

CASE #2016-046  
RESOLUTION NUMBER 10-1

**TEXT AMENDMENT TO SANGAMON COUNTY ZONING ORDINANCE  
REGARDING CHAPTER 17.76 ADMINISTRATION AND ENFORCEMENT**

**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 **administration and enforcement**; 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 deleting the existing provisions of Chapter 17.76.010 and Chapter 17.76.020 and approving 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 J. Hays*  
Sangamon County Clerk

**NOW, THEREFORE, BE IT RESOLVED**, by the County Board of Sangamon County, Illinois, in session assembled this **13<sup>th</sup> 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 **13<sup>th</sup> 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**

**17.76.010 Authorities Designated.** The administration of this ordinance is hereby vested in the Zoning Administrator of the County and in the Zoning Board of Appeals.

**17.76.020 Zoning Administrator.** There is hereby created the Office of the Zoning Administrator. The head of the office shall be appointed or removed by the Chairman of the County Board, subject to County Board approval. Such other employees of the Office of the Zoning Administrator shall be appointed by the Zoning Administrator and authorized by the Public Health, Solid Waste and Zoning Committee of the County Board and applicable subsequent committees.

RECAP  
(FOR COUNTY USE ONLY)

DOCKET NUMBER: 2016-046

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 amendments are 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:	<b>2016-046</b>
<b>The Public Health, Solid Waste</b> )		
<b>&amp; Zoning Committee of the Sangamon</b> )	PROPERTY LOCATED AT:	
<b>County Board</b> )	<b>N/A</b>	
)		
)		

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 *yes*

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, 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 **Anthony Mares**.

The vote of the Board was as follows:

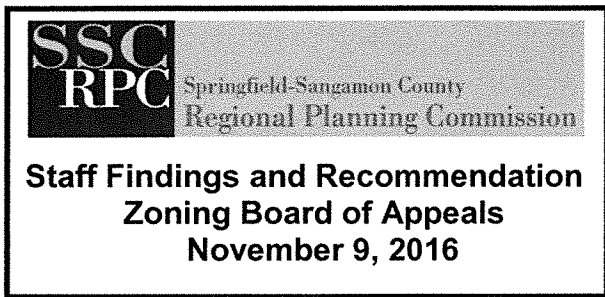
YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro, Marilyn Herbert**

NO:

PRESENT: **John Lucchesi, Janet Dobrinsky**

ABSENT:

  
RECORDING SECRETARY



**Requested Zoning:** Text Amendment to Chapter 17.76 Administration and Enforcement

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

**Planning Commission Staff Recommendation:** Recommend approval. The proposed text amendments are 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 Chapters 17.02 of the County's Zoning Ordinance, *the SSCRPC staff finds the requested amendments 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 amendments as proposed provide for additional clarity, enforceability and consistency, and whether they evidence a reasoned public purpose.

**OVERVIEW OF CHANGES REVIEWED**

- Clarifies that the Zoning Administrator is responsible for the administration of the Zoning Ordinance and not the executive director of the SSCRPC (Chapter 17.76.010).
- Clarifies that the Zoning Administrator is appointed or removed by the Chairman of the County Board, subject to County Board approval, and removes the language that the executive director of the SSCRPC appoints the Zoning Administrator (Chapter 17.76.020).

- Adds that other employees in the Office of the Zoning Administrator are appointed by the Zoning Administrator with authorization from the Public Health, Solid Waste, and Zoning Committee of the County Board and other applicable committees (Chapter 17.76.020).

In summary, the SSCRPC staff finds that:

**1. *The amendments proposed provide for additional clarity within the Chapter.***

The amendments clarify that the Zoning Administrator is responsible for the administration of the Zoning Ordinance and not the Executive Director of the SSCRPC. The amendments also clarify that the Zoning Administrator is appointed or removed by the Chairman of the County Board and approved by the County Board.

**2. *The amendments are enforceable and would likely improve enforcement related to specific areas of public comment and concern.***

The amendments clarify who is in charge with enforcing the Zoning Ordinance and how that position is appointed. The SSCRPC serves as an advisory body for the County with zoning cases and clarifying the Zoning Administrator's responsibilities allows the SSCRPC to maintain an ex parte role.

**3. *The proposed changes are consistent.***

Staff did not find any internal inconsistencies in the proposed text amendments.

**4. *The amendments show 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.***

Staff finds that the proposed amendments have a reasoned public purpose to clarify that the Zoning Administrator is in charge of the administration of the zoning ordinance, and how the Zoning Administrator and staff for the Office of the Zoning Administrator are appointed.

Given that the proposed amendments are clear, clarifying ongoing problems in the current ordinance, enforceable, including the addition of new language and sections 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, and found to be related to reasoned public purposes and of a rational scope so as not to be exclusionary, the SSCRPC staff recommends their adoption.