



MONTHLY ZONING AND PLANNING REPORT
May 14, 2024 – County Services Committee

ACTIONS COMING FROM THE ZONING BOARD OF APPEALS

1. Petition No. 24-P-1623 by Petitioner Irish Eyes Farms, LLC, regarding PINs 16-01-13-100-001 and 16-01-14-200-003, located in Palmyra Township. The parcel is currently zoned Ag-1, Rural/Agricultural District. Petitioner is requesting a Special Use Permit for the purpose of a 5 MW Commercial Solar Energy Facility (community solar).
2. Petition No. 24-P-1624 by Richard Humphrey, Jr. and Brenda Humphrey, regarding part of PIN 18-08-13-100-006, located in South Dixon Township. The parcel is currently zoned Ag-1, Rural/Agricultural District. Petitioner is requesting an Accessory Special Use Permit for the purpose of Skilled Trades (Offsite Services Only)/parking of refuse trucks and equipment.

ACTIONS GOING TO THE ZONING BOARD OF APPEALS

1. Petition No. 24-P-1625 by Ameresco Lee County RNG, LLC, regarding PINS: 12-14-12-200-007, 12-14-01-200-005, 12-14-01-100-003, 12-14-01-100-002, 12-14-01-100-005, 18-08-35-400-002, 18-08-35-300-001, 18-08-34-400-002, 18-08-33-400-001, 18-08-34-300-006, 18-08-34-300-008, 18-08-34-300-014, 18-08-33-400-005, and 18-08-33-300-001. The parcels are zoned Ag-1, Rural/Agricultural District and are located in Marion and South Dixon Townships. Petitioner is seeking a Special Use Permit for the purpose of constructing and operating a private pipeline.
2. Petition No. 24-P-1626, by Michael Doughty and Tammy Doughty, regarding PIN 16-07-06-200-012, commonly known as 88 Palmyra Road, Sterling, Illinois, located in Palmyra Township. The parcel is zoned Ag-1, Rural/Agricultural District. Petitioners are seeking a variance from Title 10, Chapter 9, Section 3: Bulk Regulations, specifically side/rear yard setback, for the purpose of constructing an accessory structure.

ACTIONS COMING FROM THE PLANNING COMMISSION – None

ACTIONS GOING TO THE PLANNING COMMISSION

1. Petition No. 24-PC-76 by Lee County Zoning Office, a petition to amend the text of Title 11: SUBDIVISION, FLOOD CONTROL AND STORM WATER MANAGEMENT, Chapter 3: FLOOD CONTROL, of the Lee County Code of Ordinances. The proposed text amendment, if approved, will update the existing code so that is compatible with the requirements of the National Flood Insurance Program.

OTHER ACTIONS FROM THE ZONING OFFICE

Enforcement of the Lee County Revised Zoning Ordinance is a major function of the Zoning Department. We have spent the last several months developing processes for addressing potential violations. When the Zoning Department is made aware of a possible zoning violation, we investigate by driving by the property



and/or sending out a generic letter to the property owner of record, informing them of a possible zoning violation, and requesting they contact the Zoning Department within seven (7) days of the date of the initial letter. A sample letter has been attached as Attachment A.

If the property owner of record does not contact the Zoning Department, then a determination of violation will be made without a statement from the owner. If the owner does respond, the Zoning Department will ask them questions to determine if the possible violation is in fact a violation.

If no violation is determined, then the process ends. If a violation is determined to be present, then a Notice of Violation will issue to the property owner of record, with instructions for remediating the violation, any fines being applied as a result of the violation and instructions on how to appeal the determination. A sample Notice of Zoning Violation has been attached as Attachment B.

The process is similar for the Junk & Abandoned Vehicle Program. This program is a joint effort between the Zoning Department and the Sheriff's Department. This process is initiated by the Zoning Department. Jared Yater, who is subcontractor for the Zoning Department and the Assessment Office, is deployed to the location of possible junk/abandoned vehicles where he takes photographs from the roadway, that are provided to the Zoning Department. The Zoning Department then sends a letter to the property owner of record, asking them to remove the junk/abandoned vehicles from the property within seven (7) days of the date of the initial letter or to contact Jared to establish a plan for removing the vehicles. The property owner of record may also contact the Zoning Administrator to dispute and/or discuss the allegations. A sample Junk & Abandoned Vehicle letter has been attached as Attachment C.

If you, as a County Board Member, receive calls from constituents that are upset about receiving a letter, please reach out to the Zoning Department to discuss why a letter was sent and what action we are seeking from the property owner. You may be able to assist in working with the property owner to remediate the violation(s).

I would also like to address the issue of shipping containers in Lee County. Under the current Revised Zoning Ordinance, a shipping container would fall under the category of "Inventory and Materials Storage, Outdoors," which is an accessory use that requires a Special Use Permit in the Agricultural, Commercial and Industrial Districts. This means that in order to place a shipping container on a property in any of these districts, there must be an established Principal Use existing on the property and the owner must petition the County for a Special Use Permit. "Inventory and Material Storage, Outdoors" is not allowed in any Residential District.

Shipping Containers can also be a temporary use in Lee County, which would require a Temporary Use Permit. This would allow the container to stay on the property for 90 days, without having to obtain a Special Use Permit. Conditions for the container can be included in the Temporary Use Permit.

More often than not, the County is seeing that shipping containers are being used as accessory structures (storage). Many people believe this is a zoning and tax loophole because the container is not a building and not affixed to the property. This is a misconception because the term "Development," does not require that a structure be affixed to the property, nor do the tax laws. Therefore, it is my position that if a property owner wishes to use a shipping container as an accessory structure, then they will need to obtain a building permit, comply with bulk regulations for the district and be subject to taxation should the Chief County Assessment Officer choose to do so.

The Zoning Department is contemplating further regulations regarding shipping containers including setbacks to neighboring residences and a limitation on the number allowed per parcel.



Zoning/Planning Department
Alice Henkel, Zoning/Planning Administrator
Laura Mangrum, Deputy Zoning/Planning Administrator Elect
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During the month of April 2024, the Zoning Office processed fifty-eight (58) building permits. Permit fees in the amount of \$6,904.15 were collected.