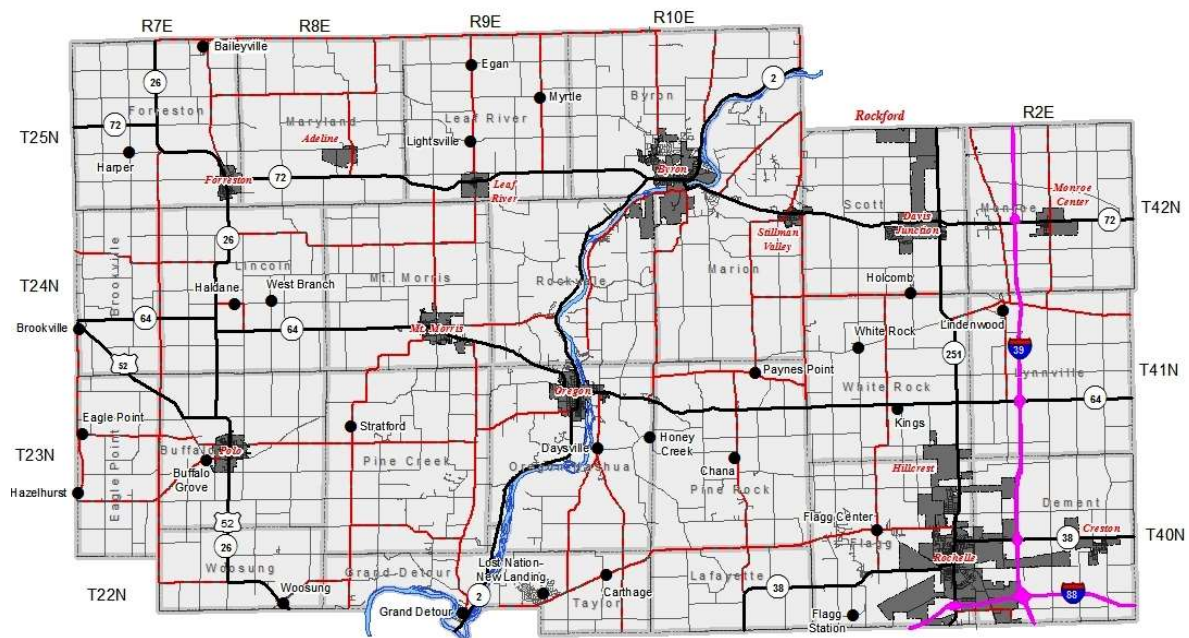


Special Use Permit Information and Application



Ogle County Planning & Zoning Department
911 Pines Rd.
Oregon, IL 61061
Telephone (815) 732-1190 • Fax (815) 732-3709
www.planning&zoning@oglecountyil.gov

Mark Miller, Planning & Zoning Administrator

Instructions for Special Use Permit Applications

Before You Apply:

- ▶ Talk with the Planning & Zoning Administrator regarding the feasibility of the proposed use. Is your plan compatible with existing County plans and ordinances? Will your application meet the standards for approval as required under the Zoning Ordinance? What type of requirements and/or restrictions would apply? Are there other local, state or federal agencies that may have jurisdiction?
- ▶ Determine the amount of land you will need to accommodate your plan(s). Don't underestimate the amount of land needed. For commercial or industrial uses, you need to consider land necessary for screening/landscaping/pervious surface, off-street parking, stormwater management facilities, building setback and yard areas, sewage disposal area(s), etc. For a dwelling, consider setback and yard area requirements, septic system area(s) and well location (100' separation between well and septic system absorption field), the size of house being contemplated, and future plans (deck, sunroom, porch, swimming pool, detached garage/storage building, etc.)
- ▶ Investigate the area. Find out if there are existing land uses in the area that may not be compatible with your plans, such as a race track (which may not be in operation when you visit the site, but can create considerable noise and traffic on race days), an animal feeding operation, etc. Even if adjoining land or land in the area is currently vacant, find out what the potential uses are. Don't open yourself up to a surprise down the road.
- ▶ Check with the appropriate highway authority (IDOT, County Engineer or Township Road Commissioner) to determine if safe access to a public highway or road is possible. Also, ask the appropriate highway authority about any future roadway improvement plans. A major road/highway project could create an inconvenience for a period of time, limit access to your site, or require a portion of your site to be sold for road/highway purposes, even if you do not wish to sell.
- ▶ Check the *Ogle County Soil Survey* to determine the general condition of soils on the site and if the soils are compatible with the intended use(s) of the site. You may seek assistance in interpreting the *Soil Survey* from the Planning & Zoning Department, Ogle County Health Department, or Ogle County Soil & Water Conservation District.
- ▶ Check the Ogle County, IL Flood Insurance Rate Maps (published by the Federal Emergency Management Agency [FEMA] and maintained at the Planning & Zoning Department) to determine if the site is located in a FEMA-designated "Special Flood Hazard Area". Flood insurance may be required as a condition of obtaining a mortgage if even a portion of the site is located in a "Special Flood Hazard Area".
- ▶ If the site is within 1.5 miles of the boundary of an incorporated city or village and the city/village has an adopted Plan ("master plan" or "comprehensive plan"), it may exercise its extra-territorial jurisdiction. Therefore, you should check with the city/village to determine if your plan(s) are compatible with the city/village plan(s), and if any additional requirements may apply. If subdivision approval is necessary, the city/village may also enforce its subdivision regulations within its 1.5 mile extra-territorial planning area.

