that he has complied with the requirements of this subsection, including posting a public hearing notice sign on the subject property. Attached to the written statement shall be a list of all property owners notified in accordance with the Illinois Compiled Statutes, the returned notices which are undeliverable by the post office, a copy of the notice sent to each of the individuals therein specified.
- B. **APPLICATION PROCESS.**
 1. **FILING AN APPLICATION.** Where an amendment to the Official Zoning Map is proposed by someone other than the Zoning Board of Appeals or County Board, an application requesting the amendment shall be filed with the

Zoning Administrator. The application shall be accompanied by a written statement from the applicant stating the basis for the request.

2. STAFF REVIEW. Upon receiving an application requesting an amendment, or upon an instruction from the County Board or Zoning Board of Appeals that it will consider a proposed amendment, the Zoning Administrator shall review the proposed amendment to evaluate its conformity with the Comprehensive Plan and this Chapter. The Zoning Administrator may deliver copies of the proposed amendment to appropriate County departments and government agencies for review and comment. Prior to the scheduled public hearing, the Zoning Administrator shall deliver to the Regional Planning Commission and the Zoning Board of Appeals a written report incorporating or summarizing the comments of the Zoning Administrator, Planning Consultant, or County departments, and other agencies.
 3. NOTIFICATION REQUIREMENTS. Notice of hearing shall be published at least once, not more than thirty (30) days or less than fifteen (15) days before the hearing, in accordance with the Illinois Compiled Statutes.
 4. PROPERTY NOTICE. The posting shall be placed on the property, in an unobstructed view from a public roadway, on County Board approved notice boards. Supplemental or additional notices may be published or distributed as the Board may, by rule, prescribe from time to time.
 5. ACTION BY THE ZONING BOARD OF APPEALS.
 - a. The Zoning Board of Appeals shall hold a public hearing on the proposed amendment.
 - b. In considering the amendment, the Zoning Board of Appeals shall review the proposed amendment, findings set forth in Section 2.10.2.C below, the report of the Zoning Administrator, and any oral and written comments received by the Zoning Board of Appeals before or at the public hearing or otherwise made part of the record of the Zoning Board of Appeals on the application. Based on this information, the Zoning Board of Appeals shall submit, within a reasonable time, a report including a determination of findings and a recommendation to the County Board on whether or not the proposed amendment should be adopted.
 6. ACTION BY THE COUNTY BOARD. After receiving the recommendations and report of the Zoning Board of Appeals, the County Board shall, within 30 days, review the recommendations and report and may accept the findings and recommendations of the Zoning Board of Appeals in whole or part or may reject them in whole or in part, or the County Board may refer the matter back to the Zoning Board of Appeals for further consideration.
- C. FINDINGS OF FACT. The Board of Appeals shall base its findings on evidence produced in the hearing. The Board of Appeals shall submit its Findings of Fact with its recommendation to the County Board. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Board of Appeals shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
1. Existing uses of property within the general area of the property in question.

2. The zoning classification of property within the general area of the property in question.
3. The suitability of the property in question for the uses permitted under the existing zoning classification.
4. The trend of development, if any, in the general area of the subject property, including changes, if any, which may have taken place since the day the subject property was placed in its present zoning classification.
5. Whether the proposed amendment is consistent with the plans and policies of the official Comprehensive Plan adopted by Boone County.
6. That the potential public benefits of the amendment outweigh any potential adverse impacts of the amendment after taking into consideration the Applicant's proposal to ameliorate such impacts.

The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest.

- D. **PROTEST AGAINST AMENDMENT.** In case of written protest against any proposed amendment, signed and acknowledged by the owners of twenty-percent (20%) of the frontage proposed to be altered, or by the owners of twenty-percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty-percent (20%) of the frontage directly opposite the frontage proposed to be altered, and filed with the County Clerk, the amendment shall not be passed except by a favorable vote of three-fourths (¾) of the County Board. In such cases, a copy of the written protest shall be served upon the applicant for the proposed amendments and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.
- E. **OBJECTION BY COUNTY.** In cases where the land affected lies within one and one-half (1-1/2) miles of the limits of a zoned municipality, and that municipality objects by resolution of the corporate authorities of the zoned municipality with limits nearest adjacent to the land to be affected by the proposed map amendment, filed with the County Clerk, such amendment shall not be passed except by the favorable vote of three fourths (3/4) of all the members of the County Board.

2.10.3. Procedure for County Comprehensive Plan Amendments

- A. **THE ROLE OF THE COMPREHENSIVE PLAN IN ADMINISTRATION OF THIS ORDINANCE.** The Comprehensive Plan of the County Board shall serve as the basic policy guide for the administration of this Ordinance. The Comprehensive Plan is a statement of goals and policies to guide new development and redevelopment in the County. It therefore, is the intent of the County to administer this Ordinance in accordance with the Comprehensive Plan. The goals and policies of the Comprehensive Plan may be amended from time to time to meet the changing requirements of the County. Such amendments may at times be necessary to accommodate proposed development or redevelopment of property that may be inconsistent with the Comprehensive Plan. This Section establishes the procedures for amending the Comprehensive Plan.
- B. **INITIATION OF AMENDMENTS.** An amendment to the Comprehensive Plan may be initiated only by the Regional Planning Commission, the County Board, the Zoning Administrator, or the Owner of property proposing development of such property under this Ordinance that may be inconsistent with the Comprehensive Plan.

