

COUNTY BOARD AGENDA

County of Champaign, Urbana, Illinois

Tuesday, November 21, 2006 – 7:00 p.m.

Lyle Shields Meeting Room, Brookens Administrative Center
1776 East Washington Street, Urbana

Page Number

I CALL TO ORDER

II ROLL CALL

III PRAYER & PLEDGE OF ALLEGIANCE

IV READ NOTICE OF MEETING

V APPROVAL OF MINUTES –

1. October 19, 2006 *1-9
2. October 19, 2006 Public Hearing *10
3. September 12, 2006 Study Session (to be distributed)

VI APPROVAL OF AGENDA/ADDENDUM

VII DATE/TIME OF NEXT REGULAR MEETING – Tuesday, December 19, 2006 – 7:00 p.m.

VIII PUBLIC PARTICIPATION

IX ANNOUNCEMENTS/COMMUNICATIONS

X *CONSENT AGENDA – goldenrod attachment

XI COMMITTEE REPORTS:

A. JUSTICE & SOCIAL SERVICES COMMITTEE

Summary of action from November 6, 2006 meeting: *11-12

B. COUNTY FACILITIES COMMITTEE

Summary of action from November 14, 2006 meeting: *13-18

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2. Adoption of Resolution No. 5721 appropriating \$11,055.00 from the Champaign county Nursing Home Construction Fund for Pay Request #1 from PKD, Incorporated. *20
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3. Adoption of Resolution No. 5722 appropriating \$18,486.00 from the Champaign County Nursing Home Construction Fund for Pay Request #2 from PKD, Incorporated. *21
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4. Adoption of Resolution No. 5723 appropriating \$4,289.15 from the Champaign County Nursing Home Construction Fund for invoice #0015741 from GHR, Inc. *22
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5. Adoption of Resolution No. 5724 appropriating \$6,140.65 from the Champaign County Nursing Home Construction Fund for invoice #0015815 from GHR, Inc. *23
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6. Adoption of Resolution No. 5725 appropriating \$12,289.08 from the Champaign County Nursing Home Construction Fund for invoice #12163 from the Raterman Group, Ltd. *24
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7. Adoption of Resolution No. 5726 appropriating \$5,416.56 from the Champaign County Nursing Home Construction Fund for statement #2 from Berns, Clancy & Associates. *25
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8. Adoption of Resolution No. 5727 appropriating \$11,060.00 From the Champaign County Nursing Home Construction Fund for statement #2 from Berns, Clancy & Associates. *26
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9. Adoption of Resolution No. 5728 appropriating \$8,064.25 From the Champaign County Nursing Home Construction Fund for statement #2 from Berns, Clancy & Associates. *27
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10. Adoption of Resolution No. 5729 appropriating \$_____ from the Champaign County Nursing Home Construction Fund for payment of Duane Morris Invoices. *28
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C. POLICY, PERSONNEL & APPOINTMENTS COMMITTEE

- Summary of action from November 8, 2006 meeting: *29-30
1. Adoption of Resolution No. 5694 awarding the Martin Luther King Jr. – Doris Hoskins Prestigious Community Service award to Margaret Neil. *31
 2. Adoption of Resolution No. 5695 awarding the Martin Luther King Jr. – James R. Burgess, Sr. Humanitarian Award to Lester Pritchard. *32
 3. Adoption of Resolution No. 5736 recognizing the Service of former County Board Member Deborah Frank Feinen. *33

Policy cont.

- 4. Adoption of Resolution No. 5737 recognizing the Service of County Board Member Nancy Greenwalt. *34
- 5. Adoption of Resolution No. 5738 recognizing the Service of County Board Member Patricia Avery *35

D. FINANCE COMMITTEE

Summary of action from November 9, 2006 meeting: *36-37

- 1. Adoption of Resolution No. 5712 setting the per diem rate for County Board Members. *38
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- 2. Adoption of Resolution No. 5714 – purchases not Following purchasing policy *39-40
- 3. Adoption of Resolution No. 5715 – Payment of Claims Authorization. *41
- 4. Adoption of Resolution No. 5739 – Emergency Budget Transfer *42-43
 - A. Budget Transfer #06-00011
Fund: 080 - General Corporate
Dept: 022 – County Clerk
Total amount of transfer: \$30,000
Reason: To cover expenses in the above line items.

E. HIGHWAY & TRANSPORTATION COMMITTEE

Summary of action from November 8, 2006 meeting: *44

- 1. Adoption of Resolution No. 5717 establishing long term financial plan for Motor Fuel Tax Funds received by the County of Champaign. *45-49

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Summary of action from November 13, 2006 meeting: *50-53

- 1. Adoption of Ordinance No. 801 - Champaign County Zoning Ordinance as created by zoning Case 522-AT-05 *54-55

XII APPROVAL OF CLOSED SESSION MINUTES

- A. October 19, 2006
- B. October 25, 2006

XIII OTHER BUSINESS

- A. **CLOSED SESSION** pursuant to 5ILCS 120/2 (C) 2 to consider collective Negotiating matters between Champaign County and its employees or their representatives.
- B. **CLOSED SESSION** pursuant to 5ILCS 120/2 (C) 1 to consider the employment, compensation, discipline, performance or dismissal of an employee.

XIV NEW BUSINESS

XV ADJOURN

*Roll Call

**Roll call and 18 votes

***Roll call and 21 votes

****Roll call and 14 votes

Except as otherwise stated, approval requires the vote of a majority of those County Board members present.

County Board members and guests are encouraged to park in the north parking lot, off Lierman Avenue, and enter the Brookens facility through the north door. The Brookens Administrative Center is an accessible facility. For additional information, contact Kay Rhodes in the County Administrator's Office at (217) 384-3776.

RESUME OF MINUTES OF A REGULAR MEETING OF THE COUNTY BOARD,
CHAMPAIGN COUNTY, ILLINOIS
October 19, 2006

The County Board of Champaign County, Illinois met at a Regular Meeting, Thursday, October 19, 2006 at 7:02 P.M. in the Lyle Shields Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, Illinois, with Barbara Wysocki presiding and Sasha Green, as Secretary of the Meeting.

ROLL CALL

Roll call showed the following Board Members Present: Avery, Beckett, Bensyl, Betz, Carter, Cowart, Doenitz, Fabri, Greenwalt, Gross, Hunt, James, Jay, Jones, Knott, Langenheim, McGinty, Moser, O'Connor, Putman, Sapp, Schroeder, Weibel, Anderson and Wysocki - 25; Absent: Hogue and Tapley - 2. Thereupon, the Chair declared a quorum present and the Board competent to conduct business.

PRAYER & PLEDGE OF ALLEGIANCE

A prayer was given by Board Member Hunt. The Pledge of Allegiance to the Flag was given.

