



Sangamon County

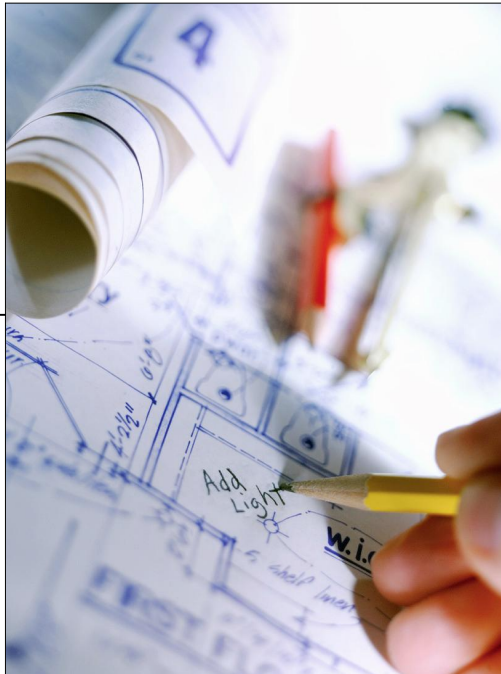
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# **A Citizens' Guide to Development Planning and Review**

**DECEMBER  
2011**

**Springfield-Sangamon County  
Regional Planning Commission**

**Advising + Planning + Evaluating + Leading**



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The regulation of land use and its development is important to both those interested in developing property *and* the general public.

It is important to those considering development or redevelopment because regulations may limit how a property can be used, its size and scale, and even the conditions a project must meet to move forward. It is important to the public because land uses and development allowed under ordinance can have a significant effect on the value of surrounding properties, general quality of life, and the need for additional public infrastructure investment — short *and* long-term — in an area.

Because of the importance of these regulations to current and future residents of Sangamon County, the Springfield-Sangamon County Regional Planning Commission (SSCRPC) thought it useful to develop a document that at least provides a starting point for those interested in becoming better informed about the requirements affecting development in the unincorporated area of the County. It is not possible to provide a full review of all the statutes and ordinances that might affect land development and its regulation, or the various possibilities and scenarios that occur with development projects, in a document such as this one. That is why we have termed this document a guidebook.

As noted on the next page, a guide such as this one does not take the place of regulations specifically addressed in County code, but instead is intended to give property owners, the development community, neighborhood groups and the public a better idea of the processes involved and a general understanding of the regulations that apply. Those interested in rezoning, subdividing or developing property in unincorporated Sangamon County are encouraged to review the relevant ordinances and become informed about their specific requirements.



Land use and development regulations can be complex and sometimes involve legal constructions and terminology that most of us do not deal with every day. But generally speaking, there are two processes that guide the development of land: *zoning* and *land development regulation*. Both processes require multiple reviews by various public bodies that are established in local ordinance and in some cases state law. Both processes and the paths they take through the regulatory system are summarized on the following pages.

Norm Sims, Executive Director  
Springfield-Sangamon County Regional Planning Commission

# ORGANIZATION OF THE GUIDE

## Abbreviations & Acronyms

The regulation of development is no different than other governmental functions as it is rife with acronyms and abbreviations!

Some of the ones you are likely to run into when a development project is discussed, and which are included in this guidebook, are:

- **ADT:** Average Daily Traffic.
- **CPU:** Conditional Permitted Use.
- **FEMA:** Federal Emergency Management Agency.
- **FIRMs:** Flood Insurance Rate Maps.
- **IDNR:** Illinois Dept. of Natural Resources.
- **IDOT:** Illinois Dept. of Transportation.
- **IEPA:** Illinois Environmental Protection Agency.
- **Land-Sub:** The Land Subdivision Committee of the SSCRPC, or the Sangamon County Land Subdivision Ordinance.
- **LESA:** Land Evaluation and Site Assessment.
- **NPDES:** National Pollutant Discharge Elimination System.
- **PHS&Z:** County Board's Public Health, Safety & Zoning Committee.
- **PUD:** Planned Unit Development.
- **ROW:** Right-of-Way.
- **RPC:** Regional Planning Commission.
- **SCS:** Soil Conservation Service.
- **SSCRPC:** Springfield-Sangamon County Regional Planning Commission, same as RPC or the Commission.
- **USGS:** US Geologic Survey.
- **ZA:** Zoning Administrator.
- **ZBA:** The Sangamon County Zoning Board of Appeals.

Readers should also be aware that the meaning of a specific term is often defined in ordinance. For example, the definition of terms in the County's zoning ordinance is included in Section 17.04 of that ordinance.

Since there are generally two processes that guide development — zoning and land development regulation — this document deals with these matters separately. We address zoning first because appropriate zoning must be in place prior to development.

We have not attempted to address all of the activities or functions that might be addressed by zoning or development regulation, but have tried to include those activities that most often occur as well as those that might involve greater public interest. We have also written the sections in a question and answer format as that is how issues related to zoning and land development are most often brought to our attention by the public.

We do not cite sections of the code in all cases, but do for those where a review of the actual wording in ordinance might be particularly helpful.

Please note that in some cases we have tried to provide not just a summary of the code, but some guidance to those considering a development project. The SSCRPC and County Zoning Department staffs deal with many zoning cases and development projects each year, and over time have identified pits into which applicants sometimes fall. Our intention in providing this information is simply to help make a sometimes time-consuming and complicated process a little bit easier to understand.

### WARNING: ALWAYS CHECK COUNTY CODE!

This document is **NOT** an ordinance and does not replace existing ordinances. It is offered simply as a resource that can be used to begin to understand the regulations and requirements that might apply to a development project. Not all of the detail in existing ordinances is included in this document.

*Those considering a development project, a change in zoning classification, or a variance under the land subdivision or zoning codes, should thoroughly review the applicable ordinances and regulations before project initiation.* Where differences are found between the language in County ordinance and the material included in this guide, the County ordinance rules. This is particularly important because the relevant codes are subject to change by the County Board and may change more quickly than this document can be updated.

Readers are also encouraged to obtain assistance from legal, engineering or other professional sources that can aid in determining the relevance of the various ordinances and requirements to a development project. The staffs of the Springfield-Sangamon County Regional Planning Commission and the County's Department of Zoning are always willing to meet with and assist those considering a land development project or rezoning in unincorporated Sangamon County.



# BEGINNING THE PROCESS

## Where do I start?

Prior to beginning any project that might require a rezoning, the review of development plans, or the division or property in unincorporated Sangamon County, the SSCRPC strongly suggests that those involved in the project contact the Planning Commission and/or the County's Department of Zoning to discuss the project, see what requirements might apply, identify the information that will be needed for review, and to determine what petitions, permits or applications, if any, will be necessary.

These pre-submission meetings are optional, but the information gained from these meetings is extremely valuable and can greatly improve a project's timing and even reduce its cost.

These meetings may help those considering a project to determine early-on, before the submission of plans or petitions, the processes that are required, the permits that may be needed, the timeframe for regulatory review, and even the various bodies (municipal, state and federal) that may ultimately be involved in portions of the process. This is particularly true for large or complex projects.

When preparing for a pre-submission meeting, try to assemble as much information about the project as you can. For example, it is important for you to be able to identify the parcel or parcels that make up the project area, the specific nature of the project (e.g., what you intend the use to be), the size and scope of the project (e.g., acreage of the parcel or parcels, number of structures, size of the structures), the lay-out of the project (e.g., where structures might be located and how they will be accessed), and any specific infrastructure needs that might be necessary.

As stated previously, *as part of your preparation it is useful to review applicable County code requirements.* The Sangamon County code can be reviewed with SSCRPC or Zoning staff, but it is also available on the internet, free-of-charge, through **Muni-code.com**. While projects may be affected by various parts of the code, most will involve either Title 16 (Land Subdivision regulations) and/or Title 17 (Zoning regulations). For this reason it is always valuable to start with these ordinances to get an understanding of how the code might be applied to your particular development project.

The more information you can provide, the better job that staff will be able to do when discussing the project with you. The more information you gather prior to project initiation, the easier and more cost-effective the process will be.

## Important Contacts

### Springfield-Sangamon County Regional Planning Commission

Sangamon County Complex  
200 South 9th St., Room 212  
Springfield, IL 62701-1629  
Phone: 217-535-3110  
Fax: 217-535-3111  
Email: [sscrpc@co.sangamon.il.us](mailto:sscrpc@co.sangamon.il.us)

### Sangamon County Department of Zoning

Sangamon County Complex  
200 South 9th St., Room 213  
Springfield, IL 62701-1629  
Phone: 217-753-6760  
Fax: 217-535-3194  
Email: [zoning@co.sangamon.il.us](mailto:zoning@co.sangamon.il.us)

### Sangamon County Department of Public Health, Building Safety

2833 South Grand Ave. East  
Springfield, IL 62703  
Phone: 217-535-3145, Ext. 3724  
Fax: 217-747-5103

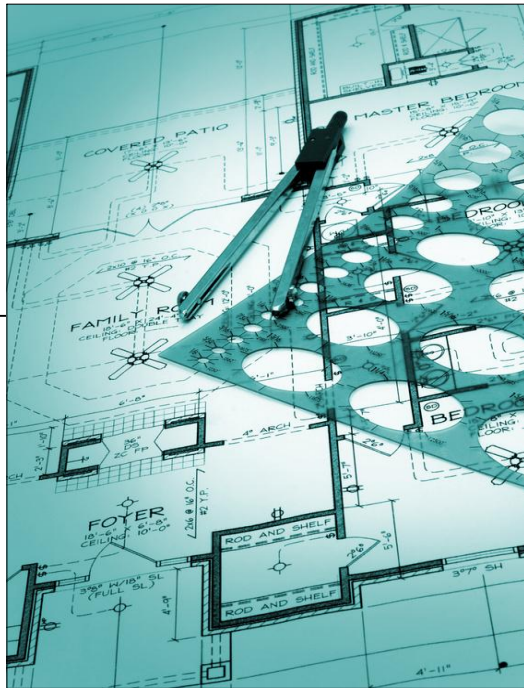
### Sangamon County Engineer

3003 Terminal Ave.  
Springfield, IL 62707  
Phone: 217-535-3070  
Fax: 217-753-7999

## Acknowledgement

The SSCRPC wishes to acknowledge the Planning and Zoning Department of Shelby Township, MI, whose *Development Review Guidebook* provided the idea and structure for this one.

There is no better reward than the acknowledgement of one's peers, and the Springfield-Sangamon County Regional Planning Commission thanks Shelby Township for its contribution to our efforts.



## What is zoning?

**Z**oning generally provides for the regulation of two things: *land use* and *aspects of a property and its structures*.

Permitted *land use* is generally described by zoning classification, often referred to as the “zoning district”. Property in unincorporated Sangamon County is currently classified into 11 zoning districts: Agricultural (A); Single-Family Residential (R-1 and R-1A); Single-Family and Two Family Residential (R-2); General Residences (R-3); Manufactured Homes (RM-4); Office and College (O); Neighborhood Business (B-1); Retail Business (B-2); General Business (B-3); Restricted Industrial (I-1); and General Industrial (I-2). Each of these districts may have different regulations as well as different **permitted uses** and **conditional permitted uses**.

A **permitted use** allows for the use in the district “at-will”; that is, with no additional zoning review and approval. For example, in the R-1 and R-1A district a “single family residence” is a permitted use, so such a use would be allowed in any R-1 and R-1A district without further zoning review. On the other hand a **conditional permitted use**, most often referred to as a “CPU”, addresses uses that are potentially incompatible with the area, but could still be allowed with approval of the County Board following a review and demonstration that the use meets certain conditions described in ordinance. For example, in the R-1 and R-1A district a “group care facility” is allowed only as a CPU.

Regulations concerning *aspects of the property or its structures* deal with such matters as the size or configuration of a lot, where parking may be located, how far a structure must be set-back from a property line, or the bulk and size of structures to be located on a property. These regulations also deal with such specifics as: location of accessory structures; fences, walls and hedges; swimming pools; satellite dishes; landscaping and lighting; and signage. The complexity of these regulations, and which ones apply, can change by zoning district.

These purposes and aspects addressed by the zoning ordinance are important because they address matters affecting public health, safety and welfare, and because they allow for consistency of application of the regulations across properties having the same zoning.

Appropriate zoning is required prior to any development plan approval, so this guidebook begins with a consideration of the County zoning process and regulations.

## When is the zoning process required?



**C**hanges in zoning are most often required when a change in *use* is contemplated (for example, when land currently zoned for agricultural use is to be converted to residential or some other use), or the property owner is interested in a change in a specific compatibility or area requirement (such as yard dimension, building height, signage or lot configuration) that is not allowed under the property’s existing zoning classification.

Changes in zoning — which may involve a rezoning, a request for conditional permitted use, or a variance of the zoning regulations — involve a *petition* process. Through the petition process application is made for the zoning change to be considered. If a change in use from an agricultural to non-agricultural use is requested, the Land Evaluation and Site Assessment (LESA) scoring system may also be required. LESA is discussed on page 51.

### What matters are considered in the zoning process?

Typically six matters are considered: (1) Amendments to the zoning ordinance itself, most often called “text amendments”, which change the code; (2) the rezoning of a property from one zoning district to another, often called a “map amendment”, which establishes the zoning for a parcel or parcels; (3) requests for Conditional Permitted Uses, which expand upon permitted uses in a zoning district; (4) requests for special uses in a zoning district that would otherwise not allow the requested use; (5) requests that sections of the ordinance be “varied” for a particular parcel or parcels because of special conditions related to the site and the proposed use; and (6) appeals of the Zoning Administrator’s interpretation of the zoning code.

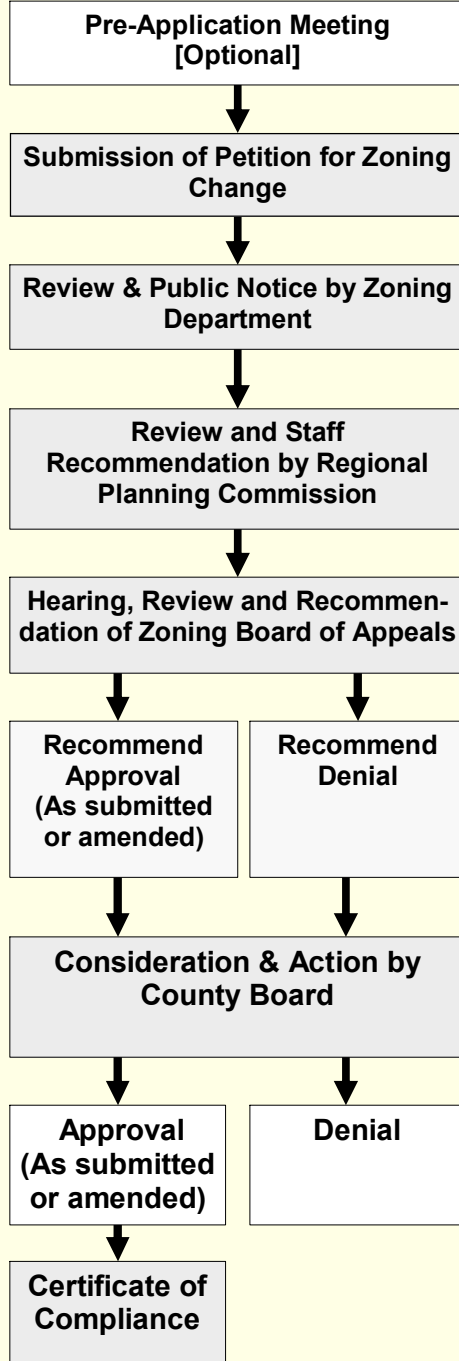
### What is the process the petition will follow?

The zoning petition process is generally described in the diagram to the right. Following submission of a valid petition for zoning relief, the Zoning Department staff provides a review and arranges for public notice and posting. The zoning request is posted in the newspaper as well as on signs placed on the subject property or properties. The petition is then provided to the SSCRPC staff, who review the request and provide a professional staff opinion to the Sangamon County Zoning Board of Appeals (ZBA) as to whether or not the request should be approved, denied, or approved with conditions.

The ZBA then considers the request following a public hearing before that body. Both those offering evidence in support of the relief as well as those opposing it are heard at this public hearing.

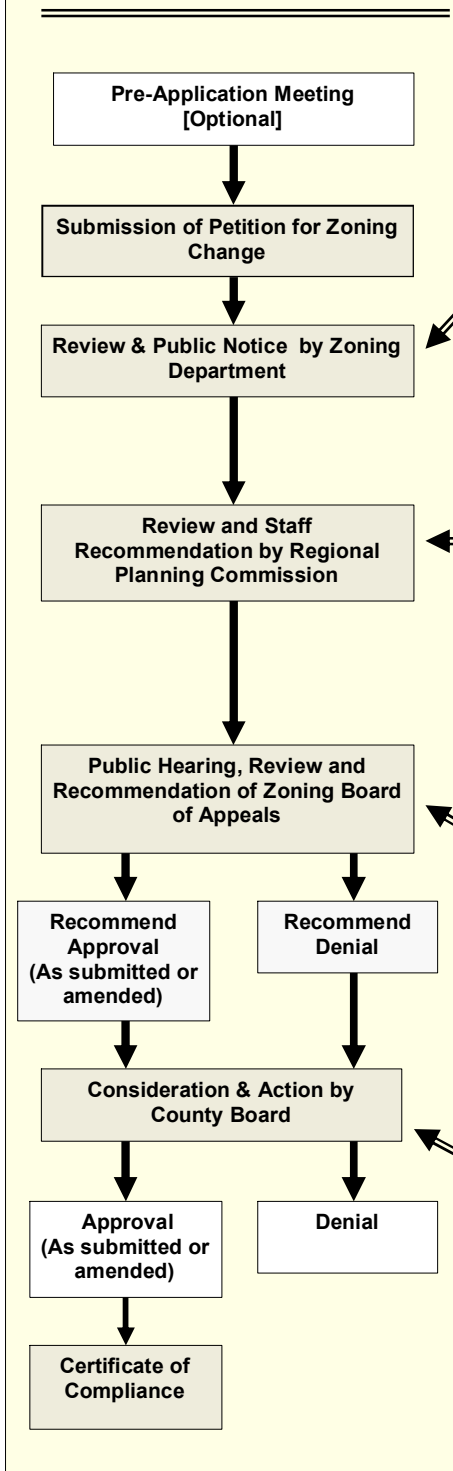
The ZBA does not make a final determination in a zoning case, but instead refers its findings and recommendations to the Sangamon County Board. The County Board makes the final determination as to whether or not zoning relief should be granted, and the extent to which relief is provided.