- C. **TYPOGRAPHICAL OR DRAFTING ERRORS.** Notwithstanding any other provisions set forth above, amendments to correct typographical or drafting errors in the Comprehensive Plan may be adopted by the County Board at a regular meeting without the posting or personal delivery of prior notice and without a public hearing.
- D. **APPLICATION FOR AMENDING THE COMPREHENSIVE PLAN.**
1. **FILING AN APPLICATION.** Where an amendment to the Comprehensive Plan is proposed by someone other than the Regional Planning Commission, the Zoning Administrator, or County Board, an application requesting the amendment shall be filed with the Zoning Administrator. The application shall be accompanied by a written statement from the applicant stating the basis for the request.
 2. **STAFF REVIEW.** Upon receiving an application requesting an amendment, or upon an instruction from the County Board, or Regional Planning Commission, that it will consider a proposed amendment, the Zoning Administrator shall review the proposed amendment to evaluate its effect on the integrity of the Comprehensive Plan and this Chapter. The Zoning Administrator may deliver copies of the proposed amendment to appropriate government agencies for review and comment. Prior to the scheduled public hearing, the Zoning Administrator shall deliver to the Regional Planning Commission a written report incorporating or summarizing the comments of the Zoning Administrator, Planning Consultant, other County departments, and other agencies.
 3. **NOTIFICATION REQUIREMENTS.** No hearing shall be held on an application unless at least fifteen (15) days notice of the time and place of such hearing shall be published in an official paper of general circulation in the County in accordance with Illinois Compiled Statutes.
 4. **ACTION BY THE REGIONAL PLANNING COMMISSION.**
 - a. The Regional Planning Commission shall hold a public hearing on the proposed amendment.
 - b. In considering the amendment, the Regional Planning Commission shall review the proposed amendment, the standards set forth in Section 2.10.3.E, the report of the Zoning Administrator, and any oral and written comments received by the Regional Planning Commission before or at the public hearing or otherwise made part of the record of the Regional Planning Commission on the application. Based on this information, the Regional Planning Commission shall submit, within a reasonable time, a report and recommendation to the County Board on whether or not the proposed amendment should be adopted.
 5. **ACTION BY THE COUNTY BOARD.** After receiving the recommendations and report of the Regional Planning Commission, the County Board shall, within thirty (30) days, review the recommendations and report and may accept the findings and recommendations of the Regional Planning Commission in whole or part or may reject them in whole or in part, or the County Board may refer the matter back to the Regional Planning Commission for further consideration-

- E. STANDARDS FOR REVIEWING PROPOSED COMPREHENSIVE PLAN AMENDMENTS. In deciding whether to recommend adoption of a proposed amendment to the Comprehensive Plan, the Regional Planning Commission shall consider whether the amendment is necessary based on one or more of the following factors:
1. There has been a change in projections or assumptions (such as demographic trends or the availability of public facilities) from those on which the Comprehensive Plan is based; or
 2. The data used as the basis for formulating the Comprehensive Plan are in error or out of date; or
 3. New issues or needs have presented themselves to the County that are not adequately addressed in the Comprehensive Plan; and
 4. The amendment will not adversely affect the character of the area in which the proposed development is to be located.

2.11. PLANNED DEVELOPMENTS

2.11.1. Purpose. It is recognized by the County that new types, procedures and relationships in land development are emerging and that the mixing of uses and variations in bulk regulations within districts can produce very satisfactory, desirable and lasting results, if properly designed and planned, without adverse influence upon surrounding property. The following standards are established to provide flexibility to encourage sound and imaginative design, and to guard against the use of the planned development technique solely as a means to intensify the use of land. In addition to the standards and criteria established in Section 2.7, no Special Use Permit shall be granted for a planned development unless evidence is presented to establish the standards and criteria set forth herein.

2.11.2. Objectives. The Planned Development is intended to encourage improved design in the development of land by providing relief from traditional zoning requirements which are designed for conventional development but which may cause undue hardship or complication for desirable but unconventional development, and to establish standards and procedures for the issuance of a Special Use Permit for a Planned Development in order to obtain the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is normally possible through the strict application of general zoning ordinance requirements.
- B. Diversification of the uses permitted and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived as cohesive unified projects.
- C. Provision for functional and beneficial use of open space.
- D. Preservation, to the greatest extent possible, of the archeological and historic resources and natural landscape features and amenities of a development site and to utilize such features in a harmonious fashion in the development.
- E. Provision for a safe and desirable environment characterized by a sensitive and unified building and site development program.
- F. Rational and economic development in relation to public services.
- G. Creation of a variety of uses, in compatible arrangements, to provide a greater choice of living, employment and shopping environments.
- H. Efficient use of land resulting in more economic networks of utilities, streets and other facilities.
- I. Coordination of architectural styles, building forms and relationships, graphics and other private improvements.

2.11.3. Modification of District Regulations. Planned Developments shall be constructed in each zoning district as a Special Use subject to the standards and procedures set forth in this Article:

- A. Except as modified by and approved in the ordinance approving a Final Development Plan, a Planned Development shall be governed by the regulations of the district or districts in which the said Planned Development is located.
- B. The ordinance approving the Final Development Plan for the Planned Development may provide for such exceptions from the district regulations governing use, density, area, bulk, parking and signs, and the subdivision design standards as may be necessary or desirable to achieve the objectives of the proposed Planned

Development, provided such exceptions are consistent with the standards and criteria contained in this Section. No modifications of district requirements or subdivision design standards may be allowed when such proposed modification would result in:

1. Inconvenient or unsafe access to the Planned Development.
 2. Traffic congestion in the streets which adjoin the Planned Development.
 3. An undue or disproportionate burden on public parks, recreational areas, fire and police protection, schools, and other public facilities which serve or are proposed to serve the Planned Development.
 4. A development which will be incompatible with the purpose of this Zoning Ordinance and the goals and objectives of the Boone County Comprehensive Plan;
 5. Alteration, destruction, or diminution of natural landscape features such as floodplains, wetlands, fens, woodlands, prairie, rock outcroppings, seeps, springs, or steep slopes; and
 6. Alteration, destruction of archeological and historic features.
- C. The Zoning Board of Appeals may recommend to the County Board and the County Board may grant a Special Use Permit which modifies the applicable district zoning regulations and subdivision regulations upon a written finding by the Zoning Board of Appeals that the Planned Development meets the applicable objectives and standards and criteria contained in this Section. Such written finding shall set out the reasons supporting each finding and shall support each of the following standards and the applicable provision hereof.