READ NOTICE OF MEETING

The Clerk read the Notice of the Meeting, said Notice having been published in the *Southern Champaign County* and *Fisher Reporter* on October 4, 2006; *Leader* on October 5, 2006; *Mahomet Citizen* and *Rantoul Press* on October 11, 2006; *County Star* and *Savoy Star* on October 12, 2006; and *News Gazette* on October 17, 2006. Board Member Betz offered a motion to approve the notice; seconded by Board Member Langenheim. Approved by voice vote.

APPROVAL OF MINUTES

Board Member Betz offered the motion to approve the Minutes of the September 21, 2006 Regular Session; seconded by Board Member Carter. Approved by voice vote.

APPROVAL OF AGENDA/ADDENDUM

Board Member Cowart offered the motion to approve the Agenda/Addendum; seconded by Board Member Carter. Board Member Knott recommended to move the adoption of Ordinance 789 to the beginning of Committee Reports; seconded by Board Member James. The motion was amended to Ordinance 794. Discussion followed. Chair Wysocki moved Resolution 5654 after the Date/Time of Next Regular Meeting. Board Member Beckett corrected "Anticipated Action from October 23, 2006 meeting" to "...October 16, 2006..." on page four of the Agenda and on the Addendum for ELUC. Approved as amended by voice vote.

DATE/TIME OF NEXT REGULAR MEETING

Chair Wysocki announced that the next County Board Meeting will be held on November 21, 2006 at 7:00 P.M. Chair Wysocki announced the Meeting will be held on a Tuesday due to Thanksgiving.

ADOPTION OF RESOLUTION NO. 5654 APPROVING THE PROCLAMATION RECOGNIZING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH

Board Member Betz recommended the adoption of **Resolution No. 5654** Approving the Proclamation Recognizing October as Domestic Violence Awareness Month; seconded Board Member Beckett. Board Member Betz read the Proclamation. Adopted by voice vote. Teresa Miles from A Woman's Fund accepted the Proclamation.

PUBLIC PARTICIPATION

Chair Wysocki announced due to the number of public participation requests, the five minute rule would be enforced. Eric Thorsland spoke regarding Ordinance No. 794 amending Ordinance No. 255, Ordinance Establishing an Enterprise Zone – Clearview Development. Jeanne Gustafson spoke regarding Ordinance No. 794 amending Ordinance No. 255, Ordinance Establishing an Enterprise Zone – Clearview Development. Katie Coombes spoke regarding Ordinance No. 794 amending Ordinance No. 255, Ordinance Establishing an Enterprise Zone – Clearview Development. Bruce Knight spoke regarding Ordinance No. 794 amending Ordinance No. 255, Ordinance Establishing an Enterprise Zone – Clearview Development. Discussion. Mark Dixon spoke regarding Ordinance No. 794 amending Ordinance No. 255, Ordinance Establishing an Enterprise Zone – Clearview Development. Mark Thompson spoke regarding the Zoning Ordinance regulations.

ANNOUNCEMENTS/COMMUNICATIONS

Board Member Betz announced that JUMP, a 1/4 cent Sales Tax program, had been recognized in the News Gazette on October 10, 2006. Chair Wysocki announced there will be a Big, Small, All meeting held on October 25, 2006 at 8:30 A.M.

CONSIDERATION OF CONSENT AGENDA ITEMS BY OMNIBUS VOTE

JUSTICE & SOCIAL SERVICES

Adoption of **Resolution No. 5647** authorizing an intergovernmental agreement Pesotum for between the County of Champaign and the Village of Animal Impoundment Services.

Adoption of **Resolution No. 5648** authorizing an intergovernmental agreement

between the County of Champaign and the Village of Pesotum for Animal Control Services.

Adoption of **Resolution No. 5649** for the approval of, and if awarded acceptance of, National Children's Alliance Program Support Grant for the Children's Advocacy Center.

COUNTY FACILITIES

Adoption of **Resolution No. 5650** appropriating \$2,840.00 from the Champaign County Highway Facility Construction Fund for Invoice #I28153 from BLDD Architects.

POLICY, PERSONNEL & APPOINTMENTS

Adoption of **Resolution No. 5655** approving the appointment of Doug Stierwalt to the Two Mile Slough Drainage District, term ending 8/31/2009.

Adoption of **Resolution No. 5656** designating the schedule of meetings for the Champaign County Board and Champaign County Board Standing Committees for December 1, 2006 - November 30, 2007.

Adoption of **Ordinance No. 792** authorizing the public approval of the issuance of certain Collateralized Single Family Mortgage Revenue Bonds.

FINANCE

Adoption of **Resolution No. 5657** - Budget Amendment:

Budget Amendment #06-00106
Fund: 476 - Self-Funded Insurance
Dept: 119 - Workers Compensation Insurance
Increased Appropriations: \$75,000
Increased Revenue: \$0

Reason: To pay worker's compensation claim costs.

Adoption of **Resolution No. 5658** - Budget Amendment:

Budget Amendment #06-00109
Fund: 080 - General Corporate Fund
Dept: 071 -Public Properties
Increased Appropriations: \$12,000
Increased Revenue: \$0

Reason: To pay for anticipated juror parking fees for remainder of FY2006.

Adoption of **Resolution No. 5659** -Budget Amendment:

Budget Amendment #06-00110
Fund: 076 - Tort Immunity Tax Fund

Dept: 075 - General County
Increased Appropriations: \$43,600
Increased Revenue: \$0

Reason: To pay October and November work comp premium billing for General Corporate departments.

Board Member Betz offered the motion to approve the Consent Agenda; seconded by Board Member Weibel. Chair Wysocki asked the Clerk to call the roll.

Consent Agenda approved by roll call vote.

Yeas: Avery, Beckett, Bensyl, Betz, Carter, Cowart, Doenitz, Fabri, Greenwalt, Gross, Hunt, James, Jay, Jones, Knott, Langenheim, McGinty, Moser, O'Connor, Putman, Sapp, Schroeder, Weibel, Anderson and Wysocki - 25;

Nays: None.

COMMITTEE REPORTS

Environment and Land Use

Board Member Langenheim, Chair, recommended the adoption of **Ordinance No. 794** amending Ordinance No. 255, Ordinance establishing an Enterprise Zone; seconded by Board Member McGinty. Discussion followed. Board Member Carter offered to table the motion; seconded by Board Member Langenheim. Discussion followed. A roll call was requested.

Motion to table failed by roll call vote.

Yeas: Avery, Betz, Carter, Cowart, Greenwalt, Gross, Langenheim, Putman, and Anderson - 9;

Nays: Beckett, Bensyl, Doenitz, Fabri, Hunt, James, Jay, Jones, Knott, McGinty, Moser, O'Connor, Sapp, Schroeder, Weibel, and Wysocki - 16.

Discussion followed. There was a request to call the question.

Adopted by roll call vote.

Yeas: Beckett, Bensyl, Doenitz, Fabri, Hunt, James, Jay, Jones, Knott, McGinty, Moser, O'Connor, Sapp, Schroeder, Weibel, and Wysocki - 16;

Nays: Avery, Betz, Carter, Cowart, Greenwalt, Gross, Langenheim, Putman, and Anderson - 9.

