

CASE # 2015-013
RESOLUTION NUMBER 11-1

**TEXT AMENDMENT TO SANGAMON COUNTY ZONING ORDINANCE
REGARDING DEFINITIONS & FEE SCHEDULE**

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 **definitions and fees**; 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 **April 16, 2015** 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

APR 29 2015


Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED, by the Members of the Board of Sangamon County, Illinois, in session this **12th Day of May, 2015** 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 **12th Day of May, 2015**

Respectfully submitted,

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



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP
(FOR COUNTY USE ONLY)

DOCKET NUMBER: 2015-013

ADDRESS: N/A

PETITIONER: Public Health, Solid Waste and Zoning Committee

PRESENT ZONING CLASSIFICATION: N/A

REQUESTED ZONING CLASSIFICATION: N/A

AREA: N/A

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **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.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

**Approval as staff
recommended.**



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2015-013
Text Amendment for Chapter 17.04)	
Definitions & Chapter 17.70.010 Fees)	PROPERTY LOCATED AT:
)	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 **April 16, 2015** 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**.

Charles Chimento/ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Don Wulf** to recommend **approval** of this petition, which was duly seconded by **Merilyn Herbert**.

The vote of the Board was as follows:

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

NO:

ABSENT:


RECORDING SECRETARY

EXHIBIT A

CHAPTER 17.04

DEFINITIONS

Home Occupation. An occupation conducted in a dwelling unit or accessory structure subordinate to a dwelling unit, provided that:

- A. No person other than members of the family residing on the premises and/or one other person shall be engaged in such occupation;
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding three square feet in area, announcing the name and address of the business, non-illuminated, and mounted flat against the wall of the principal building or accessory structure; except on a corner lot, in which case two such signs may be used – one facing each street;
- D. No home occupation shall be conducted, in whole or in part, within any accessory building structure nor shall there be any exterior storage of materials, unless the following conditions are met:
 - 1) A home occupation conducted in an accessory structure must be limited to an area of four hundred (400) square feet designated for the business operation;
 - 2) Outside storage is permitted only on Agriculture (A) zoned lots of five (5) acres or more and only if the storage area does not exceed four hundred (400) square feet and is enclosed with a fence of standard fencing material, not to exceed six (6) feet in height, which otherwise complies with Chapter 17.44 of this ordinance. Items stored within the fenced area must not be visible.
 - 3) Legal, licensed, unattached Trailers stored outside may not exceed a gross vehicle weight of 18,000 lbs.
 - 4) A detailed list of equipment to be stored on the property, including the equipment's function, must be on file with the Office of the Zoning Administrator.
 - 5) All home occupations conducted in an accessory structure are subject up to three (3) unscheduled inspections per year.
- E. There shall be no sales in connection with such home occupation; except those clearly incidental to the home occupation;
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
- G. The conduct of the home occupation shall not generate noise, odors, fumes, electrical interference, vibrations, or any other condition detrimental to adjacent properties;
- H. Wholesale distribution centers shall not be a permitted home occupation;
- I. Home occupations shall be registered in the office of the Zoning Administrator on the forms provided. This registration shall act as a letter of official approval of the home occupation by the zoning office. Any home occupation found to be

in violation of these provisions shall be subject to revocation if the violation is not corrected within 30 days of notification by the Zoning Administrator.

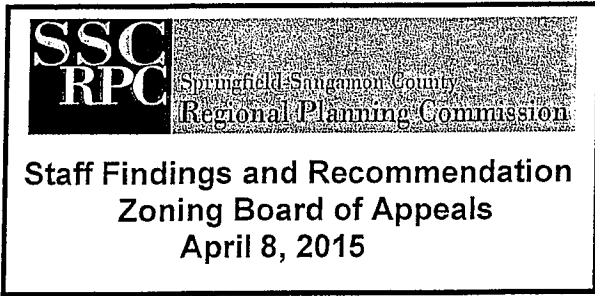
Lot. A parcel of land, whether legally described or subdivided as one or more lots or parts of lots, and which is occupied or intended for occupancy by one principal use, together with any accessory buildings and such open spaces as are required by this ordinance; and having its principal frontage upon and contiguous to a highway.

Standard Fencing Material. Materials normally manufactured, used, and recognized as fencing materials, such as: wrought iron or other decorative metals suitable for the construction of fences, fired masonry, concrete, stone, chain link, metal tubing, wood planks, and vinyl or fiberglass composite manufactured specifically as fencing materials. Fencing materials must also be suitable for exterior use and must be weather- and decay-resistant. The Zoning Administrator may approve installation of an alternative material not specifically prescribed by this definition. A proposed alternative material may be approved where the Zoning Administrator finds that it is satisfactory and complies with the intent of the provisions of this ordinance, and that the material offered is, for the purpose intended, at least the equivalent of those prescribed in this definition in quality, strength, effectiveness, fire resistance, durability, and safety.

17.70.010 Fee Schedule – Exceptions.

- E. Home Occupation—An initial start-up application for a home occupation conducted in a dwelling unit shall be accompanied by a fee of Fifty dollars (\$50.00). An annual renewal for each home occupation shall be accompanied by a fee of Ten dollars (\$10.00). (Res. 7-1, 12/10/13)
- F. An initial start-up application for a home occupation which is conducted in whole or in part within any accessory structure, or which involves exterior storage of materials, shall be accompanied by a fee of Two-hundred and fifty dollars (\$250.00). An annual renewal for each home occupation shall be accompanied by a fee of One-hundred dollars (\$100.00) and up to three (3) unscheduled inspections per year.
- F.-G. All fees shall be paid to Sangamon County Zoning Department. There shall be no such fee, however, in the case of applications filed in the public interest by members of the Sangamon County Board, or the Springfield-Sangamon County Regional Planning Commission. (Res. 10-1, 10-5-93).

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Requested Zoning: Text Amendment to Chapter 17.04 Definitions and Chapter 17.70.010 Fee Schedule - Exceptions

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 17.04 and 17.70.010 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.

The proposed changes reviewed are listed in summary at the end of this report.

In summary, the SSCRPC staff finds that:

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

The amendments clarify ongoing concerns regarding home occupations in accessory structures and outdoor storage.

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

The amendments clarify ongoing enforcement concerns.

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 deficiencies in the enforcement of the current code. The proposed amendments also do not have an overreaching scope that would be detrimental to the immediate vicinity, community, or region.

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.

OVERVIEW OF CHANGES REVIEWED

- Adds conditions to home occupations conducted in accessory structures and specifies when outdoor storage of certain durable goods and materials can occur.
- Clarifies language previously stricken from the definition of a lot.
- Adds a definition of Standard Fencing Material.
- Amends the section entitled "Fee Schedule – Exceptions" (Chapter 17.70.010.E) to state the start-up fee for a home occupation in a dwelling unit is \$50.
- Adds a sub-section to the section entitled "Fee Schedule – Exceptions" (Chapter 17.70.010.F) to state home occupations in an accessory structure or which involves outdoor storage of materials will be subject to a \$250 application fee, along with a \$100 annual renewal fee, and up to three unscheduled inspections annually.
- Adds the word Department to Chapter 17.70.010G.