### The County Rezoning Process





### The Rezoning Process



### Who reviews a rezoning request?

Ultimately four groups review every rezoning request at various stages of the process.

The **Zoning Administrator (ZA)** is responsible for examining and approving applications that conform with the ordinance and conducts examinations related to the requirements. The ZA determines lot, bulk and parking requirements in certain instances, conducts inspections to determine compliance with the ordinance, helps ensure that petitions for rezoning are properly posted so that they may be placed on the Zoning Board of Appeals' agenda for public hearing and determination, and may be called upon to provide administrative interpretations of the ordinance and its requirements.

The ZA also assists the County Board by providing it with the ZBA's recommendation and findings of fact in each zoning case.

The **Springfield-Sangamon County Regional Planning Commission (SSCRPC)** must provide the Zoning Board of Appeals with a written report on all proposed zoning amendments ("map" as well as "text"), CPU requests, and variances.

The SSCRPC bases its assessment upon the evidence provided in the petition, a review of trends in the area in which the rezoning is requested, the comprehensive plan, and an examination of the site in question and the surrounding uses.

The SSCRPC staff report will recommend that the relief requested be granted, denied or amended, and the basis upon which this recommendation is made. This recommendation is not binding upon the ZBA or County Board as other evidence may come to light in the hearing and review process.

The **Zoning Board of Appeals** is a primary "finder of fact" in the rezoning process. The ZBA conducts a public hearing on each rezoning case, hears the evidence in each case, and submits its findings and recommendations to the County Board. The ZBA is empowered to hear cases involving proposed zoning text and map amendments, CPUs, variances and challenges to the Zoning Administrator's interpretation of the zoning code.

It is the ZBA's recommendation and report of findings of fact that goes to the County Board.

The **Sangamon County Board** provides the final determination in each case. It hears the report and recommendations of the ZBA, conducts an additional public hearing on the case where both proponents and opponents of the petition may be heard and ZA and SSCRPC staff questioned, and then may act to approve, deny or amend the requested relief.

In most cases action by the County Board only requires a simple majority vote, but this is not true in all cases. These cases will be addressed a bit later in this guide.

### Who can initiate a rezoning request?

**A**ll properties have underlying zoning, but sometimes a property owner seeks a change in use, requiring a rezoning. A petition for a rezoning may be filed by an interested property owner, contract purchaser, County Board member, or the Executive Director of the Springfield-Sangamon County Regional Planning Commission.

In cases where the petitioner is a contract purchaser, the contract purchaser must provide a letter from the owner stating that the owner is aware of the petition and what it requests, that the petitioner is indeed a contract purchaser, and that the owner approves of the action.

### What are the procedures for requesting rezoning?

**P**etitions for a rezoning must be filed with the Zoning Administrator in writing and contain the information required by ordinance or County Zoning Board of Appeals (ZBA) rule. It must be filed at least 20 days prior to the date of hearing by the ZBA.

### What are the application requirements?

**A**long with the specifics of the relief requested, the petition must include a list of all adjacent property owners, including owners across the street or alley, as well as their mailing addresses. It must also include a map which shows the boundaries of the property, the location of existing and/or proposed structures in relation to lot lines, and adjacent land uses. If a CPU or variance is requested, it should also provide information showing that it meets the conditions required for this relief.



## **What is a CPU?**

**A** Conditional Permitted Use (or CPU) provides for the location of special classes of uses which are desirable for the public welfare within a given zoning district or districts, but that may be incompatible with the typical uses allowed in the district or districts. Allowing for CPUs recognizes that there are special uses of land which, because of their unique character, cannot be properly classified in any particular zoning district or districts without additional consideration in each case on the impact that the use might have on neighboring land, the public's need for the particular use, or the particular location.

In the Sangamon County zoning ordinance CPUs fall into two categories:

- ☐ Uses operated by a public agency or public-regulated utilities, or uses traditionally affected with a public interest.
- ☐ Uses entirely private in character, but of such nature that the operation may give rise to unique problems with respect to their impact on neighboring property or public facilities.

For example, an electric substation is not a permitted use in the Single-Family Residence District, but may be allowed with approval of a CPU. Similarly, while *unlighted* golf courses are a permitted use in the Single-Family Residence District, *lighted* golf courses and driving ranges are allowed only as a CPU. These two uses requiring CPUs are indicative of a class of uses that may be allowed in the zoning district, but are seen as requiring additional consideration as to the impact they might have on neighboring properties, the public's need for the use, and the particular circumstances of the proposed location.

## **What are the standards for granting a CPU?**

**S**ince the uses included under a CPU presume that special conditions for their granting are required, the Sangamon County zoning ordinance establishes standards *that must all be met* for a CPU to be granted by the County Board. Three general standards for a CPU are found in Section 17.58.080 of the zoning code. No CPU shall be granted unless it:

- ☐ Is so proposed that the proposed location, design and method of such use will minimize the adjacent effects on the character of the surrounding area; **and**
- ☐ Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected; **and**
- ☐ Will not cause substantial injury to the value of other property in the vicinity in which it is located.

In addition to these general standards for all CPUs, additional standards are also established for such special uses as: fairgrounds; public or private outdoor recreation centers; manufactured home parks; tourist homes, motels and hotels; taverns and liquor stores; and wind energy conversion systems (wind farms).

## **Who can initiate a CPU request and what are the procedures?**

**S**ince a CPU is a rezoning, it is subject to the same requirements and procedures as any other zoning request.

## **Can CPUs be subject to additional restrictions?**

**Y**es. The ZBA may recommend and the County Board may provide restrictions upon the location, construction and operation of a CPU (including, but not limited to, off-street parking and loading), as may be deemed necessary to provide for the general objectives of the ordinance and to minimize injury to the value of property in the vicinity.

### What is a variance?

As the name implies, a “variation” or “variance” is a granting of permission to depart from the literal enforcement of the zoning code upon a finding that there are practical difficulties or a particular hardship in the way of carrying out the strict letter of the regulations provided by the ordinance. A variance “varies” the law for a particular property, granting an exception to the strict requirements of the code not available more generally.

### What types of variations are allowed?

Primarily variations can be considered for “areas” (which typically includes varying such things as bulk, setback, lot configuration, parking and other such requirements) and for “uses”. The ZBA may only consider a use variance after it has found that a rezoning of the property, based on the required findings of fact, would not serve the public interest and would not be appropriate.

### Who can initiate a variance request?

As a variance is a zoning matter, the same parties may submit a variance request as any other rezoning: an interested property owner or contract purchaser, or their agent.

### What are the procedures for requesting a variance?

As with other zoning relief, the process begins with a petition for variation being filed with the Sangamon County Dept. of Zoning. From that point on, the request for a variance is handled as any other zoning request. **EXCEPT**, a petition for a use variance may be filed **ONLY IF**: (1) a petition for an amendment to the zoning map is recommended for denial by the Zoning Board of Appeals, or (2) a petition for an amendment is denied by the County Board, and (3) the appropriate fee accompanies the petition. What this effectively means is that a petitioner must first request a rezoning of the property to the appropriate zoning classification and be denied, before a use variance can be requested. Therefore the approval of a use variance typically requires that the petitioner go through the process twice: once requesting a zoning change to the correct classification for the use, and then again requesting a use variance should the petition for the classification change be denied. A denial of a requested zoning classification change should not, however, be taken as an indication that a use variance will subsequently be granted.

**If, however**, the SSCRPC finds during its staff review that a reclassification should not be granted, but further recommends that a use variance is appropriate as the situation meets the conditions for variation, the ZBA may consider that in its deliberations and recommend the use variance to the County Board without the petitioner being required to resubmit an additional petition for the use variance.

### What are the conditions for granting a variance?

As with a CPU, the zoning ordinance establishes standards that must be considered for granting a variance. The standards are different for area and use variances. *All* of the conditions are to be met to grant a variance.

The standards to be considered for an *area variance* are:

- ☐ 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; **and**
- ☐ That the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area; **and**
- ☐ 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.



The standards to be considered for a *use variance* request are that 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; **and**
- ☐ Is compatible with the trend in the area; **and**
- ☐ Will benefit the community and be in harmony with the general purpose and intent of the zoning regulations; **and**
- ☐ 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.

Again, those considering an area or use variance should note that the ordinance indicates that *all* of the standards for variation be met before a variance can be granted. When petitioning for an area or use variance, the petitioner should provide evidence that the variance, if granted, would meet all of the standards required.

### **Is there anything else that must be considered for a variance?**

**Yes.** Since a variance offers a special exception for a particular property owner that is not available generally, the zoning ordinance provides additional guidance to help the Zoning Board of Appeals in making its recommendation. It says that in making a decision and arriving at its findings concerning a variance, the Zoning Board of Appeals must take into account eight factors [17.66.050(D)]:

1. Variations should not be used to make major changes in the permitted uses in a zoning district. If a use is not permitted in the zoning district for the property, a variation for an unpermitted use should be the exception, for such a variation will permit a use that will be incompatible with the legitimate uses in the district, and may create a bad precedent.
2. Variations should not impact upon the character of the surrounding neighborhood in a detrimental manner.
3. Variations should be evaluated by comparing the relative gain to the property that seeks the variance against the gain to the public and surrounding neighborhood if the variance is not granted.
4. Variances are less likely to be justified if the “hardship” or “practical difficulty” has been created by the petitioner.
5. Variances are less likely to be justified if the property has been economically and/or successfully used in the past without the need for a variation.
6. Variation decisions should be based upon the characteristics of the property as opposed to the person who is presenting the petition.
7. Variation decisions should consider previous precedents established for the neighborhood and the County.
8. Variation decisions should consider whether they will create bad or good precedent for the future.

### **May the Zoning Board of Appeals impose conditions on a variance?**

**Yes.** The ZBA may impose such conditions and restrictions upon the premises benefitted by the variation as may be necessary to comply with the standards noted above [17.66.050(E)].

### **Can a variance become void?**

**Yes,** a use variance can. A use variance becomes void if a person does not comply with the variation granted and/or any of its conditions, or if it is not used within one year from the date it was granted, or if it ceases to be utilized for two years.

### Are there any uses exempt from the zoning code?

**Yes.** Section 17.06.060 of the code establishes a number of uses that are exempted by the ordinance and allowed in any zoning district. These are:

- ☐ Agricultural uses as defined, except that the location of farm buildings must conform with the front lot line, lot width and front yard setback regulations established in the ordinance. The definition of agricultural uses is rather extensive and can be found in the Definitions chapter of the zoning ordinance [17.04].
- ☐ Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, temporary batch plants for use during construction only, solar and wind energy systems, air and noise pollution monitoring stations, and electric power, gas, water and sewer lines, provided that the installation shall conform with applicable Federal Communications Commission and federal Aviation Agency rules and regulations, and other authorities having jurisdiction. Some of these uses may be regulated in other ways and places in code, however (e.g., batch plants and Wind Energy Conversion Systems—WECS).
- ☐ Telephone distribution centers, exchanges and substations and electrical substations and distribution centers and gas regulator stations are exempt from the lot area and width requirements and the front yard requirement except that a 15 foot front yard must be maintained. Some other requirements relative to corner lots still apply.

This section also exempts some “temporary” uses.

### What types of temporary uses are allowed?

**The** section noted above exempts the temporary use of land for special events, but only during the duration of the event (including, but not limited to, fairs, rodeos, firework stands), and seasonal fruit and vegetable stands, including associated parking. It is not intended, however, to allow the general sale of merchandise unrelated to a special event.

The section also identifies as a temporary use land for the installation, maintenance and operation of batch plants used by contractors in the ordinary course of construction activities. However in the case of batch plants, this temporary use may only be granted if the contractor obtains written permission from all residents within 1,000 feet of the batch plant, and it cannot continue past the duration of the single contract for which the batch plant was installed and operated.

### Who can initiate a temporary use request?

**A**pplication is made like other zoning requests allowing the property owner or their agent to make the request.

### Who grants a temporary use?

**R**equests for temporary uses are filed with the Zoning Administrator. The Zoning Administrator may issue the temporary permit upon approval of the County Board committee that oversees zoning, planning and subdivisions.

### Are there conditions associated with granting a temporary use?

**T**here can be. Permits may be limited by time. For example, tents or other temporary structures are limited to the period of the event, the sale of general merchandise is prohibited, permits for fireworks stands are limited to 10 days (from June 25 to July 4), and batch plants must obtain written permission from all residents within 1,000 ft. of the plant and the permit may not continue past the duration of the single contract for which the batch plant was installed and operated.

**What is the one time exception in the Agricultural District?**

**W**hen the Sangamon County zoning ordinance was revised a number of years ago, it established new bulk regulations which affected such things as minimum lot area and minimum lot width. For the Agricultural (A-1) zoning district the new minimum lot area was established as 40 acres and minimum lot width was established as 150 feet. As this action reduced the flexibility of those living in the A-1 district to divide portions of property for other uses, such as residential, that had been allowed in the past, the County Board provided for a one time exception from the minimum lot area requirements for those who owned property in the Agricultural district.

Section 17.38.030.1 of the new ordinance provides this “grandfathering” for those in the A-1 district, as it allows that for each 40 acres of land owned in fee simple by a single owner or joint owners (as to the entire 40 acres) in the A-1 district, the owner or owners are entitled to convey a single lot not to exceed 5 acres from the property to a grantee for the purpose of the grantee establishing a dwelling. The lots established under the one time exception may remain zoned A-1 but must meet all other requirements of the zoning ordinance.

**Is it available to all property owners with Agricultural zoning?**

**No.** It is available to owners of property of 40 acres or more as of the date of passage of the zoning ordinance (**May 9, 2001**), or their successors.

**When can this one time exception be used and who may apply?**

It may be applied for at any time by the property owner or owners or their executors to whom the right accrues.

**So it may only be used once?**

**O**nce per 40 acres. So that:

- ☐ 40-79 acres: One single one acre lot exemption is permitted.
- ☐ 80-119 acres: Two single one acre lot exemptions.
- ☐ 120-159: Three single one acre lot exemptions.

And so forth.

**How does someone apply for the exemption?**

**T**he applicant for the exemption applies to the SSCRPC and pays a fee. The SSCRPC reviews the application under the provisions of the Sangamon County Land Subdivision Ordinance (Title 16, Sangamon County Code of Ordinances) and with input from the County’s Zoning Administrator. The exempted one acre lot or lots must comply with the provisions of that ordinance, except that they are exempted from the road access, fire protection district, and contiguous owner requirements of the County’s land subdivision ordinance. The SSCRPC may grant the exception or exceptions without any further review or authorization by the County.

**Will LESA scoring be required?**

**T**he Land Evaluation and Site Assessment System (LESA) is a tool for determining the advisability of a land use change from an agricultural use to a non-agricultural use (usually residential development) and will be covered beginning on page 51 of this guide. As the one time exception in the A-1 district addresses bulk requirements rather than use, LESA is not required for the simple application of the exception.

## Voting and Denial of a Zoning Petition

### What vote is required to approve or deny zoning relief?

If the written report of the Zoning Board of Appeals recommends relief to the County Board, the County Board may provide such relief by a simple majority vote of those present and voting. However, if the ZBA recommends denial, the relief may not be granted except by a favorable majority vote of all members of the County Board [17.68.070].

### Are there any other situations that would affect the number of votes required?

**Yes**, a *valid written protest* can affect the voting requirement. A valid protest exists when the County Clerk receives a written protest from the owners of:

- ☐ 20% of the frontage proposed to be altered, or
- ☐ 20% of the frontage immediately adjoining or across an alley from the subject property, or
- ☐ 20% of the frontage directly opposite the frontage proposed to be altered

A valid written protest may also be submitted by resolution of the corporate authorities of a zoned municipality where the land affected, either by map or text amendment, lies within 1.5 miles of the limits of the petitioning municipality.

In either case, a copy of the written protest or resolution must be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of the applicant and attorney shown in the application for the proposed amendment. In order to perfect its protest, the protestor(s) or municipality must file its protest or resolution with the Sangamon County Clerk and the County Zoning Administrator at least 24 hours before the County Board meeting.

If a valid written protest exists, the zoning amendment may not be passed without a favorable vote of 3/4 of all members of the County Board.

