

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2009-06

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT
FOR AN AGRITAINMENT USE ON PROPERTY LOCATED
AT 26271 MALTA ROAD
IN SOUTH GROVE TOWNSHIP**

WHEREAS, Carolyn McQuillan has filed an application for a Special Use Permit in accordance with Section 9.02 of the DeKalb County Zoning Ordinance to allow the continued operation of an agritainment use and country store on property located at 26271 Malta Road in South Grove Township, said property being zoned A-1, Agricultural District and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on June 4, 2009, 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 the request and none in opposition thereto; and

WHEREAS, the Hearing Officer, having considered the evidence, testimony and exhibits presented has made his findings of fact and recommended that the requested Special Use Permit be granted, as set forth in the Findings of Fact and recommendation of the DeKalb County Hearing Officer, dated June 4, 2009, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the Findings of Fact and recommendation of the Hearing Officer, and has forwarded a recommendation to the DeKalb County Board that the requested Special Use Permit be approved; and

WHEREAS, the DeKalb County Board has considered the findings of fact and recommendation of the Hearing Officer and the recommendation of the Planning and Zoning Committee, and has determined that granting the Special Use Permit to allow the operation of an agribusiness on the subject property would be consistent with the requirements established by Section 9.02.B.3. of the DeKalb County Zoning Ordinance;

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

SECTION ONE: The report of the DeKalb County Hearing Officer, 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 DeKalb County Board.

SECTION TWO: Based on the findings of fact set forth above, the request of Carolyn McQuillan for a Special Use Permit to allow the operation of an agritainment in the form of classes for frontier crafts and the sale of materials associated with those crafts on property located at 26271 Malta Road in South Grove Township, said property being legally described in Exhibit "A" attached hereto, is hereby approved.

SECTION THREE: This approval of a Special Use Permit is subject to the following conditions:

1. The operation of the agritainment use and country store shall be in conformance with the details in the application for Special Use Permit;
2. Hours of operation of the Special Use shall be restricted to between 9:00 a.m. and 10:00 p.m.

SECTION FOUR: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

SECTION FIVE: Failure of the owners 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 11.07 of the DeKalb County Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 15TH DAY OF JULY, 2009, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

Legal Description of Subject Property

Part of the Southwest Quarter of Section 22, Township 41 North, Range 3 East of the Third Principal Meridian, DeKalb County, Illinois described as follows: Commencing at the Southeast corner of the Southwest Quarter of said Section 22; thence Northerly along the East line of the Southwest Quarter of said Section 22 a distance of 1302.6 feet for the Place of Beginning; thence Westerly at an angle of $90^{\circ} - 14' - 20''$ measured clockwise from the last described course a distance of 390.00 feet; thence Northerly at an angle of $90^{\circ} - 00' - 00''$ measured counterclockwise from the last described course a distance of 560.14 feet; thence Easterly at an angle of $90^{\circ} - 00' - 00''$ measured counterclockwise from the last described course a distance of 387.66 feet to the East line of the Southwest Quarter of said Section 22; thence Southerly along the East line of the Southwest Quarter of said Section 22 a distance of 560.14 feet to the Place of Beginning containing in all 5.000 acres more or less.

P.I.N.(s)# 04-22-300-003

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2009-07

**AN ORDINANCE AMENDING A SPECIAL USE PERMIT
FOR THE OHIO GROVE CEMETERY LOCATED
ON THE NORTH SIDE OF BARBER GREENE ROAD
IN CORTLAND TOWNSHIP**

WHEREAS, the Ohio Grove Cemetery Association has filed an application for an Amendment to a Special Use Permit, in accordance with the requirements of Section 9.02.B.2 of the DeKalb County Zoning Ordinance, to approve the existing 3.9-acre cemetery located on the north side of Barber Greene Road approximately 1,100 feet west of Airport Road in Cortland Township, and allow an expansion of the cemetery on to a two-acre property located on its east side, said properties being zoned A-1, Agricultural District and legally described in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on June 11, 2009, at which the petitioner 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 request; and

WHEREAS, the Hearing Officer, having considered the evidence, testimony and exhibits presented has made his findings of fact and recommended that the requested Amendment to a Special Use Permit be approved, as set forth in the Findings of Fact and Recommendation of the DeKalb County Hearing Officer, dated June 11, 2009, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed the exhibits and testimony presented at the public hearing and has considered the findings of fact and recommendations of the Hearing Officer, and has forwarded a recommendation to the DeKalb County Board that the Amended Special Use Permit for the cemetery be granted in accordance with the plans submitted by the petitioners and the recommendation of the Hearing Officer; and