JUSTICE & SOCIAL SERVICES

Board Member Anderson, Chair, recommended the adoption of **Resolution No. 5672** to Conduct an Operational Audit of the Champaign County Nursing Home; seconded by Board Member Schroeder. Discussion followed. Adopted by voice vote.

Board Member Anderson recommended the adoption of **Resolution No. 5673** to approve a contract with Management Performance Associates to provide an operational audit of the Champaign County Nursing Home; seconded by Board Member McGinty. Discussion followed. The Agenda was corrected to reflect "Summary of action from October 2, 2006 meeting" to "...October 11, 2006...". Discussion followed. Board Member Beckett recommended to amend to approve negotiating a contract; seconded by Board Member Langenheim. Discussion followed. Board Member Beckett withdrew his amendment. Board Member Beckett recommended to amend the contract to not to exceed \$20,000.00 with reimbursables not to exceed \$500.00; seconded by Board Member Langenheim. Discussion followed. There was a friendly amendment to amend the amount of reimbursables to \$1,200.00. Discussion followed. There was a request to call the question. Discussion followed. A show of hands determined the question would be called.

Adopted as amended by roll call vote.

Yeas: Avery, Beckett, Bensyl, Betz, Carter, Cowart, Fabri, Greenwalt, Gross, Knott, Langenheim, McGinty, Moser, O'Connor, Putman, Sapp, Schroeder, Weibel, Anderson and Wysocki - 20;

Nays: Doenitz, Hunt, James, Jay, and Jones - 5.

Discussion followed. Board Members Putman and Langenheim requested their votes reflect "Yeas."

COUNTY FACILITIES

Discussion. Board Member Beckett, Chair, asked for unanimous consent of the Board to move the adoption of Resolution 5670 to the beginning of the County Facilities Committee Reports.

Board Member Beckett recommended the adoption of **Resolution No. 5670** approving the Memorandum of Understanding between the Champaign County Forest Preserve District and the Champaign County Board regarding the establishment and operation of the Lincoln exhibits; seconded by Board Member Schroeder. Discussion followed. Adopted by voice vote.

Board Member Beckett announced a presentation regarding Nursing Home Mold given by Phebus & Koester. Phebus & Koester gave a presentation regarding Nursing Home Mold. Discussion followed.

Board Member Beckett recommended the adoption of **Resolution No. 5651** appropriating \$9,282 from the Champaign County Nursing Home Construction Fund #44 from PKD, Inc. for Pay Request; seconded by Board Member Cowart. Adopted by voice vote.

Board Member Beckett recommended the adoption of **Resolution No. 5652**

appropriating \$700.00 from the Champaign County Nursing Home Construction Fund for Invoice #0015673 from GHR, Inc; seconded by Board Member James. Adopted by voice vote.

Board Member Beckett recommended the adoption of **Resolution No. 5653** requests for Reduction in Retainage; seconded by Board Member James. Discussion followed. Adopted by voice vote.

Board Member Beckett recommended the adoption of **Resolution No. 5669** appropriating \$75,173.21 From the Champaign County Nursing Home Construction Fund for payment of Duane Morris invoices; seconded by Board Member McGinty. Discussion followed. Adopted by voice vote.

Board Member Beckett gave an update on the HVAC issue at the new Champaign County Nursing Home.

POLICY, PERSONNEL & APPOINTMENTS

Board Member Betz, Chair, recommended the adoption of **Resolution No. 5668** approving employee Health Insurance Benefits for Nursing Home Non-Bargaining FY 2007 Employees; seconded by Board Member Moser. Adopted by voice vote.

FINANCE

Board Member McGinty, Chair, recommended the adoption of **Resolution No. 5663** - Emergency Budget Amendment:

Budget Amendment #06-00111
Fund: 080 - General Corporate fund
Dept: 071 - Public Properties
Increased Appropriations: \$60,000
Increased Revenue: \$38,000

Reason: Scottswood Drainage Project was completed ahead of schedule. Balance of project to be paid from FY2006 Budget; seconded by Board Member Moser. Discussion followed.

Adopted by roll call vote.

Yeas: Avery, Beckett, Bensyl, Betz, Carter, Cowart, Doenitz, Fabri, Greenwalt, Gross, Hunt, James, Jay, Jones, Knott, Langenheim, McGinty, Moser, O'Connor, Putman, Schroeder, Weibel, Anderson and Wysocki - 24;

Nays: None;

Absent: Sapp - 1.

Board Member McGinty recommended the adoption of **Resolution No. 5664** - Emergency Budget Amendment:

Budget Amendment #06-00112
Fund: 301 - Administrative Building Construction Fund
Dept: 010 - County Board
Increased Appropriations: \$38,000
Increased Revenue: \$0

Reason: Scottswood Drainage Project was completed ahead of schedule.
Balance of project to be paid from FY2006 Budget; seconded by Board Member Bensyl.

Adopted by roll call vote.

Yeas: Avery, Beckett, Bensyl, Betz, Carter, Cowart, Doenitz, Fabri,
Greenwalt, Gross, Hunt, James, Jay, Jones, Knott, Langenheim,
McGinty, Moser, O'Connor, Putman, Schroeder, Weibel, Anderson
and Wysocki - 24;

Nays: None;

Absent: Sapp - 1.

Board Member McGinty recommended the adoption of **Resolution No. 5666** to receive and place on file FY2007 Champaign County Budget; seconded by Board Member Betz. Discussion followed. Adopted by voice vote.

Board Member McGinty recommended the adoption of **Resolution No. 5660** Purchases not Following Purchasing Policy; seconded by Board Member Putman. Adopted by voice vote.

Board Member McGinty recommended the adoption of **Resolution No. 5667** Payment of Claims Authorization; seconded by Board Member Moser. Adopted by voice vote.

— **HIGHWAY & TRANSPORTATION**

Board Member Cowart, Chair, recommended the adoption of **Resolution No. 5661** authorizing the County Board Chair to sign an agreement with Illini Ethanol LLC to implement an Economic Development Program; seconded by Board Member Jay. Adopted by voice vote.

Board Member Cowart recommended the adoption of **Resolution No. 5662** authorizing the County Board Chair to sign amendment #2 to an intergovernmental Agreement between the City of Champaign, Village of Savoy and County of Champaign for the construction of Curtis Road from Wystone Drive to Wesley Avenue and appropriating \$518,000.00 from County Motor Fuel Tax Funds - Section #OO-00374-01 -PV; seconded by Board Member Langenheim. Adopted by voice vote.

Board Member Cowart recommended the adoption of **Resolution No. 5665** for

Contract Award Authority; seconded by Board Member Bensyl. Discussion followed. Adopted by voice vote.

ENVIRONMENT & LAND USE, Cont.

Board Member Langenheim recommended the adoption of **Ordinance No. 789** amending Ordinance No. 255, Ordinance establishing an Enterprise Zone; seconded by Board Member Moser. Discussion followed. Adopted by voice vote.

