

FILING A ZONING PETITION IN 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 and uses assigned to specific districts, as well as other regulations associated with uses and buildings. Procedures were also established to allow requests for changes to the regulations by petition when desirable for the public good and using certain, specified criteria. There are several situations that may prompt a landowner to file a zoning petition, including:

- The desire to allow a different use of the property than its current zoning allows.
- To facilitate the division of a property.
- To construct a building on the property that otherwise would not meet the zoning code.



COMMON TYPES OF ZONING PETITION 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 the 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. Please note that any request to rezone from an Agricultural zoning district is subject to the Land Evaluation and Site Assessment (LESA) process.
- 4) The trend of development within the area since the property was originally classified.

CONDITIONAL PERMITTED USE (CPU): 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 with 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 be substantial injury to the value of other property in the vicinity?

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. Standards of Variation are used to evaluate the variance request, and these standards should be addressed by any petitioner seeking a variance.





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- 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.

USE VARIANCE: A use variance allows for a specific use on a property that would otherwise not be allowed under the existing zoning. A use variance can only be requested if a rezoning has been requested and received a recommendation for denial by the Zoning Board of Appeals or denied the County Board. The standards used to evaluate a use variance request, and that should be addressed by the petitioner, are:

- 1) The variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the zoning regulations.
- 2) The use variance is compatible with the trend of development in the area.
- 3) The use variance will benefit the community and be in harmony with the general purpose and intent of the zoning regulations.
- 4) The use variance will not create a negative impact on the area, 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.

An approved use variance becomes void if:

- A person does not comply with the conditions of the use variance granted;
- The use variance is not utilized within one year of it being granted; or
- The use variance ceases to be used for two years.

ZONING PETITION PROCESS

The following steps are involved in seeking zoning relief through the petition process:

■ **A petition may be filed by a property owner or contract purchaser with the County's Department of Zoning.** Staff can assist with completion of the petition form. A fee of \$150 plus \$2 per acre or portion thereof over one acre, must accompany the petition. The filing deadline is the 4th Monday 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 Springfield State Journal-Register by the Department of Zoning. This cost usually runs between \$25 and \$75. A sign will be posted on the property indicating the petition request and the date and time of the zoning hearing. Adjacent property owners will receive a notice by mail.

■ **The staff of the Springfield-Sangamon County Regional Planning Commission (SSCRPC) will make a recommendation on the request following a site visit to the property.** Copies of this recommendation are sent to: the petitioner; the Zoning Board of Appeals; the Sangamon County Board's Public Health, Safety and Zoning Committee; and the County Board member for the district in which the property is located.

■ **A public hearing is held by the Zoning Board of Appeals.** These hearings are held on the 3rd Thursday of each month at 7:00 pm in the County Board Chamber, which is 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 the staff opinion. The petitioner must bring the notice of publication received from The State Journal-Register indicating that the legal notice fee has been paid. During the hearing the petitioner will

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tell the Zoning Board about the request, why it is being made, and present any evidence in support of the request. Any proponents or opponents of the request will also have the opportunity to be heard at this hearing. Members of the County’s Public Health, Safety and Zoning Committee are often present to hear the testimony. Using the Findings of Fact and/or the Standards of Variation as the basis for their decision, the Zoning Board will make a recommendation about the case to the County Board.

■ **The County Board makes a final determination concerning the request.** The Sangamon County Board meets on the 2nd Tuesday of every month at 7:00 pm. All zoning petition cases from the previous month’s Zoning Board of Appeals meeting will be on the agenda unless the petitioner asks that the case be held or withdrawn. The petitioner, proponents and opponents are offered an opportunity to speak, although speaking is not mandatory. The County Board will vote to approve or deny the petition, or approve in some amended form.

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.

If your plans include construction of a new building, contact:

- The township road commissioner, County Highway department, or the Illinois Department of Transportation regarding road access permits.
- The Sangamon County Public Health Department regarding septic and well permits.
- The Department of Zoning and Building Safety regarding building permits.
- The Springfield-Sangamon County Regional Planning Commission regarding floodplain issues. For additional information concerning zoning and the zoning process, contact the Sangamon County Department of Zoning at 217-753-6760, or look under “Departments” on the County website at www.co.sangamon.il.us.

SSCRPC Information Series documents are intended to provide a brief guide for informational purposes only and should not be relied upon for a thorough understanding of the subject. They are not intended to provide a legal opinion and do not. Those seeking legal guidance concerning matters coming before the Springfield- Sangamon County Regional Planning Commission, the Sangamon County Board, or any of their boards, commissions or committees, are encouraged to obtain appropriate legal counsel.

For more detailed information, please refer to the appropriate sections of Sangamon County code.

County ordinances change over time, so please refer to the current code of ordinances. Municipal jurisdictions located in Sangamon County have their own regulations, so these local codes should be consulted.

If you are unsure about jurisdiction, or seek additional information, please contact the Planning Commission at 217-535-3110, or e-mail us at sscrpc@co.sangamon.il.us.

VISIT US ON THE WEB AT WWW.SSCRPC.COM