WHEREAS, the DeKalb County Board has considered the findings of fact and recommendations of the Hearing Officer and Planning and Zoning Committee, and has determined that approving the Amendment to a Special Use Permit to expand a cemetery is consistent with the requirements of Section 9.02.B.3 of the DeKalb County Zoning Ordinance;

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

SECTION ONE: The Findings of Fact and Recommendation of the DeKalb County Hearing Officer, Exhibit "B" attached hereto, is hereby accepted, and the findings of fact set forth above are hereby adopted as the findings of fact and conclusions of the DeKalb County Board.

SECTION TWO: Based on the findings of fact set forth above, the request of the Ohio Grove Cemetery Association is approved, and an Amendment to a Special Use Permit is hereby granted for the existing 3.9-acre Ohio Grove Cemetery, and for the expansion of the cemetery on to a two-acre property adjacent to the east side of the existing cemetery, all of which is located on the north side of Barber Greene Road in Cortland Township, said properties being legally described in Exhibit "A" attached hereto.

SECTION THREE: This approval of a Special Use Permit on the subject property is subject to the following conditions:

1. The layout and use of the cemetery shall be in substantial conformance with the plan and materials submitted as part of the application for Amendment to a Special Use Permit;
2. Prior to use of the northeast corner of the expansion area for burial plots, a Site Development Permit shall be submitted by the Cemetery Association and approved by the County to address the adequacy of soils and address drainage issues.

SECTION FOUR: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

SECTION FIVE: 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 11.07 of the DeKalb County Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 15TH DAY OF JULY, 2009, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

Legal Description of Subject Property

Parcel One:

That part of the Northeast quarter of Section 16, Township 40 North, Range 5 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Northeast Quarter; Thence Westerly, along the North line of said Northeast Quarter, 973.50 feet; Thence Southerly, at an angle of 91°09'21", measured clockwise from said North line, 137.96 feet; Thence Easterly, at an angle of 91°09'55", measured clockwise from the last described course, 356.04 feet for a point of beginning; Thence Southerly, at an angle of 91°40'39", measured counterclockwise from the last described course, 359.93 feet to the centerline of Barber Greene Road; Thence Easterly, at an angle of 92°27'15", measured clockwise from the last described course, along said centerline, 470.13 feet; Thence Northerly, at an angle of 86°57'53", measured clockwise from said centerline, 368.81 feet; Thence Westerly, at an angle of 91°58'01", measured clockwise from the last described course, 466.09 feet to the point of beginning, all in Cortland Township, DeKalb County, Illinois.

Parcel Two:

That part of the Northwest quarter of Section 15, and the Northeast quarter of Section 16, Township 40 North, Range 5 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Northeast Quarter; Thence Westerly, along the North line of said Northeast Quarter, 973.50 feet; Thence Southerly, at an angle of 91°09'21", measured clockwise from said North line, 137.96 feet; Thence Easterly, at an angle of 91°09'55", measured clockwise from the last described course, 356.04 feet; Thence Southerly, at an angle of 91°40'39", measured counterclockwise from the last described course, 359.93 feet to the centerline of Barber Greene Road; Thence Easterly, at an angle of 92°27'15", measured clockwise from the last described course, along said centerline, 470.13 feet for a point of beginning; Thence Northerly, at an angle of 86°57'53", measured clockwise from said centerline, 360.36 feet; Thence Easterly, at an angle of 87°14'42", measured counterclockwise from the last described course, 242.00 feet; Thence Southerly, at an angle of 92°45'18", measured counterclockwise from the last described course, 360.36 feet to said centerline; Thence Westerly, at an angle of 87°14'42", measured counterclockwise from the last described course, 242.00 feet to the point of beginning, all in Cortland Township, DeKalb County, Illinois.