### What happens if a petition is denied?

**The** County Board may act to deny a zoning request. The effect of a denial may differ by request.

In the case of a *zoning amendment or variance request*, after any application for this relief has been acted upon by the County Board, another application requesting the same relief shall not be accepted or considered by the County Board for a period of 6 months after that action, unless the Zoning Board of Appeals finds that the application shows that there has been a substantial change in circumstances since the County Board's action.

For *Conditional Permitted Use* requests, Section 17.58.100 establishes a 6 month waiting period for new application after the request has been acted on by the County Board, whether the use is approved or denied. This waiting period is waived if the Zoning Board of Appeals determines that the new application shows that there has been a substantial change in circumstances since the County Board's action.

For Large Scale Developments (which will be considered beginning on page 47 of this guide as a special case), if the Large Scale Review Committee finds that the proposed Large Scale project does not meet the requirements of the ordinance, the Planning Commission must provide a written note for the developer which describes the deficiencies in the plan. Once the deficiency is corrected, the Planning Commission must transmit the proposed Large Scale plan to the County Planning, Zoning and Subdivision Committee as called for in the ordinance.



**What if the use on a property was a legal use, but the zoning law has changed?**

**M**ost likely it will be considered a “legal nonconforming use” and is still allowed. This situation and its limitations (such as, discontinuance of use, damage or destruction, and repairs or alterations) are addressed in Chapter 17.64 [Nonconforming Uses] of the zoning ordinance.

**Are there performance standards in some zoning districts?**

**Y**es. There are performance standards particularly applicable in the two industrial zoning districts (I-1 and I-2). These standards are established in Chapter 17.34 of the ordinance and deal with such matters as noise, vibration, smoke and particulate matter, toxic and noxious matter, odorous matter, fire and explosive hazards, and glare and heat. Other performance standards are also in code. For example, Section 17.51.014 establishes specific performance standards for landscape, screening and lighting.

**How are telecommunication facilities handled?**

**T**elecommunication facilities are considered as a special class of use in the ordinance, and the requirements are detailed in Chapter 17.45.

**Are swimming pools addressed in the zoning code?**

**Y**es, and they are also subject to regulation regarding placement, lighting and enclosure. Chapter 17.46 of the zoning code provides specifics as to the swimming pool regulations.

**Are adult use facilities addressed in the zoning code?**

**Y**es. Adult uses are specifically addressed in Chapter 17.54 of the ordinance and the uses identified as “adult” are defined. These uses are only permitted as a CPU in the B-3 Service Business District. Since B-3 uses are also allowed in the I-1 and I-2 Industrial classifications, the section notes that those desiring to place an adult use on a property zoned Industrial must also petition for a CPU.

Special requirements are established for this use. This use may not be operated within 500 feet of a Residential Zoning or Agricultural Zoning District that is improved with residential uses and/or schools and/or churches, and no adult use may be operated within 1000 feet of any two other adult uses.

**Can I put more than one principle building on a lot?**

**O**nly in two special cases. No more than one principal building is allowed on a lot or parcel in any residential district except in the case of an approved Large Scale Development [17.48] or Planned Unit Development [17.06.080]. These types of development will be considered later in this guide. Accessory buildings, which are a subordinate building or a portion of a principal building, are allowed if their use is incidental and customary to that of the principal building. Accessory buildings and structures are subject to regulation, and these regulations can be found in Chapter 17.36 of the code.

**If a property or a portion of a property is in a floodplain, is construction prohibited?**

**W**hile various other regulations may apply, the zoning code says that no building or structure can be erected with the elevation of a floor, including a basement floor, lower than one foot above the base flood elevation established by the National Flood Insurance Program or the best available data. Those entertaining construction within a floodplain or on property that may contain a floodplain are strongly encouraged to contact the SSCRPC to discuss the various regulations that may apply. Floodplain development is discussed further on page 49.

### Should I meet with the Zoning Administrator or Planning Commission staff prior to submitting a zoning request?

As was mentioned at the beginning of this section, a pre-application meeting is not required. It is advisable, however, as it may help you to identify and address issues with your petition before it begins going through the zoning process. This can save both time and money.

### How much information do I need to provide in my petition?

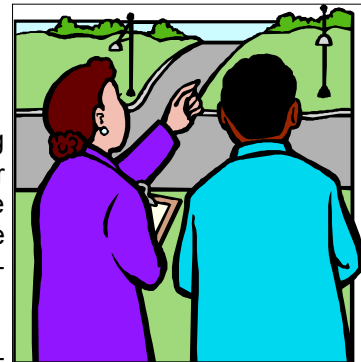
The application requires certain specific information, but it is to your benefit to provide as much information, and as accurately, as possible. Remember, the application is your “petition”. It is not the responsibility of Zoning and SSCRPC staff, or the ZBA, to find evidence supporting your case; that is *your* responsibility.

### What kind of evidence should I try to provide in my petition?

That largely depends upon the nature of your request. For example, both CPUs and variances require that certain conditions be met for this relief to be granted. If you are seeking a CPU or variance, you should be aware of these requirements and provide evidence in your petition as to how your request meets them.

### Should I talk to my neighbors about my request prior to filing?

You are not required by ordinance to discuss your request with adjoining property owners, but it is a very good thing to do. Remember that your request will not be private, it will be posted in the paper as well as on the property that you wish to rezone. Adjacent property owners will also be notified of the zoning hearing by mail. Your application is a public document and is available for review.



Meeting with those around you who might be affected by a change in zoning will give you the opportunity to fill them in on your request and why you are making it, allow you to hear of any concerns that they might have that can be addressed by making changes in your request, and give you some idea as to whether or not your neighbors will support or oppose your petition.

Remember also that a valid written protest from adjacent property owners significantly increases the number of votes necessary for a petition to be approved by the County Board.



### Should I come to the hearings?

Yes. The ordinance does not require that you or your agent (for example, your attorney) attend, but it is highly advisable. Attending the hearing before the Zoning Board of Appeals and then the County Board gives you the opportunity to present evidence concerning your petition, answer questions that the review bodies may have or that might arise from the SSCRPC staff recommendation, and respond to any testimony presented by opponents. It also gives you the opportunity to respond to any amendments to your request or conditions that the ZBA or County Board might recommend or require.

## What is involved in land development review?

**S**angamon County has an established review system to regulate and control the division of land within its subdivision approval jurisdiction. This system of regulation is spelled out in Title 16 of the County's Code of Ordinances as "Land Subdivision Regulations".

There are three purposes for this land development review spelled-out in the ordinance. The first is to provide for the legal and orderly division of land by requiring proper description, monumentation and recording of the subdivided land. The second is to promote growth which protects the public health, safety and welfare, and provides essential public services to existing and future residents. And the third is to promote growth that protects the County's natural resources.

Though the ordinance is termed "Land Subdivision Regulations", it is important to understand that it applies to more than what one might generally think of as a "subdivision". The ordinance defines a "subdivision of land" as the: (1) division of land into 2 or more parts, any of which is less than 5 acres of size (with some exemptions); (2) dedication of streets or easements of access; (3) creation of a Planned Unit Development (see page 48); (4) creation of Large Scale Developments (see page 47); or (5) actions resulting in a new description of land not previously recorded.

One might assume that the County's jurisdiction includes all of the unincorporated area, but it does not. Subdivisions of property located within 1.5 miles of the corporate limits of villages or cities that have adopted an Official Plan (most often called a "comprehensive plan") in accordance with Chapter 65 of the Illinois Compiled Statutes and filed that plan with the SSCRPC, are exempt for the application of any less restrictive regulations of the County's code, but are required to comply with the more restrictive regulations. This is because these municipalities have authority to exercise their control over a 1.5 mile "extra-territorial" jurisdiction. By County code, when an unincorporated area lies within overlapping extra-territorial jurisdictions, the SSCRPC shall decide which regulations are more or less restrictive based upon professional principles of land use planning.



To a large extent the purpose of the process devised by the ordinance is to move a division of property to a legal and appropriate platting, and the ordinance requires that a proper plat be filed with some exceptions that are listed in ordinance [Sec. 16.02.050(A)]. Most often this platting will require approvals at three stages of the land division review process:

- ☐ **Location and Sketch Maps;**
- ☐ **Preliminary Plan;** and
- ☐ **Final Plat.**

This section of the primer addresses the requirements of these stages. The process for what are called **Minor Subdivisions** is different and will be addressed beginning on page 41.

### What is the review process?

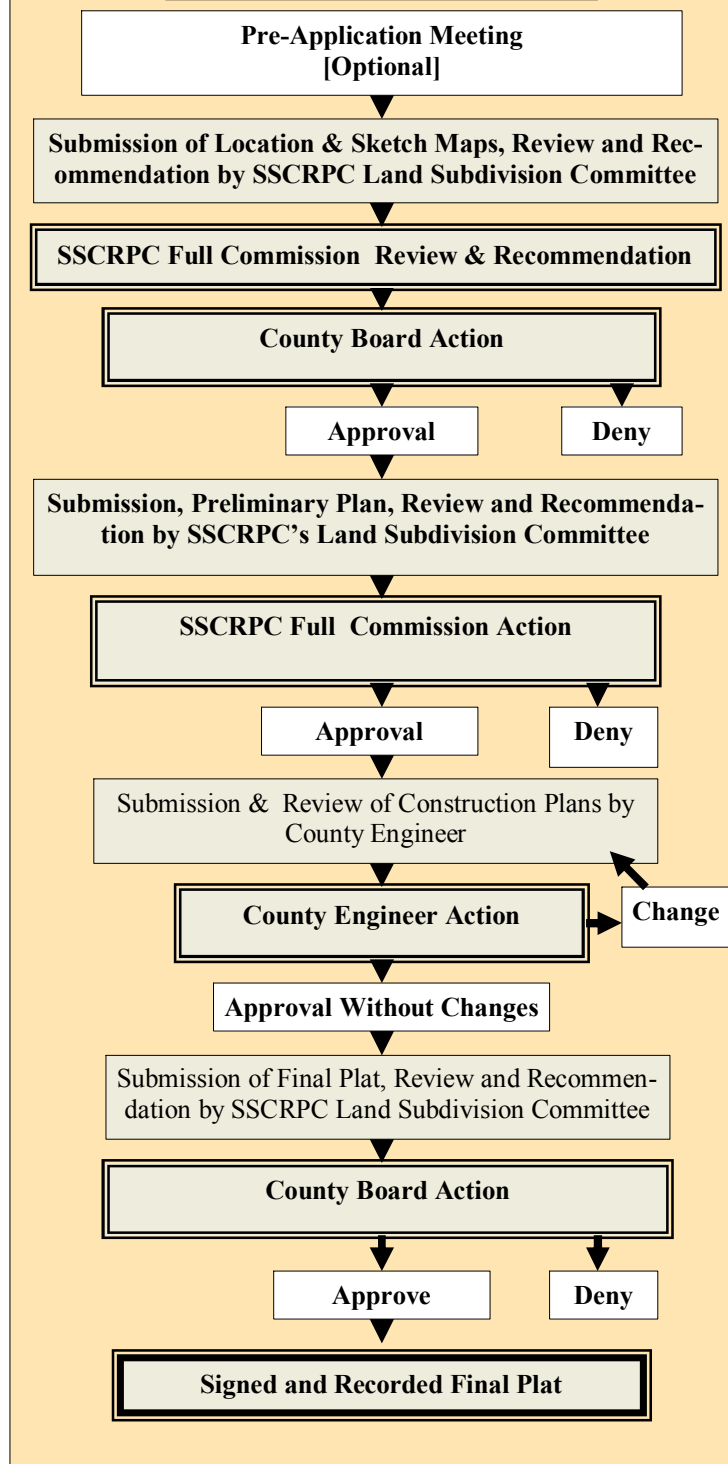
As noted on the previous page, often land development will require approvals at three stages — Location and Sketch Maps, Preliminary Plan, and Final Plat — during which various bodies are involved in the development's review. This is most often termed the "Land Subdivision Process".

The diagram to the right shows the general process steps required to move from Location and Sketch Maps to Final Plat. Each stage in the process requires that the subdivider or developer provide additional information as to his or her plans for the development.

Information concerning what is required in each stage is provided in this part of the guide.



### The Land Subdivision Review Process in General

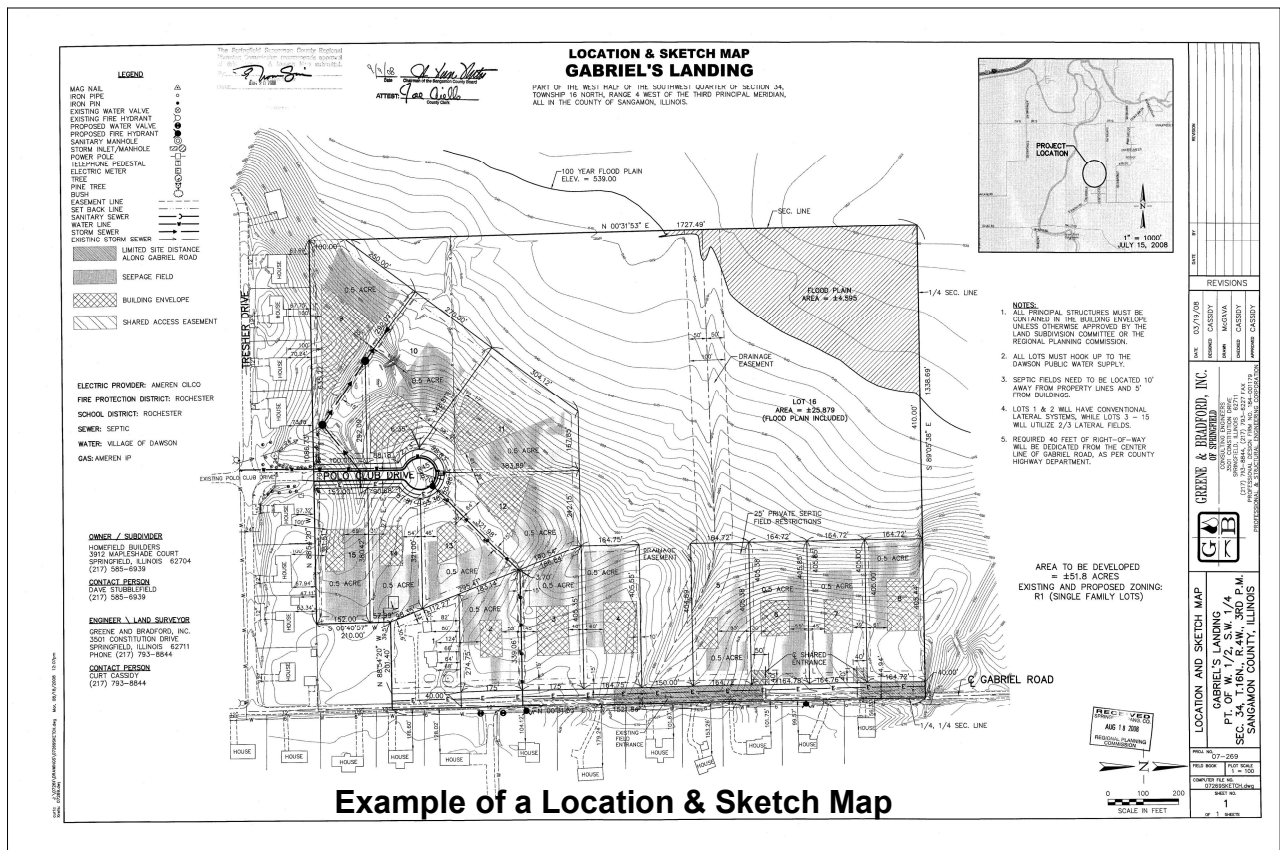




## What are location and sketch maps?

Location and sketch maps (addressed in Chapter 16.04 of the Land Subdivision regulations) are intended to determine the suitability of a site for subdividing and subsequent development. Since they are parts of one submission, they are sometimes discussed in the singular, *map* instead of *maps*, but since County ordinance uses the plural, we will do so here as well.

Suitability of a site for subdividing and development is measured by conformance with the comprehensive plan, effect on natural resources and natural systems, ability to provide adequate essential services to the site, and conformance with the goals of the land subdivision regulations. As the title indicates, the location and sketch review basically involves consideration of items represented on maps showing general plans for a development, and is the first phase in the land subdivision process.



Example of a Location & Sketch Map



**What is considered during location and sketch maps review?**

The purpose of location and sketch maps review is to determine the suitability of the site to be subdivided.

Four essential and public services are considered during this review. The first two of these are:

**Sewage disposal:** Public sanitary sewer service is the preferred method of disposal and must be used if available. The conditions determining “availability” are listed on the right. If a public sanitary sewer is not available, a private sewage system may be used if proper soil conditions exist on one-half acre per lot (which must be contiguous and regularly shaped) and have appropriate soils identified through soils mapping. No surface discharge from surface discharge systems is allowed off of the lot. All subdivisions with 50 or more buildable lots must be served by a public sanitary sewer. A central or clustered sewage disposal system is required for all subdivisions of 20-49 lots. Some land where public sewer service is not available may not be suitable for a private clustered or central sewage system. This property shall not be subdivided.

**Water supply:** An Illinois Environmental Protection Agency (IEPA) approved public water supply is the preferred method. If public water is currently available to the site, it must be used. The box to the right provides the conditions for determining availability. A private well may be permitted if the subdivider can demonstrate that adequate water is available by drilling a test well at an appropriate location, and the Sangamon County Dept. of Public Health determines that the water meets its standards. If water is not available to a site, it may not be subdivided.

The criteria for determining sewage disposal and water supply availability are shown in the box below.