Board Member Langenheim recommended the adoption of **Ordinance No. 793** amending Zoning Ordinance comprehensive Zoning Ordinance Amendments 558-AT-06; seconded by Board Member Moser. Discussion followed. Adopted by voice vote.

Board Member Langenheim recommended the adoption of **Resolution No. 5671** approving CDAP Loan Request; seconded by Board Member Moser. Discussion followed. Adopted by voice vote.

APPROVAL OF CLOSED SESSION MINUTES

Discussion. Board Member Gross recommended the approval of the Minutes of the September 21, 2006 - 9:35 P.M. and September 21, 2006 - 9:45 P.M. Closed Sessions; seconded by Board Member Jay. Approved by voice vote.

OTHER BUSINESS

Discussion. It was announced the Closed Session pursuant to 5 ILCS 120/2 (c) 1 to consider the Employment, compensation, discipline, performance or dismissal of an employee would be postponed until November.

Board Member Beckett recommended a Closed Session pursuant to 5 ILCS 120/2(C)2 to consider litigation which is probable or imminent against Champaign County, further moving the following individuals remain present: Recording Secretary, County Administrators, County's Legal Counsel, and the County Sheriff; seconded by Board Member McGinty.

Approved by roll call vote.

Yeas: Beckett, Betz, Doenitz, Fabri, Greenwalt, Gross, Knott, Langenheim, McGinty, Putman, Sapp, Schroeder, Weibel, Anderson and Wysocki - 15;

Nays: Avery, Bensyl, Carter, Cowart, Hunt, James, Jay, Jones, Moser, and O'Connor - 10.

The Board entered into Closed Session at 10:17 P.M. The Board reentered into open session at 10:40 P.M.

Discussion. It was determined by a show of hands the Board would enter into Closed

Champaign County Board
October 19, 2006

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Session pursuant to 5 ILCS 120/2 (c) 1 to consider the Employment, compensation, discipline, performance or dismissal of an employee. (The Board did not enter into Closed Session.)

NEW BUSINESS

There was no New Business.

RECESS

Board Member Betz offered the motion to recess the Meeting; seconded by Board Member Beckett. Chair Wysocki adjourned the Meeting at 10:42 P.M.

Mark Sheldon

Mark Sheldon, Champaign County Clerk
and ex-Officio Clerk of the Champaign County Board
Champaign County, Illinois

RESUME OF MINUTES OF A TRUTH IN TAXATION PUBLIC HEARING OF THE
COUNTY BOARD, CHAMPAIGN COUNTY, ILLINOIS
October 19, 2006

The County Board of Champaign County, Illinois met at a Truth in Taxation Public Hearing, Thursday, October 19, 2006 at 6:36 P.M. in the Lyle Shields Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, Illinois, with Barbara Wysocki presiding and Sasha Green, as Secretary of the Meeting.

CALL TO ORDER

Roll call showed the following Board Members **Present:** Avery, Beckett, Bensyl, Betz, Cowart, Doenitz, Fabri, Greenwalt, Gross, James, Jay, Jones, Knott, Langenheim, McGinty, O'Connor, Putman, Schroeder, Anderson and Wysocki - 20; **Absent:** Carter, Hogue, Hunt, Moser, Sapp, Tapley, and Weibel - 7. Thereupon, the Chair declared a quorum present and the Board competent to conduct business. Board Members Carter, Hunt, and Weibel arrived after roll call.

READ NOTICE OF MEETING

The Clerk read the Notice of the Meeting. Board Member Betz offered a motion to approve the notice; seconded by Board Member Beckett. Approved by voice vote.

PUBLIC COMMENT

Bryan Schluter spoke regarding the increase in property taxes and Champaign County's Levy.

CLOSE OF PUBLIC HEARING

Chair Wysocki declared the Public Hearing Closed.

RECESS

Chair Wysocki recessed the Hearing at 6:42 P.M.

Mark Sheldon

Mark Sheldon, Champaign County Clerk
and ex-Officio Clerk of the Champaign County Board
Champaign County, Illinois

JUSTICE & SOCIAL SERVICES COMMITTEE
Summary of Action taken at 11/6/06 Meeting

<u>ITEM</u>	<u>ACTION TAKEN</u>
1. <u>Call to Order</u>	Meeting called to order at 7:02 p.m.
2. <u>Roll Call</u>	Anderson, Carter, Greenwalt, Hogue, Hunt, James, and Tapley were present at the meeting.
3. <u>Approval of Agenda/Addendum</u>	Agenda and addendum approved.
4. <u>Approval of Minutes</u>	The regular session Justice & Social Services Committee minutes of June 22, 2006 & October 2, 2006 and the Performance Appraisal Subcommittee minutes of September 14, 2006 1:00 p.m. & September 14, 2006 1:35 p.m. were approved as presented.
5. <u>Public Participation</u>	None
6. <u>Monthly Reports</u>	Motion approved to receive and place on file the Animal Control September 2006 report, Coroner May 2006 & June 2006 reports, EMA September 2006 & October 2006 reports, and the Public Defender September 2006 report.
7. <u>Animal Control</u>	
a. Approval of Intergovernmental Agreement for Animal Impoundment Services with the Village of Ludlow	<i>*RECOMMEND TO THE COUNTY BOARD APPROVAL of Intergovernmental Agreement for Animal Impoundment Services with the Village of Ludlow</i>
b. Approval of Intergovernmental Agreement for Animal Control Services with the Village of Ludlow	<i>*RECOMMEND TO THE COUNTY BOARD APPROVAL of Intergovernmental Agreement for Animal Control Services with the Village of Ludlow</i>
8. <u>Head Start</u>	
a. Monthly Report	Received and placed on file.
<u>Addendum</u>	
b. Head Start Continuation Grant 2007-2008	<i>*RECOMMEND TO THE COUNTY BOARD APPROVAL of Head Start Continuation Grant 2007-2008</i>
9. <u>Nursing Home</u>	
a. Monthly Report	Received and placed on file.
b. Update on Operational Audit Process	No action taken.
10. <u>Juvenile Delinquency Grants</u>	
a. Status Report from Peter Tracy	Received and placed on file.
11. <u>Chair's Report</u>	Anderson announced the deadline for the Martin Luther King, Jr. Award nominations was moved to Noon on Wednesday, November 8, 2006.

12. **Other Business** There was no other business.
13. **Approval of Closed Session Minutes** The closed session Justice & Social Services Committee minutes of October 2, 2006 and the Performance Appraisal Subcommittee minutes of September 14, 2006 1:00 p.m. & September 14, 2006 1:35 p.m. were approved as presented.
14. **Designation of Items to be Place on County Board Consent Agenda** Agenda items VII A-B and VIII B from the addendum were designated for the consent agenda.
15. **Adjournment** Meeting adjourned at 7:40 p.m.