Parcel Three:

That part of the Northeast Quarter of Section 16, Township 40 North, Range 5 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence Westerly, along the North line of said Northeast quarter, 973.50 feet; Thence Southerly, at an angle of 91°09'21", measured clockwise from said North Line, 137.96 feet; Thence Easterly, at an angle of 91°09'55", measured clockwise from the last described course, 356.04 feet; Thence Southerly, at an angle of 91°40'39", measured counterclockwise from the last described course, 228.32 feet for a point of beginning; Thence continuing Southerly along the last described course, 131.61 feet to the centerline of Barber Greene Road; Thence Westerly, at an angle of 86°55'41", measured counterclockwise from the last described course, along said centerline, 124.84 feet; Thence Northerly, at an angle of 93°35'12", measured counterclockwise from said centerline, 127.79 feet; Thence Easterly, at an angle of 88°10'50", measured counterclockwise from the last described course, 125.84 feet to the point of beginning, all in Cortland Township, DeKalb County, Illinois.

P.I.N.s: 09-15-100-007 & 09-16-200-011

STATE OF ILLINOIS)
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COUNTY OF DEKALB)

ORDINANCE 2009-08

**AN ORDINANCE AMENDING ORDINANCE 2008-17
GRANTING A SPECIAL USE PERMIT
FOR A KENNEL AND DOG TRAINING SERVICE
ON PROPERTY LOCATED AT 15408 PLANK ROAD
IN SYCAMORE TOWNSHIP**

WHEREAS, the DeKalb County Board approved Ordinance 2008-17 granting a Special Use Permit for the operation of a commercial kennel and dog training service on property located at 15408 Plank Road in Sycamore Township, said property being zoned A-1, Agricultural District and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, Kimberly Bobka, the property owner, has filed an application for an Amendment to the Special Use Permit in accordance with Section 9.02 of the DeKalb County Zoning Ordinance to allow an expansion of the kennel and dog training business in the form of a new 3,000 square-foot accessory structure; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on June 11, 2009, at which the petitioner presented evidence, testimony, and exhibits in support of the requested Amendment to a Special Use Permit, and no members of the public testified in favor of the request and none in opposition thereto; and

WHEREAS, the Hearing Officer, having considered the evidence, testimony and exhibits presented has made his findings of fact and recommended that the requested Amendment to a Special Use Permit be granted, subject to conditions, as set forth in the Findings of Fact and recommendation of the DeKalb County Hearing Officer, dated June 11, 2009, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the Findings of Fact and recommendation of the Hearing Officer, and has forwarded a recommendation to the DeKalb County Board that the requested Amendment to a Special Use Permit be approved; and

WHEREAS, the DeKalb County Board has considered the findings of fact and recommendation of the Hearing Officer and the recommendation of the Planning and Zoning Committee, and has determined that granting the Amendment to a Special Use Permit to allow the expansion of a kennel and dog training service on the subject property would be consistent with the requirements established by Section 9.02.B.3. of the DeKalb County Zoning Ordinance;

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

SECTION ONE: The report of the DeKalb County Hearing Officer, 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 DeKalb County Board.

SECTION TWO: Based on the findings of fact set forth above, the request of Kimberly Bobka for an Amendment to a Special Use Permit to allow the expansion of a commercial kennel and dog training service on property located at 15408 Plank Road in Sycamore Township, said property being legally described in Exhibit "A" attached hereto, is hereby approved.

SECTION THREE: This approval of a Special Use Permit is subject to the following conditions:

1. The new accessory structure shall be built and used in substantial accordance with the application for Amendment to a Special Use Permit submitted by Kimberly Bobka;
2. To the extent they are not in conflict with this Ordinance, the conditions of approval contained in Ordinance 2008-17 shall remain in force and effect.

SECTION FOUR: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

SECTION FIVE: Failure of the owners 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 11.07. of the DeKalb County Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 15TH DAY OF JULY, 2009, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