- ▶ Several townships in Ogle County have established township planning commissions pursuant to State law. You should contact the appropriate township official(s) to let them know that an application is being submitted to Ogle County that will affect their township, and to determine when the township meetings (township planning commission and township board) will be held to discuss the application. It is recommended that you attend the township meetings.
- ▶ Make sure that adequate public services (including, but not necessarily limited to fire, ambulance and police protection, schools, water supply and sewage disposal) are available or can be reasonably supplied to serve the proposed use(s).
- ▶ Contact the neighbors and let them know your plans. Their feedback can be very helpful. They may even know important details about the site that you would not otherwise have known.

The Application Process:

- 1) DO YOUR HOMEWORK, using the above as a guide.
- 2) The land area for which the application is being made, unless it is an entire parcel of record, must be defined in a standard, recognizable manner. This is called a “legal land description”. The description can be a “rectangular land description” or a “metes and bounds land description”. An attorney or surveyor can prepare a legal description of land. It is not necessary to have an actual physical survey at this time; however, it will be necessary if the application is approved by the County Board.

It is important that a reasonably accurate legal description be provided and that the legal description describes the property in question. If required, when it comes time for an actual survey, the legal description may change somewhat due to the accuracy of modern surveying equipment, but any difference(s) should be negligible.

- 3) Complete the required forms provided in the “Special Use Information and Application” packet. Please either type or print legibly.

Sign the application form and complete the address, city, state, ZIP code and phone number, email information. The application must be signed by the owner(s) of record of the property. In the case of property under purchase contract, the owner(s) of record must sign and the contract purchaser shall also sign the application as such purchaser is usually the person who will eventually establish the use proposed. Owner and contract purchaser must include both address and phone number in petition.

Whenever applicable, the following disclosures must be made:

- Pursuant to the Land Trust Beneficial Disclosure Act (765 ILCS 405/et seq), if property involved is listed under a “Trust”, a notarized certification, signed by the Trust Officer, giving names, addresses and percentage of interest of all beneficiaries, is to be filed with all petitions for rezoning and special use.

- When the applicant is a corporation, the applicant shall include the correct names, addresses and percent interest of all stockholders or shareholders owning interest in excess of 20% of all outstanding stock of such corporation. If the corporation has no shareholders, a statement to that effect shall be submitted.
 - When the applicant is a business entity doing business under an assumed name, the application shall include the names and addresses of all true and actual owners of such business or entity.
 - When the applicant is a partnership, joint venture, syndicate, or an unincorporated voluntary association, the application shall include the names and addresses of all partners, joint ventures, syndicate members, or members of the unincorporated voluntary association.
- 4) A Concept Plan is a requirement of the application process and is a visual representation in map form of the proposed Special Use Permit. It can be prepared by a surveyor/engineer or staff assistance is available upon request.

The Concept Plans are sent by the Planning & Zoning Department to: adjoining property owners, the members of the Regional Planning Commission, Zoning Board of Appeals, Planning & Zoning Committee of the County Board, County Board members in the applicable district, the County Health Department, Highway Department, Sheriff's Department; and, the township planning commission (if any), supervisor, assessor and road commissioner.