**Sewage Disposal System Availability.**

Sanitary sewer is considered available to a single-family or duplex subdivision if it is within a distance of 225 ft. per lot shown on the location and sketch map or preliminary plan, measured from the end of the sewer to the nearest point of the subdivision along the probable extension route as determined by the sewer providing agency. For multi-family and non-residential subdivisions, sanitary sewer is considered available if it is within 1,000 ft. per lot. Extensions along the subdivision boundary is not included in the distance to be extended.

**Water Supply Availability.**

A public water supply is considered available to a single-family or duplex subdivision if it is located within 225 ft. per lot and within 1,000 ft. per lot for multi-family and non-residential subdivisions measured from the start of the main extension to the nearest point of the subdivision along the probable extension route as determined by the public water agency.

The other two essential and public services considered in assessing site suitability during location and sketch maps review are:

**Fire protection:** Land proposed to be subdivided must be within a fire protection district. If it is not, it cannot be subdivided. The temporary assignment to a fire protection district does not qualify a property as being in a district.

**Access:** The suitability of access roads to the land shall be evaluated by the County Engineer in consultation with the appropriate township highway commissioner using safety and durability standards and cross sections included in the ordinance, as well as the Illinois Dept. of Transportation's (IDOT) *Manual of Administrative Policies*, as a guide.

If the County Engineer determines that the access roads to the land are not suitable, the land cannot be subdivided. As an alternative, if the access roads are found unsuitable for a conventional or minor subdivision (the minor subdivision will be addressed later in this guide) and the subdivider wishes to bring the roads up to the required standards, the subdivider may enter into a contract with the County and applicable township to do so. The subdivider must provide an acceptable surety to guarantee this work.

In addition, the subdivider is generally required to produce an agreement with the appropriate township highway commissioner demonstrating that the subdivider will respect the load requirements on the township access roads and be responsible for any damage done by construction equipment serving the subdivision during development.

## Subdivision Access Road Standards.

### Conventional Subdivision

- ☐ 40' right-of-way;
- ☐ 24' road bed;
- ☐ 20' pavement with 2' shoulders;
- ☐ 8" aggregate base course or equivalent.

### Minor Subdivision

- ☐ 40' right-of-way;
- ☐ 24' road bed;
- ☐ 16' - 18' pavement with 3' - 4' shoulders (depending upon ADT);
- ☐ 4" aggregate base course or equivalent.





## What else is considered during location and sketch maps review?

**A**long with the review of essential and public services, other requirements are considered during location and sketch maps review to help determine site suitability. They include:

- ☐ The site must be in conformance with Sangamon County's adopted comprehensive plan.
- ☐ Development must not be located in an environmentally sensitive area unless the subdivider can show that environmental concerns can be mitigated. Environmentally sensitive areas include, but are not limited to, sites adjacent to Lake Springfield, the proposed Hunter Lake, or the Sangamon River and their tributaries, sites in or adjacent to dedicated nature preserves, wildlife corridors, greenways, stream corridors, floodplains, wooded areas and wetlands.
- ☐ Site must be of a shape, size and terrain so that usable lots and streets in conformance with the Land Subdivision regulations can and will be created. To achieve conformance, the site may require special design or may require the contemporaneous subdividing of adjacent property.
- ☐ Development must not have a major conflict with existing use of adjacent property (waste water treatment plants, power plants, major industrial plants, landfills, certain agricultural uses, etc.) unless it is shown that factors which cause the conflict can and will be mitigated.
- ☐ Development must not cause major off-site impacts and problems relating to, but not limited to, streets, drainage, water system, or parks. If it is determined by the SSCRPC that major off-site impacts will result, the subdivider must agree to mitigate the portion of the impact caused by the subdivision.

## Is there a farm exemption from some requirements?

**T**here is a *limited* farm exemption in the code.

Subdivisions created as a result of the farm exemption provided in Sec. 17.38.030.1 of the Sangamon County Zoning Ordinance pertaining to the one-time exemption of bulk requirements in the A-1 district (see page 13 of this guide), do not need to meet the location and sketch maps submission requirements related to showing all contiguous property. Nor do these properties need to meet the fire protection and road access requirements. They must, however, comply with the road repair requirements.





### How does the location and sketch maps review process begin?

It begins with the subdivider submitting 19 copies of the location and sketch maps and supporting data by 9:00 AM on the 3rd Monday of the month preceding the month in which the subdivider wishes the subdivision to be reviewed. If they are submitted after this deadline, they will not be considered at the next monthly Planning Commission meeting, delaying review.

### Are there any limitations to getting reviewed?

There can be two. First, if the plans are not complete as per the requirements of the code, then review might be delayed until all of the requirements for submission have been met.

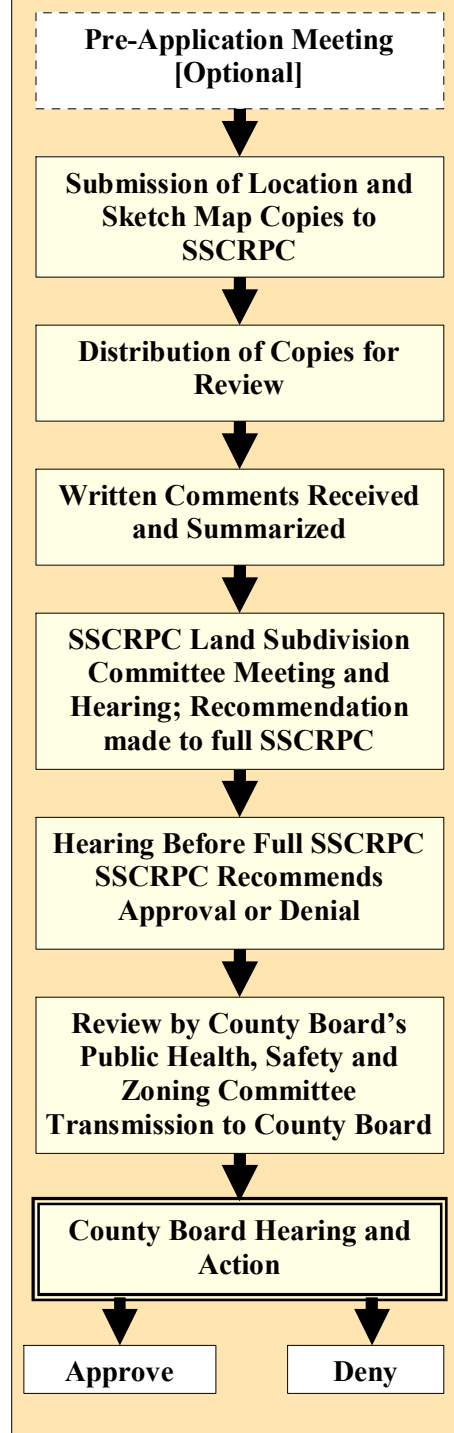
But additionally, Sec. 16.040.050(B) provides that in no case shall a location and sketch maps be accepted for review for a subdivider who has failed to have all the required improvements on a prior subdivision completed and approved by the County Engineer within two years of the date of approval of the construction plans, or, if a security was accepted in lieu of construction, if the construction is not completed and approved within two years of the County Engineer's approval of the final plat (more about the final plat later in this guide). The County Engineer may waive this provision only if it is determined that the cause for failure to complete the improvements within the two year period is beyond the control of the subdivider and a good faith effort is being made to complete the improvements.

If no lots have been sold from the prior subdivision and if the subdivider withdraws his or her request for approval of the construction plans and vacates a recorded final plat, the provision does not apply.

### Assuming there are no problems with the submission, who receives the plans?

The Planning Commission staff distributes the plans to those who will review them. Along with the SSCRPC staff, the plans go to members of the RPC's Land Subdivision Committee, the County Engineer (who also provides a copy to the appropriate township highway commissioner), the appropriate fire, water and school districts, the County Dept. of Public Health, the County Soil and Water Conservation District, and the County's Zoning Department. All of these bodies must transmit their written comments regarding the suitability of the site to the SSCRPC within one week of receipt. The RPC staff then prepares a written summary of the comments taking into account the suitability criteria in the regulations and conformance with the comprehensive plan.

### The Location and Sketch Maps Review Process



## **Who then reviews the location and sketch maps?**

**A**fter the comments are collected and summarized, a meeting is held of the RPC's Land Subdivision Committee. "Land-Sub", as this committee is sometimes called, reviews the suitability of the site based on the criteria provided in the regulations and conformance with the comprehensive plan, and makes a recommendation to the Springfield-Sangamon County Regional Planning Commission members.

Along with recommending that the plans be approved or not approved, the Land Subdivision Committee may recommend that the plans be approved "subject to" certain corrections or changes being made. In this situation, and assuming that the subdivider is willing to make the corrections and changes, the plans will not go forward until the corrections and changes are made. If the subdivider does not wish to make the corrections or changes, the plans will still go forward in the process, but most likely with a Land Subdivision Committee recommendation that the location and sketch maps not be approved.

The review by the full 17-member Planning Commission involves a public hearing, and legal notice of the hearing must be placed in a newspaper of general circulation within the Sangamon County area 7 days before the date of the hearing. The subdivider is responsible for the cost of the notice and must present proof of publication to the Planning Commission before the location and sketch maps may be reviewed.

Following the hearing, the Planning Commission makes a recommendation to the Sangamon County Board with respect to the suitability of the site, conformance with the comprehensive plan, and conformance with the regulations governing location and sketch maps. Unless the subdivider requests a delay, the SSCRPC must make its recommendation to approve or deny the plans no later than the Commission's regularly scheduled meeting in the second month after the subdivision was filed.

## **What happens if the Planning Commission makes a negative recommendation?**

**I**f the subdivider receives a negative recommendation from the SSCRPC and still wishes to proceed with the subdivision, the subdivider must request in writing within 30 days that the RPC forward the proposed subdivision, along with the RPC's recommendation, to the Sangamon County Clerk for referral to the Sangamon County Board.

## **Who makes the final decision regarding approval of the location and sketch maps?**

**T**he County Board does. After receiving the Planning Commission's recommendation, the County Board's Public Health, Safety and Zoning Committee reviews the location and sketch maps and makes a recommendation to the County Board. The County Board will then either approve or disapprove the location and sketch maps based upon the same criteria and conditions referred to previously. By ordinance the Board must make its decision within 60 days of its referral to the Sangamon County Clerk.

## **How long are location and sketch maps valid once approved?**

**L**ocation and sketch maps are valid for one year after County Board approval. If a preliminary plan (which will be addressed in the next section of this primer) has not been submitted within the one year period, approval of the maps expires. Once it expires, if interest is renewed in subdividing the property at a later time, the entire location and sketch maps review process must be repeated. The location and sketch maps approval is also only valid as long as all land area contained in the maps remains in the subdivision. If any land is removed from the subdivision, the sketch map and any subsequent preliminary plan approvals are rescinded. Any additional subdividing must again start and the location and sketch maps review stage.

### Do I need to attend any meetings concerning the location and sketch maps?

**Y**es, there are meetings that the developer or subdivider of a property should attend. As the previous sections noted, location and sketch maps are reviewed by the SSCRPC's Land Subdivision Committee, the full Regional Planning Commission, and the County Board. At all of these meetings questions about the development may be asked of the developer or subdivider by members of these bodies and sometimes the public. If questions arise, it is beneficial for the developer or an authorized agent to be present to answer them.

Also, since the Land Subdivision Committee may approve the location and sketch maps "subject to" certain changes being made or conditions met, it is important for a developer, subdivider, or their representative to attend this meeting to address any changes that might be required and have a better understanding of them.

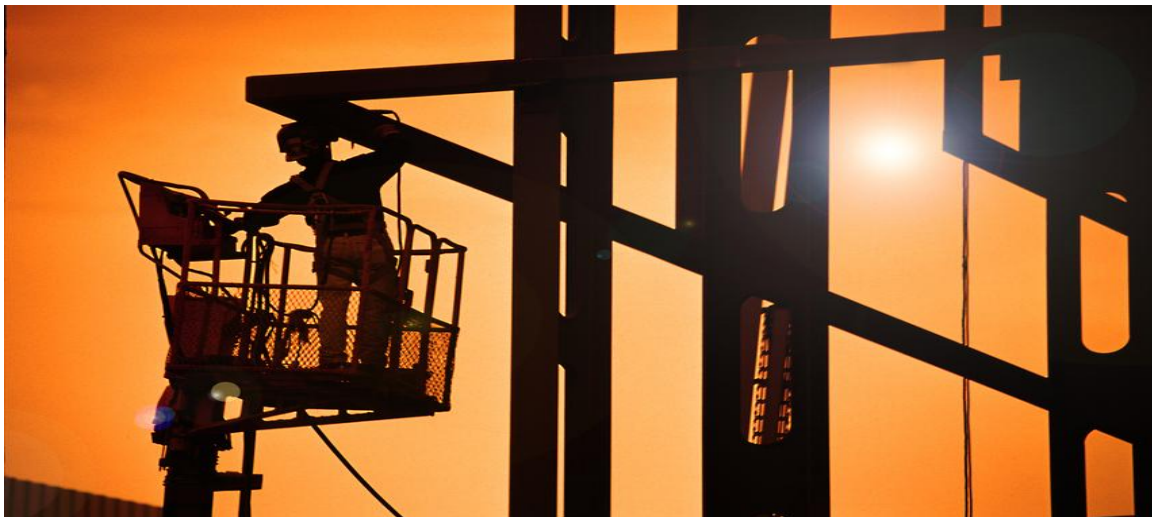
Other interested parties might also wish to attend these meetings in order to obtain a better understanding of a development project as it goes through the land subdivision approval process.

### What happens after final review?

**O**nce the location and sketch maps are approved by the County Board, the developer may pick up the signed plans from the Sangamon County Clerk's office and proceed with the Preliminary Plan process. This process will be discussed in the next section of this guide.

### Does final review allow someone to begin construction?

**N**o. The location and sketch maps provide a site suitability analysis. Once the location and sketch maps are approved by the County Board, the developer will know how the site can be subdivided and the necessary improvements that will be required.



### What is a preliminary plan?

Typically the preliminary plan is the second stage in the land subdivision review process and follows the location and sketch maps. Where the location and sketch maps primarily addresses the suitability of the site for subdivision and development, the preliminary plan begins to address aspects related to the actual development of the property.

However, and as its name indicates, the preliminary plan is not intended to be the final plan for a development. Instead it is intended to provide the additional detail that will give the subdivision form and shape, allowing those reviewing the subdivision to determine whether the plan will work.

This being the case, the preliminary plan provides a more detailed layout of the proposed subdivision showing the location of public improvements (such as roads, sewers and other utilities), lots (including such things as their location and width, and right-of-ways associated with the development), drainage, open space areas, and detailed soils mapping.

Many of the items contained in the preliminary plan are technical in nature and may even involve computations (for example, for storm water drainage) so that those reviewing the plan can make an accurate preliminary determination as to the plan's effectiveness in meeting these needs.

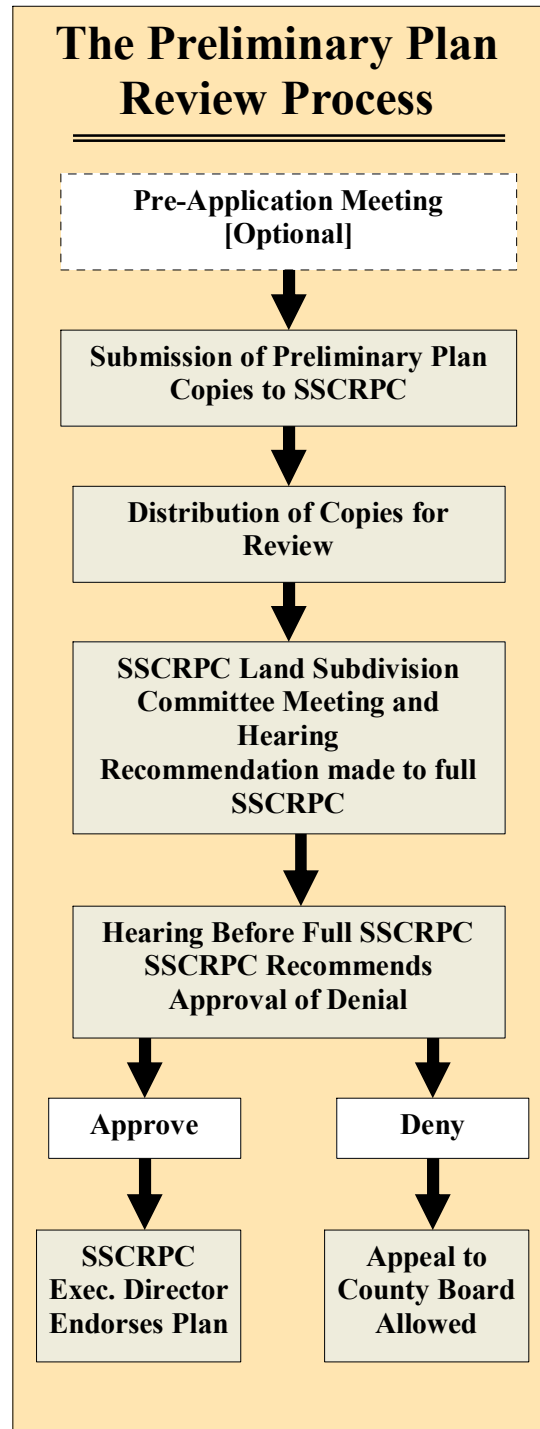
### What is the review process for a preliminary plan?

