STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2012-0503

AN ORDINANCE APPROVING A SPECIAL USE PERMIT ON PROPERTY LOCATED AT 3261 S. DAYSVILLE ROAD IN OREGON-NASHUA TOWNSHIP

WHEREAS, Brian & Jodi Horner, 3261 S. Daysville Rd., Oregon, IL have filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 01-12SU) to allow a recreational facility which will include wedding receptions, banquets, business parties and special events on property located at 3261 S. Daysville Road in Oregon-Nashua 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. 01-12SU) to allow a recreational facility which will include wedding receptions, banquets, business parties and special events 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. 01-12SU) to allow a recreational facility which will include wedding receptions, banquets, business parties and special events 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. 01-12SU) to allow a recreational facility which will include wedding receptions, banquets, business parties and special events 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 Brian & Jodi Horner, 3261 S. Daysville Rd., Oregon, IL for a Special Use Permit in the AG-1 Agricultural District (Petition No. 01-12SU) to allow a recreational facility which will include wedding receptions, banquets, business parties and special events on property located at 3261 S. Daysville Road in Oregon-Nashua Township and legally described as shown in Exhibit "A" attached hereto is hereby granted subject to the following conditions:

1. All proposals and representations made by the applicant and/or their representative shall be conditions of the Special Use Permit.
2. No camping (tent or recreational vehicle) shall be permitted.
3. Outside gatherings shall be discontinued no later than 1:00 A.M. Outside speakers, music, etc. shall be discontinued no later than 12:00 A.M.
4. The use shall not become obnoxious or create a nuisance to the neighborhood.

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

A part of the North Half (1/) of Section 23, Township 23 North, Range 10 East of the Fourth Principal Meridian, Ogle County, Illinois, more particularly described as follows:

Commencing at an iron rod at the Southeast corner of the Northeast Quarter (1/4) of said Section 23; thence North 01 degree 02 minutes 38 seconds East, along the East line of the said Northeast Quarter (1/4), a distance of 1328.47 feet (1328.51 feet by deed) to an iron rod at the Northeast corner of the property described in a Warranty Deed recorded as Document No. 0411762 in the Office of the Ogle County Recorder; thence South 89 degrees 18 minutes 50 seconds West, along the North line of said described parcel, a distance of 2352.70 feet to an iron rod at the true point of beginning of the tract herein described as follows: thence South 89 degrees 18 minutes 50 seconds West, along the North line of said described parcel, a distance of 1701.99 feet to a point in the centerline of Daysville Road; thence South 20 degrees 42 minutes 31 seconds East, along the said centerline, a distance of 148.67 feet to a point of curve; thence Southeasterly, along the said centerline, being an arc of a curve, concave Westerly, having a radius of 4298.08 feet, and whose chord bears South 18 degrees 08 minutes 09 seconds East, an arc distance of 385.97 feet to a point; thence North 80 degrees 53 minutes 10 seconds East, a distance of693.73 feet to an iron rod; thence South 86 degrees 51 minutes 11 seconds East, a distance of304.37 feet to an iron rod; thence North 07 degrees 18 minutes 41 seconds East, a distance of 43.28 feet to an iron rod; thence South 85 degrees 07 minutes 51 seconds East, a distance of 481.34 feet to an iron rod; thence North 01 degree 43 minutes 16 seconds West, a distance of 144.15 feet to an iron rod; thence North 87 degrees 35 minutes 51 seconds East, a distance of 45.81 feet to an iron rod; thence North 02 degrees 45 minutes 47 seconds East, a distance of 285.19 feet to the point of beginning; situated in the Township of Oregon-Nashua, the County of Ogle and the State of Illinois.

Property Identification No.: 16-23-200-004

Common Location: 3261 S. Daysville Road

EXHIBIT "B"

FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS

Ogle County Zoning Board of Appeals

911 W. Pines Road
Oregon, IL 61061
815.732.1190
Fax: 815.732.2229

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 Brian & Jodi Horner, 3261 S. Daysville Rd., Oregon, IL, in case #01-12SU. The applicants are requesting a Special Use Permit to permit a recreational facility which will include wedding receptions, banquets, business parties and special events in the AG-1 Agricultural District on Parcel Identification No.16-23-200-004, a 15.88 acre parcel which is part of Section 23, Township 23N, Range 10E of the 4th Principal Meridian and is located in Oregon-Nashua Township at 3261 S. Daysville 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(C) (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 County highway, is located on a large parcel, and the proposed use will be conducted from within an existing barn located over 1,000' from Daysville Road. 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 will utilize a small portion of a 15.9 acre site, it is located on a County highway, the proposed use is periodic in nature, and is located over 1,000' from the road and any adjoining dwellings. 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 Daysville 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(C) of the *Ogle County Amendatory Zoning Ordinance.*

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use Permit be granted to allow a recreational facility which will include wedding receptions, banquets, business parties and special events in the AG-1 Agricultural District subject to the following conditions:

1. All proposals and representations made by the applicant and/or their representative shall be conditions of the Special Use Permit.
2. No camping (tent or recreational vehicle) shall be permitted.
3. Outside gatherings shall be discontinued no later than 1:00 A.M. Outside speakers, music, etc. shall be discontinued no later than 12:00 A.M.
4. The use shall not become obnoxious or create a nuisance to the neighborhood.

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

Michael Reibel, Secretary