



Sangamon County Zoning

Filing a Zoning Petition in Unincorporated Sangamon County

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The Sangamon County Zoning Ordinance was first adopted by the County Board on April 22, 1969. The Ordinance established zoning district boundaries with uses assigned to specific districts and other regulations associated with uses and buildings. Procedures were also established to allow requests for changes to the regulations when desirable for the public good and using certain, specified criteria. There are several situations which may prompt a landowner to file a zoning petition including:

- To allow a different use of the property
- To facilitate division of the property
- To construct a building on the property

COMMON TYPES OF REQUESTS

Rezoning

If a desired use of a property is not allowed under the current zoning then a request to rezone is made. The following Findings of Fact are used to evaluate a rezoning request and should be addressed by the petitioner:

1. Existing uses of property within the general vicinity of the property in question.
2. The zoning classification of property within the general area of the property in question.
3. The suitability of the property in question for the uses permitted under the existing zoning classification. (Any request to rezone from an Agricultural zoning district is subject to the Land Evaluation and Site Assessment also referred to as LESA.)
4. The trend of development within the vicinity since the property was originally classified.

Conditional Permitted Use

Every zoning district includes a list of uses that

are allowed. There are also several uses that may be appropriate in a particular zoning district but are potentially incompatible with some permitted uses. These are classified as conditional permitted uses and are only allowed after County Board approval. The Findings of Fact used to evaluate requests to allow a conditional permitted use and that should be addressed by the petitioner are:

1. Will the proposed location, design and method of operation of the requested use minimize adjacent effects on the character of the surrounding area?
2. Will the proposed operation, design and location protect the public health, safety, and welfare?
3. Will there not be substantial injury to the value of other property in the vicinity?
4. There are also additional standards (listed in the Zoning Ordinance) for fairgrounds, outdoor recreation centers, mobile home parks, tourist homes, motels, hotels, taverns, and liquor stores.

Variance

A variance allows a change to a specific requirement of the zoning ordinance such as yard dimension, height, or lot configuration. The Standards used to evaluate a variance request and that should be addressed by the petitioner are:

1. That the property in question cannot be economically used or cannot yield a reasonable return if permitted to be used only for the conditions allowed by the regulations.
2. That the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area.
3. That the variation if granted will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.

ZONING PETITION PROCESS

- * **A petition may be filed by a property owner or contract purchaser with the Department of Zoning.** Staff can assist with completing the petition form. A fee of \$250 for the first five acres and \$5 per acre or portion thereof over five acres must accompany the petition. The filing deadline is the 3rd Friday at noon, prior to the 3rd Thursday of each month.
- * **Public notice is required for each petition.** The petitioner is responsible for payment of the legal notice to be placed in the State Journal Register by the Zoning Department. This cost varies depending on the length of the legal description of the property. A sign will be posted on the property indicating the petition request and date and time of the hearing. Adjacent property owners will be mailed a notice.
- * **The staff of the Springfield Sangamon County Regional Planning Commission will make a recommendation on the request after a site visit to the property.** Copies of this recommendation are sent to the petitioner, the Zoning Board of Appeals, and the Public Health, Solid Waste and Zoning Committee of the Sangamon County Board.
- * **public hearing is held by the Zoning Board of Appeals on the third Thursday of each month at 7:00pm in the County Board Chamber located on the second floor of the County Building.** Members of the Zoning Board of Appeals will have visited the property and will have received a copy of the petition and staff recommendation. The petitioner must bring the notice of publication received from the State Journal Register indicating the legal notice fee has been paid. The petitioner will tell the Zoning Board of Appeals why the request is made. Any objectors will also have an opportunity to speak. Members of the Public Health, Solid Waste and Zoning Committee are present to hear the testimony. Using the Findings of Fact and/or the Standards for Variation as a basis the Zoning Board of Appeals will make a recommendation to the County Board.

- * **The County Board meets on the second Tuesday of every month at 7:00pm.** All zoning petition cases from the previous month's Zoning Board of Appeals meeting will be on the agenda. The petitioner and objectors are offered an opportunity to speak although speaking is not mandatory. The County Board will vote to approve or deny the petition.

SUGGESTIONS FOR PETITIONERS

Prior to the public hearing contact your neighbors about your plans. This will allow you to explain the petition and to assess whether or not there is opposition to your request.

It is also important to contact the County Board member that represents the area where the zoning case is located.

