

VILLAGE OF MULBERRY GROVE, ILLINOIS

ORDINANCE NO. 690

AN ORDINANCE PROVIDING FOR THE ADOPTION OF
PROCEDURES FOR THE APPLICATION, REVIEW,
AND ACTION ON SPECIAL USE PERMITS

ADOPTED BY THE
BOARD OF TRUSTEES
OF THE VILLAGE OF
MULBERRY GROVE, ILLINOIS
THIS 12TH DAY OF AUGUST, 2024

Published in pamphlet form by the authority of the Board of Trustees of the
Village of Mulberry Grove, Bond County, Illinois, this 12th day of August, 2024.

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**STATE OF ILLINOIS
COUNTY OF BOND
VILLAGE OF MULBERRY GROVE**

ORDINANCE NO. 690

**AN ORDINANCE PROVIDING FOR THE ADOPTION OF
PROCEDURES FOR THE APPLICATION, REVIEW,
AND ACTION ON SPECIAL USE PERMITS**

WHEREAS, the Board of Trustees ("Board") of the Village of Mulberry Grove, Illinois has determined that the public safety will be promoted by the enforcement of the building, zoning, and related codes and regulations; and

WHEREAS, the Board desires to ensure the appropriate, equal, and uniform application and enforcement of the Zoning Code and applicable Illinois law; and

WHEREAS, the Board has determined that the adoption of procedures for the application, review, and action on special use permits, as contemplated by the Zoning Code and applicable Illinois law, will serve the purpose of ensuring the appropriate, equal, and uniform application and enforcement of the Zoning Code and applicable Illinois law, and adopts this Ordinance in furtherance of such objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF VILLAGE OF MULBERRY GROVE, BOND COUNTY, ILLINOIS, AS FOLLOWS:

1. Article VII of the Zoning Code of the Revised Code of Ordinances of the Village of Mulberry Grove, Illinois, is hereby repealed in its entirety and replaced with the provisions and language set forth on Exhibit A hereto, which provisions and language shall hereafter, until modified, amended, or repealed, serve as Article VII of the Zoning Code.

2. Other than as specifically herein provided, or as necessary to give a fair reading, the remaining terms and provisions of the existing Revised Code of the Village, as and if previously amended, are hereby reaffirmed without change, modification, or amendment.

3. This Ordinance shall be effective upon its due publication in pamphlet form as by ordinance and statute otherwise provided.

Passed and adopted by the Board of Trustees of the Village of Mulberry Grove, Bond County, State of Illinois, on this 12th day of August, 2024, upon aye and nay vote as follows:

	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
Jim Blankenship	_____	<u>X</u>	_____
Mike Burlingame	<u>X</u>	_____	_____
Amy Wright	<u>X</u>	_____	_____
Dennis Henrichsmeyer	<u>X</u>	_____	_____
Shawna Sue Henrichsmeyer	<u>X</u>	_____	_____
David Koonce	<u>X</u>	_____	_____

APPROVED:

Mike Burlingame
Mike Burlingame, Temporary President

ATTEST:

Dianne Siebert
Dianne Siebert, Village Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF BOND)

CERTIFICATION

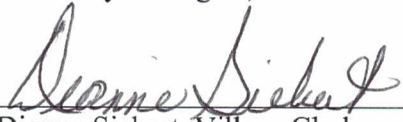
I, Dianne Seibert, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Mulberry Grove, Bond County, Illinois, and that as such officer, I am the keeper of the records and files of the Village of Mulberry Grove, Illinois.

I do further certify that the foregoing document is a true, correct and complete copy of Ordinance 690 as passed by the Board of Trustees of the Village of Mulberry Grove, Illinois at the special Village Board Meeting on August, 2024, said ordinance being entitled:

ORDINANCE NO. 690

AN ORDINANCE PROVIDING FOR THE ADOPTION OF PROCEDURES FOR THE APPLICATION, REVIEW, AND ACTION ON SPECIAL USE PERMITS

In witness whereof, I have hereunto affixed my official signature and the seal of the Village of Mulberry Grove, Bond County, Illinois, this 12th day of August, 2024.

A handwritten signature in cursive script, appearing to read "Dianne Siebert", written over a horizontal line.