**Denotes Consent Agenda Item*

COUNTY FACILITIES COMMITTEE
Summary of action taken at 11/14/2006 meeting

<u>Agenda Item</u>	<u>Action Taken</u>
III <u>Approval of Minutes</u>	Regular session minutes of September 5, 2006 and Performance Appraisal Subcommittee minutes of September 14, 2006 approved as amended
IV <u>Public Participation</u>	There was no public Participation
V <u>Fleet Maintenance/Highway Facility</u>	
a. BLDD Invoice #128260	<i>* RECOMMEND COUNTY BOARD APPROVAL of Invoice #128260 from BLDD Architects, in the amount of \$134.76 for professional Services rendered through October 1, 2006 per agreement dated July 2005.</i>
b. BLDD Invoice #128261	<i>RECOMMEND COUNTY BOARD APPROVAL of Invoice #128261 from BLDD Architects, in the amount of \$6,796.68 for professional Services rendered through October 1, 2006 per agreement dated July 2005.</i>
VI <u>Champaign County Nursing Home</u>	
A. Construction Project	
1. Pay Requests	
a. PKD Pay Request #45	MOTION CARRIED to forward Pay Request #45 from PKD in the amount of \$5,847 for Professional Services provided through October 20, 2006 per agreement dated February 2003 (\$1,571 - Staff; \$301 - Reimbursables; \$3,975 - General conditions & change order No. 1, 2 & 3) to the full County Board without recommendation.

Nursing Home Cont.

b. PKD, Inc. Invoice #1

MOTION CARRIED to forward invoice #1 from PKD, Inc. in the amount of \$11,055 for Champaign County Nursing Home - AHU Test Phase Services for AHU #3 Booster Fans, August 2006, to the full County Board without recommendation.

c. PKD, Inc. Invoice #2

MOTION CARRIED to forward invoice #2 from PKD, Inc. in the amount of \$18,486 for Champaign County Nursing - AHU Pre-Test Phase Services, May 2006 through July 2006, to the full County Board without recommendation.

d. GHR Engineers & Assoc. Inc. Invoice #0015741

RECOMMEND COUNTY BOARD APPROVAL of Invoice #0015741 from GHR Engineers & Associates, Inc. In the amount of \$4,289.15 For Professional Services Provided through September 30, 2006 per agreement dated June 2006

e. GHR Engineers & Assoc. Inc. Invoice #0015815

RECOMMEND COUNTY BOARD APPROVAL of Invoice #0015815 from GHR Engineers & Associates, Inc. In the amount of \$6,140.65 For professional services Provided through October 28, 2006, per agreement Dated June 2006.

Nursing Home cont.

f. Raterman Group Invoice #12163

MOTION CARRIED to forward invoice #12163 from Raterman Group in the amount of \$12,289.08 for professional industrial hygiene services for 3rd quarter air monitoring through October 12, 2006, to full County Board without recommendation.

g. Berns, Clancy & Associates Statement #2

RECOMMEND COUNTY BOARD APPROVAL of Statement #2 from Berns, Clancy & Associates in the Amount of \$5,416.56 for Civil Engineering and Surveying services for Art Bartell Road Extension and Water Main Extension for Champaign County East Campus/Champaign County Nursing Home

h. Berns, Clancy & Associates Statement #2

RECOMMEND COUNTY BOARD APPROVAL of Statement #2 from Berns, Clancy & Associates in the amount of \$11,060.00 for Professional Engineering Services for an interim stormwater management plan study and design related to the New Champaign County Nursing Home Site development, Champaign County East Campus

Nursing Home cont.

- i. Berns, Clancy & Associates Statement #2

RECOMMEND COUNTY BOARD APPROVAL of Statement #2 from Berns, Clancy & Associates in the amount of \$8,064.25 for professional consulting, engineering and surveying services for miscellaneous tasks and on-site storm sewer and drainage revisions related to the new Champaign County Nursing Home Site Development/Champaign County East Campus

- c. Duane Morris Invoices

***RECOMMEND COUNTY BOARD APPROVAL** of payment of all outstanding Duane Morris invoices related to mold remediation at the new Champaign County Nursing Home

- B. Update - HVAC Issue

No action taken

- C. CON Alteration/Renewal

No action taken

- D. County Board & Urbana Park District Intergovernmental Agreement

RECOMMEND COUNTY BOARD APPROVAL of the County Board & Urbana Park District Intergovernmental Agreement

VII Champaign County Courthouse

- A. White & Borgognoni Architects, P.C. Invoice #1

RECOMMEND COUNTY BOARD APPROVAL of Invoice #1 from White & Borgognoni Architects, P.C. In the amount of \$2,522.18 for architectural services rendered through October 6, 2006 for Champaign County Courthouse Masonry Stabilization & Restoration

Courthouse cont.

B. Champaign County Bar Association
Photographs

Committee consensus to allow the County Facilities Chair to work with the Champaign County Bar Association to determine proper locations for the Champaign County Bar Association Photographs at the Champaign County Courthouse

VIII Chair's Report/Issues

A. Courthouse Museum Update

No action taken

IX Physical Plant Reports

A. Monthly Reports

No action taken

X Other Business

A. Isaksen Glerum Wachter Invoice #3

RECOMMEND COUNTY APPROVAL of Invoice #3 from Isaksen Glerum Wachter in the amount of \$3,710.00 for professional Services rendered thru September 29, 2006 for the remodel of Brookens Administrative Center space for County Clerk election requirements

B. Champaign County & Metcad Tower Agreement

RECOMMEND COUNTY BOARD APPROVAL of The Champaign County & Metcad Tower Agreement

C. Lease Agreement between the County of Champaign and the Regional Planning Commission

RECOMMEND COUNTY BOARD APPROVAL of The Lease Agreement Between the County of Champaign and the Regional Planning Commission

XI New Business

There was no new business

XII Closed Session Minutes

Closed Session Minutes of August 24, 2006; September 14, 2006 #1 and September 14, 2006 #2 approved as Presented

ADDENDUM

X Other Business

D. Lease Agreement between County of Champaign and the Illinois Attorney General

RECOMMEND COUNTY BOARD APPROVAL of the Lease Agreement between the County of Champaign and the Illinois Attorney General

XIII Consent Agenda Items

Committee consensus to include items V a - b; VI d; VII a; X a-c and addendum item X d on the County Board consent agenda.