The diagram to the right describes the process for preliminary plan review. As with the location and sketch maps, it begins with submission of the plan to the Regional Planning Commission. As with location and sketch maps, these plans are reviewed by the SSCRPC's Land Subdivision Committee, which then makes a recommendation to the full Planning Commission. This is where the process differs from the location and sketch map review process.

Rather than the full Planning Commission making a recommendation to the County Board, the Commission makes a final decision to approve or deny the plan. The due process rights of the subdivider are addressed by an appeals process, allowing the subdivider to appeal a denial by the Planning Commission to the County Board.

This process is further described in more detail on page 30 of this guide.

### The Preliminary Plan Review Process

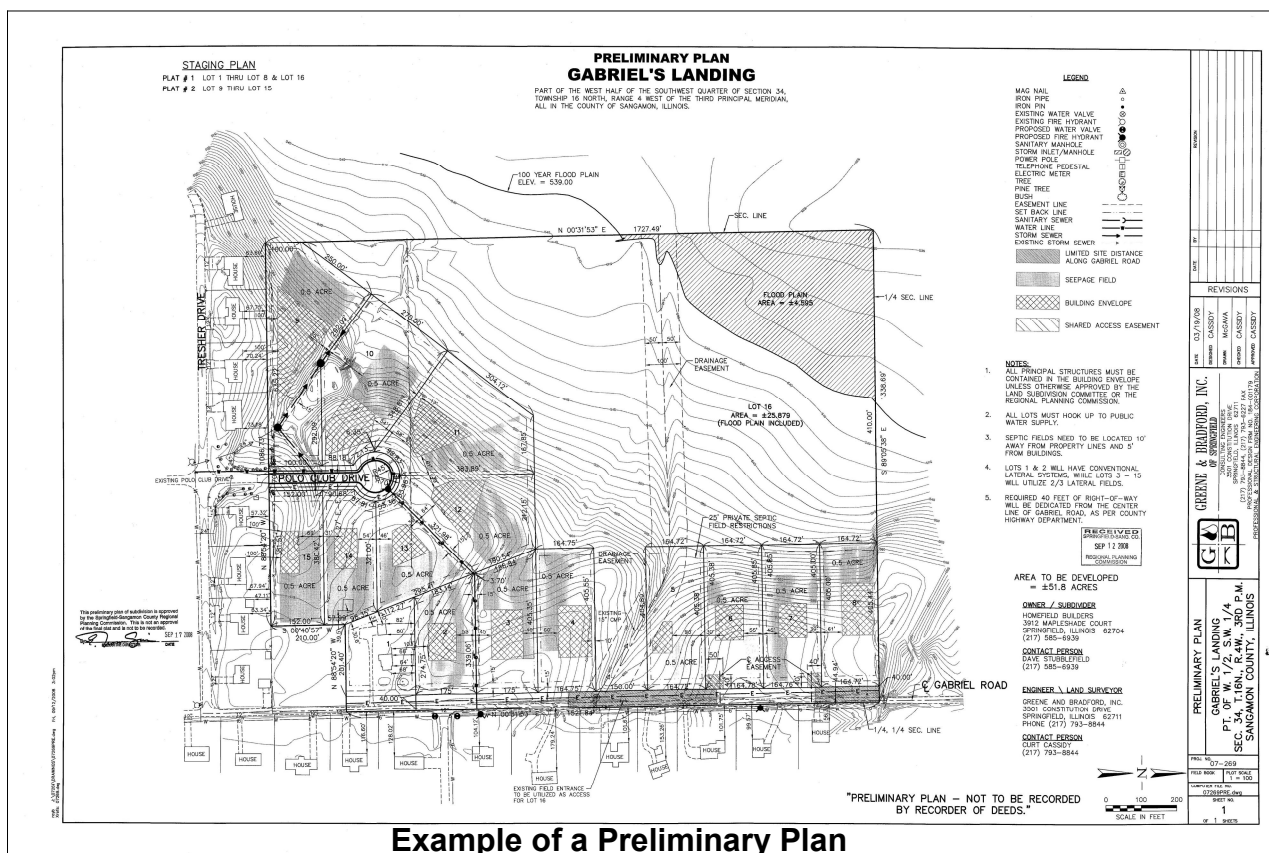


## What information must a preliminary plan contain?

The preliminary plan must address many more items than the location and sketch maps and be in a scale of no more than 100 ft. to the inch. As it is more detailed than the location and sketch maps, all dimensions must be to the nearest foot. The preliminary plan must also be consistent with the requirements of the current zoning district classification for the property.

The next page lists the 30 items required to be shown on the preliminary plan and may be used as a checklist.

Some items on this list (for example, the proposed storm drainage system and proposed location of sewer mains) are allowed to be listed on supplemental sheets.



Example of a Preliminary Plan



**What information must a preliminary plan contain? (A Checklist)**

- 1) The title under which the proposed subdivision is to be recorded; the names and addresses of the engineer, registered land surveyor, subdivider and owner of the tract with the name, address and phone number of the contact person to whom any notice is to be sent.
- 2) North point, scale and date of preparation and date of any revisions.
- 3) A notation stating, "Preliminary Plan — Not to be recorded by Recorder of Deeds".
- 4) Total acreage.
- 5) Location of all present property and section lines.
- 6) The location of all streets, watercourses, and other existing features within the area to be subdivided and within 200 ft. of the site.
- 7) Location and dimensions of existing buildings and their proposed disposition.
- 8) The existing utilities, drainage courses and culverts, the location and size of water mains, and sewer outlets within the area to be subdivided and on the adjacent land.
- 9) Contours referring to the U.S. Geological Survey datum with intervals of two feet or less unless a greater interval is required because of terrain.
- 10) The elevation of the 100-year floodplain if any portion of the land to be subdivided would be submerged by the flood. All required lot area must be provided above the elevation of the 100 year floodplain.
- 11) Lot numbers.
- 12) Proposed location of sewer mains.
- 13) The proposed storm drainage system including preliminary drainage computations.
- 14) An assessment of long term erosion, sedimentation and runoff changes caused by the subdivision.
- 15) Proposed location of water mains and fire hydrants.
- 16) Location and width to the nearest foot of all proposed streets, alleys and their associated rights-of-way.
- 17) Location and width to the nearest foot of lots.
- 18) Location and width to the nearest foot of all utility easements. The subdivider shall determine the correct location of all easements to be shown on the preliminary plan from the utility companies.
- 19) Location and width to the nearest foot of watercourse protection easements.
- 20) The location of areas to be reserved for public use.
- 21) Size and location of open space and recreation area, if required.
- 22) Preliminary calculations for size of central or cluster sewage system, if required.
- 23) Area reserved for central or cluster sewage system, if required.
- 24) Detailed soils map.
- 25) Location and dimensions of half acre reserved for individual private sewage disposal system and location of well site, if required.
- 26) Areas restricted from use for private sewage disposal systems along easements, watercourses and floodplain and on unsuitable soils.
- 27) Proposed staging of final plats based on traffic, utilities and other factors which would determine the sequence of development with the least impact on existing residents, the county and township.
- 28) Draft of subdivision covenants relating to the requirements of this title of County code.
- 29) Written approval of the location of the access by the governmental entity with road jurisdiction.
- 30) Draft mitigation plan for environmentally sensitive areas, if needed.

### How does the preliminary plan review process begin?

Similar to the location and sketch maps process, the preliminary plan review process begins with the subdivider submitting 18 copies of the plan to the SSCRPC along with a receipt from the County Clerk showing that the filing fee was paid. These plans need to be filed by 9:00 AM on the 4th Monday of the month preceding the month in which the subdivider wishes the plans to be reviewed. As with the location and sketch maps, if a preliminary plan is submitted after this deadline, review will be delayed by an additional month.

Plans should be complete and contain all of the information required by code for review. The submission of incomplete plans may cause delays.

Upon receipt of the plans the Planning Commission retains copies for its own review and use, and then provides copies to: the members of the SSCRPC's Land Subdivision Committee; the County Engineer (who provides a copy to the relevant township highway commissioner); the Sangamon County Dept. of Public Health; the Sangamon County Zoning Dept.; and to any other affected agencies (such as school districts) serving the area to be subdivided.

### How are preliminary plans reviewed?

As noted on page 27, the review of preliminary plans is similar to the review of location and sketch maps with one important exception: the Springfield-Sangamon County Regional Planning Commission members, rather than the County Board, take final action to approve or deny.

After plans including the required information have been submitted, they are reviewed by the SSCRPC's Land Subdivision Committee. This committee is tasked with determining whether or not the plans meet regulatory and other requirements. Based upon this review, the Land Subdivision Committee makes a recommendation to the full 17-member Planning Commission that the plans be approved or denied. In some cases the Land Subdivision Committee may recommend approval "subject to" certain changes or corrections being made in the plans. In these cases the plans are held from final action until the changes and corrections are made. If the subdivider does not wish to make the changes or corrections, the project would still go forward to the full Planning Commission for a decision, but it would likely go forward with a negative Land Subdivision Committee recommendation.

The full Planning Commission receives the recommendation of the Land Subdivision Committee along with any other appropriate information including public comments during the Commission's meeting, and then must approve or disapprove the preliminary plan. Approval or disapproval must be decided no later than the Planning Commission's regularly scheduled meeting in the second month after the plans were filed, unless the subdivider requests a delay.

### Can the preliminary plan be submitted at the same time as the location and sketch maps in order to speed-up the process?

Yes, a preliminary plan is sometimes filed at the same time as the location and sketch maps. That is permissible, as the preliminary plan may be filed and the Land Subdivision Committee may review it before the Sangamon County Board has approved the location and sketch maps. However, no review by the full Planning Commission will take place and no decision will be made by the Commission on the preliminary plan until the location and sketch maps are approved by the Sangamon County Board. The plans will be held by the Planning Commission until the County Board acts.

## **What happens if the Planning Commission recommends disapproval?**

**I**f the Planning Commission disapproves the plans, the subdivider has two options. The first is to amend the plans and resubmit them. These amended plans will then go through the same process as the original plans did.

The second is to appeal the decision [Sec. 16.22.030]. To appeal, the subdivider must file a petition with the County Clerk within 30 days of the adverse decision asking for an appeal to the County Board. This petition must point out those parts of the decision to which the subdivider objects. A public hearing is then conducted by the County Board after a one week notice has been mailed by the County Clerk to the subdivider.

During this hearing the Board reviews the sufficiency or the propriety of the preliminary plan in light of the Planning Commission's decision. At the conclusion of this hearing, the County Board may affirm or modify the decision of the Planning Commission, or approve the preliminary plan.

## **Once approved, how long is a preliminary plan valid?**

**A** preliminary plan is valid for 3 years after Planning Commission approval. If a final plat has not been submitted to the SSCRPC within that 3 years, or if submitted has not been approved by the Sangamon County Board, the preliminary plan expires.

## **Can a preliminary plan be extended beyond three years?**

**I**f a subdivider has not submitted a final plat within the 3 years that a preliminary plan is valid, but wishes to avoid the expiration of the plan, he or she may seek reaffirmation of the plan by submitting 18 copies of the plan to the SSCRPC, accompanied by a receipt for the filing fee, by 9:00 AM on the 4th Monday of the 35th month following Planning Commission approval. If the subdivider has submitted a final plat within the 3 year period, but it has not been approved by the Sangamon County Board, he or she may avoid expiration of the plan in the same manner as above, provided that if the final plat is disapproved by the County Board during or after the 35th month, the submission is required to be made within one month of the disapproval.

A preliminary plan may be reaffirmed one time after each final plat approval. If a final plat has not been submitted to the SSCRPC within 3 years of the date of reaffirmation, it expires.

Final plat approval also extends the validity of the preliminary plan for 3 years from the date of approval of the final plat by the County Board, though the SSCRPC may require any necessary changes.

In the event a preliminary plan expires, the subdivider wishing to proceed with the development must re-submit location and sketch maps for review and proceed as would be the case of an original submittal.

## **If a subdivider wishes to develop a property in stages, does this need to be addressed in the preliminary plan?**

**Y**es. If a subdivider wishes to record and develop a property in stages, he or she may do so, but the staging needs to be approved as part of the preliminary plan review. This becomes important in terms of the subdivider's options on recording the final plat in stages. The final plat is considered in a later section of this guide.

### What are construction plans?

**C**onstruction plans are intended to show the design of the public improvements so that a determination can be made as to whether county standards are met and whether the improvements are compatible with existing public improvements. Construction plans are submitted following approval of a preliminary plan, and before submission of a final plat..

### What must be submitted?

**C**onstruction plans must be submitted on sheets no larger than 24x36 inches and to a scale of not more than 100 ft. to the inch. They must include the information listed on the next page. These plans must be submitted at least 30 days prior to the final plat being submitted.

### What is the construction plan review process?

**A**fter receiving approval of the preliminary plan, the subdivider must file 4 sets of construction plans with the County Engineer. The County Engineer keeps one set and provides the others to the Sangamon County Dept. of Public Health, the SSCRPC and the utility companies. The County Engineer has 30 days to complete the review of construction plans following a complete submission of those plans. The County Engineer is allowed to extend this period by 14 days, but to do so must send a letter to the subdivider's engineer listing the reasons for the extension.

Within that 30 day period, and assuming no extension of the review period, the County Engineer must notify the subdivider's engineer of approval of the plans or of any changes that the County Engineer determines should be made. If plans are to be resubmitted, the County Engineer must inform the subdivider's engineer of the number of sets of revised plans to be submitted.

Upon approval of the construction plan, the County Engineer notifies the subdivider, the subdivider's engineer and the SSCRPC. However, construction plans cannot be approved until proof of acquisition of a county highway access permit, state highway access permit, 404 permit, floodplain development permit, or any other applicable and required permits are submitted.

### How long is a construction plan valid?

**C**onstruction plan approval is valid for a 2-year period, after which plans must be resubmitted.

### Since construction is now involved, are inspections required?

**Y**es, as well as a fee based upon the actual time spent by the County Highway Dept. on plan review and project inspection, not to exceed 3% of the estimated cost of the public improvements in the subdivision.

Once the plan is approved, the County Engineer must be notified at least 24 hours before construction begins. Whenever construction stops for 24 hours or longer, the County Engineer must again be notified at least 24 hours before it resumes. Section 16.10.030 [Inspection of Construction] addresses the presence of what is termed the Subdivider's Observer and County Engineer regarding inspection responsibilities.

### Is a security required for construction?

**Y**es. A security in the amount equal to 125% of the estimated construction costs of the un-built public improvements is required. Partial release of this security is allowed, but in no case may it be less than 25% of the total cost of the improvements until released. For more detail, see Sections 16.10.040 and .050.

**What information must a construction plan contain? (A Checklist)**

- 1) **A** cover sheet showing the location of the development, the scales and symbols used, summary of quantities of materials to be used, and appropriate places for approval by the County Engineer and signature and seal of a registered professional engineer.
- 2) North arrow and bench marks with their elevation noted. Bench marks must be referenced to mean sea level as determined by USGS.
- 3) Plan sheets showing the locations of all existing streets, ROW lines, sanitary and storm sewers, sidewalks, drainage ditches, easements, rear lot drainage, direction of storm drainage flow, survey monuments, water mains, fire hydrants, and any other appurtenance or structure that might influence design considerations.
- 4) Profile sheets indicating the existing ground line, base flood elevation and proposed grades and elevations for all proposed streets, sanitary sewers, drainage structures, drainage ditches, and rear lot drainage. Elevations must be referenced to USGS datum.
- 5) Plans for access road improvements.
- 6) Grading plan showing overall existing and proposed elevations with contour intervals of 1 or 2 feet.
- 7) Typical sections showing the ROW lines, proposed pavement widths, pavement thickness, base thickness, sub-base thickness, subgrade, crown, curbs and gutters, sidewalks and design data when required.
- 8) Detail sheets showing the details of manholes, inlets, catch basins, curbs and gutters, drainage structures and any other structure or appurtenance to be constructed, or reference made to the Standard Specifications for road and Bridge Construction in Illinois or Highway Standards published by the IDOT.
- 9) Design computations for storm sewer design and for special structures.
- 10) Design computations for pavement design.
- 11) Design computations for anticipated fire flow.
- 12) Design of sewage disposal system in not using individual private sewage systems.
- 13) Results of test trenches to identify field tiles. The number and location will be determined by the County Engineer.
- 14) The tree protection plan, if required.
- 15) Erosion and sedimentation control plan showing all proposed structural and non-structural measures.
- 16) Detailed description of erosion control measures to be taken during construction and NPDES permits if required.
- 17) Easement documents for construction.
- 18) Proof of application for an access permit from the State when a State highway is involved.
- 19) Proof of application for a 404 permit from the US Army Corps of Engineers if any dredging, riprap-ping, fill work or similar activities will be conducted in or around streams.
- 20) Acquisition of or proof of application for a floodplain development permit, if necessary.
- 21) Proof of application for IDNR permit for floodway development.
- 22) Other specific additional information requested by the County Engineer.
- 23) Cost estimate for all public improvements.



### What is a final plat?

The final plat is intended to provide the accurate location of lots, monuments and property dedicated to public use as well as to provide compliance with all of the requirements of the Illinois Plat Act [765 ILCS 205/1 et seq.]