Dianne Siebert, Village Clerk
Village of Mulberry Grove, Illinois

(SEAL)



Exhibit A

ARTICLE VII

SPECIAL USES

40-7-1 PURPOSE OF SPECIAL USES. The principal objective of these suggested standards for land use control is to provide for an orderly arrangement of compatible buildings and land uses, and for the proper location of all types of uses required for the social and economic welfare of the Village. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various districts established herein. However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses which it may be necessary to allow because of their unusual characteristics or the service they provide the public. These "special uses" require particular consideration as to their proper location in relation to adjacent established or intended uses, or to the planned development of the community. The conditions controlling the location and operation of such "special uses" are established by the following provisions of this Section.

40-7-2 AUTHORITY TO PERMIT. The Board of Trustees shall have authority to permit by special ordinance, the following uses of land or structures, or both, subject to conditions contained herein if it finds that the proposed location and establishment of any such use will be desirable or necessary to the public convenience or welfare and will be harmonious and compatible with other uses adjacent to an in the vicinity of the selected site or sites.

Airport, landing field, or landing strip, in any use district subject to the Federal Aviation Agency certifying that a new or reoriented runway will not interfere with the flight pattern of any established airport, landing field or landing strip.

Areas for the dumping or disposal of trash or garbage, in any use district, provided the sanitary landfill method is used.

Auditorium, stadium, arena, armory, gymnasium and other similar placed for public events, in any business or manufacturing district.

Bus terminal, railroad passenger station, freight terminal, or any other public transportation terminal facilities, in any use district.

Clinic or medical center, in any use district.

Cemeteries, crematories or mausoleums, in any use district.

Extraction of gravel, sand or other raw materials, in Agricultural or Manufacturing Districts.

Golf courses, public or private, in any use district.

Hospitals or sanitariums, public or private, in any use district other than a manufacturing district.

Institutions for the care of the insane or feeble-minded, public or private, in any use district other than a manufacturing district.

Meat processing, butchering, and meat locker plants located and operating in a facility meeting all federal or state and all local ordinances, codes, rules, and regulations, including facilities for the humane slaughtering, skinning, defeathering, cutting up, packaging, and/or wrapping of animals or poultry. Such use shall also include, but not limited to, all uses generally related thereto such as the processing, freezing, smoking, curing, storing, and/or wholesale or retail sale of meat and related products, and the provision of any services generally related thereto. Such facility, subject to the granting of a special use permit in accordance with the Village Revised Code then in effect, (a) shall be located at least 100 feet from the nearest residential dwelling unit or residential district boundary line, (b) shall not permit live animals upon the premises except between the hours of 7 am CST and 7 pm CST, and (c) shall meet all other reasonable operational health and safety requirements established by the Village by ordinance, resolution, or as part of the permitting process. The location of such facilities shall be limited to "B-1" Limited Retail Districts, "B-2" General Retail Service or Wholesale Business District, or Manufacturing Districts.

Municipal or privately owned recreation building or community center, in any use district.

Nursery school or day nursery, in any residential or business district.

Off-street parking areas and garages, in any residential district, provided there is a need for this facility and that no appropriate site is available in nearby business or manufacturing districts, and provided that an adequate method of screening is provided.

Penal or correctional institutions, in any use district.

Police station or fire station, in any use district.

Public buildings including art gallery, post office, library, museum, or similar structures, in any residential or business district.

Public or private park or playground, in any use district.

Public or privately owned and operated fairgrounds, permanent carnivals, "kiddie parks", or other similar amusement centers, in any B-2 or Manufacturing District.

Public utility facilities, i.e., filtration plant, water reservoir or pumping station, heat or power plant, transformer station and other similar facilities, in any use district other than the B-2 or M Districts, where such facilities are permitted uses.

Radio and television transmitting or antenna towers (commercial) and other electronic equipment requiring outdoor structures, and including antenna towers used for sending private messages, but not including private receiving aerials or antennas, in any business or manufacturing

district.

Railroad right-of-way, in any use district.

Rest homes and nursing homes, in any R-2 or business district, provided that when located in a business district, such uses shall be established above the first floor when located in a building constructed for a business use. A building originally constructed for residential use may be used in whole or in part.

Schools, elementary, high and college, public or private, in any residential district, but not including trade or commercial schools operated for profit.

Stable, livery, in any B-2 or Manufacturing District.

