

Special Use Permit Information and Application



***Ogle County Planning & Zoning Department
911 W. Pines Rd.
Oregon, IL 61061
Telephone (815) 732-1190 • Fax (815) 732-2229
www.oglecounty.org***

Michael Reibel, 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.
- ▶ 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 what you want. A “sketch plat” is also helpful, which is simply a graphic representation of a legal description - not a “plat of survey”. When it comes time for the 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 “Map Amendment 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 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) Provide a Concept Plan that meets the requirements of the “Concept Plan Checklist”.
- A) Complete the “Concept Plan Checklist” cover sheet.
 - B) Following the example Concept Plan provided in the application packet, prepare a Concept Plan” that meets the size and scale parameters, and contains all of the information requested in the checklist. Concept Plans may be prepared by surveyor/engineer or staff assistance is available upon request in preparing a Concept Plan.

TIPS: A plat of survey is the best base map for a Concept Plan. If a plat of survey is not available, consider having a surveyor prepare a “sketch plat”.

If preparing a Concept Plan on your home computer using a simplified CAD program, make sure that your output is at a standard scale and not “fit-to-page” output.

If you prepare your Concept Plan by hand, print neatly. Consider typing your text on a word processor, printing your text on a separate page, cutting the text out with a technical knife or scissors, and gluing, pasting or taping the text on the Concept Plan (the “cut-and-paste” technique).

Use different line types or widths for property lines, road right-of-way lines or center lines, section lines, etc.

Have the Planning & Zoning Administrator review and comment on the Concept Plan before making the required 50 copies in case any changes/additions are required.

Remember who you are preparing the Concept Plan for and tailor it to their needs (which is what the checklist and example Concept Plan are intended to do, if followed). The Concept Plans are sent by the Planning & Zoning Department to: the members of the Regional Planning Commission, Zoning Board of Appeals, Planning & Zoning Committee of the County Board, County Board members in the district, the County Health Department, Highway Department and Sheriff's Department; and, the township planning commission (if any), supervisor and road commissioner.

The Zoning Process:

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

1) Ogle County Regional Planning Commission (RPC).

The RPC hold 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 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) Planning & Zoning Committee of the Ogle County Board (PZC).

The PZC, which consists of five (5) members of the County Board, considers the recommendation of the RPC and ZBA, and decides whether the motion at the County Board meeting will be to approve or deny.

4) 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 about three 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.

WHEREAS, your petitioners pray that your Honorable Body, pursuant to the applicable rules and regulations, will hold a public hearing as provided for by Statute and County Ordinance, and as a result of said hearing, recommend to the County Board of Ogle County, Illinois that the a Special Use Permit be granted to permit:

_____ on the above described property.

Signature(s)

Address(es)

City, State, ZIP

Phone

Dated at _____, Illinois this ____ Day of _____, 20 ____.

State of Illinois)
)
County of Ogle)

I, _____, a Notary Public in and for the County and State aforesaid, do hereby certify that _____, personally known to me is/are the person(s) who executed the foregoing instrument bearing the date of _____ and appeared before me this day in person and acknowledged that he/she/they signed, sealed and delivered the same instrument for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this ____ Day of _____, 20 ____.

(Seal)

My Commission expires _____

APPLICATION FOR SPECIAL USE PERMIT

TO: ZONING BOARD OF APPEALS
c/o Ogle County Planning & Zoning Department
Ogle County Courthouse Annex South
911 W. 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 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:

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.

WHEREAS, your petitioners pray that your Honorable Body, pursuant to the applicable rules and regulations, will hold a public hearing as provided for by Statute and County Ordinance, and as a result of said hearing, recommend to the County Board of Ogle County, Illinois that the a Special Use Permit be granted to permit:

_____ on the above described property.

Signature(s)

Address(es)

City, State, ZIP

Phone

Dated at _____, Illinois this ____ Day of _____, 20 ____.

State of Illinois)
)
County of Ogle)

I, _____, a Notary Public in and for the County and State aforesaid, do hereby certify that _____, personally known to me is/are the person(s) who executed the foregoing instrument bearing the date of _____ and appeared before me this day in person and acknowledged that he/she/they signed, sealed and delivered the same instrument for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this ____ Day of _____, 20 ____.

(Seal)

My Commission expires _____

**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 agree 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 mor 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)

OGLE COUNTY PLANNING & ZONING DEPARTMENT

911 W. Pines Rd.
Oregon, IL 61061
(815) 732-1190
Fax: (815) 732-2229

CONCEPT PLAN CHECKLIST

Project Name (if applicable): _____

Parcel Identification Number(s): _____

Location (1/4 Section, Township, Range): _____

Current Zoning: _____

Proposed Zoning: _____

Owner(s): _____
Address: _____

Applicant/Authorized Agent: _____

Address/Telephone #: _____

Surveyor/Engineer: _____

Address/Telephone #: _____

Fifty (50) copies of a "Concept Plan" must be submitted. The "Concept Plan" must be clearly labeled as such and may be any scale so long as the scale is an increment of ten feet (10') or one hundred feet (100'), shall be on a not larger than 30" x 36" sheet, folded to approximately nine inches by twelve inches (9" x 12") and shall contain the following information:

- The boundary and dimensions of the site.
- Existing interior and adjacent road/street rights-of-way, railroad rights-of-way, and/or easements of any kind.
- Existing structures on the site.
- Existing and proposed zoning of subject property.
- A note describing the proposed use of the site.
- Existing land use(s).
- Areas shown on the Ogle County, Illinois *Flood Insurance Rate Maps* as being in "Zone A" or "Zone AE".
- Low areas subject to occasional over-flow flooding, sheet flooding or ponding.
- Wetlands (refer to the *U.S.D.A. Preliminary Wetlands Inventory* available from the Ogle County Field Office of the U.S. D. A., Natural Resources Conservation Service).
- General surface water drainage patterns, drainage divides, and high and low elevation sites.
- Names of adjacent subdivisions and owners of adjacent property.
- Zoning on adjacent property.
- A notation indicating whether or not the site is located within 1.5 miles of an incorporated city or village.
- Any political boundaries on or adjacent to the subject site (i.e. corporate, township, school district, etc. boundaries) and a list of all known taxing districts the parcel falls under.
- Parks, preserves and/or public open spaces within 200 feet of the site.
- Any proposed dedications/reservations for open space, natural area, historic building(s)/structure(s), and stormwater management facilities.
- Proposed sketch layout of roads/streets (with right-of-way widths).
- Proposal for water source and sewage disposal.

The "Concept Plan" shall be accompanied by the following supporting documents/information:

- Evidence of ownership, or proof of legal interest in, the subject property.
- Evidence that a "Resource Report" application has been submitted to the Ogle County Soil & Water Conservation District, if applicable.
- A completed "Concept Plan Checklist".
- A completed map amendment or special use permit application.
- Any other information requested by the Planning & Zoning Administrator.

I, _____, certify that all information presented herewith is complete and accurate.

Signature of Applicant

Date

Notice to Applicants:

The intent of the "Concept Plan" is to provide information to help both the applicant and the Ogle County review agencies/decision makers evaluate the feasibility of a proposed land use change according to development plans, policies, existing and projected development activities, and zoning and/or subdivision regulations.

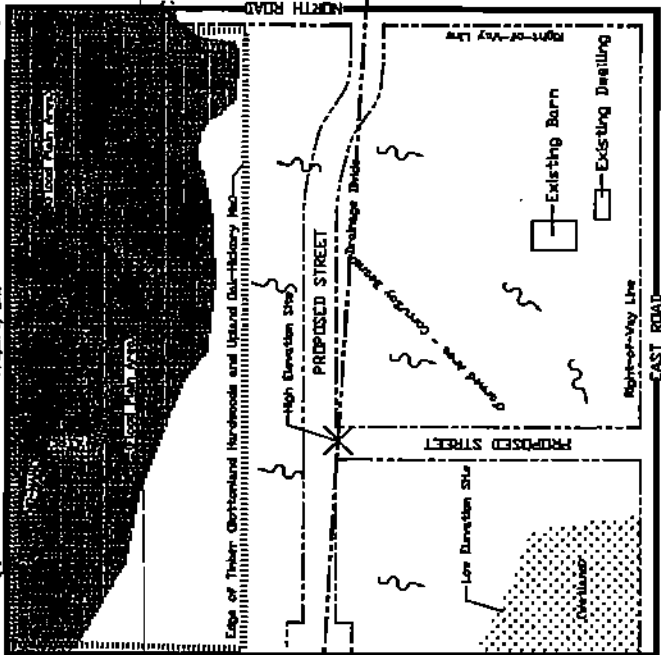
The "Concept Plan" should encourage the discussion of basic problems and questions related to the proposed land use change prior to approval and expenditure of funds for detailed development plans by the applicant.

The information required of a "Concept Plan" is such that applicants may prepare a "Concept Plan" at little or no cost. If technical assistance is needed by an applicant in preparing a "Concept Plan", an appointment may be scheduled with a Planning & Zoning Department staff member. Applicants may also choose to have a "Concept Plan" prepared by a surveyor, engineer, land planner or architect.

(EXAMPLE)
 CONCEPT PLAN
 July 4, 1776

OWNED BY [Name] ZONED R-2

Property Line



OWNED BY [Name] ZONED R-2

NORTH
 1" = 300'

GENERAL NOTES:

1. Proposed Use: Residential Subdivision
2. Site is within 15 miles of the Village of Opleville.
3. Neighboring Districts:
 - A. Green County
 - B. Devils School
 - C. Devils Fire Prot. Dist.
 - D. Rock Valley Jr. College
4. Existing Zoning: AG-1
5. No parks, preserves or public open spaces located within 200' of subject site.
6. No proposed reservation or dedication.
7. Existing dwelling and barn to be preserved due to historic and archeological significance.
8. Development will be served by individual (private) wells and conventional septic systems.

~ = Direction of water flow

TO: Applicants for a "map amendment" (change of zoning) or Special Use Permit
FROM: Michael Reibel, 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:

Michael Reibel, Ogle County Plat Officer
Ogle County Planning & Zoning Department
911 W. Pines Rd., Oregon, IL
(815) 732-1190
mreibel@oglecounty.org