### What is the final plat review process?

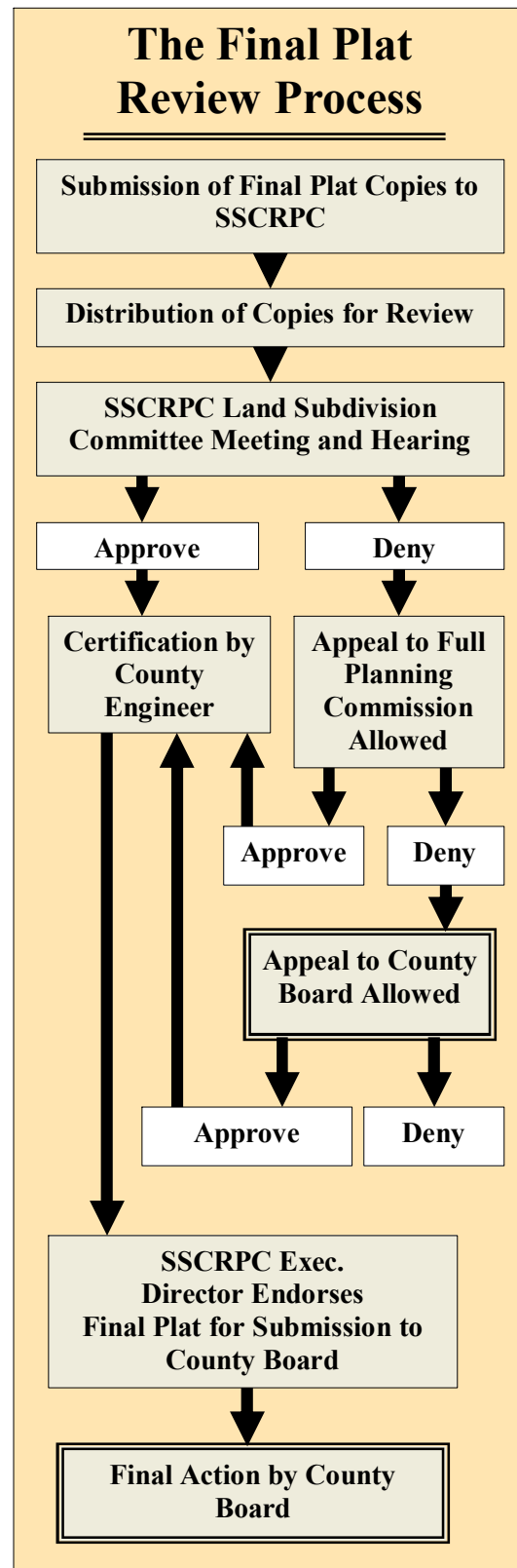
As the diagram to the right shows, the process begins with the subdivider submitting 18 prints of the final plat to the SSCRPC accompanied by a receipt for the filing fee from the County Clerk. Submissions for final plat review must be made by 9:00AM on the 4th Monday of the month preceding the month in which the subdivider wishes the final plat to be reviewed.

The SSCRPC retains 2 prints and distributes the others to:

- ☐ The members of the Commission's Land Subdivision Committee;
- ☐ The County Engineer, who provides a copy to the relevant township highway commissioner;
- ☐ The Sangamon County Dept. of Public Health;
- ☐ The Sangamon County Zoning Dept.;
- ☐ And the relevant utilities.

The final plat must show the items listed on the next page.

The Land Subdivision Committee reviews the final plat to determine if it meets the conditions of the ordinance and conforms with the preliminary plan, and makes a recommendation to the Sangamon County Board. It must make its recommendation to approve or disapprove no later than its second regularly scheduled meeting after the final plat is filed. The Sangamon County Board then acts on the final plat.

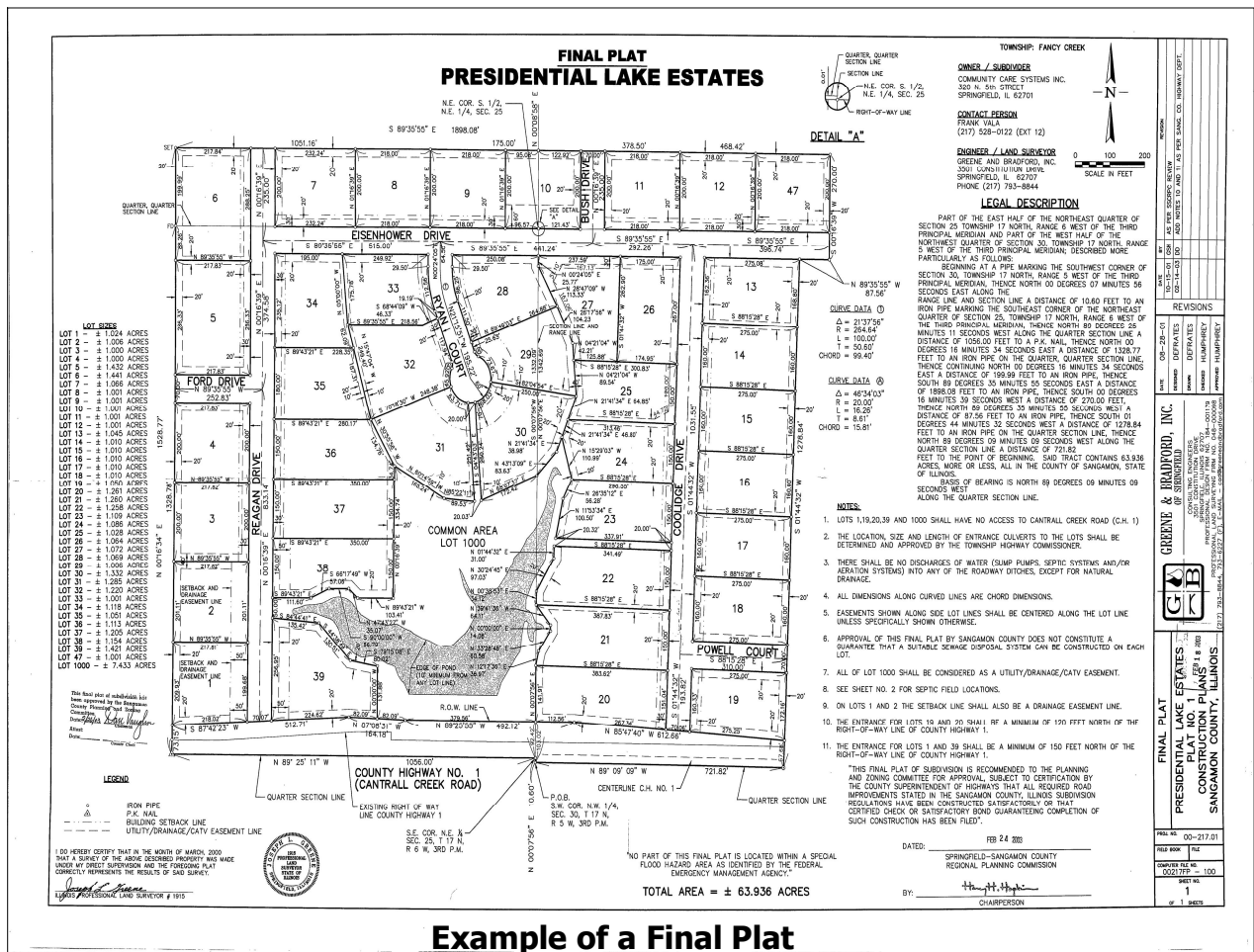


## Does a final plat need to cover an entire preliminary plan area?

**No**, a final plat does not need to cover an entire preliminary plan area; it may cover only that portion that a subdivider presently wishes to record and developed based upon a staging approved with a preliminary plan. However, the final plat may be reviewed only after approval of the preliminary plan by the SSCRPC and approval of the construction plans by the County Engineer.

## Can preliminary plans and final plats be reviewed at the same SSCRPC Land Subdivision meeting?

**No**. However, if an existing, approved preliminary plan is being reaffirmed, the preliminary plan being reaffirmed and its final plat may be reviewed and approved at the same meeting if there are no major changes required to reaffirm the preliminary.



**Example of a Final Plat**

### What information must a final plat contain? (A Checklist)

- 1) **T**he title of the proposed subdivision and the names and addresses of the engineer, registered land surveyor, subdivider and owner, along with the name, address and phone number of the contact person.
- 2) North point, scale and date of latest revisions.
- 3) Boundary lines with accurate distances and angles.
- 4) General legal description of the plat with total acreage.
- 5) All lots designated by numbers and other grounds designated by names and numbers.
- 6) Location of all survey monuments and their descriptions.
- 7) The location of all easements provided for public use, services or utilities and CATV providers. Easements shall include anchor space for pole lines.
- 8) An accurate outline of any portions of the property intended to be dedicated for public use.
- 9) Lines of all proposed streets with their widths and names.
- 10) The line of departure of one street from another.
- 11) The names and widths of adjoining streets.
- 12) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, easements, and other areas for public or private use. Linear dimensions shall be given to the nearest 1/100 of a foot.
- 13) Radii, arcs, chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners.
- 14) A note on the final plat of all subdivisions without public sewer and public water stating: "Approval of this final plat by Sangamon County does not constitute a guarantee that well water is of adequate quantity or quality for residential needs or that a suitable sewage disposal system can be constructed on each lot." Any guarantees are the subdivider's responsibility.
- 15) A statement indicating whether or not any part of the plat is located in a special flood hazard area as identified by FEMA and, if necessary, a statement indicating that a 100-year floodplain was calculated in accordance with the flood control ordinance of the County and a base flood elevation was determined.
- 16) Elevation and location of floodplain with location of required monuments.
- 17) A notation stating any setbacks required through covenants if the setbacks are different from those of the existing zoning district.
- 18) Designation of areas for private sewage disposal systems, wells and building sites as well as areas which cannot be used for leach fields for private sewage systems.
- 19) Watercourse protection easements.

### Must any other documentation be provided?

**Yes.** The following documents must also accompany the final plat:

- A) A letter from the County Engineer approving the construction plans.
- B) Proof of acquisition of an access permit either from the State of Illinois or the County Highway Dept., whichever applies.
- C) Covenants providing for the perpetual maintenance of drainage and common areas.
- D) All covenants or restrictions relating to the requirements of the ordinance.
- E) An exhibit showing the location of wells and private disposal systems, if any.

## What happens after a final plat is approved by the Land Subdivision Committee?

If the Committee finds that the final plat meets the requirements of the ordinance, the subdivider submits an original and 8 copies to the Planning Commission. The SSCRPC then sends one copy to the County Engineer for certification that:

- ☐ All required improvements have been completed, inspected and approved in accordance with the ordinance; or
- ☐ The subdivider has provided adequate security to guarantee the satisfactory completion of the required improvements.

When either of these steps are completed, the County Engineer may certify the approved final plat.

After receiving the County Engineer's certification, the Planning Commission's executive Director may sign the final plat and submit it to the County Board.

## What security is required by the County Engineer?

If a security is provided, it must be deposited with the County Engineer and must be equal to the total estimated cost of the required improvements plus 25%, assuring completion of the improvements within a 2-year period from the date the final plat was approved by the County Engineer.

## Must any other documentation be provided for a recommended final plat to be sent to the County Board?

**Yes.** The following documents must be submitted to the Planning Commission before a recommended final plat is sent to the County Clerk:

- ☐ Notarized acknowledgement of the plat by the owner or a duly authorized attorney. This item may be a separate document or on the plat itself.
- ☐ The certificate of an Illinois Professional Land Surveyor attesting to the accuracy of the survey and the location of all monuments shown. This certificate may be filed as a supplement to the final plat.
- ☐ A certificate provided by the subdivider from the Sangamon County Clerk indicating that payment of taxes is not delinquent.



- ☐ A signed statement by a registered professional engineer and the owner of the land, or the owner's duly authorized attorney, concerning drainage as required by State statutes.
- ☐ A notarized statement by the owner indicating the school district(s) in which the subdivision is located.
- ☐ Executed covenants, if they are required.

When all of the requirements of the ordinance concerning the final plat have been met, the County Board may by resolution approve the final plat and authorize the Board's Chairman and the County Clerk to attest to it.

## **What happens if a final plat is not recommended for approval by the Land Subdivision Committee or the Planning Commission?**

If the Subdivision Committee does not approve a final plat it must specify its disapproval in writing stating the noncompliance it found. If the subdivider still wishes to proceed, he or she must submit a request in writing to the Planning Commission at least 48 hours prior to the next regularly scheduled meeting of the full Planning Commission for its review. The Commission will then determine whether it agrees or does not agree with the Subdivision Committee. If the Commission disagrees with the determination of the Committee, the Final Plat goes to the County Engineer for review for certification. However, if the Planning Commission agrees with the Committee — recommending denial of the final plat — and the subdivider still wishes to proceed, he or she may appeal this determination to the County Board for final action.

To appeal a decision by the Planning Commission to deny a final plat, the subdivider must submit 10 prints of the Final Plat to the Planning Commission's Executive Director. Neither the SSCRPC Executive Director nor the County Engineer may endorse to final plat at this point, but the Planning Commission must send the original plat and 9 copies to the County Clerk for referral to the Sangamon County Board. One print of the disapproved plan is retained by the Planning Commission.

Upon appeal to the County Board, the State's Attorney must prepare a variance request based upon the non-compliance found by the Planning Commission. The County Board may uphold the action to deny, or it may grant the variance. If the variance is approved, the final plat may proceed as outlined in the ordinance. If it is denied, it may be resubmitted with modifications, beginning the final plat review process again.

## **Who is responsible for recording a final plat?**

The subdivider. After the final plat is approved by the County Board and signed by its Chairman and the County Clerk, it must be recorded in the office of the County's Recorder of Deeds. Recording the final plat is important for two reasons. First, if it is not recorded within 1 year after approval by the County Board, it must be resubmitted to the Planning Commission to determine if any changes in the final plat are needed to meet the ordinance's requirements. Second, no title to any lots may be conveyed until the original final plat is recorded.

## **How are public improvements called for in the final plat accepted so that a surety may be released?**

When the following conditions are met, the County Engineer accepts the public improvements:

- ☐ The County Engineer has inspected the construction and all necessary repairs and corrections and certifies that the required public improvements have been constructed. This inspection must be done within 30 days of a written request by the subdivider or his or her engineer.
- ☐ "As Built Plans" have been prepared by the subdivider's engineer and delivered to the County Engineer.
- ☐ The County Engineer has received a signed statement of a registered professional engineer stating that the public improvements were observed during construction and installed to the specifications shown on the construction plans.
- ☐ The County Engineer has received a signed statement from the subdivider stating that all contractors have been paid and there are no liens against the property.



### **When is a site plan required?**

A site development plan, most often simply referred to as a “site plan”, is intended to provide a detailed layout of buildings, utilities, other improvements and construction details to ensure that the County’s public health and safety standards, as well as subdivision and zoning requirements, are met.

A site development plan is required when:

- ☐ Shared access easements are being used; or
- ☐ When the development is a Large Scale Development (more about this form of development later in this guide); or
- ☐ In other instances determined by the Planning Commission.

### **What must be included in a site plan?**

The site plan must include all of the information listed in the box to the right and be drawn to a scale of no more than 100 feet to the inch.

### **What is the review process?**

The subdivider must provide 17 copies of the proposed site plan to the Planning Commission along with a receipt for the filing fee from the County Clerk. Since site plans are often associated with developments requiring a division of land, it is important to note that a site plan may be reviewed concurrently with, but not before, its associated final plat.

The Commission retains 1 copy of the site plan and distributes the other copies to: the Subdivision Committee; the County Engineer, who provides a copy to the township highway commissioner; the appropriate fire protection and water districts; the County’s departments of Public Health and Zoning; and other effected agencies, such as utilities, serving the site.

These bodies submit information concerning the site plan to the Planning Commission, and its Subdivision Committee must review the site plan within 3 weeks to determine if it meets the requirements of ordinance and other applicable regulations. The Subdivision Committee then makes a recommendation to the full Planning Commission.

If the Planning Commission finds that the site plan meets the requirements, the subdivider submits 6 prints of the site plan to the Commission, and the SSCRPC Executive Director may approve upon receiving certification from the County engineer that it meets all requirements.

### **Information Included in a Site Plan**

- ☐ Title of the development.
- ☐ North point, scale and date.
- ☐ Names, addresses and phone numbers of the owner, subdivider and engineer. A contact person is to be designated.
- ☐ Boundary lines with accurate distances and angles.
- ☐ Acreage.
- ☐ On-site vehicular circulation.
- ☐ Parking.
- ☐ Sidewalks and pedestrian circulation.
- ☐ Sewer distribution.
- ☐ Site grading.
- ☐ Storm drainage.
- ☐ Location of structures.
- ☐ Water distribution and size of mains.
- ☐ Location of fire hydrants and valves.
- ☐ Typical pavement sections.
- ☐ Yard setbacks.
- ☐ Landscape plans.
- ☐ Location of outdoor lighting and signs.
- ☐ Traffic analysis if more than 200 cars are to be accommodated on site.
- ☐ Location of floodplain.
- ☐ Location and identification of any outstanding natural features.
- ☐ Seal and signature of a professional engineer.

If the site plan is not found to meet requirements, notification of the disapproval and the specifics of it must be provided to the subdivider. A disapproval may be appealed in the same manner as a disapproval of a preliminary plan or the location map for a minor subdivision.