2.11.4. General Standards and Criteria for Planned Developments. No Planned Development shall be authorized by the County Board unless the Zoning Board of Appeals shall find evidence establishing that:

- A. The proposed development will not injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the Boone County Comprehensive Plan.
- B. The proposed development can be substantially completed within the period for time specified in the schedule of development submitted by the applicant.
- C. The entire tract or parcel of land to be occupied by the proposed development shall be held in a single ownership, or if there are two or more owners, the application for such proposed development shall be filed jointly by all such owners.
- D. The development plan shall contain such proposed covenants, easements and other provisions relating to the bulk and location of buildings, uses and structures and public facilities as are necessary for the welfare of the Planned Development and are not inconsistent with the best interests of the County. Such covenants, easements and other provisions, when part of the approved final development, may be modified, removed or released only with the consent of the County Board after a public hearing before, and recommendation by the Zoning Board of Appeals as provided in this Article.
- E. Provisions for sanitary sewers, storm sewers and water supply, if utilized, to service the development are adequate to serve the proposed development and will not reduce existing capacity below that necessary to serve existing developments, or overload local facilities beyond design capacity, or endanger or impair the ecological systems in the County.

- F. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities is compatible with the surrounding land uses, and any part of a proposed development not used for structures, parking and loading areas, or access ways, is landscaped or otherwise improved.
- G. The project area is adaptable to unified development and shall have within or through the area no physical features that will tend to destroy the neighborhood or community cohesiveness. There is no minimum project area for Planned Development.
- H. The uses permitted in the development are necessary or desirable and the need for such uses is clearly demonstrated by the applicant.
- I. The dominant land use of the proposed Planned Development is consistent with the recommendations of the Boone County Comprehensive Plan for the area containing the project.
- J. Any modifications of the standards and specifications of this Ordinance or other regulations that would otherwise be applicable to the site are warranted by the design of the development plan, and the amenities incorporated in it, and are not inconsistent with the public general welfare.
- K. Exceptional landscaping features such as larger caliper, varied species and reduced spacing of trees and additional sodding above the minimum requirements specified in Section 5.4 is provided.
- L. All proposed streets and driveways are adequate to serve the residents, occupants, visitors or other anticipated traffic of the Planned Development. Entrance points or locations of streets and driveways upon previously existing public roadways shall be subject to the approval of the Township, and if applicable, the Boone County Highway Department, and the Illinois Department of Transportation. If traffic control devices are required to prevent or relieve hazards or congestion on adjacent streets and the proposed control device is not within the normal or scheduled sequence of installations, the County Board may require, as a condition of approval of a proposed Planned Development, such devices to be provided at the developer's cost.
- M. Off-street parking is conveniently accessible to all dwelling units and other uses in the Planned Development. Where appropriate, common driveways, parking areas, walks, and steps to parking and service areas are to be screened through ample use of trees, shrubs, hedges, land forms and walls.
- N. A pedestrian circulation network is provided.
- O. The Planned Development provides for underground installation of utilities (including electricity and telecommunications) in public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of stormwater management facilities employing best management practices to provide low-impact on County streams and rivers and to create more biodiversity in the County. Utilities and maintenance of facilities shall be in accordance with the requirements and regulations of the County as set forth in the Boone County Subdivision Ordinance.
- P. The proposed Planned Development satisfies the applicable objectives as provided in Section 2.10.2.
- Q. Existing ponds, creeks, rivers, lakes, wetlands or fens on or adjacent the Planned Development are enhanced and protected from development.

2.11.5. Application Procedures. No person shall develop a Planned Development on any parcel of land until a preliminary development plan shall have been reviewed and recommended by the Zoning Board of Appeals and approved by the County Board as set forth herein. At the time the Concept Plan is approved the Zoning Administrator may authorize the simultaneous filing of an application for preliminary and final development plan approvals without separate procedures in particular cases where the nature and scope of the proposed planned development does not require separate review procedures. All Planned Developments shall be processed and reviewed in four steps leading to approval for recording and construction:

- pre-application conference,
- concept plan,
- preliminary development plan, and
- final development plan

Prior to beginning the Planned Development review process, the applicant is encouraged to obtain from the County a copy of the Zoning Ordinance and application forms. Applications shall be made on forms supplied by the County and shall be made in accordance with the provisions of Section 2.5, except as specifically provided herein (refer to section 2.11.6, below) to the contrary.

- A. **PRE-APPLICATION CONFERENCE.** Before submitting an application for Planned Development, the applicant shall confer with the County staff to informally discuss the proposed Planned Development to obtain information and guidance before entering into binding commitments or incurring substantial expense.
- B. **PROCEDURES FOR REVIEW OF THE CONCEPT PLAN.**
 1. **COUNTY STAFF REVIEW OF CONCEPT PLAN.** Within five (5) business days after receipt of an application, the Zoning Administrator shall determine the completeness of the application and shall notify the applicant in writing that the application has or has not been accepted for review. If the application is determined to be incomplete the Zoning Administrator shall include in his written notice the reasons why the application is not complete and how the applicant can make the application acceptable for submission and distribution. Only upon receipt of a complete application shall the Zoning Administrator distribute copies of the application and supporting documents to such County staff, consultants, and outside agencies as deemed appropriate for review and comment concerning compliance with County development goals and requirements. Within thirty (30) days of receipt of the complete application, the Zoning Administrator shall advise the applicant, in writing, that the concept plan conforms or fails to conform to the requirements of the County Comprehensive Plan, the Zoning Ordinance, or other provisions of the County Code. If the concept plan fails to conform, the Zoning Administrator shall specify the reasons the Concept Plan fails to satisfy the County's development goals and requirements.
 2. **REGIONAL PLANNING COMMISSION REVIEW OF CONCEPT PLAN.** Upon receipt of all the material required by Section 2.11.6.A for the Concept Plan, the Zoning Administrator shall circulate the concept plan to the Regional Planning Commission. The Regional Planning Commission shall place the matter on its agenda and shall serve notice upon the Applicant of the time and place of its meeting at which said matter will be discussed. The Regional Planning Commission shall forward its written report to the Zoning Board of Appeals recommending approval or disapproval of the concept plan