Telephone exchange, antenna towers and other outdoor equipment essential to the operation of the exchange, in any R-2 District in addition to the business or manufacturing districts where such facilities are permissive uses.

40-7-3 CONDITIONS OF APPROVAL. The Plan Commission may recommend, and the Board of Trustees may impose, such conditions or restrictions upon the construction, location and operations for a special use, including, but not limited to, provisions for the protection of adjacent property, the expiration of such special use after a specified period of time, off-street parking and loading, hours of operation, and such other conditions as may be deemed necessary to secure the general objectives of the Village's Code of Ordinances, applicable law, and to reduce any diminution in the value of the property in the neighborhood; all as may be reasonable under the particular circumstances, provided that such restrictions and stipulations shall not be more restrictive than the requirements established for the district in which such special use is proposed to be located or as may be required in any other provision of the Village's municipal code or applicable law.

40-7-4 PROCEDURE FOR SPECIAL USES. An application form shall be prepared by the zoning administrator and made available at the office of the Village Clerk. The procedure to be followed in considering applications for "special uses" shall be as follows:

(A) **Application.** An application verified by the owner or authorized agent of the owner of the property involved shall be filed with the Village Clerk for the attention of the Plan Commission, upon a form prescribed therefor, which shall contain or be accompanied by all required information. The filing fee shall be \$250.00 per application.

(B) **Public Hearing.** Upon receipt of such verified application, the Village Clerk shall notify the Chairman of the Plan Commission or, in such Chairman's absence, the Vice-Chairman, who shall give notice of a public hearing to be held in not more than thirty (30) days in the same manner as provided for hearings on the reclassification of property as contained in **Article XV**. At the hearing, any interested party may appear and testify or present evidence, either in person or by authorized agent. Notice indicating the time, date and place of the hearing, and the nature of the proposed special use shall be given not more than 30 nor less than 15 days before the hearing by:

- (1) First Class Mail to all persons residing within three hundred (300) feet of the property; and
- (2) Publication in a newspaper of general circulation within the Village.

(C) **Determination.** Upon completion of the required public hearing, the Plan Commission shall make, in writing, its findings and recommendations to the Board of Trustees within thirty (30) days following the date of public hearing on each application. The Board of Trustees may then authorize a "special use" as defined herein, provided the evidence presented, by appropriate and necessary findings of fact, all of which shall made part of the written record, shall establish beyond a reasonable doubt:

- (1) That the proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community; and
- (2) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity; provided that any objection to a proposed special use based upon any alleged decrease in the value of adjoining property shall be supported by a written appraisal made by professional appraiser; and
- (3) That the proposed use will comply with the regulations and conditions specified in this Code for such use, and with the stipulations and conditions made a part of the authorization granted by the Village Board of Trustees.

For every special use permit considered by the Plan Commission, the Plan Commission shall prepare and submit a written recommendation to the Board of Trustees to, as to each special use application, approve, deny, or approve with conditions. The Board of Trustees shall act on every application for a special use permit.

40-7-5 Expiration. In the event the Board of Trustees establishes no time limitation within which the proposed use is to be exercised, then the permit shall expire in one (1) year. Nothing shall preclude an applicant from reapplying for the same special use permit upon expiration.

40-7-8. Allowed Transfers of Special Use Permit. A special use permit is issued for a specified zoning lot or lots shall only be allowed to transfer from that location or to another occupant or owner, as follows:

- (A) All requests for transfers must be filed on an application form available through the Village Clerk.

(B) All substantial transfers shall be subject to review and approval by the Plan Commission and the Board of Trustees. For purposes of this Ordinance, "substantial transfers" shall include, but are not limited to:

- (1) A transfer involving a more intensive use of or upon the subject property;
- (2) Other changes reasonably deemed by the Village's zoning administrator to represent a substantial change; and
- (3) The trend of development in the area surrounding the subject property necessitates further review of the proposed special use.

(C) All unsubstantial transfers will be subject to review and approval by the zoning administrator. Unsubstantial transfers represent minor changes from the provisions of the originally approved special use permit and may include:

- (1) Transfer of ownership not effecting the intensity, nature, or character of the use; and
- (2) Other changes reasonably deemed by the Village's zoning administrator to represent an unsubstantial transfer.

* * *