** Denotes Consent Agenda Item*

RESOLUTION NO. 5720

RESOLUTION APPROPRIATING \$5,847.00 FROM THE CHAMPAIGN COUNTY
NURSING HOME CONSTRUCTION FUND FOR PAY REQUEST #45 FROM
PKD, INCORPORATED

WHEREAS, the County of Champaign entered into an agreement with PKD, Inc. of Champaign, Illinois in February 2003 for the purpose of construction management of the new Champaign County Nursing Home facility; and

WHEREAS, PKD has submitted pay request #45 in the amount of \$5,847.00 for Professional Services provided through October 20, 2006, pursuant to the said agreement; and

WHEREAS, the Pay Request is itemized as follows: \$1,571 – Staff; \$301 – Reimbursables; \$3,975 – General Conditions (change order No. 1, 2 & 3)

NOW, THEREFORE BE IT RESOLVED that the Champaign County Board approve Pay Request #45 from PKD, Inc.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk and
Ex-Officio Clerk of the County Board

RESOLUTION NO. 5721

RESOLUTION APPROPRIATING \$11,055.00 FROM THE CHAMPAIGN COUNTY
NURSING HOME CONSTRUCTION FUND FOR PAY REQUEST #1 FROM PKD,
INCORPORATED

WHEREAS, the County of Champaign entered into a contract with PKD, Incorporated for the purpose of modifying and correcting the HVAC System in the new Champaign County Nursing Home facility; and

WHEREAS, PKD, Incorporated has submitted pay request #1 in the amount of \$11,055.00 for Champaign County Nursing Home - AHU Test Phase Service for AHU #3 booster fans, for payment pursuant to the said contract; and

WHEREAS, the said payment request is in conformity of the terms and conditions of the contract.

NOW, THEREFORE BE IT RESOLVED that the Champaign County Board approve Pay Request #1 from PKD, Inc.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk and
Ex-Officio Clerk of the County Board

RESOLUTION NO. 5722

RESOLUTION APPROPRIATING \$18,486 FROM THE CHAMPAIGN COUNTY
NURSING HOME CONSTRUCTION FUND FOR PAY REQUEST #2 FROM PKD,
INCORPORATED

WHEREAS, the County of Champaign entered into a contract with PKD, Incorporated for the purpose of modifying and correcting the HVAC System in the new Champaign County Nursing Home facility; and

WHEREAS, PKD has submitted pay request #2 in the amount of \$18,486 for Champaign County Nursing Home – AHU Pre-Test Phase Services, May 2006 through July 2006, pursuant to the said contract; and

WHEREAS, the said payment request is in conformity of the terms and conditions of the contract.

NOW, THEREFORE BE IT RESOLVED that the Champaign County Board approve Pay Request #2 from PKD, Inc.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk and
Ex-Officio Clerk of the County Board

RESOLUTION NO. 5723

RESOLUTION APPROPRIATING \$4,289.15 FROM THE CHAMPAIGN COUNTY
NURSING HOME CONSTRUCTION FUND FOR INVOICE #0015741 FROM
GHR, INC.

WHEREAS, the County Facilities committee recommended to the County Board approval of Invoice #0015741 from GHR, Inc. in the amount of \$4,289.15 for Professional Services provided through September 30, 2006, per agreement dated June 2006.

NOW, THEREFORE BE IT RESOLVED that the Champaign County Board approve Invoice #0015741 from GHR, Inc.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk and
Ex-Officio Clerk of the County Board

RESOLUTION NO. 5724

RESOLUTION APPROPRIATING \$6,140.65 FROM THE CHAMPAIGN COUNTY
NURSING HOME CONSTRUCTION FUND FOR INVOICE #0015815 FROM
GHR, INC.

WHEREAS, the County Facilities committee recommended to the County Board approval of Invoice #0015815 from GHR, Inc. in the amount of \$6,140.65 for Professional Services provided through October 28, 2006, per agreement dated June 2006.

NOW, THEREFORE BE IT RESOLVED that the Champaign County Board approve Invoice #0015815 from GHR, Inc.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk and
Ex-Officio Clerk of the County Board

RESOLUTION NO. 5725

RESOLUTION APPROPRIATING \$12,289.08 FROM THE CHAMPAIGN
COUNTY NURSING HOME CONSTRUCTION FUND FOR INVOICE #12163
FROM THE RATERMAN GROUP, LTD

WHEREAS, the Raterman Group, Ltd has submitted Invoice #12163 in the amount of \$12,289.08 for Professional Services provided through October 12, 2006; and

WHEREAS, the invoice is for Professional Industrial Hygiene Services for 3rd quarter air monitoring.

NOW, THEREFORE BE IT RESOLVED that the Champaign County Board approve Invoice #12163 from The Raterman Group, Ltd.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk and
Ex-Officio Clerk of the County Board

RESOLUTION NO. 5726

RESOLUTION APPROPRIATING \$5,416.56 FROM THE CHAMPAIGN COUNTY
NURSING HOME CONSTRUCTION FUND FOR STATEMENT #2 FROM BERNIS
CLANCY & ASSOCIATES

WHEREAS, the County Facilities committee recommended to the County Board approval of Statement #2 from Bernis, Clancy & Associates in the amount of \$5,416.56 for Civil Engineering and Surveying services for Art Bartell Road Extension and Water Main Extension, Champaign County East Campus/County Nursing Home Site.

NOW, THEREFORE BE IT RESOLVED that the Champaign County Board approve Statement #2 from Bernis, Clancy & Associates.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk and
Ex-Officio Clerk of the County Board

RESOLUTION NO. 5727

RESOLUTION APPROPRIATING \$11,060.00 FROM THE CHAMPAIGN COUNTY
NURSING HOME CONSTRUCTION FUND FOR STATEMENT #2 FROM BERNS
CLANCY & ASSOCIATES

WHEREAS, the County Facilities committee recommended to the County Board approval of Statement #2 from Berns, Clancy & Associates in the amount of \$11,060.00 for professional engineering services for an interim Stormwater Management Plan Study and Design related to the New Champaign County Nursing Home Site Development, Champaign County East Campus.

NOW, THEREFORE BE IT RESOLVED that the Champaign County Board approve Statement #2 from Berns, Clancy & Associates.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk and
Ex-Officio Clerk of the County Board

RESOLUTION NO. 5728

RESOLUTION APPROPRIATING \$8,064.25 FROM THE CHAMPAIGN COUNTY
NURSING HOME CONSTRUCTION FUND FOR STATEMENT #2 FROM BERNIS
CLANCY & ASSOCIATES

WHEREAS, the County Facilities committee recommended to the County Board approval of Statement #2 from Bernis, Clancy & Associates in the amount of \$8,064.25 for professional consulting, engineering and surveying services for miscellaneous tasks and on-site storm sewer and drainage revisions related to the new Champaign County Nursing Home Site Development/Champaign County East Campus.

NOW, THEREFORE BE IT RESOLVED that the Champaign County Board approve Statement #2 from Bernis, Clancy & Associates.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk and
Ex-Officio Clerk of the County Board

RESOLUTION NO. 5729

RESOLUTION APPROPRIATING \$ _____ FROM THE CHAMPAIGN COUNTY NURSING HOME CONSTRUCTION FUND FOR PAYMENT OF DUANE MORRIS INVOICES

WHEREAS, Champaign County contracted with the law firm of Duane Morris, LLP for the purpose of representing the County in its application to the Illinois Health Facilities Planning Board in order to obtain a Certificate of Need for the new Nursing Home Facility, as well as other issues related to the construction of the said facility, and the issue of mold remediation; and

WHEREAS, there are outstanding invoices due and payable to Duane Morris, LLP pursuant to the said contract which are related to the issue of mold remediation; and

WHEREAS, Duane Morris has agreed to a compromised amount for services rendered related to the issue of mold remediation in the sum of \$ _____; and

WHEREAS, the Champaign County Board has agreed to accept and pay the amount of \$ _____ for services rendered by Duane Morris, LLP related to the issue of mold remediation.

