

## DIVISION 9

### ADMINISTRATION AND ENFORCEMENT

9.01 General Provisions:

A. Administration.

The administration of this Division is hereby vested in the following:

1. Zoning Administrator.

a. Authorization:

A Zoning Administrator shall be appointed by the County Board. The Zoning Administrator shall be authorized to expend such funds to employ deputies and clerical assistance and to carry out his or her duties under this Ordinance or as shall be authorized from time by the County Board.

b. Duties of the Zoning Administrator:

The Zoning Administrator, or the duly designated and acting deputy, shall enforce this Ordinance, and in furtherance of said authority shall:

- 1) Approve and issue all zoning and occupancy certificates and make and maintain records thereof;
- 2) Conduct inspections of buildings, structures and uses of land to determine whether they comply with the terms of this Zoning Ordinance;
- 3) Have available in book or pamphlet form the compiled text of the Zoning Ordinance and amendments thereof;
- 4) Have available in map form, on or before March 31 of each year, a zoning map, or maps showing the zoning districts, divisions and classifications in effect in any township in Ogle County as of December 31 of the preceding year. If no changes in the zoning districts, divisions and classifications in effect in Ogle County have been made during the preceding calendar year, then no zoning map need be printed for such year for such township;
- 5) Maintain for distribution to the public a supply of copies of the zoning map, or maps, the compiled text of the Zoning Ordinance and the Rules of the Board of Appeals;
- 6) Receive, file and forward to the Board of Appeals records in all appeals and all applications for variations, special use permits, and amendments to this Ordinance;
- 7) Provide such clerical and technical assistance as may be required by the Zoning Board of Appeals in the exercise of its duties;

- 8) Attend monthly and/or special meetings of the Ogle County Regional Planning Commission as an appointed ex-officio member of said Commission.

2. Zoning Board of Appeals:

a. Authorization:

A Zoning Board of Appeals shall be established by the County Board. The word "Board" when used in this section shall be construed to mean the Zoning Board of Appeals. The said Board shall consist of five (5) members appointed by the County Board.

b. Membership of the Board:

All members of the Board shall be residents of separate congressional townships at the time of their appointment. The members of said Board shall serve respectively for the following terms, or until their respective successors are appointed and qualify: one for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years. Vacancies upon said Board shall be filled for the unexpired term of the member whose office has become vacant in the same manner as is provided for the appointment of such member. One of the members of said Board shall be designated by the County Board as chairman, and in the case of vacancy, said County Board shall designate a successor chairman. The County Board shall have the power to remove any member of said Board for cause after public hearing. The members of the Board shall serve without salary, but they shall be paid such per diem fees to cover their expenses as shall be authorized from time to time by the County Board. (05/20/03)

c. Jurisdiction of the Board:

The Board shall have the following jurisdiction and authority:

- 1) To hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator under this ordinance;
- 2) To hear all applications for variations and report findings and recommendations to the County Board;
- 3) To hold public hearings on all application for amendment to this Ordinance and report its findings and recommendations with respect to proposed amendments to the County Board;
- 4) To hear all applications for special use permits and report findings and recommendations to the County Board;
- 5) To hear and decide all other matters referred to it or upon which it is required to pass under this Ordinance;
- 6) No rehearing shall be held on amendments to the zoning district when denied, for a period of twelve (12) months from the date of said decision of denial by the County Board.

d. Meetings and Rules of the Board:

All meetings of the Board shall be held at the call of the Chairperson and at such times and places within the County, consistent with the applicable Illinois Statutes, as the Board may determine. All hearings required by this Ordinance to be conducted by the Board shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agent or attorney. All testimony shall be given under oath. The Chairperson, or in his absence the acting chairperson, shall administer oaths and may compel the attendance of witness.

The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Every rule or regulation, every amendment or repeal thereof, and every other, requirement, decision or determination of the Board shall be filed immediately in the office of the Zoning Administrator and shall be a public record. The Board shall adopt and make available to the public its own rules of procedure not in conflict with this Ordinance or with the applicable Illinois Statutes, and may select or appoint such officers as it deems necessary.

e) Finality of Decisions of the Board in Certain Cases:

The decisions and findings of the Board on appeals from a decision of the Zoning Administrator shall be final administrative determinations and shall be subject to judicial review under the provisions of the Illinois Administrative Review Act. The power of the Board to act with respect to variations, amendments and special use permits is advisory only and such action does not constitute a final administrative determination.

f) Appearance by School Districts:

In every hearing before the Board, any school district within which the property in issue, or any part thereof, is located shall have the right to appear and present evidence.

