

Ogle County Amendatory Zoning Ordinance

Section 16-9-8 Special Uses:

A. Authorization, Public Hearing, Notice and Report:

Special uses which are listed as such for a particular zoning district may be authorized by the County Board. No application for a special use permit shall be acted upon the County Board until after a public hearing has been noticed, held, conducted, recorded, maintained and filed in the manner prescribed for amendments by Section 16-9-7 of this Division, as amended.

B. Application for Special Use Permit:

An application for a special use permit shall be filed with the Zoning Administrator upon such form and accompanied by such information as shall be required by the Zoning Administrator and the Zoning Board of Appeals. The Zoning Administrator shall process such applications in the manner prescribed for amendments by Section 16-9-7 of this Division, as amended.

C. **Standards.**

No special use shall be recommended by the Zoning Board of Appeals unless said Board shall find:

1. **That the proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large.**
2. **That the location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:**
 - a. **The location, nature and height of building, structures, walls and fences on the site; and,**
 - b. **The nature and extent of proposed landscaping and screening on the proposed site.**
3. **That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.**
4. **That adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided.**

5. **That the proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the zoning district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County.**
6. **That the proposed special use complies with all provisions of the applicable district regulations.**

In presenting any application for a Special Use Permit, the burden of proof shall rest with the applicant to clearly establish that the proposed special use shall meet the above standards.

D. Conditions:

The Zoning Board of Appeals may recommend and the County Board may provide such conditions or restrictions upon the construction, location and operation of a special use, but not limited to provisions for the protection of adjacent property, the expiration of said special use after a specified period of time, off-street parking and loading, as shall be deemed necessary to secure the general objective of this amended ordinance and to reduce injury to the value of property in the neighborhood. All proposals and representations made by the applicant(s) for a special use and/or said applicant's representative(s) shall automatically become enforceable conditions of the special use permit.

E. Action by the County Board.

The County Board may grant or deny the application for a special use permit in whole or in part, with or without modification, or may recommit the application to the Zoning Board of Appeals for further study, report and/or public hearings.

Action by the County Board on an application for a special use permit shall be by a majority of the members of the County Board present and voting.

F. Duration of Special Use Permit.

1. No ordinance granting a special use permit shall be valid for a period longer than one (1) year from the date of such ordinance unless the erection of a building or structure is started or the use is commenced within such a period, unless such time period is extended through appeal to and approval by the Committee. If no appeal is made, or no extension of time is received or granted, the permit shall immediately terminate upon expiration of the one (1) year period. Upon granting of a special use permit, the County Board may stipulate a period longer than one (1) year to commence the authorized use considering the nature of said use.
2. Any special use permit granted after the effective date of this Ordinance shall become null and void if the use authorized in the granting of said special use permit is discontinued for a period of twelve (12) months or more.

G. Revocation of Special Use Permit.

Upon a determination of the Zoning Administrator that an approved Special Use Permit will or has become unsuitable and/or incompatible in its location as a result of any nuisance or activity generated by the use, the County Board shall have the authority to revoke the permit after affording the permitter the right to be heard at the next regularly scheduled meeting of the Planning, Assessment & Zoning Committee following notification of pending revocation of said Special Use Permit.

H. Transferability.

All Special Use Permits shall be approved for a specific location, and may not be transferred to any other location by the applicant or successor property owners.