within thirty (30) days from the date of its recommendation. If the recommendation is to disapprove, the report shall set forth the reasons for its disapproval and specify with particularity the aspects in which the proposed Concept Plan fails to satisfy the County's development goals and requirements.

3. ZONING BOARD OF APPEALS REVIEW OF CONCEPT PLAN. Upon receipt of all the material required by Section 2.11.6.A for the Concept Plan, the Zoning Administrator shall circulate the concept plan to the Zoning Board of Appeals. The Zoning Board of Appeals shall place the matter on its agenda and shall serve notice upon the Applicant of the time and place of its meeting at which said matter will be discussed. The Zoning Board of Appeals shall forward its written report to the County Board recommending approval or disapproval of the concept plan within thirty (30) days from the date of its recommendation. If the recommendation is to disapprove, the report shall set forth the reasons for its disapproval and specify with particularity the aspects in which the proposed Concept Plan fails to satisfy the County's development goals and requirements.
4. COUNTY BOARD REVIEW OF CONCEPT PLAN. The County Board, by resolution, shall accept or reject the concept plan within thirty (30) days after its next regularly scheduled meeting following the date of action of the Zoning Board of Appeals. If it rejects the plan, the resolution shall set forth the reasons for its disapproval and specify with particularity the aspects in which the proposed Concept Plan fails to satisfy the County's development goals and requirements.
5. EFFECT OF COUNTY BOARD APPROVAL OF CONCEPT PLAN. Approval of the concept plan by the County Board shall not obligate the County to approve the subsequent preliminary plat or plan, but shall be considered permission to prepare the preliminary plat or plan with detailed plans and specifications for the proposed subdivision or development.
6. EXPIRATION. The approval of the Concept Plan shall be effective for no more than one (1) year from the date of approval unless, upon written request by the Applicant, the County Board grants an extension of time for an additional one (1) year.
7. COUNTY RECORD. A certified copy of the resolution approving or disapproving the concept plan shall be filed in the office of the County Clerk and shall be attached to said Concept Plan.

C. PROCEDURES FOR REVIEWING THE PRELIMINARY DEVELOPMENT PLAN.

1. COUNTY STAFF REVIEW OF PRELIMINARY DEVELOPMENT PLAN. Upon receipt of a complete application, the Zoning Administrator shall distribute copies of the application and supporting documents to such County staff and consultants as appropriate for review and comment concerning compliance with County requirements. Within thirty (30) days of receipt of the complete application, the Zoning Administrator shall advise the applicant, in writing, that the preliminary development plan conforms or fails to conform to the requirements of this Chapter or other provisions of the County Code. If the preliminary development plan fails to conform, the Zoning Administrator shall specify the reasons the preliminary development plan fails to satisfy the County's development goals and requirements of this Zoning Ordinance.

2. REGIONAL PLANNING COMMISSION REVIEW OF PRELIMINARY DEVELOPMENT PLAN. Upon receipt of all the material required under Section 2.11.6(B) for the preliminary development plan and completion of the staff review, the Regional Planning Commission shall, within sixty (60) days of receiving a Preliminary Development Plan, complete in all respects, recommend to the County Board the approval or denial of the proposed Planned Development. If the recommendation is to disapprove, the report shall set forth the findings of fact related to the specific proposal and shall set forth particularly in what respects the proposal would or would not be in the public interest, including, but not limited to, findings of fact on the preliminary development plan's conformity with the recommendations of the Boone County Comprehensive Plan.
3. ZONING BOARD OF APPEALS REVIEW OF PRELIMINARY DEVELOPMENT PLAN. Upon receipt of all the material required under Section 2.10.6(B) for the preliminary development plan and completion of the staff review, the Zoning Board of Appeals shall, within sixty (60) days of receiving a Preliminary Development Plan, complete in all respects, hold a public hearing after due public notice and recommend to the County Board the approval or denial of the proposed Planned Development. If the recommendation is to disapprove, the report shall set forth the findings of fact related to the specific proposal and shall set forth particularly in what respects the proposal would or would not be in the public interest, including, but not limited to, findings of fact on the following:
 - a. In what respects the proposed preliminary development plan is or is not consistent with the stated purpose of the Planned Development regulations.
 - b. The extent to which the proposed preliminary development plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, the density, dimension, area, bulk, use and the reasons why such departures are or are not in the public interest.
 - c. The extent to which the proposed preliminary development plan meets the requirements and standards set forth in this Section 2.10.4.
 - d. The physical design of the proposed preliminary development plan and the manner in which said design does or does not make adequate control over vehicular traffic, provide for and protect designated planned open space and schools, and further the amenities of light and air, recreation and visual enjoyment.
 - e. The preliminary development plan's conformity with the recommendations of the Boone County Comprehensive Plan.
3. COUNTY BOARD REVIEW OF PRELIMINARY DEVELOPMENT PLAN. The County Board, by resolution, shall accept or reject the preliminary development plan within thirty (30) days after its next regularly scheduled meeting following the date of action of the Zoning Board of Appeals. If it rejects the plan, the resolution shall set forth the reasons for its disapproval and specify with particularity the aspects in which the proposed development plan fails to satisfy the County's development goals and requirements of this Zoning Ordinance.

