

CASE #2016-045
RESOLUTION NUMBER 9-1

TEXT AMENDMENT TO SANGAMON COUNTY ZONING ORDINANCE
REGARDING CHAPTER 17.02 GENERAL PROVISIONS

WHEREAS, the Sangamon County Board, pursuant to AN ACT IN RELATION TO COUNTY ZONING of the State of Illinois (Illinois Revised Statues 1967, Chapter 34, Paragraphs 3151 through 3162) adopted a zoning ordinance in April of 1969; and

WHEREAS, in order to make the regulations more effective, it is necessary from time to time to consider amendments that correct deficiencies or that relate to current development circumstances; and

WHEREAS, it is desirable to enact new **general provisions**; and

WHEREAS, the Public Health, Safety & Zoning committee of the Sangamon County Board has reviewed the proposed text amendment and recommends **approval**; and

WHEREAS, in accordance with State Statutes, the Sangamon County Zoning Board of Appeals conducted a public hearing on **November 17, 2016** in order to seek public comment on the draft revision of the Zoning Ordinance; and

WHEREAS, the Sangamon County Zoning Board of Appeals recommended approval of the proposed text amendments to the Sangamon County Zoning Ordinance as Exhibit A attached hereto and made a part of this resolution.

FILED

DEC 01 2016

Don / May
Sangamon County Clerk

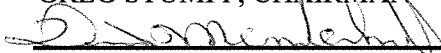
NOW, THEREFORE, BE IT RESOLVED, by the County Board of Sangamon County, Illinois, in session assembled this **13th day of December, 2016** that the request to amend the text of the Sangamon County Zoning Ordinance as proposed in the attached Exhibit A is hereby approved.

Signed and passed by the Sangamon County Board in session on this **13th day of December, 2016**.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY
BOARD

GREG STUMPF, CHAIRMAN



DAVID MENDENHALL, VICE CHAIRMAN

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

17.02.010 Title – Effective Date- Jurisdiction. The ordinance codified in this title shall be known, cited, and referred to as “The Sangamon County Zoning Ordinance.” It shall be effective from the twenty-second day of April, 1969, and it shall be effective for the entire county outside the limits from time to time of cities, villages, and incorporated towns which have or which may have from time to time in effect municipal zoning ordinances. It shall also be effective for all properties subject to an annexation agreement which are located, in whole or in part, more than 1.5 miles from the corporate boundaries of the annexing municipality.

RECAP
(FOR COUNTY USE ONLY)

DOCKET NUMBER: 2016-045

ADDRESS: N/A

PETITIONER: **The Public Health, Solid Waste & Zoning Committee of the Sangamon County Board**

PRESENT ZONING CLASSIFICATION: N/A

REQUESTED ZONING CLASSIFICATION: N/A

AREA: N/A

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The proposed text amendment is found to be advantageous to the immediate vicinity, community, or region.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **Approval of staff recommendation**


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO:	2016-045
The Public Health, Solid Waste)		
& Zoning Committee of the Sangamon)	PROPERTY LOCATED AT:	
County Board)	N/A	
)		
)		

RECOMMENDATION OF THE BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for a **text amendment** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **November 17, 2016** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the proposed changes are more particularly described in EXHIBIT A attached hereto and make a part hereof.
3. That required finding and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit (s).
4. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **text amendment** is in the public interest and is not solely in the interest of the petitioner(s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **text amendment** be **approved**.


 CHAIRMAN
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MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Anthony Mares**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved** which was duly seconded by **Andrew Spiro**.

The vote of the Board was as follows:

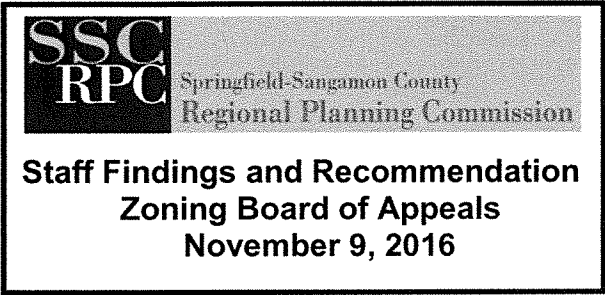
YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro, Marilyn Herbert**

NO:

PRESENT: **John Lucchesi, Janet Dobrinsky**

ABSENT:


RECORDING SECRETARY



Requested Zoning: Text Amendment to Chapter 17.02 General Provisions

Petitioner: Public Health, Solid Waste & Zoning Committee of the Sangamon County Board

Planning Commission Staff Recommendation: Recommend approval. The proposed text amendment is found to be advantageous to the immediate vicinity, community, or region.