- 5) If the application is for a Special Use on land currently zoned AG-1, complete the application form titled "REQUEST FOR RESOURCES INVENTORY REPORT" on the Ogle County Soil & Water Conservation District (SWCD) letter head (unless otherwise exempted). Take this application directly to the SWCD office (213 Pines Road, Oregon, IL) along with a copy of the Concept Plan. Make this application no later than the day the application is filed with the Planning & Zoning Department.
- 6) Consult with the Illinois Department of Natural Resources (IDNR) pursuant to Section 11(b) of the Illinois Endangered Species Protection Act [520 ILCS 10/11] and Section 17 of the Illinois Natural Areas Preservation Act [525 ILCS 30/17]. Please see the informational sheet titled "Notice to Petitioner(s) for Map Amendments, Special Use Permits and Subdivision Plat Approval Regarding Natural Resources Consultation with the Illinois Department of Natural Resources" that is attached to this application packet for more information. The Ogle County Planning & Zoning Department is available to assist the in initiating consultation with IDNR.

The Zoning Process:

The zoning process involves, typically, three meetings which occur in the following order:

- 1) Ogle County Regional Planning Commission (RPC).

The RPC holds monthly meetings which are open to the public. The RPC considers applications and makes recommendations to the Zoning Board of Appeals based upon compatibility with the *Ogle County Amendatory Comprehensive Plan* and *Ogle County Amendatory Zoning Ordinance* and other planning factors as applicable.

2) Zoning Board of Appeals (ZBA).

The ZBA conducts public hearings at which any citizen is afforded the opportunity to speak in favor of, in opposition to, or simply comment on an application. For more information on the ZBA, please read "*Citizen's Guide to the Zoning Board of Appeals*". The ZBA makes findings of facts and a recommendation to the County Board. Its decision is advisory only and does not constitute a final, binding decision.

3) County Board (final decision).

The County Board's decision is final. Typically, no opportunity for public comment is given prior to a decision. However, it is up to the Chairman's discretion.

Upon receipt of an application, the Planning & Zoning Department begins processing of said application and preparing the file. Letters of notification are prepared and sent to all adjoining property owners (certified mail), township officials, county agencies (health, highway and sheriff), county board members, school district(s), fire district(s), and any city or village within 1.5 miles. A public notice is prepared and published in a local newspaper at least fifteen (15) days prior to the public hearing with the Zoning Board of Appeals. A Staff Report is completed prior to the meeting of the RPC.

From the time of filing to a decision of the County Board usually takes approximately two months. However, in some cases the ZBA may continue the hearing to another date, or the County Board may refer the case back to the ZBA for further hearing, which would prolong a decision.

Note: It is solely the responsibility of the applicants to make sure that all information submitted, including the legal and general description of the property, is accurate as the information will be used for publication of the legal notice required by statute and ordinance. The County of Ogle disclaims all responsibility if any of the information submitted by the applicants is inaccurate or in error.

The following is a guide to be used in the preparation of the original document:

(EXAMPLE) APPLICATION FOR SPECIAL USE PERMIT

TO: ZONING BOARD OF APPEALS
c/o Ogle County Planning & Zoning Department
911 Pines Rd.
Oregon, IL 61061

NOW COME _____ **(NAMES OF APPLICANTS)**
and represent that he/she/they are the **(INSERT EITHER "RECORD OWNER[S]" OR "RECORD OWNER[S] AND CONTRACT PURCHASER[S])** of the following described real estate, to-wit:

(INSERT LEGAL DESCRIPTION. FOR AN EXISTING TAX PARCEL OF WHICH NO LEGAL DESCRIPTION IS AVAILABLE, INCLUDE THE BRIEF LEGAL DESCRIPTION (1/4 1/4 SECTION, TOWNSHIP AND RANGE). IF THE PARCEL BEING APPLIED FOR IS PART OF A LARGER EXISTING TAX PARCEL, INCLUDE A DETAILED LEGAL DESCRIPTION, WHICH MAY BE INCLUDED AS A SEPARATE ATTACHMENT. IF A SEPARATE ATTACHMENT, INDICATE SO ON THE APPLICATION BY PLACING A STATEMENT SUCH AS: "SEE ATTACHED LEGAL DESCRIPTION".)