4. EFFECT OF COUNTY BOARD APPROVAL OF PRELIMINARY DEVELOPMENT PLAN. Approval of the preliminary development plan by the County Board shall not qualify the plan for recording, but shall be considered permission to prepare the final development plan with detailed plans and specifications for the proposed development.
 5. EXPIRATION. Such preliminary approval shall be effective for no more than one (1) year from the date of approval unless, upon written request by the Applicant, the County Board grants an extension of time for any additional one (1) year.
 6. COUNTY RECORD. A certified copy of the resolution approving or disapproving the preliminary development plan shall be filed in the office of the County Clerk and shall be attached to said preliminary development plan.
 7. No plats shall be recorded and no building permits shall be issued until a Final Development Plan has been approved by the County Board.
- D. PROCEDURES FOR REVIEWING THE FINAL DEVELOPMENT PLAN.
1. Within one (1) year following the approval of the Preliminary Development Plan, the applicant shall file with the County a Final Development Plan for the first phase of development, containing in final form the information required in the Preliminary Plan.
 2. COUNTY STAFF REVIEW OF THE FINAL DEVELOPMENT PLAN. Within five (5) business days after receipt of an application, the Zoning Administrator shall determine the completeness of the application and shall notify the applicant in writing that the application has or has not been accepted for review. If the application is determined to be incomplete the Zoning Administrator shall include in his written notice the reasons why the application is not complete and how the applicant can make the application acceptable for submission and distribution. Only upon receipt of a complete application shall the Zoning Administrator distribute copies of the application and supporting documents to such County staff, consultants, and outside agencies as deemed appropriate for review and comment concerning compliance with the approved Preliminary Development Plan and the requirements for Final Development Plan and Final Subdivision Plat. Within fourteen (14) days of receipt of the complete application, the Zoning Administrator shall advise the applicant, in writing, that the Final Development Plan conforms or fails to conform to the requirements of this Zoning Ordinance or the approved Preliminary Development Plan. If the Final Development Plan fails to conform, the Zoning Administrator shall specify with particularity the manner in which the final development plan fails to conform.
 3. REGIONAL PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLAN. Upon completion of the County staff review of the Final Development Plan, the Regional Planning Commission shall place the matter on its agenda and serve notice upon the Applicant of the time and place of its meeting at which said matter will be considered. The Regional Planning Commission shall forward its written report to the County Board recommending approval or disapproval of the Final Development Plan. If the recommendation is to disapprove, the report shall set forth the reasons for its disapproval,

specifying with particularity the manner in which the proposed Final Development Plan fails to conform to County requirements.

4. ZONING BOARD OF APPEALS REVIEW. Upon completion of the County staff review of the Final Development Plan, the Zoning Board of Appeals shall place the matter on its agenda and serve notice upon the Applicant of the time and place of its meeting at which said matter will be discussed. The Zoning Board of Appeals shall forward its written report to the County Board recommending approval or disapproval, of the Final Development Plan. If the recommendation is to disapprove, the report shall set forth the reasons for its disapproval, specifying with particularity the manner in which the proposed Final Development Plan fails to conform to County requirements.
5. ACTION BY THE COUNTY BOARD. After receiving the final recommendation of the Zoning Board of Appeals, the County Board shall approve or disapprove the Final Development Plan within sixty (60) days from the date of the final recommendation by the Zoning Board of Appeals unless the Applicant and the County Board agree to extend the sixty (60) day period. If the Final Development Plan is disapproved, the ordinance shall state the reasons for the disapproval, specifying with particularity the aspects in which the Final Plat or Plan fails to conform to County requirements. The County Board shall approve the Final Development Plan if it is in conformance with the Preliminary Development Plan and meets all the requirements for a Final Development Plan. It shall adopt an appropriate ordinance granting the Special Use Permit for the Planned Development.
6. COUNTY RECORD. A certified copy of the ordinance approving the Final Development Plan shall be filed in the office of the County Clerk attached to said Final Development Plan. The Final Subdivision Plat or Development Plan, together with all covenants and restrictions shall be promptly recorded by the County Clerk with the Boone County Recorder's office. A copy thereof, bearing the certificate of the Recorder that the plat/plan has been recorded in his office and that the copy is a true and correct copy of the plat/plan so recorded shall be promptly thereafter filed in the County Clerk's office. All recording fees shall be paid by the Applicant.
 - a. A final land use plan, suitable for recording with the Boone County Recorded of Deeds. The purpose of the Final Development Plan is to designate the land subdivided into lots as well as the division of other lands not so treated into planned open area and building areas, and to designate and limit the specific internal uses of each building or structures, as well as of the land in general.
 - b. If subdivided lands are included in the Planned Development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a subdivision plat.
 - c. An accurate legal description of each separate unsubdivided use area, including planned open space.
 - d. Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designated.
 - e. Final agreements, by-laws, provisions or covenants which govern the use, maintenance and continued protection of the Planned

Development and any of its planned open space or other facilities conveyed to a homeowners association or similar organization.

- f. Final development and construction schedule.
- g. Final architectural elevations for all structures and amenities, such as fences and walls, street furniture, and the like.

E. **COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN.** The County may consider a combined application for preliminary and final development plan approval. In such instance the final development plan shall include all of the information required of a preliminary development plan and a final development plan.

2.11.6. Application Contents. Any person proposing to develop a planned development shall file with the Zoning Administrator the appropriate applications in the quantity and form as required by the Zoning Administrator.