3. Ogle County Regional Planning Commission.

The Ogle County Regional Planning Commission shall have the following duties under this Ordinance.

- a. To receive from the Zoning Administrator copies of certain applications for the amendment to this Ordinance, as determined by the Planning, Assessment and Zoning Committee and to report thereon with its recommendations as to their compatibility with the Official Comprehensive Plan as amended to the Zoning Board of Appeals on or before the public hearing.
- b. To receive from the Zoning Administrator copies of certain applications for special use permits, as determined by the Planning, Assessment and Zoning Committee and to report thereon with its recommendations as to their compatibility with the Official Comprehensive Plan as amended to the Zoning Board of Appeals on or before the public hearing.

- c. To hold conferences in regard to proposed Planned Developments under this Ordinance and submit to the Zoning Board of Appeals a written report with its recommendations to the Zoning Board of Appeals on or before the public hearing.
- d. To initiate, direct and review the provisions of this Ordinance, the Township Zoning District Maps, and the Comprehensive Plan as to its compatibilities and to make reports or recommendations to the County Board not less frequently than annually.

9.02 Zoning Certificates:

- A. Construction of any building, structure or addition thereto shall not be commenced; preliminary work shall not be done with respect to any other use of land; and no permits pertaining to the use of land or buildings shall be issued, by officer, employee, department, board or bureau of Ogle County, unless a zoning certificate has been obtained from the office of the Zoning Administrator. Any permit or certificate of occupancy issued in conflict with the provisions of this Ordinance shall be null and void.
  - 1. Application of Zoning Certificate: An Application for a zoning certificate shall be filed with the Zoning Administrator in such form and in such manner as may be required. In agricultural districts the only requirement shall be written notification and shall be submitted to the Zoning Administrator for a building or structure used or to be used exclusively for agricultural purposes as defined herein, and need only show the building setback lines in relation to abutting public streets or highways.
  - 2. Issuance of Zoning Certificates:
    - a. When an application for a zoning certificate has affixed to it the certificate of an architect or registered professional engineer licensed by the State of Illinois certifying that the proposed building, structure or addition thereto complies with all the provisions of this Ordinance with respect to building lines, lot size and bulk, and provided that the proposed use is permitted in the district in which the land is located, then the Zoning Administrator shall, upon receipt of such application, approve and authorize the issuance of a zoning certificate. Within twenty (20) days after the date of such issuance, the Zoning Administrator shall examine said application and shall notify the architect or registered professional engineer in writing if the building or structure and the proposed use thereof do not in fact comply with all of the provisions of this Ordinance. Failure of the architect or the registered professional engineer to show compliance within thirty (30) days after such notification shall be cause for revocation of the zoning certificate. All buildings shall be completed within twenty-four (24) months of issuance of the zoning certificate.
    - b. When an application for a zoning certificate does not have affixed to it the certificate of an architect or registered professional engineer as described above, then if the proposed building or structure or addition thereto and use comply with all of the provisions of this Ordinance, the Zoning Administrator shall issue a zoning certificate within twenty (20) days after receipt of such application. If proposed building, structure or addition thereto and use do not so comply, then the Zoning Administrator shall notify the applicant in writing of the reasons for the denial of the application within twenty (20) days after receipt of such application.

c. Plats and Plot Plans:

Every application for a zoning certificate shall be accompanied by:

- 1) A plat, in duplicate, of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, showing the actual dimensions of the piece or parcel, lot, lots, block, or parts or portion thereof, according to the registered or recorded plat of such land; and
- 2) A plot plan, in duplicate, in such form as may, from time to time, be prescribed by the Zoning Administrator showing the ground area, height, and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building or structure or land, and such other information as may be required by the Zoning Administrator for the proper enforcement of this Ordinance.

One copy of both the plat and the plot shall be attached to the application for a zoning certificate when it is submitted to the office of the Zoning Administrator and shall be retained by the Zoning Administrator as a public record. The required plat and plot plan may be combined in one document; provided that in the opinion of the Zoning Administrator the signed document clearly shows all the required information.

d. Duration of Zoning Certificate:

When the Zoning Administrator has issued a zoning certificate, such certificate shall become null and void six (6) months after the date thereof unless erection or alteration of a building or structure is started, or the use is commenced, within such period.