PIN: **(INSERT PARCEL IDENTIFICATION NUMBER FROM TAX BILL)** _____

Address of Subject Property: **(INSERT THE ADDRESS OF THE PROPERTY, IF ONE EXISTS)** _____

That the above property is currently zoned: **(INSERT THE CURRENT ZONING DESIGNATION)** _____

That the current use of the property is: **(INSERT "VACANT" OR A DESCRIPTION OF THE PRESENT USE)** _____

That under said current zoning classification, the petitioners are prohibited (without a Special Use Permit or without a Special Use Permit and map amendment) from installing and operating therein the following uses(s), of which he/she/they are desirous:

(MAKE A BRIEF STATEMENT AS TO THE PROPOSED USE) _____

That the applicants feel that their proposed use(s) are justified in that: _____

(MAKE A STATEMENT AS TO WHY AND/OR HOW YOU BELIEVE THE REQUESTED SPECIAL USE IS NECESSARY, DESIRABLE AND COMPATIBLE WITH OTHER PERMITTED USES WITHIN THE ZONING DISTRICT) _____

That the petitioner(s) have read and are familiar with each of the standards for a Special Use Permit contained in the *Ogle County Amendatory Zoning Ordinance* and believe this request meets each and all of these standards.

APPLICATION FOR SPECIAL USE PERMIT

TO: ZONING BOARD OF APPEALS
c/o Ogle County Planning & Zoning Department
911 Pines Rd.
Oregon, IL 61061

NOW COME _____ and represent that he/she/they are the (record owner[s]/record owner[s] and contract purchasers --choose one) of the following described real estate, to-wit:

PIN: _____

Address of Subject Property: _____

That the above property is currently zoned: _____

That the current use of the property is: _____

That under said current zoning classification, the petitioner(s) are prohibited (without a Special Use Permit or without a Special Use Permit and map amendment) from installing and operating therein the following use(s), of which he/she/they are desirous:

That the applicants feel that their proposed use(s) are justified in that: _____

That the petitioner(s) have read and are familiar with each of the standards for a Special Use Permit contained in the *Ogle County Amendatory Zoning Ordinance* and believe this request meets each and all of these standards.

**CONSENT TO ON-SITE INSPECTION AND
ACCEPTANCE OF FEES FOR COURT REPORTING SERVICES**

Your Petitioner(s), _____, hereby represent to the County of Ogle, Illinois as follows:

That I/we are the owners of record of the real estate described in the foregoing zoning application; and,

That the Petitioners of the described real estate subject to said zoning application do hereby freely and voluntarily consent to 1) the erection of a sign by the County of Ogle in a conspicuous location on the property subject to this petition or in adjacent public right-of-way, stating that a zoning hearing has been requested on said property; and 2) inspection of the site for purposes of determining the appropriateness of the pending proposed zoning petition by the Ogle County Planning & Zoning Department staff, Ogle County Regional Planning Commission and the Ogle County Zoning Board of Appeals, and hereby release such persons from any liability based in whole or in part on the inspection of the site in question; and,

That in exchange for such actions by the Petitioner(s), Ogle County agrees that Ogle County Planning & Zoning Department staff and at least one (1) member of the Regional Planning Commission and Zoning Board of Appeals will inspect the site in question prior to considering the evidence presented upon the above petition.

Furthermore and in addition to the above, the petitioner(s) hereby: 1) agree to pay, upon receipt of notice of amount owed, the actual postage costs incurred by County of Ogle for adjoining owner notification via Certified Mail, and the actual cost of publication of legal notice(s) in newspaper(s) as required by law; and, 2) verify that I/we are aware of the written agreement between the County of Ogle and *In Totidem Verbis, LLC* court reporting service. Petitioner(s) agree to utilize the court reporting services as provided for by Ogle County and agree to reimburse said reporting service, through the Ogle County Planning & Zoning Department, for the costs of transcripts of hearings and other related costs before the Ogle County Zoning Board of Appeals unless determined otherwise by the County of Ogle. The petitioner(s) further recognize(s) that failure to fully reimburse said court reporting service by providing payment to the Planning & Zoning Department prior to the scheduled County Board date will grant Ogle County the unconditional right to withhold the petition from Ogle County Board action. Petitioner(s) further understand(s) that transcripts shall be retained by Ogle County as part of the permanent zoning application file.

(Signature)

(Signature)

SUBSCRIBED and SWORN to before me
this ____ Day of _____, 20 ____.