A. **CONTENTS OF THE CONCEPT PLAN.** The Concept Plan shall include the following:

1. **GENERAL INFORMATION.**

- a. Name of the proposed subdivision.
- b. A location map showing its location in Boone County.
- c. Acreage and zoning classification of the proposed subdivision and the number of lots.
- d. The names and addresses of adjoining property owners, and the zoning classifications of adjacent property.
- e. Name, address and telephone number of the owner, developer, engineer, and any other contact person.
- f. A north arrow and scale, recommended scale is 1 inch equal to one hundred feet (1"=100').

2. **EXISTING CONDITIONS.** The following conditions, if found to exist on the parcel and on all adjacent land within one hundred (100) feet of the boundaries of the subject property, shall be shown on an Existing Conditions Exhibit which shall be a separate drawing from the preliminary plat.

- a. The location, width and names of all streets within or adjacent the parcel together with easements, public utility and railroad rights-of-way, and other important features such as adjacent lot lines, municipal boundary lines, section lines, corners and monuments.
- b. The location of all existing structures, showing those that will remain on the parcel after the final plat is recorded.
- c. Topographic data, including contour lines at vertical intervals of not more than two (2) feet with reference to USGS datum or at a more frequent interval if required by the Zoning Administrator for land having unusual topography.
- d. The location and direction of all seeps, springs, flowings and wells; lakes, ponds, wetlands and any detention basins showing their normal shorelines, flood limits and lines of inflow and outflow, if any; and, watercourses and the location of all areas subject to flooding, including the flow lines of streams and channels showing their normal shorelines and the one hundred (100) year floodplain

and floodway limits certified by either the Illinois State water Survey, the Illinois Department of Transportation, the Army Corps of Engineers, or by the National Flood Insurance Program Maps.

- e. Natural features such as rock outcroppings, wooded areas, and trees greater than six (6) inches in diameter as measured at breast height.
 - f. The location on and within one hundred (100) feet of the subject property of all property lines, easements of record; the uses, zoning and ownership of all parcels; railroads, bridges, culverts, storm sewers, sanitary sewers, water main, detention/retention facilities, also indicating surface and invert grade elevations of catch basins, manholes, culverts and fire hydrants; existing buildings and their use(s) and their future disposition; buried structures; and, location of significant natural features and areas of likely archaeological significance or habitat for endangered flora and fauna species.
3. PROPOSED DEVELOPMENT AND IMPROVEMENTS. The concept plan shall contain such information as suggested by the Zoning Administrator in order to delineate, explain or convey the concept of the proposed planned development, including, but not limited to, the following:
- a. Arrangement of proposed lots, parks, and common areas.
 - b. Proposed location and width of street right-of-way, street pavement, alleys, and their relationship to the existing adjacent street system.
 - c. Proposed location and size of sanitary sewers, storm sewers, water mains, detention areas and their relationship to existing public utilities, if applicable.
 - d. It is advisable that the applicant contact other agencies, as appropriate, to obtain their requirements that may affect the proposed subdivision. Such agencies include the Illinois Department of Transportation c/o District engineer; Water Resource Division (DNR); State of Illinois Environmental Protection Agency; State of Illinois Historic Preservation Agency; State of Illinois Department of Natural Resources; and, local public utility companies.
- B. CONTENTS OF THE PRELIMINARY DEVELOPMENT PLAN. Any person proposing a planned development on any parcel of land shall file with the Zoning Administrator a preliminary development plan in a quantity and form as required by the Zoning Administrator. In addition to all of the information and data required for a preliminary subdivision plat required in the Boone County Subdivision Regulations the Preliminary Development Plan shall provide the following additional items:
- 1. A plot plan for each building site and planned open area, showing the approximate location of all buildings, structures, and improvements and indicating the open space around the buildings and structures.
 - 2. A preliminary drawing indicating the architectural character of all proposed structures and improvements. The drawings need not to be the result of final architectural decisions and need not to be in detail.
 - 3. A development schedule indicating:
 - a. The approximate date when construction of the project can be expected to begin.

- b. The stages in which the project will be built and the date when construction of each stage can be expected to begin;
 - c. The date when the development of each of the stages will be completed; and
 - d. The area and locations of planned open space that will be provided at each stage.
4. Proposed agreements, by-laws, provisions or covenants which govern the use, maintenance and continued protection of the Planned Development and any of its planned open space or other facilities.
 5. A list of all departures from the district regulations and the subdivision design standards which will be necessary for the proposed Planned Development.
 6. A statement by the applicant demonstrating how the Planned Development complies with the purpose and the standards and criteria of this Section.
 7. If the Zoning Board of Appeals finds that the Planned Development requires further in-depth review, the following information may be required:
 - a. A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the development to and from existing County thoroughfares.
 - b. A comprehensive drainage plan with analysis of the impact that the development creates on the site and on the surrounding area.
 8. APPROVAL CERTIFICATE. The following certificate shall be shown in the lower right hand corner of the Preliminary Development Plan:

APPROVAL OF PRELIMINARY DEVELOPMENT PLAN

The preliminary development plan shown hereon has received approval by the County Board of the County of Boone, Illinois, and upon compliance by the developer with the requirements or qualifications governing the approval of the preliminary development plan and with other revisions and stipulations that may be required, the County Board will receive the final development plan for consideration when submitted by the developer in such form and with in such time as required by the Boone County Zoning Ordinance, and approved by the Zoning Board of Appeals.

The County Board of the County of Boone, Illinois.