Section 17.68.050 of the Sangamon County Zoning Ordinance requires that the staff of the Springfield-Sangamon County Regional Planning Commission study all proposed amendments to the Ordinance and transmit to the Zoning Board of Appeals a written report setting forth pertinent facts and summary statements of the anticipated effect that the amendment or amendments might have on the particular locality and the region. The ordinance requires that this advisory opinion indicate one of three conclusions: (a) that the proposed amendment is advantageous to the immediate vicinity, the community, or the region; or (b) the proposed amendment with modification would be advantageous; or (c) that the proposed amendment would be disadvantageous.

Upon review and analysis of the petition submitted by the Sangamon County Board's Public Health, Solid Waste and Zoning Committee to amend Chapter 17.02 of the County's Zoning Ordinance, *the SSCRPC staff finds the requested amendment to be advantageous to the immediate vicinity, community, or region, and therefore recommends approval.*

As the Zoning Ordinance does not provide the SSCRPC staff with specific Findings of Fact or standards that must be addressed in reaching its conclusions, the SSCRPC staff applied four aspects of text amendment review established by the SSCRPC for this purpose. They are whether or not the text amendment as proposed provides for additional clarity, enforceability and consistency, and whether it evidences a reasoned public purpose.

OVERVIEW OF CHANGE REVIEWED

- Adds language to the County's zoning jurisdiction (Section 17.02.010) which states: "It shall also be effective for all properties subject to an annexation agreement which are located, in whole or in part, more than 1.5 miles from the corporate boundaries of the annexing municipality."

In summary, the SSCRPC staff finds that:

1. The amendment proposed provides for additional clarity within the Chapter.

The amendment clarifies that the County Board has zoning jurisdiction for property within unincorporated areas of Sangamon County where all or part of the property extends beyond the 1.5 mile municipal extraterritorial jurisdiction. If approved, the County Board must adopt the resolution by a two-thirds affirmative vote under state law.

2. The amendment is enforceable and would likely improve enforcement related to specific areas of public comment and concern.

The proposed text amendment would grant the County Board increased powers to regulate zoning in areas subject to an annexation agreement where all or part of the subject property has territory beyond 1.5 miles outside the corporate limits of a municipality. State statute then allows a municipality to apply on a case-by-case basis to allow the zoning ordinance of the municipality to control, rather than the Sangamon County Zoning Ordinance, which can be granted by an affirmative vote of the majority of the County Board's members.

3. The proposed change is consistent.

Staff did not find any internal inconsistencies in the proposed text amendment. The text amendment also appears to be written with state law in mind.

4. The amendment shows evidence of a reasoned public purpose for their adoption and are not of such over-reaching scope that they would be detrimental to the immediate vicinity, community or region.

State law (65 ILCS 5/11-15.1-2.1 (c) & (d)) allows the County Board to exert zoning jurisdiction where all or part of a property extends beyond a municipality's 1.5 mile extraterritorial jurisdiction that is subject to an annexation agreement. Staff agrees the amendment enforces good land use planning, as the proposed text amendment could alleviate inappropriate uses being placed on property that is unlikely to be annexed to a municipality during the timeframe of its comprehensive plan.

Given that the proposed amendment is clear, clarifying Sangamon County zoning jurisdiction beyond municipal extraterritorial jurisdiction limits, enforceable, including the addition of new language that will assist the County in the enforcement of the Chapter, consistent with existing sections of the Chapter and other portions of the County Zoning Ordinance as well as State statute, and found to be related to reasoned public purposes and of a rational scope so as not to be exclusionary, the SSCRPC staff recommends its adoption.