## Must a site plan be recorded?

**Yes.** After approval by the Planning Commission, the subdivider must record the site plan.

## Does the recording of a site plan affect building permits?

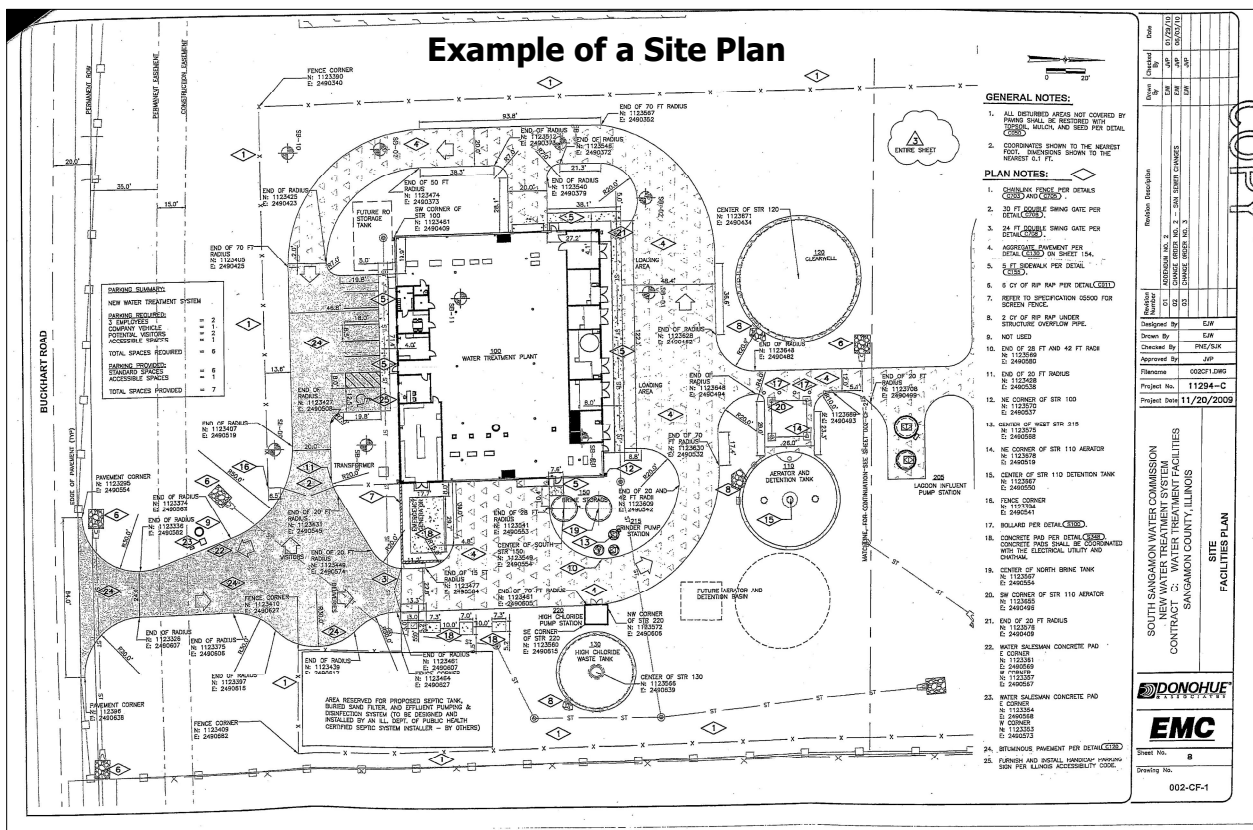
It does as a certificate of compliance may not be issued in any area covered by a site development plan until an endorsed copy of the approved site development plan is received and the site plan recorded.

## Does a site plan need to be approved by the County Board?

**No.** The only time that a site plan might need to be considered by the County Board is in the event that the plan is not recommended for approval and the subdivider appeals the determination to the County Board under Sec. 16.22.030 of the ordinance.

## Is there a time limit on a site plan?

The ordinance does not provide for a time limitation on a site plan. However, it could be affected by the time limit for the final plat associated with the division of property.



**What is a minor subdivision?**

**A** minor subdivision is a division of land involving (a) the creation of up to 4 lots, including the remainder of the original tract from which the lots were created, and (b) which front along a public road from which access is permitted.

Because it is considered a minor division of land, the approval process is a more simplified one.

Only one minor subdivision is allowed for any parcel of record. If 4 lots were created from a parcel of record after May 8, 2001, all additional divisions must follow conventional subdivision requirements.

**What is required for a minor subdivision?**

Both a location map and a final plat are required.

**What must the location map show?**

**T**he location map for a minor subdivision consists of data added to an existing base map of suitable scale and covering an area of at least one mile radius from the tract proposed for development. The box to the right lists information that the minor subdivision location map must include.

**What is the review process for a minor subdivision's location map?**

**T**he subdivider of a minor subdivision must submit 19 prints of the location map to the Planning Commission at least 17 days before the final plat submission deadline. That deadline is 9:00 AM on the 4th Monday of the month preceding the month in which the subdivider wishes the plan to be reviewed.

The Planning Commission keeps one copy and distributes the other to the: Land Subdivision Committee; County Engineer; fire protection district; township highway commissioner; County Zoning Dept.; County Dept. of Public Health; County Soil and Water Conservation District; relevant school district; and any affected utilities or agencies serving the area to be subdivided.

These various entities and agencies must send their comments on the suitability of the site to the Planning Commission in writing within 1 week of receipt. Based upon these comments and the site suitability criteria established in ordinance [Sec. 16.04.040], the SSCRPC Executive Director reviews the suitability of the site. Within 2 weeks of receipt of the map, he or she must then recommend approval or disapproval to the County Board's Public Health, Safety and Zoning Committee. This committee must then either approve or disapprove the site's suitability at its next scheduled meeting after it receives the Executive Director's recommendation. If it is recommended for denial, the subdivider may appeal.

A location map is valid for 1 year after approval, and expires if a final plat is not submitted during this 1 year period.

**The Minor Subdivision Location Map Includes:**

- ☐ Title of the proposed subdivision.
- ☐ North point, scale and date.
- ☐ Names, addresses and phone numbers of the owner, subdivider, engineer, and registered land surveyor with the same information for the contact person to whom any notice is to be sent.
- ☐ An outline of the entire area owned or controlled by the subdivider with approximate boundary dimensions and total acreage.
- ☐ General land legal description of the area.
- ☐ Existing streets and roads expected to serve the area to be subdivided.
- ☐ Existing utility lines expected to serve the area to be subdivided.
- ☐ Existing and proposed zoning.
- ☐ Method of sewage disposal.
- ☐ Method of water supply.
- ☐ Electric service provider.
- ☐ Fire protection district.
- ☐ School district.
- ☐ Soils mapping.
- ☐ Test well data.
- ☐ Agreement to improve access road.
- ☐ Sketch of proposed lot layout.
- ☐ Location of the 100-year floodplain.
- ☐ Location of any outstanding natural features.

## What must a minor subdivision's final plat show?

The final plat for a minor subdivision must be consistent with the current zoning classification of the property, and the plan as submitted must be drawn to a scale of not more than 100 feet to the inch.

It must include the information in the box to the right. It must also be accompanied by the following documents:

- ☐ An exhibit showing the location of wells and seepage field areas on each lot.
- ☐ Any covenants or restrictions relating to the requirements of the ordinance.
- ☐ A exhibit showing a 1/2 acre private sewage disposal system area.
- ☐ An exhibit showing areas restricted from private sewage disposal system use.

## What is the review process for a minor subdivision's final plat?

The subdivider of a minor subdivision must submit 18 prints of the final plat to the Planning Commission (along with a receipt for the filing fee from the County Clerk) by 9:00 AM on the 4th Monday of the month preceding the month in which the subdivider wishes the plan to be reviewed.

The Planning Commission keeps 2 copies and distributes the other to the: Land Subdivision Committee; County Engineer, who also provides a copy to the appropriate township highway commissioner; County Zoning Dept.; County Dept. of Public Health; and any effected utilities or public agencies (such as school districts) serving the area to be subdivided.

After information is collected from these various entities and agencies, the County's Public Health, Safety and Zoning (PHS&Z) Committee reviews the minor subdivision's plat to determine if it meets the conditions of ordinance, and then sends its recommendation to the County Board for final action. The Subdivision Committee must make its recommendation no later than its third regularly scheduled meeting after the final plat is filed.

If the final plat is recommended for approval, the final plat and 7 prints are sent to the County Clerk for submission to the County Board for action.

## The Minor Subdivision Final Plat Must Include:

- ☐ North point, scale and date of preparation and any revisions.
- ☐ Names, addresses and phone numbers of the owner, engineer, and registered land surveyor.
- ☐ Total acreage.
- ☐ Lot numbers.
- ☐ Existing utilities and drainage courses within and adjacent to the site.
- ☐ Location of all present property lines, section lines, streets, buildings and watercourses within the area and within 100 feet of the area.
- ☐ Location of proposed lots, setback lines and utility easements.
- ☐ Contours referring to the USGS datum with intervals of 2 feet or less unless greater interval is required because of terrain.
- ☐ If applicable, a note stating: "Approval of this final plat by Sangamon County does not constitute a guarantee that well water is of adequate quantity or quality for residential needs or that a suitable sewage disposal system can be constructed on each lot". Any guarantees are the subdivider's responsibility.
- ☐ Elevation and location of floodplain with location of required monuments.
- ☐ A statement indicating whether or not any part of the plat is located in a special flood hazard area as identified by FEMA.
- ☐ A notation stating any setbacks required through covenants if the setbacks are different from those of the appropriate zoning district.
- ☐ Soils mapping results.

## **What happens if either the location map or final plat are not recommended for approval?**

The subdivider may appeal the negative recommendation of the Public Health, Safety and Zoning (PHS&Z) Committee on the location map or the Subdivision Committee on the final plat, to the Sangamon County Board for a final determination.

As PHS&Z is a committee of the County Board, the subdivider must file a petition with the County Clerk for an appeal within 30 days of the adverse decision, asking for County Board review. This petition must point out those parts of the decision to which the subdivider objects. A public hearing is then held by the County Board after one week's notice is mailed by the County Clerk to the subdivider. Upon conclusion of this hearing, the Board may affirm or modify the PHS&Z recommendation, or approve the location map.

If the Subdivision Committee finds that the final plat for a minor subdivision does not meet the requirements of ordinance, this determination may also be appealed. By ordinance the Subdivision Committee must specify its disapproval in writing and state the noncompliance found. To appeal this finding, within 30 days the subdivider must request in writing 48 hours in advance of a full Planning Commission meeting that the minor subdivision be reviewed by the Commission. If the Planning Commission also gives a negative recommendation and the subdivider wishes to proceed, he or she must request in writing within 30 days that the Commission forward the proposed subdivision with the Planning Commission's negative recommendation, to the Sangamon County Board for final action.

Since the County Board must grant a variance to allow the non-compliance found by the Planning Commission, the State's Attorney must prepare a variance request based on the non-compliance found by the Commission. The County Board can then either approve or deny the variance request. If the variance is approved, the final plat proceeds as outlined in ordinance, except that the original final plat is not endorsed by the Commission. If the variance request is denied by the County Board, the final plat may be resubmitted with modifications as called for in the ordinance.

## **What is required for a submission of a minor subdivision final plat to County Board?**

Along with the recommended final plat, the following documents must be submitted to the Planning Commission before it can be transmitted to the County Clerk:

- ☐ A certificate provided by the subdivider from the County Clerk indicating that payment of taxes is not delinquent.
- ☐ A signed statement of a registered professional engineer and the owner of the land, or his duly authorized attorney, as required by State statutes concerning drainage.
- ☐ Notarized acknowledgement of the plat by the owner or a duly authorized attorney. This item may be a separate document or on the plat itself.
- ☐ The certificate of an Illinois Professional Land Surveyor attesting to the accuracy of the survey and the location of all monuments shown; which may be filed as a supplement to the final plat.
- ☐ Notarized statement by the owner indicating the school district(s) in which the subdivision is located.
- ☐ Any required executed covenants.
- ☐ Certification from the County engineer that adequate bond, security or agreement exists to insure access road improvements.

If these requirements have not been met within 1 year from Planning Commission approval, the existing approvals and recommendations expire and a new location map must be submitted if the subdivider wishes to continue.



**Must the final plat of a minor subdivision be recorded?**

**Yes.** After the final plat is approved by the County Board and signed by the Board's Chairman and County Clerk, the subdivider must record the plat with the County's Recorder of Deeds. No title to any lots may be conveyed until the original final plat is recorded, and if the minor subdivision final plat is not recorded within 1 year after approval by the Board, the plat must be resubmitted to the Planning Commission to determine if any changes in the plat are required to meet the conditions of the ordinance.



## **What is a tract survey?**

**W**hen appropriate, a tract survey may be the most simple form of land subdivision. It is defined as a land survey, made by an Illinois Licensed Professional Land Surveyor, for a division of land which meets the subdivision exemptions of Sec. 16.02.050 of the County's land subdivision regulations.

Tract survey approval is designed to ensure that all divisions of land comply with the State Plats Act, right-of-way and lot area, and lot configuration requirements of the land subdivision ordinance, and the appropriate zoning ordinances.

## **When is it required?**

**A** tract survey is required for a division or subdivision of land in five cases where no plat is required [Sec. 16.02.050]. These are when:

- ☐ The division or subdivision of land into parcels or tracts of 5 acres or more in size and which does not involve any new streets or access easements; or
- ☐ The division or lots or blocks less than 1 acre in any recorded subdivision which does not involve any new streets, access easements, or drainage and utility easements; or
- ☐ There is a sale or exchange of parcels of land between owners of adjoining and contiguous land where the transfer results in the same number of parcels; or
- ☐ There is the sale or exchange of parcels or tracts of land following the division into no more than 2 parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or access easements. Moreover, if a division is made prior to Oct. 13, 1973, for which an exemption is claimed pursuant to this exemption, and the division results in one part being greater than 5 acres and the other part being less than 5 acres, then the subsequent division of the part greater than 5 acres qualifies for the next exemption, listed below. However, if a division is made on or after Oct. 1, 1973, for which an exemption is claimed, and the division results in one part being greater than 5 acres and the other part being less than 5 acres, then the subsequent division of the part greater than 5 acres does not qualify for the next exemption; or
- ☐ There is a sale of a single tract less than 5 acres from a tract of 5 acres or more when a survey is made by a registered land surveyor; however, this exemption does not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on Oct. 1, 1973, and provided that this exemption does not invalidate any other local requirements applicable to the subdivision of the land. For the purpose of this exemption, if a tract of 5 acres or more existed prior to Oct. 1, 1973, its division on or after this date into two parts, each of which is less than 5 acres, still qualifies for this exemption.

Also, a survey may not be required in the case of the sale or exchange of parcels of land between owners of adjoining and contiguous land where the transfer results in the same number of parcels, if the conveyance can be described by lineal feet of road frontage or lot line and with the portion perpendicular to the frontage being parallel to the common lot.

## **Does a tract survey trigger any other requirements?**

**I**t may. Right-of-way dedication is required for all parcels of land less than 40 acres that result from a division of property by tract survey. However, if the division is based on the contiguous owner exemption to the State Plats Act, mentioned above, no right-of-way dedication is required.

## What are the submission requirements for a tract survey?

When a tract survey is required, the information listed in the box to the right must be submitted.

## Is there a review process for tract surveys?

Yes, but it is a simple one.

To begin the process 1 original and 4 copies of the tract survey must be submitted to the County's Plat Officer, accompanied by the appropriate fee. As the Executive Director of the SSCRPC is the County's Plats Officer, this material may be submitted to the Planning Commission.

The Plats Officer must then review the survey to ensure that it conforms to the requirements of the ordinance and the State Plats Act. The owner must be notified of tract survey approval or disapproval within 3 working days of submission.

If the Plats Officer approves the tract survey, finding that it meets the requirements of code, the tract survey is stamped and signed by the Plats Officer. If the Plats Officer finds that it does not meet code, disapproving the tract survey, he or she must notify the applicant in writing, specifying the noncompliance found.

## If the Plats Officer disapproves a tract survey, is there an appeal process?

No. Unlike some other processes to divide property, the ordinance does not provide for an appeal of the Plats Officer's denial of a tract survey.

## Must a tract survey be recorded?

Yes. After the tract survey has been approved, the original — which is returned to the applicant by the Plats Officer — must be recorded in the office of the County's Recorder of Deeds.

## What happens if a tract survey is not recorded?

If a tract survey is not recorded within 180 days of Plats Officer approval, that approval becomes null and void.

## Items Required for Tract Survey Submission

- ☐ North arrow, scale and date.
- ☐ Name, address and phone number of the land surveyor and owner.
- ☐ Land survey showing right-of-way dedication in fee simple in conformance with the Arterial Roadway Network Plan.
- ☐ A certificate provided by the subdivider from the Sangamon County Clerk indicating that payment of taxes is not delinquent.
- ☐ Certification by an Illinois Professional Land Surveyor, together with the surveyor's seal, attesting to the accuracy of the survey.
- ☐ Owner's written acknowledgment of the survey and right-of-way or easement dedication in fee simple on the final plat.
- ☐ Statement indicating whether or not any part of the land surveyed is located in a Special Flood Hazard Area.
- ☐ Location of the 100-year floodplain, if applicable.
- ☐ Location of all buildings and their distances from front, rear and side property lines.
- ☐ Parcel identification number.

## **What is a Large Scale Development?**

**W**hile it might seem that the regulation of Large Scale Developments (most often simply referred to as a “Large Scales”) should be considered under the County’s land subdivision regulations because of their name, it is instead considered in Chapter 17.48 of the zoning ordinance because it primarily addresses a set of special situations related to use and compatibility when a division of land is not involved.