_____	_____
CHAIRMAN	DATE
ATTEST: _____	_____
COUNTY CLERK	DATE

9. The applicant shall submit copies of each plat, plan, map and supporting document required by this section in a number prescribed by the Zoning Administrator. All drawings, plans and reports submitted to the County shall be folded to approximately nine (9) inches by twelve (12) inches.
- C. **CONTENTS OF THE FINAL DEVELOPMENT PLAN/PLAT.** The Final Development Plan shall also include all items required for a Final Subdivision Plat and final engineering as required in the Boone County Subdivision Regulations. The final development plan may include all or only part of the approved preliminary development plan. In addition to all of the information and data required for a final subdivision plat required in the Boone County Subdivision Regulations, the Final Development Plan/Plat shall also include the following items:
1. A final land use plan, suitable for recording with the Boone County Recorder of Deeds. The purpose of the Final Development Plan is to designate the land subdivided into lots as well as the division of other lands not so treated into planned open area and building areas, and to designate and limit the specific internal uses of each building or structures, as well as of the land in general.
 2. If subdivided lands are included in the Planned Development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a subdivision plat. A list of required certificates may be found as an appendix to this chapter.
 3. An accurate legal description of each separate unsubdivided use area, including planned open space.
 4. Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designated.
 5. Final agreements, by-laws, provisions or covenants which govern the use, maintenance and continued protection of the Planned Development and any of its planned open space or other facilities conveyed to a homeowners association or similar organization.
 6. Final development and construction schedule.
 7. Final architectural elevations for all structures and amenities, such as fences and walls, street furniture, and the like.
 8. **CERTIFICATES.** The Applicant shall provide on the Final Development Plan/Plat executed certificates as may be required by the Zoning Administrator which certificates are provided in Section 403.E.2.a.18 of the Boone County Subdivision Code.
 9. **GUARANTEES.** The Applicant shall provide in a form acceptable to the County a public improvement guarantee equal to one hundred fifty-percent (150%) of the estimated cost of construction of the public improvements approved by the County Engineer, and in a form acceptable to the County Board.

2.11.7. Administration of Planned Developments.

- A. **FAILURE TO BEGIN DEVELOPMENT.** If no substantial construction has begun or no use established in the Planned Development within the time stated in the approved final development plan and construction schedule, the Special Use Permit for the Planned Development shall expire upon written notice to the applicant from the

County Board and shall be of no further effect. The zoning regulations applicable before the Special Use Permit for Planned Development was approved shall then be in effect. In its discretion and for good cause, the County Board may extend for a reasonable time, not to exceed one (1) year, the commencement of construction or the establishment of a use, provided such extension is granted during the original period.

B. PERMITS.

1. No permits for site or building construction in a planned development shall be approved by the County Building Department unless a Final Development Plan has been approved by the County Board.
2. A certificate of occupancy for any completed building or structure located in an area covered by the approved Final Development Plan shall be issued if the completed building or structure conforms to the requirements of the approved Final Development Plan and all other applicable regulations and ordinances of the County. The County reserves the right to deny approval of an occupancy permit for any building or structure shown on the Final Development Plan of any stage of the Planned Development if any planned open space or public facilities allocated to that stage of the development have not been conveyed by dedication, deed or other means to the proper authorities.

C. ENFORCEMENT OF DEVELOPMENT SCHEDULE.

1. The Zoning Administrator shall periodically review all permits issued for the Planned Development, examine all construction that has taken place on the Planned Development site, and compare actual development with the approved development schedule.
2. If the Zoning Administrator shall find that the owners of the property in the Planned Development area have failed to meet the approved development schedule, or that the rate of construction of dwelling units is greater than the rate at which planned open space and public and recreational facilities have been constructed and provided, the Zoning Administrator shall notify the Zoning Board of Appeals and County Board in writing.
3. Within thirty (30) days of such notice, the County Board shall either revoke the Special Use Permit, and the land shall revert to its former classification, or, for good cause shown by the landowner, the limits of the development schedule shall be extended for a reasonable time.

D. AMENDING THE FINAL DEVELOPMENT PLAN. No changes may be made to the approved Final Development Plan during the construction of the Planned Development except upon the application to the appropriate agency under the following procedures:

1. Minor changes in the location and height of buildings and structures may be authorized by the Zoning Board of Appeals if required by engineering or other circumstances not foreseen at the time the Final Development Plan was approved. No change authorized by this Section may increase the cube of any building or structure by more than ten-percent (10%).
2. All other changes, in time schedule and in use, any rearrangement of lots, blocks and building tracts, any changes in the provision of planned open space and all other changes in the approved Final Development Plan shall be made by the County Board, upon recommendation of the Zoning Board of

Appeals, under the procedure authorized by this Zoning Ordinance for approval of the Special Use Permit.

3. Any changes approved shall be recorded as amendments to the recorded copy of the Final Development Plan.

E. POST-COMPLETION REGULATIONS.

1. Upon completion of the Planned Development, and as a condition of the County's acceptance of the final public improvements, the Zoning Administrator shall certify said Planned Development has been completed in accordance with the approved Final Development Plan.
2. After said Certification has been issued, the uses of land and construction, modification or alteration of any buildings or structures within the Planned Development shall be governed by any other provision of this Zoning Ordinance.
3. After said Certification has been issued, no changes may be made in the approved Final Development Plan except upon application to the County under the procedures for seeking changes or amendments, Special Uses, and variations as set forth in this Zoning Ordinance.

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2.12. TRADITIONAL NEIGHBORHOOD AND CLUSTER DEVELOPMENTS

2.12.1. Purpose. The purpose of this Section is to guide new development and redevelopment of Boone County in a manner consistent with the historic character and development pattern of the existing County, while providing an alternative to typical suburban-style development patterns.