NOW, THEREFORE BE IT RESOLVED that Champaign County shall pay the sum of \$ _____ to Duane Morris, LLP from the Nursing Home Construction Fund for services rendered related to the issue of mold remediation at the new Champaign County Nursing Home Facility.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
County Board
Champaign County, Illinois

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

POLICY, PERSONNEL, & APPOINTMENTS COMMITTEE
Summary of Action Taken at 11/8/06 Meeting

<u>ITEM</u>	<u>ACTION TAKEN</u>
1. <u>Call to Order</u>	Meeting called to order at 7:03 p.m.
2. <u>Roll Call</u>	Betz, Fabri, Jones, Knott, Moser, Putman, Schroeder, and Wysocki were present at the meeting.
3. <u>Approval of Agenda/Addendum</u>	Agenda and addendum approved.
4. <u>Approval of Minutes</u>	Regular session minutes of October 4, 2006 approved as presented.
5. <u>Public Participation</u>	Ted Bailey spoke about Board of Health appointments.
6. <u>Monthly Reports</u>	
A. County Clerk Fees Report	Received and placed on file.
7. <u>County Board</u>	
A. Appointments/Reappointments	
1. Blackford Slough Drainage District	<i>*RECOMMEND TO THE COUNTY BOARD APPROVAL of appointment of Jack Murray to the Blackford Slough Drainage District term ending 8/31/2009</i>
2. Public Aid Appeals Committee	<i>*RECOMMEND TO THE COUNTY BOARD APPROVAL of appointment of George Burnison, John Schmidt, Ronald Starwalt, & Michael Babb as Members and Anthony Arnold as an Alternate to the Public Aid Appeals Committee terms ending 11/30/2008</i>
3. Senior Services Advisory Committee	<i>*RECOMMEND TO THE COUNTY BOARD APPROVAL of appointment of Karen Bodnar, Tami Fruhling-Voges, Cathy Lentz, Penny Shaw, & Linna McDade to the Senior Services Advisory Committee terms ending 12/31/2009</i>
8. <u>Administrator's Report</u>	
a. Vacant Positions Listing	Provided for information only.
b. Request Approval of Revised Position Description and Incentive Agreement for Marketing Admissions Coordinator	<i>*RECOMMEND TO THE COUNTY BOARD APPROVAL of Revised Position Description and Incentive Agreement for Marketing Admissions Coordinator</i>
c. Third Party Administrator Services Agreement – BPC, Inc.	<i>*RECOMMEND TO THE COUNTY BOARD APPROVAL of Third Party Administrator Services Agreement – BPC, Inc.</i>

**Denotes Consent Agenda Item*

- d. Health Reimbursement Arrangement Plan – Non Bargaining Employees – Plan Document **RECOMMEND TO THE COUNTY BOARD APPROVAL of Health Reimbursement Arrangement Plan – Non Bargaining Employees – Plan Document*
- e. Health Reimbursement Arrangement Plan – Employees of Champaign County Nursing Home – Plan Document **RECOMMEND TO THE COUNTY BOARD APPROVAL of Health Reimbursement Arrangement Plan – Employees of Champaign County Nursing Home – Plan Document*
- f. Champaign County Flexible Benefits Plan **RECOMMEND TO THE COUNTY BOARD APPROVAL of Champaign County Flexible Benefits Plan*
- g. Renewal of Insurance Policies – December 1, 2006 to November 30, 2007 **RECOMMEND TO THE COUNTY BOARD APPROVAL of County Insurance Specialist’s & County Administrator’s recommendations for renewal of property, liability, auto, & pollution control insurance policies for December 1, 2006 to November 30, 2007 with the change of \$406,236 for the total amount of all county liability coverage.*
9. **Chair’s Report**
a. Nomination of Recipients of 2007 Martina Luther King, Jr. Awards Motion approved to refer the award nominations to the Martin Luther King, Jr. Subcommittee for the subcommittee to bring recommendations to the November County Board meeting.
10. **Legislation Report** No action taken.
11. **Other Business**
a. Media Com Extension Agreement Deferred to December meeting.
b. Regional Planning Commission Discussion Discussion was held.
- Addendum**
c. Request to Submit Administrative Legal Secretary Position in the State’s Attorney’s Office to the Job Content Evaluation Committee for Re-Evaluation Motion approved to submit Administrative Legal Secretary Position to Job Content Evaluation Committee for re-evaluation.
12. **Designation of Items to be Placed on County Board Consent Agenda** Agenda items VII A 1-3 and VIII B-G were designated for the consent agenda.
13. **Adjournment** Meeting adjourned at 8:29 p.m.

**Denotes Consent Agenda Item*

RESOLUTION NO. 5694

RESOLUTION AWARDING THE MARTIN LUTHER KING JR. – DORIS HOSKINS
PRESTIGIOUS COMMUNITY SERVICE AWARD TO MARGARET NEIL

WHEREAS, the Champaign County Board presents the Martin Luther King Jr. – Doris Hoskins Prestigious Community Service Award in recognition for an individual's humanitarian efforts in special community service in Champaign County; and

WHEREAS, the Champaign County Martin Luther King, Jr. Subcommittee, at the direction of the Policy, Personnel, & Appointment Committee, has approved the nomination of Margaret Neil to be the recipient of the 2007 Martin Luther King Jr. – Doris Hoskins Prestigious Community Service Award.

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board that Margaret Neil is the recipient of the 2007 Martin Luther King Jr. – Doris Hoskins Prestigious Community Service Award.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5695

RESOLUTION AWARDING THE MARTIN LUTHER KING JR. – JAMES R. BURGESS, SR.
HUMANITARIAN AWARD TO LESTER PRITCHARD

WHEREAS, the Champaign County Board presents the Martin Luther King Jr. – James R. Burgess, Sr. Humanitarian Award to honor an individual who contributes to the furtherance of civil rights in Champaign County; and

WHEREAS, the Champaign County Martin Luther King, Jr. Subcommittee, at the direction of the Policy, Personnel, & Appointment Committee, has approved the nomination of Lester Pritchard to be the recipient of the 2007 Martin Luther King Jr. – James R. Burgess, Sr. Humanitarian Award.