9.03 Occupancy Certificates:

Except in the case of a building or structure to be used exclusively for agriculture, as defined in this Ordinance, no building or structure, or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building, shall be occupied and no land vacant on the effective date of this Ordinance shall be used for any purpose except agriculture, until an occupancy certificate has been issued by the office of the Zoning Administrator.

No change in a use, except where said change is to an exclusively agricultural use, shall be made until an occupancy certificate has been issued by the office of the Zoning Administrator.

A. Application for Occupancy Certificate:

Every application for a zoning certificate shall be deemed to be an application for occupancy certificate. When only an occupancy certificate is required by this Ordinance, the application shall be filed with the Zoning Administrator in such form and such manner as he may require.

B. Issuance of Occupancy Certificate:

No occupancy certificate for a building or addition thereto, constructed after the effective date of this Ordinance, or for an addition to a previously existing building, shall be issued until exterior construction has been completed and the premises inspected and certified by the office of the Zoning Administrator to be in conformity with the plans and specifications upon which it is located. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition

or during partial occupancy of the premises. An occupancy certificate shall be given to the applicant stating the reasons why certificate cannot be issued, not later than fourteen (14) days after the office of the Zoning Administrator is notified in writing that the building or premises is ready for occupancy.

9.04 Certificate for Continued Occupancy of Non-Conforming Uses:

Certificates for the continued occupancy of non-conforming uses existing at the time of passage of this Ordinance or made non-conforming by this Ordinance shall state that the use is a non-conforming one and does not conform with the provisions of this Ordinance. The Zoning Administrator shall notify the owners of the property being used as a non-conforming use and shall furnish said owner with a certificate of occupancy for such non-conforming use.

9.05 Appeals:

A. Persons Who May Appeal:

An appeal may be taken to the Board of Appeals by any person aggrieved, or by an officer, department, board or bureau of Ogle County affected by an order, requirement, decision or determination of the Zoning Administrator relative to the interpretation of this Ordinance.

B. Requests for Reconsideration:

Prior to the taking of an appeal the aggrieved person shall file within twenty one (21) days of the decision a request for reconsideration with the office of the Zoning Administrator. The request for reconsideration shall specify the grounds for the request. Upon receipt of a request for reconsideration, the Zoning Administrator shall forthwith transcribe an answer to the aggrieved person's request. Such an answer shall include findings of fact, conclusions, and final decision. This documents shall be signed by the Zoning Administrator and thereafter forwarded to the aggrieved person.

C. Procedure for Appeals:

1. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board, after the notice of appeal has been filed with him, that by any reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator and due cause shown.
2. The Board shall select a reasonable time and place for the hearing of the appeal and give not less than ten (10) days' written notice thereof to the interested parties and shall render a written decision on the appeal without reasonable delay.

D. Decision of Appeals:

The Board may affirm or reverse, wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers to the officer from which the appeal is taken, and any issue or direct the issuance of a permit. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, decision or determination of the Zoning Administrator under this Ordinance. (05/20/03)

E. Records of Appeals:

The Zoning Administrator shall maintain complete records of all actions of the Board with respect to appeals, and shall keep the Ogle County Board informed on a current basis of the disposition of each case.

9.06 Variations:

A. Authorization:

The Zoning Board of Appeals may vary the regulations imposed by this Ordinance in harmony with their general purpose and intent, but only in the specific instances hereinafter set forth. No application for a variation shall be acted on by the Zoning Board of Appeals until after a

public hearing has been noticed and held in the manner prescribed in Paragraph C. of this Section. (05/20/03)

B. Application for Variation:

Application for a variation shall be filed with the office of the Zoning Administrator. Such application shall be upon such form and accompanied by such information as may be required from time to time by the Zoning Administrator and the Zoning Board of Appeals. Upon receipt of an application for a variation, the Zoning Administrator shall forward a copy of same to the chairperson of the Planning, Assessment and Zoning Committee of the County Board and a copy to the Zoning Board of Appeals.

