



# WHITESIDE COUNTY

Phone: (815) 772-5175

# BUILDING & ZONING

Whiteside County Courthouse  
18819 Lincoln Road  
Morrison, Illinois 61270

website: [www.whitesidecountyil.gov](http://www.whitesidecountyil.gov)

## SPECIAL USE PETITIONER INSTRUCTIONS

The following instructions have been prepared by the Whiteside County Building & Zoning Office to assist those seeking a special use for their property. Under the State of Illinois statute that governs county zoning, (ILCS Division 5/5- 12), the County Board has the power to grant a special use. The statute establishes the procedures that must be followed to grant a special use. The Whiteside County Zoning, Planning & Development Ordinance and the following instructions are based on the statute.

### REQUIREMENTS

- A. The petitioner should first read these instructions thoroughly and be sure that there are no questions regarding what will be required.
- B. If necessary, the petitioner may schedule a conference with the Building & Zoning Administrator to discuss the proposed use of the proposed site and ask questions about the special use process.
- C. Special Use Application/Petition Requirements

#### 1. LEGAL DESCRIPTION:

The petitioner should obtain the legal description of the property proposed for a special use permit, preferably from a deed which may be obtained from the Recorder's Office.

#### 2. Complete the Special Use Permit Application & Petition Forms.

#### 3. MUNICIPAL REVIEW:

If the property proposed to be granted a special use permit lies within one and one-half miles of the corporate limits of Fulton, Albany, Morrison, Prophetstown, Lyndon, Tampico, Deer Grove, Rock Falls or Sterling, the petition will have to be taken to that municipality by the petitioner as state statutes grant them this extraterritorial planning jurisdiction.

If the municipality 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.

The petitioner or the petitioner's representative will appear at any hearing as required by the municipality. Upon completion of their review, comments will be forwarded to the Building & Zoning Office in a letter or a copy of the approved minutes as to their support or opposition to be considered during the public hearing.

4. L.E.S.A.

The Building and Zoning Administrator will determine if a Land Evaluation and Site Assessment (LESA) is required. The petitioner may be instructed to contact the Whiteside County Soil and Water Conservation Office and request the Land Evaluation portion of the LESA. The Building & Zoning Office will prepare the Site Assessment portion.

5. Provide civil site plan to scale providing the dimensions and use of each building on site and/or proposed buildings on site, setbacks, along with location and dimensions of ingress/egress(es) to the site, proposed location of well and septic and drain field, fencing type and dimensions, proposed landscaping, parking spaces to be provided, etc.
6. Provide a written narrative on how the proposed special use meets the standards required in Section 39-146 of the Zoning, Planning and Development Ordinance.
7. Provide copies of any Federal, State or County permits required for the proposed use.
8. Any other information or documentation that may be required by the Building and Zoning Office.
9. Pay the required fees.
10. When the petition is completed, and all applicable requirements are met, it must be filed with the Building & Zoning Office along with the required fees as set by the County Board.
11. The public hearing will be scheduled with the Zoning Hearing Officer.
12. The Building & Zoning Office will prepare a "**NOTICE OF PUBLIC HEARING**", determine which newspaper the notice will be published and give a list of persons to be notified by certified mail.
  - a. 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
  - b. One copy for the petitioner's files.

**NOTE:** The "**NOTICE OF PUBLIC HEARING**" must be published and mailed no more than thirty (30) days nor less than fifteen (15) days prior to the date of the public hearing held by the Zoning Hearing Officer. This is in accordance with the requirements of the State Statutes.

- D. The Building & Zoning Office will also provide the petitioner with meeting dates and times. The petitioner is then responsible for representation of the petition at the public hearing. If no representative for the petition is present, the petition may be tabled.
- E. Hearings will be held in the Whiteside County Board Room of the Law Enforcement Center, 400 N Cherry Street, Morrison, Illinois. The petitioner may request (in writing) that the hearing be held in the Township where the special use is proposed.

F. The petitioner or the petitioner's representative will appear at the hearing with the Zoning Hearing Officer. The Zoning Hearing Office will review the petition for the proposed special use with regard to the LESA report, approval criteria and any other applicable information.

**NOTE:** The approval criteria and other considerations, which the Zoning Hearing Officer will review in reference to the petition, includes the following:

from the Whiteside County Zoning, Planning & Development Ordinance, Chapter 39, Article IV, Sec. 39-146 (f)

1. 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 Zoning Hearing Officer. Special uses, when combined with variances for this same property, shall be considered compliant for the purposes of this section.
2. 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.
3. 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 Section 39-146 of the Zoning, Planning and Development Ordinance.
4. 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 criteria:
  - a. 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.
  - b. 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.
  - c. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.
  - d. 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.
  - e. 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.
  - f. That consideration is given to any special facilities such as churches, schools or hospitals located near the proposed special use.

5. The requirement of certain safeguards may be needed at times. Such safeguards may include, but are not to be limited to:
  - a. Special setback and buffers.
  - b. Fences and/or walls.
  - c. Lighting.
  - d. Sewer/septic and water/well.
  - e. Paving or parking areas.
  - f. Regulation of time for certain activities.
  - g. Regulation of points of vehicular ingress and egress.
  - h. Regulation of noise, vibrations, orders, etc.
  - i. Regulation of signs.
  - j. Landscaping and maintenance thereof.
  - k. Other conditions which may be necessary to ensure orderly and proper development.

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!**

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

The Recommendation from the Zoning Hearing Officer will be forwarded to the County Board for their final action at the next month's meeting. The petition and recommendation will be accompanied by the Findings of Fact and a resolution for the County Board to act upon. The County Board will also receive a copy of the minutes from the Zoning Hearing Officer for review. The petitioner or the petitioner's representative has the option of attending the County Board meeting but it is not required as no further comments, testimony or evidence can be presented.

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

**WAIVING OF HEARING FEES BY THE 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 representative, 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 Service 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 and Zoning Office for its files.
- D. The Building and Zoning Office will schedule such requests for a hearing by the Zoning Hearing Officer at the next public hearing date that has at least one other petition scheduled to be heard.