NOTARY PUBLIC

LIVESTOCK AFFIDAVIT

State of Illinois)
)
County of Ogle)

RE: _____

_____ after being first duly
sworn on oath depose(s) and say(s):

I (We) hereby certify that to the best of my (our) knowledge, the site that is subject of the above application is not within one-quarter mile (1,320') of a "livestock management facility and/or livestock waste handling facility" with more than fifty (50) animal units pursuant to the *Illinois Livestock Management Facilities Act*.

Affiant

Affiant

Acknowledgment

State of Illinois)
)
County of Ogle)

I, _____, Notary Public in and for the State and County aforesaid, do hereby certify that _____, personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing affidavit, appeared before me this day in person and signed and delivered the said affidavit for the uses and purposes therein set forth as his or their free and voluntary act.

Giver under my hand and notarial seal this _____ Day of _____, 20_____.

Notary Public

My Commission Expires

(Seal)

TO: Applicants for a "map amendment" (change of zoning) or Special Use Permit
FROM: Mark Miller, Ogle County Plat Officer
RE: Subdivision plat approval process

Please be advised that any property split/land division may be subject to the requirements of the **Plat Act** (765 ILCS 205/0.01 et seq.) and the **Ogle County Land Subdivision Regulations** (Chapter 14.0, Division 13 of the Ogle County Code).

Please take notice and be aware that **zoning approval is not a subdivision plat approval, and a "Concept Plan" or Plat of Survey is not a subdivision plat. Subdivision plat approval is a required process that is separate from zoning approval.** An application for plat approval may, however, run concurrently with a map amendment application, but most persons wish to make sure that the zoning change will be approved prior to expenditure of funds for a preliminary subdivision plat.

The following defines a subdivision, as well as what land/deed divisions are exempt:

SUBDIVISION: The partitioning or dividing of a parcel or tract of land by the subdivider thereof or by his heirs, executors, administrators, or legal representation, any of which is less than five (5) acres in area. The provisions of this Act (Ordinance) shall not apply and no subdivision is required in any of the following instances:

- A. The division or subdivision of land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access;
- B. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access;
- C. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
- D. The conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easement of access;
- E. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
- F. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
- G. Conveyances made to correct descriptions in prior conveyances;
- H. The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access;
- I. The sale of a single lot of less than five (5) acres from a larger tract when a survey is made by a registered surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.

Any questions relating to any of the above may be directed to:

Mark Miller, Ogle County Plat Officer
Ogle County Planning & Zoning Department
911 Pines Rd., Oregon, IL
(815) 732-1190
mmiller@oglecounty.org

Notice to Petitioner(s) for Map Amendments, Special Use Permits and Subdivision Plat Approval Regarding Natural Resources Consultation with the Illinois Department of Natural Resources

State law requires consultation with the Illinois Department of Natural Resources (IDNR) concerning impacts on State endangered and threatened species and Natural Areas by actions authorized, funded, or carried out by those agencies which are authorized by Section 11(b) of the Illinois Endangered Species Protection Act [520 ILCS 10/11] and Section 17 of the Illinois Natural Areas Preservation Act [525 ILCS 30/17].

Pursuant to Section 805-555 of the Department of Natural Resources (Conservation) Law (20 ILCS 805/805-555), the Illinois Department of Natural Resources (IDNR) shall assess a fee of \$125.00 (\$100 review fee + \$25 database access fee) for consultation services submitted to the IDNR pursuant to Section 11(b) of the Illinois Endangered Species Protection Act [520 ILCS 10/11] and Section 17 of the Illinois Natural Areas Preservation Act [525 ILCS 30/17].

Petitioners for map amendments, special use permits and subdivision plats, where consultation with IDNR is required pursuant to Section 11(b) of the Illinois Endangered Species Protection Act [520 ILCS 10/11] and Section 17 of the Illinois Natural Areas Preservation Act [525 ILCS 30/17], shall initiate consultation with the IDNR on-line via EcoCAT (EcoCAT (Ecological Compliance Assessment Tool) and pay the required fee prior to filing the petition for map amendment, special use permit or subdivision plat approval. The URL for EcoCAT is: <http://dnr.illinois.gov/ecopublic/>

The Ogle County Planning & Zoning Department is available to assist the public in initiating consultation with IDNR via EcoCAT.