- A. A Traditional Neighborhood Development (TND) focuses on an urban experience and;
 - 1. Has the same residential and commercial densities as conventional projects of the same acreage, but concentrates the intensity in a smaller land area.
 - 2. Provides for a mix of uses, including residential, commercial, and civic uses.
 - 3. Promotes the use of neighborhood greens, landscaped streets, boulevards, and pocket parks woven into street and block patterns to provide space for social activities and visual enjoyment.
 - 4. Incorporates a system of narrower, interconnected streets with sidewalks and bikeways that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and new developments.
 - 5. Provides for a mix of housing types and sizes to accommodate households of all ages, sizes, and incomes.
 - 6. Retains existing buildings with historical features or other features that define the character of the community.
 - 7. Replicates the size, scale and mass of existing buildings and structures in Boone County.
 - 8. Provides for a more efficient use of land and infrastructure.
 - 9. Implements the County’s adopted Comprehensive Plan.
- B. A Clustered Development (CD) focuses on a village/rural experience, and
 - 1. Has the same residential and commercial densities as conventional projects of the same acreage, but concentrates the intensity in a smaller land area.
 - 2. Creates a distinct physical settlement surrounded by or adjacent to a protected greenbelt used for agricultural, silvicultural, recreational, or environmental protection purposes.
 - 3. Preserves open space, scenic vistas, agricultural lands, and natural areas.
 - 4. Encourages the inclusion of diverse household types, age groups, and income levels in a settlement of modest size and scale that accommodates pedestrian travel rather than motor vehicle trips.
 - 5. Incorporates a system of narrower, interconnected streets with sidewalks and bikeways that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and new developments.
 - 6. Retains existing buildings with historical features or other features that define the character of the community.
 - 7. Replicates the size, scale and mass of existing buildings and structures in Boone County.

8. Provides for a more efficient use of land and infrastructure.
9. Implements the County's adopted Comprehensive Plan.

2.12.2. Applicability. The Traditional Neighborhood Development and Clustered Development regulations are an alternative set of standards for development within the County for new development contiguous to existing development, redevelopment, or infill development in an already developed area.

2.12.3. Incentives. Incentives to developers to build Traditional Neighborhood Developments and Clustered Developments shall be provided through an expedited approval process. An application for a Traditional Neighborhood Development and Clustered Development shall be granted priority in processing for permit over all other types of applications, including those with prior filing dates. A density bonus may be provided based on the criteria in Section 5.3.2.

2.12.4. Fees. The Boone County Board may, by resolution, establish fees for the administration of this ordinance.

2.12.5. Definitions for Traditional Neighborhood Development and Cluster Development. The following words and terms when used in the interpretation and administration of this Section 2.12 shall have the meaning set forth herein except where otherwise specifically indicated.

Accessory Building: Shall mean a detached subordinate structure, the use of which is incidental to that of the principal structure and located on the same lot therewith,

ADT: Shall mean average daily traffic volumes on a street.

Apartment: Shall mean one or more rooms in a dwelling designed and intended for occupancy as a separate dwelling unit.

Arterial: Shall mean a major street for carrying a large volume of through traffic in the area normally controlled by traffic signs and signals.

Block: Shall mean unit of land bounded by streets or by a combination of streets and public land, railroad right-of-way, waterways, or any other barrier to the continuity of development.

Brownfield: Shall mean abandoned, idled, or underused industrial and commercial facilities and land where expansion or redevelopment is complicated by real or perceived environmental contamination.

Building Scale: Shall mean the relationship between the mass of a building and its surroundings including the width of street, open space, and mass of surrounding buildings. Mass is determined by the three-dimensional bulk of a structure: height, width, and depth.

Curb Radius: Shall mean the curved edge of streets at an intersection measured at the outer edge of the street curb or of the parking lane.

Façade, Principal: Shall mean exterior walls of a building which are adjacent to or front on a public street, park, or plaza.

Greenfield: Shall mean a site undeveloped, in a natural condition or in agricultural use.

Secondary Dwelling Unit: Shall mean an additional dwelling unit located within the principal dwelling on the lot, in a freestanding building or above a residential garage.

Square: Shall mean a tract of land devoted to municipal, civic, or public purpose that serves as a central focus for surrounding properties. The Square may consist of a wide intersection of streets, an open space surrounded by streets, a plaza or forecourt of a public building, the site of municipal or civic building, or an area adjacent to a through street which is devoted to similar purposes. Squares may consist entirely of public road right-of-way, landscaped green areas within the right-of-way, properties occupied by municipal or civic buildings or structures, or adjacent open space bounded by public streets on two or more sides.

Street: Shall mean a strip of land, including the entire right-of-way, publicly or privately owned, serving primarily as a means of vehicular and pedestrian travel, and furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, shade trees, and sidewalks.

Streetscape: Shall mean the sum of the man-made and planted features that create the character of public space. Streetscape features may be located within and adjacent to the right-of-way. Streetscape features include street trees and plantings; street furniture such as benches, street lights, signs, kiosks, gazebos, trash receptacles, bicycle racks, railings and fences, fountains, planters, memorials, public telephones, and bollards; sidewalks; median strips and islands; public art; banners and flags; signs and awnings; and similar publicly visible features.

2.12.6. Application and Approval Process. Applicants for new development shall follow the procedures of the Subdivision Regulations. Prior to the issuance of any permits for development within an existing Traditional Neighborhood Development and Clustered Development, the following steps shall be completed:

- A. The applicant shall have had an initial conference,
- B. A General Implementation Plan shall be reviewed by the Zoning Board of Appeals and approved by the County Board,
- C. A Specific Implementation Plan shall be reviewed by the Zoning Board of Appeals and approved by the County Board.

2.12.7. Subdivision of Land. If the Traditional Neighborhood Development or Clustered Development involves the subdivision of land as defined in the County's Subdivision Regulations, the applicant shall submit a final plat in accordance with requirements of the Subdivision Regulations.