Legal Description of Subject Property

That part of the Northeast Quarter of the Southwest Quarter of Section 15, Township 41 North, Range 5 East of the Third Principal Meridian in DeKalb County, Illinois described as follows: Commencing at the Northeast corner of the said Northeast Quarter of the Southwest Quarter of Section 15 aforesaid: Thence West along the North line thereof 298.0 feet to a point marked by a railroad spike set in the center line of the Plank Road (also known as Burlington-Sycamore Road); thence Southwesterly along the center line of said road a distance of 865.95 feet to a point marking the most Westerly corner of that parcel of land as described in a certain deed recorded in the County Recorder's Office of DeKalb County, Illinois in Book 323 on page 272 as Document Number 296402 for a place of beginning; thence Northeasterly at an angle of 55 degrees 53 minutes, measured clockwise from the last described course along the Southerly line of said parcel of land described in Document Number 296402, a distance of 274.4 feet to a point marking the Southeasterly corner of said parcel of land described in Document Number 296402; thence Southwesterly at an angle of 55 degrees 53 minutes, measured counter clockwise from the last described course and being parallel with the center line of said road, a distance of 292.0 feet to a point; thence Northwesterly at an angle of 94 degrees 46 minutes, measured counter clockwise from the last described course, a distance of 228.0 feet to a point in the center line of the aforesaid road, said point being 157.0 feet Southwesterly from the place of beginning; thence Northeasterly along a straight line and along the center line of said road a distance of 157.0 feet to the place of beginning, all lying and being in the Northeast Quarter of the Southwest Quarter of Section 15, Township 41 North, Range 5 East of the third Principal Meridian in DeKalb County, Illinois. Containing 1.175 acres, more or less.

P.I.N.: 06-15-300-006

STATE OF ILLINOIS)
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COUNTY OF DEKALB)

ORDINANCE 2009-09

**AN ORDINANCE ESTABLISHING
A TEMPORARY SUSPENSION ON APPROVAL OF
COMMERCIAL WIND TOWERS**

WHEREAS, on June 11, 2009, the DeKalb County Board approved Ordinance 2009-05, which granted a Special Use Permit for the construction and operation of a commercial wind farm consisting of 119, 263-foot-tall, 1.5 megawatt electricity-generating wind towers on properties comprising approximately 22,000 acres in unincorporated Shabbona, Milan, Afton and Clinton Townships; and

WHEREAS, the project approved by Ordinance 2009-05 consists of the first such commercial, electricity-generating wind towers to be located in DeKalb County; and

WHEREAS, the public hearing process for the wind farm raised questions specific to the potential impacts of wind towers, including but not limited to: effect on the value of surrounding properties; effect on the visual aesthetics of the area where wind towers are constructed; effect of “shadow flicker” associated with spinning blades; effect of noise associated with wind towers; effects on birds and bats; effect on drainage in the area around the towers; effect on aerial spraying of adjoining farms; effects on television, radio, microwave and internet reception; and impacts to public roads used by construction traffic associated with wind towers; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board discussed at its meeting of June 24, 2009 the idea of a temporary suspension of approval of any expansion of an existing wind farm or of any new proposed wind farm for a period of three years in order to allow the County to assess the real impacts of an existing, operating wind farm; and

WHEREAS, the DeKalb County Board finds it to be in the interest of the public health, safety and welfare to establish a period of time for an assessment of the actual impacts of commercial wind towers, based upon data generated by the project approved by Ordinance 2009-05, and for evaluation and action on that assessment if such is deemed appropriate, during which time County staff shall not process, nor the County Board act upon, any application for a Special Use Permit or Amendment to a Special Use Permit for commercial wind towers; and

WHEREAS, the County Board anticipates that a period of three full years is necessary to evaluate the real impacts of commercial wind towers on surrounding properties and the County as a whole, commencing from the issuance of the first Occupancy Permit for a commercial wind tower that is part of the project approved by Ordinance 2009-05;

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

SECTION ONE: The above recitals are hereby specifically incorporated into the terms of this Ordinance as if fully set forth in this Section One. Based on these recitals, the DeKalb County Board hereby establishes a temporary suspension on action on all Special Use Permit and Amendments to Special Use Permit applications for the construction and operation of commercial electricity-generating wind towers within unincorporated DeKalb County, said temporary suspension to commence upon execution of this Ordinance and to continue for a period of three years beyond the date of the issuance of the first Occupancy Permit for a commercial wind tower approved by DeKalb County Ordinance 2009-05.

SECTION TWO: This Ordinance hereby repeals and supercedes any Ordinance and any section, article or provision of the DeKalb County Code to the extent that such Ordinance and any section, article or provision of the DeKalb County Code is in conflict with any provision of this Ordinance. Any such Ordinance and any section, article or provision of the DeKalb County Code so in conflict with any provision of this Ordinance shall however remain in full force and effect as the same might relate to any other application or request other than for the approval of electricity-generating wind towers.

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

ADOPTED BY THE COUNTY BOARD THIS 15TH DAY OF JULY, 2009, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

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