STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2012-0504

AN ORDINANCE APPROVING A SPECIAL USE PERMIT ON PROPERTY LOCATED AT 8613 N. LIMESTONE ROAD IN MONROE TOWNSHIP

WHEREAS, Amy & Todd Branham, 8613 N. Limestone Rd., Rockford, IL have filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 02-12SU) to allow an equine-assisted counseling and equine psychotherapy facility; and, horse riding instruction (lessons) on property located at 8613 N. Limestone Road in Monroe Township and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Ogle County Life at least fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least fifteen (15) days prior thereto, the Ogle County Zoning Board of Appeals conducted a public hearing on April 26, 2012, at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and no members of the public spoke in favor of or in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Special Use Permit in the AG-1 Agricultural District (Petition No. 02-12SU) to allow an equine-assisted counseling and equine psychotherapy facility; and, horse riding instruction (lessons) be granted subject to four (4) conditions as set forth in the *Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals* dated April 26, 2012, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning & Zoning Committee of the Ogle County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the findings of fact and recommendation of the Zoning Board of Appeals, and has forwarded a recommendation to the Ogle County Board that the requested Special Use Permit in the AG-1 Agricultural District (Petition No. 02-12SU) to allow an equine-assisted counseling and equine psychotherapy facility; and, horse riding instruction (lessons) be granted subject to four (4) conditions; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Planning & Zoning Committee, and has determined that the granting of a Special Use Permit in the AG-1 Agricultural District (Petition No. 02-12SU) to allow an equine-assisted counseling and equine psychotherapy facility; and, horse riding instruction (lessons) subject to four (4) conditions would be consistent with the requirements established by Section 9.08(C) of the *Ogle County Amendatory Zoning Ordinance*;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, as follows:

SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit "B" attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

SECTION TWO: Based on the findings of fact and recommendation set forth above, the request of Amy & Todd Branham, 8613 N. Limestone Rd., Rockford, IL for a Special Use Permit in the AG-1 Agricultural District (Petition No. 02-12SU) to allow an equine-assisted counseling and equine psychotherapy facility; and, horse riding instruction (lessons) on property located at 8613 N. Limestone Road in Monroe Township and legally described as shown in Exhibit "A" attached hereto is hereby granted subject to the following conditions:

1. Property boundary fence(s) shall be maintained to identify the boundary of the site and to deter guests from leaving the property.
2. All requirements of the Ogle County Health Department and Illinois Department of Public Health shall be complied with in regards to water supply and sewage disposal.
3. All facilities shall comply with the Illinois Accessibility Code as applicable.
4. There shall be no parking along the roadway or within the right-of-way of N. Limestone Road.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

SECTION FOUR: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 9.10 of the *Ogle County Amendatory Zoning Ordinance*.

PASSED BY THE COUNTY BOARD THIS 15TH DAY OF MAY 2012 A.D.

_____
James L. Barnes, Chairman of the Ogle County Board

ATTEST:

_____
Rebecca Huntley, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board

EXHIBIT "A"

LEGAL DESCRIPTION

Part of the Northwest Quarter of Section Four (4), in Township Forty-two (42) North, Range Two (2) East of the Third (3rd) Principal Meridian, Ogle County, Illinois, described as follows: Beginning at a point on the West line of said section 4, 2,916.61 feet North of the Southwest corner thereof; thence Extending Northerly on the said West line, 301. 50 feet; thence Easterly perpendicular to the said West line, 722.39 feet; thence Southerly parallel with the said West line, 301.50 feet; thence Westerly perpendicular to the last described course, 722.39 feet to the point of beginning.

Part of the East Half of the Northeast Quarter of Section 5, Township 42 North, Range 2 East of the 3rd Principal Meridian, Monroe Township, Ogle County, Illinois, described as follows: Beginning at the Southeast corner of the Northeast Quarter of said Section, thence Northerly a distance of 470 feet to a point of beginning; thence Northerly a distance of 200 feet; thence Westerly perpendicular to the South line of said Northeast Quarter a distance approximately 1320 feet to the Interstate Route 39 Right of Way; thence Southerly a distance of 670 feet to South line of said Northeast Quarter; thence Easterly approximately 855 feet; thence Northerly a distance of 470 feet; thence Easterly a distance of 465 feet to the point of beginning.

Property Identification Nos.: 12-05-200-023 and 12-04-100-004

Common Location: 8613 N. Limestone Road

EXHIBIT "B"

FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS

Ogle County Zoning Board of Appeals

911 W. Pines Road
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815.732.1190
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FINDINGS OF FACT AND RECOMMENDATION
OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of Amy & Todd Branham, 8613 N. Limestone Rd., Rockford, IL, in case #02-12SU. The applicants are requesting a Special Use Permit to permit an equine-assisted counseling and equine psychotherapy facility; and, horse riding instruction (lessons) in the AG-1 Agricultural District on Parcel Identification Nos.12-05-200-023 and 12-04-100-004, an 11.03 acre parcel which is part of Section(s) 4 & 5, Township 42N, Range 2E of the 3rd Principal Meridian and is located in Monroe Township at 8613 N. Limestone Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on April 26, 2012 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby report their findings of fact and their recommendation as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SEVEN STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 9.08© (Standards for Special Use Permits) of the *Ogle County Amendatory Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

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. **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, as the proposed use is in a rural area on a hard surfaced road, is located on a large parcel, and is small in scale and intensity. STANDARD MET.**

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.

   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 AG-1 zoning district regulations, as the proposed use is relatively small in scale an intensity, it is located on a hard surfaced road, and it will utilize existing buildings on the site. STANDARD MET.

3. That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations. **The site has adequate off-street parking and loading areas. STANDARD MET.**

4. That adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided. **Adequate utilities, ingress/egress to the site from N. Limestone Road, access roads, drainage and other such necessary facilities have been or will be provided. STANDARD MET.**

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. **The proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the AG-1 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, provided the proposed use will be operated in conformance to the recommended conditions of the Special Use Permit. STANDARD MET.**

6. That the proposed special use complies with all provisions of the applicable district regulations. **The proposed special use appears to comply with all provisions of the AG-1 district regulations. STANDARD MET.**

RECOMMENDATION: After considering all the evidence and testimony presented, this Board finds that the application meets all the standards as found in Section 9.08© of the *Ogle County Amendatory Zoning Ordinance.*

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use Permit be granted to allow an equine-assisted counseling and equine psychotherapy facility; and, horse riding instruction (lessons) in the AG-1 Agricultural District subject to the following conditions:

1. Property boundary fence(s) shall be maintained to identify the boundary of the site and to deter guests from leaving the property.
2. All requirements of the Ogle County Health Department and Illinois Department of Public Health shall be complied with in regards to water supply and sewage disposal.
3. All facilities shall comply with the Illinois Accessibility Code as applicable.
4. There shall be no parking along the roadway or within the right-of-way of N. Limestone Road.

ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 26th day of April 2012 by the Ogle County Zoning Board of Appeals.

Bruce McKinney, Chairman
Jason Sword
Randall Anderson
Curtis Freeberg
Randy Ocken

Bruce McKinney, Chairman

ATTEST:

Michael Reibel, Secretary