C. Public Hearing and Notice Thereof:

No more than ninety (90) days after the filing of such application, a hearing before the Zoning Board of Appeals shall be held on the application of which there shall be at least 15 days notice of the date, time and place of such hearing published at least once, not less than fifteen (15) days before the hearing, in one or more newspapers with a general circulation within Ogle County. Notice of such hearing shall contain:

1. The particular location of the real estate for which the variation is requested by legal description and street address, and if no street address than by locating such real estate with reference to any well-known landmark, highway, road, thoroughfare or intersection;
2. Whether or not the petitioner or applicant is acting for himself or in the capacity of agent, alter ego, or representative of a principal, and stating the name and address of the actual and true principal;
3. Whether petitioner or applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of 20% of all outstanding stock of such corporation;
4. Whether the petitioner or applicant, or his principal if other than applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true and actual owners of such business or entity;
5. Whether the petitioner or applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint venturers, syndicate members or members of the unincorporated voluntary association; and,
6. A brief statement of what the proposed variation consists.

The published notice may be supplemented by such additional form of notice as the Board by rule may provide.

D. Standards for Variations:

1. The Zoning Board of Appeals shall not vary the regulations of this Ordinance, as authorized in Paragraph A. hereof, unless it shall make findings based upon the evidence presented to it in each specific case that: (05/20/03)
  - a. The plight of the owner is due to unique circumstance.
  - b. The variation, if granted, will not alter the essential character of the locality.
2. In determining whether the strict application of the Zoning Ordinance creates practical difficulties for, or imposes a particular hardship on, an applicant for a variation, the Board shall consider the extent to which the following facts have been established by the evidence:
  - a. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
  - b. The conditions upon which the petition for a variation are based unique and would not be applicable, generally, to other property within the same zoning classification;
  - c. The purpose of the variation is not based exclusively upon a desire to obtain a higher financial return on the property;
  - d. The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
  - e. The granting of the variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
  - f. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
3. When the variation is requested and is a variation of ten (10) percent or less of the regulations authorized as to location of structure or as to bulk requirements under such regulations, in which case no public hearing is required and such variation may be granted by the Zoning Administrator. Before such a variation may be granted, a notice of the intent to grant such variation shall be sent by certified mail to all adjoining landowners. If any adjoining landowner files a written objection with the Zoning Administration within fifteen (15) days of receipt of such notice, the variation shall only be considered by the County Board in the manner provided for in this Section.
4. The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set out in this paragraph, to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and better to carry out the general intent of this Ordinance.

E. Authorized Variations:

Variations from the regulations of this Ordinance may be granted only in the following instances, and in no others, except as otherwise provided herein: (05/20/03)

1. To permit setback or yard less than the setback or yard required by this Ordinance;
2. To permit any building or structure to exceed the height limitations imposed by this Ordinance, but not more than twenty five (25) percent of the allowable height;
3. To permit the use of a lot for a use otherwise prohibited solely because of insufficient area of the lot, but in no event shall the area of the lot be less than eighty (80) percent of the required lot area;
4. To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided the substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
5. To reduce the applicable off-street parking by not more than one parking space or twenty (20) percent of the number of spaces required, whichever number is greater; and
6. To increase by not more than twenty-five (25) percent the maximum distance that required parking spaces may be located from the use served.

Exceptionally unique circumstances, as determined by the Planning & Zoning Committee upon the recommendation of the Zoning Administrator, that would involve instances other than or more extreme than allowed above, may be considered as a variation from the regulations of this Ordinance. Exceptionally unique circumstances must be truly unique and not similar, generally to other circumstances that currently

F. Action by the Zoning Board of Appeals.

The concurring vote of three (3) members of the Zoning Board of Appeals shall be necessary to grant a variation. (05/20/03)

G. Duration of Permit for Variation.

No order of the County Board granting a variation shall be valid for a period longer than six (6) months from the date of such order, unless the erection or alteration of a building or structure is started, or the use is commenced, within such period.

9.07 Amendments:

A. Authorization:

The regulations imposed and the districts created under the authority of this Ordinance may be amended from time to time by ordinance, but no such amendment shall be made without a public hearing before the Board of Appeals.

B. Initiation of Amendments:

1. Text amendments may be proposed by the Planning, Assessment and Zoning Committee of the Ogle County Board, the Zoning Board of Appeals or the Zoning Administrator.

2. Map amendments may be proposed by the Planning, Assessment and Zoning Committee of the Ogle County Board, the Zoning Board of Appeals, the Zoning Administrator, or any other person or persons with a legal interest in the property subject to the proposed amendment.

C. Applications for Amendments:

An application for an amendment to any provision of the text of this Ordinance, or to any district created thereby, shall be filed with the Zoning Administrator. Such application shall be upon such form and accompanied by such information as may be required from time to time by the Zoning Administrator and the Zoning Board of Appeals.

