

**SPECIAL USE**  
Petitioner's Instructions

The following instructions have been prepared by the Whiteside County Building and Zoning Office to assist those seeking a Special Use for their property. Under the County Zoning, Planning & Development Ordinance, the County Board alone has the power to grant a Special Use. The County uses the requirements in the State Statute for county zoning to establish the procedures that must be followed to obtain a Special Use. The Whiteside County Zoning, Planning & Development Ordinance and the following instructions are based on this statute.

**PART I. INITIAL PREPARATIONS**

- A. The petitioner should first read these instructions thoroughly and be sure that there are no questions regarding what will be required.
  
- B. The petitioner should obtain the legal description to the property in question, preferably from a deed, and should prepare a site plan of the property. That plan should include:
  - 1. any existing or proposed buildings with dimensions of each;
  - 2. distances between buildings and between buildings and property lines;
  - 3. area(s) to be used for parking and the proposed number of spaces;
  - 4. proposed point(s) of access to the property.
  
- C. Once the site plan is prepared; the petitioner will schedule a conference with the Building and Zoning Administrator to determine the proper classification for the proposed use of their property.

**PART II. CONFERENCE**

- A. At the conference with the Building and Zoning Administrator, the proposed use and the site plan will be reviewed to determine any possible problems and questions about the Special Use process will be answered.
  
- B. The petitioner will be asked to help fill out and sign a "**PETITION REQUESTING A SPECIAL USE UNDER ZONING, PLANNING & DEVELOPMENT ORDINANCE**" form. This petition must be signed by all parties having an interest in the ownership of the property.
  
- C. When the petition is completed, it must be filed with the Building & Zoning Office along with the required fee as set by the County Board. **NOTE:** The petition will not be forwarded for hearings until the required fee has been paid to the Building & Zoning Office.
  
- D. At the time of filing, the Building and Zoning Administrator may determine that a Land Evaluation and Site Assessment (LESA) will be required. The petitioner may be instructed to take a copy for the petition to the Whiteside County Soil and Water Conservation office and request the Land Evaluation portion of LESA. The Building & Zoning Office will prepare the Site Assessment portion.
  
- E. If the above requirements are met and Part III is not required, the petition will be forwarded

to the Whiteside County Zoning Hearing Officer for public hearings.

**PART III. MUNICIPAL REVIEW**

- A. If the property for which a Special Use is being sought lies within one and one-half miles of the corporate limits of Fulton, Albany, Morrison, Prophetstown, Lyndon, Tampico, Rock Falls, Deer Grove or Sterling, the petition will have to be taken to that municipality by the petitioner.
- B. If the municipality in question wishes to hold a hearing on the Special Use request, the petitioner will have to arrange a hearing date with that municipality first. The petitioner will be directed by the appropriate person in that municipality as to the steps to be taken.
- C. The petitioner or the petitioner's agent will appear at the required municipal hearing(s) as required by the municipality. Upon completion of their review, their comments will be forwarded to the County to be considered during the County's hearings.

**PART IV. COUNTY REVIEW**

- A. Immediately after the hearing fee is paid and Part III is completed (if required), hearings will be scheduled with the Zoning Hearing Officer.
  - 1. The Building & Zoning Office will prepare a "**NOTICE OF PUBLIC HEARING**", determine which newspaper the notice will be published and email or mail them and will also mail all adjoining property owners by certified mail. They will also mail a copy to the proper road authority; and
  - 2. One copy for the petitioner's files.

**NOTE:** The "**NOTICE OF PUBLIC HEARING**" must be published and mailed no more than thirty (30) days or less than fifteen (15) days prior to the date of the public hearing held by the Planning and Zoning Commission. This is in accordance with the requirements of the State Statutes.

- B. The Building and Zoning Office will provide the petitioner with a list of all meeting dates and times. The petitioner is then responsible for seeing that the petition is represented at those meetings. If no one is present to represent the petitioner, the petition will most likely be tabled until the following month.
- C. Hearings will be held in the General Meeting Room of the Law Enforcement Center in Morrison, Illinois. The petitioner may request (in writing) that the hearing be held in the Township where the rezoning is taking place.
- D. The petitioner or the petitioner's agent will appear at the meeting of Zoning Hearing Officer. The Hearing Officer will review the proposed use with regard to the LESA report and any other information deemed applicable. The petitioner should have the following documents available for inspection by the Commission at this meeting:
  - 1. Proof of certified mailings. Receipts signed by the addressees and returned to the Building & Zoning Office by the Postal Service should be in the petitioners file.

2. "Certificate of Publication" from the newspaper. This should be in the petitioners file.
3. Copies of the site plan prepared for the Building & Zoning Office in Part I., B. Ten copies are recommended.

**Note:** The last page of these instructions lists the standards which the Zoning Hearing Officer will apply to the petition. **PLEASE BE PREPARED TO ADDRESS THESE STANDARDS IN YOUR PRESENTATION TO THE ZONING BOARD!**

**ALSO, ANY ITEMS PRESENTED TO THE ZONING HEARING OFFICER, IN SUPPORT OF YOUR PETITION, BECOME THE PROPERTY OF THE COUNTY AND WILL NOT BE RETURNED.**

E. The recommendation of the Zoning Hearing Officer will be forwarded to the County Board for their final action at the next month's meeting. This will be accompanied by their Finding of Facts and a resolution for the County Board to act on. The County Board will also receive a copy of the minutes of the attending the County Board meeting but it is not required.