The Large Scale Development regulations and process applies to any tract of land on which more than one principal building will be located and manufactured home parks.

## **What plans and supporting documents are required?**

**W**hen a Large Scale project is proposed, the developer/builder must submit the physical development plans for the project to the SSCRPC for review and recommendation to the County Board. These plans must be prepared at a scale of 30 to 40 feet-per-inch, and must be prepared by an Illinois Registered Surveyor, Architect or Engineer. The required plans and supporting documentation must include a number of items [see Section 17.48.020], ranging from the boundaries of the property to the location of fire hydrants.

## **What uses are permitted in a Large Scale Development?**

**A**pproval of a Large Scale Development does not change the underlying zoning. In a Large Scale, no building or land may be used and no building may be erected, converted, enlarged or structurally altered except for a permitted use listed in the zoning district in which the large scale development is applied for.

## **Are there specific space, lot or other requirements?**

**Y**es. The ordinance provides specific requirements for spacing [Sec. 17.48.040], lot area per dwelling unit [Sec. 14.48.050], off-street parking [Sec. 17.48.060], and height [Sec. 17.48.070]. In addition, there are additional special requirements provided for manufactured home parks included in Sec. 17.48.120. In addition, requirements in the Required Improvements Section of the Sangamon County Subdivision Regulations may also apply [see Chapter 16.14 of the County’s Code of Ordinances]. Those interested in a Large Scale project should review the large Scale regulations in detail (particularly if the project involves manufactured homes) as well as Chapter 16.14 of the Land Subdivision regulations.

## **What is the approval process for a Large Scale Development?**

**T**he plan or plans and any supporting documentation must be filed with the County Clerk along with the necessary filing fee. The Clerk transmits this material to the SSCRPC, which must submit the plans and documentation to the Sangamon County Large Scale Review Committee within seven days. This committee is made up of: the County Engineer; the appropriate Township Highway Commissioner; and the Sangamon County Zoning Administrator. If following its review the committee determines that the plans conform to County regulations, the SSCRPC sends a copy of the submission and a recommendation for approval to the County Board’s committee that considers planning, zoning and subdivisions. This recommendation is contingent upon the County Engineer certifying that all required improvements have been constructed satisfactorily, or that a certified check or satisfactory bond guaranteeing completion of such construction has been provided [17.48.080]. If this phase of the process is completed — the County Board committee agrees and the County Engineer certifies the improvement — the Chairman of the County’s committee may approve the Large Scale project.

If the Large Scale Review Committee finds that the project does not meet the requirements of ordinance, the SSCRPC provides a written note to the developer/builder noting the deficiencies. Once any deficiencies are addressed, action on the project can be taken.

## Special Types—Planned Unit Developments

### What is a Planned Unit Development (PUD)?

**A** Planned Unit Development, or 'PUD', is a special type of development defined in both the County's zoning ordinance and its land subdivision regulations. The definition of a PUD is addressed in both places because a PUD is intended to provide the flexibility of land use necessary to encourage the creation of a new and more desirable man-made environment by providing a greater mix of uses on a site than would normally be allowed in a typical zoning district. For purposes of County zoning, a PUD is defined as "any area or tract of land under single or common ownership to be developed as a single entity and classified in a PUD zoning district". The Land Subdivision ordinance provides additional criteria in its definition, defining a PUD as "a form of land subdivision that allows the development of ten (10) or more acres of land with variations of some of the restrictions of standard zoning and subdivision regulations."

Under the PUD zoning classification, the developer of 10 or more acres of land is offered the opportunity to stretch for the best possible arrangement and inter-relationship of streets, land use, and buildings on the land through the planning, designing and layout process. The more traditional design limits imposed by zoning district use and bulk requirements, as well as by the separate requirements of the Land Subdivision Regulations, are removed for the PUD developer. He or she is given a free hand to work toward the achievement of goals and objectives of the County's Comprehensive Plan, and to develop layouts that will result in a wider range of settings for a contemporary way of life.

### When is a PUD allowed?

**A** PUD can be considered for the development of 10 acres or more where there is common ownership and the development is to be planned, designed, laid-out and developed by a single entity. As one might suspect given the name, a significant part of the process for establishing a PUD relates to review of its planning as well as its plans, as a PUD is intended to be a development in which an entire area is uniformly planned and regulated rather than being treated like a standard subdivision.

The PUD allows for greater flexibility. However since greater flexibility is allowed, a PUD requires additional effort on the part of the developer, as a PUD vests significant responsibility in the developer to plan the development and design regulations for it. In this regard a PUD is intended for situations in which the PUD petitioner will act as both subdivider *and* builder so that there will be uniformity throughout the development, creating different standards for development than would be the case if the property were simply subdivided and individual builders applied their individual visions to each parcel under existing zoning and subdivision rules and regulations.

### What is the process for requesting a PUD?

**S**ince a PUD offers the opportunity for the developer to stretch beyond more traditional design limits, the process for PUD review is not specifically enumerated in County ordinance as it is intended that the planning of a PUD be carried out as a partnership between the developer and the County's reviewing agencies. For this reason, and to a greater extent than other forms of development, ***developers and property owners are strongly encourage to meet with staff of the County's Department of Zoning as well as staff of the Springfield-Sangamon County Regional Planning Commission prior to petition to establish a PUD.*** At that time these staffs will jointly work with the developer or property owner to detail a review process taking into account the unique attributes of the proposed PUD.

Since PUDs are handled under zoning, the process will generally be the same as with other zoning cases and start with a petition submitted to the Zoning Administrator. Since a PUD is treated as a zoning district, requiring a zoning map amendment, the filing, processing, posting and hearing requirements for a PUD are the same as those for any other zoning petition as per Chapter 17.68 of the County zoning ordinance.



## Development in a Floodplain

Sometimes property owners wish to develop property that lies all or in part in a floodplain. Development within a floodplain is restricted for many reasons, most importantly public health and safety.

Restrictions on development in a floodplain exist in Federal, State and County law. This includes the County's Zoning ordinance [Sec. 17.32.010], which requires that no building or structure be erected with the elevation of a floor, including the basement floor, being lower than one foot above the elevation of the base flood as established by the National Flood Insurance Program or the best available data. For regulatory purposes Flood Insurance Rate Maps (known as "FIRMs") are used to provide information to determine if a property is in the 100-year floodplain. Copies of these maps can be reviewed and assistance provided in their interpretation by staff of the SSCRPC or by the Illinois Department of Natural Resources' Office of Water Resources.

However, even if a structure is considered that would meet the County's zoning ordinance, it may still need a floodplain development permit. This permit is required for any development in the 100-year floodplain. Development activities include:

- ☐ Construction, reconstruction, placement or expansion of a building that exceeds 70 square feet or is valued at more than \$1000.
- ☐ A substantial improvement, including any repair, or improvement of a building the cost of which is 50% or greater than the market value of the building before work is started or before the building was damaged.
- ☐ Placement of a mobile or manufactured home.
- ☐ Placement of a travel trailer for more than 180 days.
- ☐ Installing utilities, construction of roads, or similar projects.
- ☐ Construction of levees, walls, fences, bridges, or culverts.
- ☐ Placement of fill, excavating, drilling, mining, dredging, or grading.
- ☐ Storage of materials, including gas and liquid storage tanks.
- ☐ Stream or river channel modifications.

Development typically does not include the maintenance of existing structures, such as the re-roofing of buildings or the resurfacing of roads, or agricultural practices, such as gardening and plowing.

Floodplain development permit applications are available from the SSCRPC or the County's website ([www.co.sangamon.il.us](http://www.co.sangamon.il.us)). Applications must include:

- ☐ A description of the project;
- ☐ A scale drawing of the site;
- ☐ Existing and proposed ground elevations (fill/excavation) and/or lowest floor elevations (of a structure).
- ☐ A engineer's certificate and calculations (for fill);
- ☐ A permit or waiver from the Illinois Department of natural Resources' Office of Water Resources;
- ☐ A \$100 permit fee.

The permit application should be submitted to the SSCRPC. Inspections of the project will then be arranged with an engineer, and the engineer will then review the documentation and inspect the property. Following this review, a notification will be sent to the property owner either with a permit or with a letter stating the reasons for denial of the permit.

## Extra-Territorial Jurisdiction

While the information in this guide is intended to address development regulations applicable to the unincorporated areas of Sangamon County (those areas outside of the boundaries of a city or village), we noted on page 17 that in some situations Sangamon County's land development regulations may not apply. This is because Illinois law allows municipalities meeting certain conditions to apply their development rules and regulations beyond their corporate limits into the unincorporated areas.

State law allows a municipality to exercise what is called *extra-territorial jurisdiction* for land development purposes within 1.5 miles of its corporate limits if it has an Official Plan (most often called a "comprehensive plan") approved in accordance with Chapter 65 of the Illinois Compiled Statutes, has filed that plan with the SSCRPC, included the extra-territorial land in its comprehensive plan, and has applicable land subdivision regulations in place.

When these conditions are met, the property located within 1.5 miles of the corporate limits of a village or city is exempt for the application of any *less restrictive* regulations of the County's code, but are required to comply with the *more restrictive* regulations of the city or village exercising its extra-territorial jurisdiction.

It is possible that extra-territorial jurisdictions can overlap. By County code, when an unincorporated area lies within overlapping extra-territorial jurisdictions, the SSCRPC is to decide which regulations are more or less restrictive based upon professional principles of land use planning, and apply the more restrictive regulations of the overlapping jurisdictions.

Explanation of the law and court decisions related to extra-territorial jurisdiction go well beyond the scope of this guide, but it is important for property owners, developers and residents to know that this complexity exists.

It is also important to know that they may additionally exist regarding the applicability of zoning and land subdivision regulations in these extra-territorial areas.

This being the case, those wishing to develop or subdivide property within 1.5 miles of a municipal jurisdiction are strongly advised to consult with both the SSCRPC and the relevant city or village located near the project site to determine whose rules apply. SSCRPC staff are always available to help make this determination.



## Land Evaluation and Site Assessment: LESA

### What is LESA?

The Land Evaluation and Site Assessment (commonly known as 'LESA') system is a tool used by the County for determining the advisability of a zoning land use change from agricultural use to a non-agricultural use: usually residential development. It is a useful guide for determining the relative importance of protecting a property as farmland and promoting the County's land use goals.

Review under LESA is made up of two parts which gives the system its name. The first is the Land Evaluation, which assesses the soils on the property in terms of their suitability for crop production, and the second is the Site Assessment, which examines characteristics other than soils which contribute to the quality of the site for farming and the ability or probability of the property continuing in agricultural use. The system assigns points based on the property's compliance with certain identifiable and measurable criteria. A maximum of 300 points (100 for Land Evaluation and 200 for Site Assessment) is possible.

Under the County's LESA system, and for the purposes of evaluating land for non-agricultural development:

- ☐ Fewer than 150 points is deemed acceptable for non-agricultural development.
- ☐ A score of between 150 and 175 points indicates that the site is considered marginal for non-agricultural development and mitigating factors should be evaluated.
- ☐ Greater than 175 points means that the site is considered suitable for agricultural use only.

The higher the number of points, the higher the quality of the property for agricultural use and the more likely that the site would have high development cost, lack essential public services, or both. Using a point system such as LESA provides a more consistent, objective determination of a property's agricultural suitability.

So the lower the point total arrived at through the LESA scoring system, the greater the acceptability for non-agricultural use.

### What is considered in LESA scoring?

The Land Evaluation component is largely a technical process predetermined by the US Department of Agriculture. Under this section, soils in Sangamon County are grouped into nine categories by their relative value, ranging from zero points to 100. For example, Soil # 36A, Tama soil, is rated as a LESA Group 1 soil, and would receive 100 points. On the other hand, Soil # 801, Orthents soil, is rated in Group 9, and would receive zero points. When a property is evaluated under LESA, the acreage of each soil group on site is determined and the property's relative productivity index calculated. This figure provides the Land Evaluation point total for the property. It is important to understand that even when only a portion of a property is being considered, for example when a new parcel is being created from a larger piece of land, the Land Evaluation is done pertaining to the soils on the entire piece, not just those on the parcel to be divided off.

The Site Assessment section addresses factors other than soils that can affect the quality of the site in the future as farmland. The Site Assessment factors were developed based upon two simple land use planning observations: that generally the more suitable a site is for urban uses, the less suitable it is for agriculture; and conversely, the more suitable the site is for agriculture, the less suitable it is for residential uses and the higher the initial and continuing cost if it were developed.

The Site Assessment factors are divided into three categories:

- **□ Agricultural Land Use (50 points):** This factor assesses the feasibility of the site remaining in agricultural use by looking at the amount of agriculture near the site and the site's actual use. Maximum points are given if the area and site are agriculturally oriented.
- **□ Compatibility/Impact of Uses (65 points):** This assesses the impact the proposed use would have on existing uses, the environment and historic features. The greater the adverse impact of proposed use, the greater the points given.
- **□ Existing Infrastructure (85 points):** This assesses the suitability of the site for residential uses by measuring the distance of the site from essential public services. If public services are available, the site is felt to be more suitable for development other than agriculture. Nearness to public services indicates that the site is adjacent to or very close to existing urban areas and that the municipality plans to encourage development in that area. Encouraging development according to a city's or village's comprehensive plan should save farmland in the long run. For these reasons few points are awarded if public services are available.

### What is considered under the Agricultural Land Use factor?

Under the Agricultural Land Use factor, the percent of land used for agriculture within a one-half mile radius of the site provides a general view of the current agricultural character of the area. Generally, areas which are largely agriculture are more viable for continued farming use. Adjacent land uses in agriculture are also a strong indicator of the character of the area, as the greater the proportion of contiguous land in agricultural use, the greater the potential for conflicts if the site is changed from farmland. The determination of surrounding land uses can help identify the types of nuisance complaints that may arise. And finally, the current use of the site is an indicator of the feasibility of the site for agricultural use. If little of the site is being used for agricultural purposes, it may indicate, along with the Land Evaluation, that the site is not of much agricultural importance.

### What is considered under the Compatibility/Impact of Uses factor?

Four aspects of the site are considered here. First, the location of the site in relation to Springfield or other incorporated areas as this is important in assessing the probability of the land remaining in agriculture. The closer the site is to an incorporated area, the more likely that the site will be developed. Development contiguous to an incorporated area is more desirable than "leapfrog" development away from an urban area, so a site located next to an incorporated area receives zero points.

Assessment of the site's suitability to handle an on-site waste disposal system is also considered under this factor and is based on the Sangamon County soil suitability map rating for the site. Soils with severe restrictions for septic tanks can increase the cost of development and there is the risk of the system not functioning properly and polluting streams and groundwater. For these reasons, sites with severe soil restrictions for septic tanks are better left for agriculture and receive 10 points.

This factor also considers the impact the new use would have on the environment and natural features in comparison to the existing land use. The proposed use would have a negative impact, for example, if it caused surface runoff problems, it was in a floodplain, or it destroyed important local wildlife habitat or unusual vegetation.

And finally, the Compatibility/Impact of Uses factor considers any historical or cultural features that might be adversely affected by a change in land use. These would include the presence of historic sites, landmarks or markers, architecturally unique areas, or archeological sites.



### What is considered under the Existing Infrastructure factor?

Five items are considered in terms of existing infrastructure: transportation accessibility; central sewer; public water supply; distance from a firehouse; and distance from a high school.

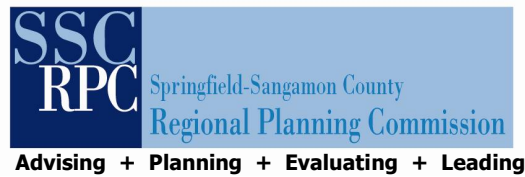
The type of road which serves a property is an indication of its general quality and ability to absorb increased traffic. Increasing non-agricultural related traffic on rural roads creates demands for widening, various improvements, and increased standards of maintenance. Conflicts between cars and farm vehicles can also result. If the road is not adequate, needed improvements and maintenance can cause an increase in taxes, placing a burden on the farmer. Poor roads are therefore weighted against development and toward keeping the land in agriculture.

The availability of a central sewer system to the site implies a nearness to urban areas and a decision to open the land for development. The farther the sewer must be extended to reach the site, the greater the probability the site should not yet be developed and should remain in agriculture. Public health interests favor central sewers over septic systems that may malfunction, leaking effluent into groundwater or streams. As with availability of central sewers, the availability of public water indicates a municipality's desire for the area to develop.

As with some of the other measures, distance from a firehouse is a reverse measure of agriculture capability measuring the site's suitability for urban development. Fire protection is an essential public service and its adequacy is measured in response time for a fire fighting equipment to arrive at the site. The better the response time and fire protection service, the fewer points given toward maintaining agricultural use.







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The Springfield-Sangamon County Regional Planning Commission (SSCRPC) serves as the joint planning body for Sangamon County and the City of Springfield, as well as the Metropolitan Planning Organization for transportation planning in the region.

The Commission works with other public agencies and districts throughout the area to promote orderly growth and redevelopment, and assists other Sangamon County communities with their planning needs. Through its professional staff, the SSCRPC provides overall planning services related to land use, housing, recreation, transportation, economic development, environmental issues, and special projects. It also houses the Sangamon County Department of Zoning which oversees the zoning code and liquor licensing for the County.

The Commission has 17 members including representatives from the Sangamon County Board, Springfield City Council, special units of government, and six appointed citizens from the City and County.

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**DECEMBER  
2011**