D. Processing of Applications for Amendments:

Upon receipt of an application for an amendment to the Zoning Ordinance (either a map amendment or text amendment), the Zoning Administrator shall transmit a copy to the chairperson of the Planning Assessment and Zoning Committee of the County Board and a copy to the Zoning Board of Appeals.

E. Public Hearings on Amendments:

The Zoning Board of Appeals shall hold a hearing on each application for an amendment within ninety (90) days after receipt of such application by the Zoning Administrator. A public hearing shall be held in Ogle County Courthouse or other County building as designated by the Zoning Administrator. Provided, however, that if a person with a legal interest in the property subject to the application requests in writing to the Zoning Administrator at least twenty one (21) days in advance of the scheduled hearing, such hearing shall be held in the township affected by the terms of such proposed amendment. Each hearing shall be conducted and the records of the proceedings and hearings shall be made and preserved in such manner and according to such procedures as the Board shall prescribe from time to time by its rules. All testimony shall be taken under oath, which shall be administered by the member of the Board presiding at the hearing.

F. Notice of Public Hearings:

At least 15 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County. Said notice shall include such description of the property affected by the proposed amendment as the Board shall prescribe from time to time by its rules. The published notice may be supplemented by such additional form of notices as the Board shall prescribe from time to time by its rules.

G. Report by Zoning Board of Appeals. (05/20/03)

After the public hearing has been held, the Board shall make written findings of fact and shall submit same together with a report containing its recommendations of the proposed amendment with the County Clerk for delivery to the County Board. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Board shall make finding based upon the evidence presented to it in each specific case with respect to the following matters:

1. That the proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.
2. That the County of Ogle and other service providers will be able to provide adequate public facilities and services to the property (including, but not necessarily limited to,

schools, police and fire protection, roads and highways, water supply and sewage disposal), while maintaining adequate public facilities and levels of service to existing development.

3. That the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources.
4. That the subject property is suitable for the proposed zoning classification.
5. That the proposed zoning classification is consistent with the trend of development, if any, in the general area of the subject property including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification.
6. That the proposed amendment is consistent with the public interest and not solely for the interest of the applicant, giving due consideration to the stated purpose and intent of the Amendatory Zoning Ordinance as set forth in Division 1 therein, the Land Evaluation and Site Assessment (LESA) findings (if applicable), and the recommendation(s) of the Ogle County Regional Planning Commission with respect to the *Ogle County Amendatory Comprehensive Plan*.

In addition to the standards contained herein, the Illinois courts have established additional factors (i.e. "The LaSalle Factors") that should be given consideration in all amendment (rezoning) cases, as follows:

- The existing uses and zoning of nearby property.
- The extent to which property values are diminished by the particular zoning restrictions.
- The extent to which limitation or destruction of property values of plaintiff promotes the general health, safety and welfare.
- The relative gain to the public as compared to the hardship imposed upon plaintiff.
- The suitability of the particular property for the purpose for which it is now zoned.
- The length of time that the property has been vacant as zoned considered in the context of land development in the area in which the property is located.
- The care with which the community has undertaken to plan its land use development.
- The evidence or lack of evidence of community need for the use proposed by the property owner.

H. Action by the County Board:

1. The County Board may:
  - a. Adopt the proposed amendment in whole or in part, with or without modification or amendment;
  - b. Reject the proposed amendment;
  - c. Recommit the proposed amendment to the Board of Appeals for further study, report and/or public hearings;
  - d. Approve requests to withdraw a hearing without a decision, with the understanding that described properties on amendment hearings will be subject to a one (1) year waiting period before another request for rezoning to the same district shall be applied for.