#### **PART V. COUNTY BOARD FINAL ACTION**

A. The County Board should act on the petition at their meeting in the month following the close of the public hearings. The County Board does not have to hear any public comment on the petition but will do so when absolutely necessary. A final decision should be made at this meeting but the County Board does have the option to send a petition back to hearings for further information.

B. If the petition resolution comes up for a vote, it will require a simple majority vote. If any of the following apply, however, the County Board must approve the resolution by a three quarters vote of the entire Board (21 members must vote in favor):

1. written protest by the owner or owners of at least 20% of the land to be rezoned; or
2. written protest by owners of land comprising 20% of the perimeter of the land to be rezoned; or
3. written protest of a municipality when the property falls within the one and one-half mile limit; provided that such written protests are filed with the County Clerk's office prior to the meeting of the County Planning and Zoning Commission; or
4. written protest from the Township Board upon the recommendation of the Township's Plan Commission.

C. If the petition is approved by the County Board, the petitioner is free to begin development. If new construction is proposed, a zoning permit for that construction must be obtained from the Building & Zoning Office.

D. If the petition is denied by the County Board, the petitioner may appeal the decision. Such

appeals should be made to the Circuit Court, 14<sup>th</sup> Judicial Circuit.

**NOTE: CONSTRUCTION CANNOT BEGIN WITHOUT A BUILDING PERMIT AND A BUILDING PERMIT CANNOT BE ISSUED WITHOUT APPROVAL OF THE SPECIAL USE. BUILDING WITHOUT THE PROPER PERMIT WILL RESULT IN A PENALTY FEE BEING ADDED TO THE COST OF THE PERMIT.**

**PART VI. SPECIAL USE STANDARDS**

The following standards are found in Chapter 39, Article IV, Section 39-146 (f) of the Whiteside County Zoning, Planning & Development Ordinance. When considering an application for a special use, the planning and zoning commission, based on evidence presented, shall find:

- A. That the special use shall, in all other respects, conform to the applicable regulations of the county zoning regulations for the district in which it is located, except as such regulations may in each instance be modified by the county board pursuant to the recommendations of the planning and zoning commission. Special uses, when combined with variances for this same property, shall be considered compliant for the purposes of this section.
- B. That the special use will be consistent with the purposes, goals, objectives, and standards of an officially adopted county comprehensive land use plan and these regulations or of any officially adopted comprehensive plan of a municipality with a 1½ mile planning jurisdiction.
- C. That the petitioner has provided the information required by article IX of this chapter, and has provided, in writing, a narrative on how the requested special use meets the standards required in this section of the zoning regulations.
- D. That in presenting any application for a special use, the burden of proof shall rest with the applicant to clearly establish that the proposed special use shall meet the following standards:
  - 1. That the establishment, maintenance or operation of the special use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity.
  - 2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood, and will be located and operated to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property. The applicant need not demonstrate complete compatibility, but the applicant shall demonstrate reasonable efforts to minimize incompatibility.
  - 3. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.
  - 4. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and hazard on the public streets.
  - 5. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
  - 6. That consideration is given to any special facilities such as churches, schools or hospitals located near the proposed special use.

E. The requirement of certain safeguards may be needed at times. Such safeguards may include, but are not to be limited to:

1. Special setback and buffers.
2. Fences and/or walls.
3. Lighting.
4. Sewer and water.
5. Paving or parking areas.
6. Regulation of time for certain activities.
7. Regulation of points of vehicular ingress and egress.
8. Regulation of noise, vibrations, odors, etc.
9. Regulation of signs.
10. Landscaping and maintenance thereof.
11. Other conditions

and will review the proposed special use petition as it applies to the Whiteside County Comprehensive Plan

1. Agricultural Quality:
  - Does the site have a history of productive farming?
  - Does the site contain prime soils?
  - Is the site viable for long-term agricultural use?
  - Is the site too small to be economically used for agricultural purposes?
  - Is the site inaccessible for machinery needed to produce and harvest products?
2. Land Use Compatibility:
  - Will the proposed change have a substantial, adverse effect on adjacent properties?
    - Residential uses
    - Non-residential uses
3. Natural Resources:
  - Does the site include any important natural features?
    - Wetlands, Floodplains, Steep slopes, Scenic vistas, Significant woodlands
  - Will the development result in pollution of any kind?
    - Water, Light, Noise
4. Employment:
  - Does the proposed special use contribute to creation or retention of full time jobs?
5. Emergency Vehicle Access:
  - Will emergency vehicles have any issues accessing the site?
6. Adherence to Other Portions of The Comprehensive Plan.

**PLEASE BE PREPARED TO ADDRESS THESE CRITERIA IN YOUR PRESENTATION TO THE ZONING HEARING OFFICER!**

**PART VII. WAIVING OF HEARING FEES BY COUNTY BOARD:**

For those citizens that feel they cannot afford the required fee(s) for a hearing before the Whiteside County Zoning Hearing Officer, the following procedures will be followed:

- A. Such requests will be made in writing and presented in person, by the individual or their agent, to the Whiteside County Health and Social Services Committee at a regular meeting. The Committee may request any information deemed necessary to determine that a financial hardship exists.
- B. The Health and Social Services Committee, after hearing the request, will prepare a recommendation to be acted upon by the County Board. The individual may be required by the Committee to appear at the County Board meeting.
- C. The final decision of the County Board will be by motion and will be passed on to the Building & Zoning Office for its files.
- D. The Building & Zoning Office will schedule such requests for a hearing by the Zoning Hearing Officer, at the next meeting date that has at least one hearing scheduled.