2. Amendments may be passed at a County Board meeting by a simple majority of the elected County Board members unless any of the provisions of Subsection 3., below, requires a greater majority.
3. Amendments shall not be passed except by a favorable vote of three-fourths (3/4) of all the members of the County Board whenever:
  - a. A written protest against a proposed text amendment is signed by 5% of the landowners of the County and filed with the County Clerk not less than twenty-four (24) hours prior to the scheduled County Board meeting where the decision on said proposed amendment is to be made; or,
  - b. A written objection by the township board of trustees of any township located within the County which has a township plan commission which objects to either a text or map amendment affecting an unincorporated area of the township, is submitted to the County Board, through the County Clerk, within thirty (30) days after the hearing before the Board of Appeals, and not less than twenty-four (24) hours prior to the scheduled County Board meeting where the decision on said proposed amendment is to be made; or,
  - c. A written protest against the proposed map amendment is signed by the owner or owners of at least twenty percent (20%) of the land sought to be rezoned, and a copy of the written protest is served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment, proof of which shall be submitted to the County Clerk and the Zoning Administrator not less than twenty-four (24) hours prior to the scheduled County Board meeting where the decision on said proposed amendment is to be made; or,
  - d. A written protest against the proposed map amendment is signed by the owner or owners of land immediately touching, or immediately across a street, alley or public right-of-way from, at least twenty percent (20%) of the perimeter of the land to be rezoned, and a copy of such written protest is served as set forth in paragraph c. above; or,
  - e. A written protest against the proposed amendment is filed with the County Clerk by the corporate authorities of a zoned municipality nearest the affected property and (1) the proposed amendment is a map amendment and the land affected by the proposed map amendment lies within one and one-half (1-1/2) miles of the limits of such municipality and a copy of such written protest is served as set forth in c. above, or (2) the proposed amendment is a text amendment.

9.08 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 9.07 of this Ordinance, 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 9.07 of this Ordinance, as amended.

C. Standards. (05/20/03)

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: (05/20/03)

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.(9/03)

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.

9.09 Entry and Inspection of Land and Buildings:

The Zoning Administrator or his authorized representative(s) are hereby authorized in the performance of their function to enter upon any land in the unincorporated area of Ogle County for the purpose of making inspections, examinations, and surveys, or to place and maintain thereon monuments, markers, notices, signs or placards to effectuate the purpose and provisions of this Ordinance. The above authorized persons shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this Division.

9.10 Violations, Penalty, Enforcement:

A. A person who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the zoning provisions of this Ordinance shall be guilty of a petty offense punishable by a fine not to exceed five hundred dollars (\$500.00). Upon written notification that a violation of this Ordinance exists, the person notified shall have fifteen (15) days to eliminate such violation and/or comply with this Ordinance.

Each week such violation or failure to comply is permitted to exist after the expiration of such fifteen (15) day period shall constitute a separate offense. The Zoning Administrator may extend

such fifteen (15) day period in such case as he may deem necessary. The decision of the Zoning Administrator on a request for extension shall be reviewable on appeal by the Zoning Board of Appeals in accordance with provisions of Section 9.05 of this Ordinance.

- B. Stop Work Order. When any building or structure is being constructed, either without a zoning certificate or in violation of a properly issued zoning certificate, the Zoning Administrator is hereby authorized to issue and post a Stop Work Order on the premises where the violation is taking place. (05/20/03)
1. The Stop Work Order shall cite the violated section(s) of the zoning ordinance and shall be presented to the owner of the property, the owner's agent or to the person doing the work.
  2. Compliance with the order shall be the responsibility of the owner of record of, the current occupant of and the person performing the work upon the property.
  3. After a Stop Work Order has been posted pursuant to this section by the Zoning Administrator or his duly authorized representative, it shall be unlawful for any person to remove or deface the posted Stop Work Order. Removal or defacement of the posted Stop Work Order shall be punishable as a petty offense as set forth in the Illinois Compiled Statutes (55 ILCS 5/5-12017).
  4. Any person who shall continue to work in, on or about the building or structure shall be considered as having violated this provision and shall be subject to the provisions of Section 9.10, Paragraph A of this ordinance.

9.11 Fees:

Any application for an amendment, special use permit, variation or zoning certificate which is filed by or in behalf of the owner or owners of property affected shall be accompanied by a fee as set by the Ogle County Board by resolution.

When construction starts before a zoning certificate is issued, the fee shall be increased by one-hundred (100) percent.

No fee shall be charged for zoning certificates for buildings or structures used or to be used solely for agricultural purposes, as defined in this Ordinance.

No fee for an amendment, special use permit or variation shall be refunded or partially refunded. (05/20/03)

No fee for a zoning certificate shall be refunded after issuance of said zoning certificate by the Zoning Administrator.

9.12 Effective Date:

This Ordinance shall be printed or published in pamphlet form. The provisions of this Ordinance shall be in full force and effect on and after \_\_\_\_\_, 20\_\_\_\_ .

ADOPTED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,  
BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS.

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Jerry Daws  
Chairman of the Ogle County Board

ATTEST:

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Jean Wolfe  
Ogle County Clerk and Ex-Officio Clerk of the Ogle County Board