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board that Lester Pritchard is the recipient of the 2007 Martin Luther King Jr. – James R. Burgess, Sr. Humanitarian Award.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5736

**RESOLUTION RECOGNIZING THE SERVICE OF FORMER COUNTY BOARD MEMBER
DEBORAH FRANK FEINEN**

WHEREAS, Deborah Frank Feinen was sworn in as a Champaign County Board member in 1992; and

WHEREAS, Deborah Frank Feinen served the citizens of Champaign County as a representative of the Champaign County Board in both District 3 and District 6 until her resignation from the County Board position on August 15, 2006; and

WHEREAS, the County Board of Champaign County seeks to publicly recognize the commitment and dedication of Deborah Frank Feinen, who served the citizens of Champaign County as an elected official over a term of fourteen years.

NOW, THEREFORE, BE IT RESOLVED that the County Board of Champaign County hereby recognizes that the service of Deborah Frank Feinen to the County Board of Champaign County.

BE IT FURTHER RESOLVED that a copy of this Resolution be presented to Deborah Frank Feinen in recognition of her years of service to the citizens of Champaign County.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Sheldon, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5737

RESOLUTION RECOGNIZING THE SERVICE OF COUNTY BOARD MEMBER NANCY GREENWALT

WHEREAS, Nancy Greenwalt was sworn in as a Champaign County Board member in 2002; and

WHEREAS, Nancy Greenwalt the citizens of Champaign County as a representative of the Champaign County Board in District 7 until November 30, 2006; and

WHEREAS, the County Board of Champaign County seeks to publicly recognize the commitment and dedication of Nancy Greenwalt, who served the citizens of Champaign County as an elected official over a term of four years.

NOW, THEREFORE, BE IT RESOLVED that the County Board of Champaign County hereby recognizes that the service of Nancy Greenwalt to the County Board of Champaign County.

BE IT FURTHER RESOLVED that a copy of this Resolution be presented to Nancy Greenwalt in recognition of her years of service to the citizens of Champaign County.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Sheldon, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5738

RESOLUTION RECOGNIZING THE SERVICE OF COUNTY BOARD MEMBER PATRICIA
AVERY

WHEREAS, Patricia Avery was sworn in as a Champaign County Board member in 1998;
and

WHEREAS, Patricia Avery served the citizens of Champaign County as a representative of
the Champaign County Board in District 6 until November 30, 2006; and

WHEREAS, the County Board of Champaign County seeks to publicly recognize the
commitment and dedication of Patricia Avery, who served the citizens of Champaign County as an
elected official over a term of eight years.

NOW, THEREFORE, BE IT RESOLVED that the County Board of Champaign County
hereby recognizes that the service of Patricia Avery to the County Board of Champaign County.

BE IT FURTHER RESOLVED that a copy of this Resolution be presented to Patricia Avery
in recognition of her years of service to the citizens of Champaign County.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

FINANCE COMMITTEE
Summary of Action Taken at 11/9/06 Meeting

<u>ITEM</u>	<u>ACTION TAKEN</u>
1. <u>Call to Order</u>	Meeting called to order at 7:00 p.m.
2. <u>Roll Call</u>	Betz, Doenitz, Gross, McGinty, O'Connor, Tapley, and Wysocki were present at the meeting.
3. <u>Approval of Agenda/Addendum</u>	Agenda and addendum approved.
4. <u>Approval of Minutes</u>	Regular session Finance Committee minutes of October 5, 2006; Performance Appraisal Subcommittee minutes of September 14, 2006; Legislative Budget Hearings minutes of August 28, 2006 & August 29, 2006; and the Budget Process Special Committee Minutes of March 9, 2006, April 26, 2006, & May 22, 2006 approved as presented.
5. <u>Public Participation</u>	None
6. <u>Budget Amendments/Transfers</u>	<i>*RECOMMEND TO THE COUNTY BOARD APPROVAL of Budget Amendments #06-00113, #06-00114, #06-00115, #06-00116, #06-00117, #06-00118, #06-00119, #06-00120, #06-00121, #06-00122, #06-00123, #06-00124, and Budget Transfers #06-00008 & #06-00009</i>
7. <u>State's Attorney</u>	
a. Agreement with the State's Attorney's Appellate Prosecutor's Office for FY2007	<i>*RECOMMEND TO THE COUNTY BOARD APPROVAL of Resolution to Designate the Office of the State's Attorney Appellate Prosecutor as Agent</i>
	<i>*RECOMMEND TO THE COUNTY BOARD APPROVAL of Resolution Authorizing a Litigation Assistance Agreement between the County of Champaign and the Office of the State's Attorney's Appellate Prosecutor</i>
8. <u>County Administrator</u>	
a. General Corporate Fund FY2006 Revenue/Expenditure Projection Report	Received and placed on file.
b. General Corporate Fund Budget Change Report	Received and placed on file.
c. County Board Per Diems	<i>*RECOMMEND TO THE COUNTY BOARD APPROVAL of setting the per diem to be paid to County Board members at \$100, effective 1, 2008</i>
d. 2007 Annual Tax Levy Ordinance	<i>*RECOMMEND TO THE COUNTY BOARD APPROVAL of 2007 Annual Tax Levy Ordinance</i>

- | | | |
|------|--|--|
| e. | 2007 Annual Budget and
Appropriation Ordinance | *RECOMMEND TO THE COUNTY BOARD
APPROVAL of 2007 Annual Budget and
Appropriation Ordinance |
|
 | | |
| 9. | <u>Treasurer</u> | |
| a. | Monthly Report | Received and placed on file. |
|
 | | |
| | <u>Addendum</u> | |
| b. | Resolution Designating Depositories
for Funds | *RECOMMEND TO THE COUNTY BOARD
APPROVAL of Resolution Designating Depositories
for Funds |
|
 | | |
| 10. | <u>Auditor</u> | |
| a. | Purchases Not Following Purchasing
Policy | Provided for information only. |
| b. | Monthly Report | Received and placed on file. |
|
 | | |
| 11. | <u>Chair's Report</u> | No action taken. |
|
 | | |
| 12. | <u>Other Business</u> | None |
|
 | | |
| 13. | <u>Approval of Closed Session Minutes</u> | Closed session Finance Committee minutes of October
5, 2006 and Performance Appraisal Subcommittee
minutes of September 14, 2006 approved as presented |
|
 | | |
| 14. | <u>Designation of Items to be Placed on County
Board Consent Agenda</u> | Agenda items VI A-N, VII A 1-2, and IX B from the
addendum were designated for the consent agenda. |
|
 | | |
| 15. | <u>Adjournment</u> | Meeting was adjourned at 7:45 p.m. |

**Denotes Consent Agenda Item.*

RESOLUTION NO. 5712

RESOLUTION SETTING THE PER DIEM RATE FOR COUNTY BOARD MEMBERS

WHEREAS, Champaign County Board members are paid a per diem for attending County Board and County Board committee meetings; and

WHEREAS, the Champaign County Board member per diem rate has been set at \$45.00 without any increase since 1988; and

WHEREAS, based on a comparison study with four comparable counties in the State of Illinois, it has been determined the per diem rate of \$45.00 is substantially less than the compensation paid to county board members in the four comparable counties; and

WHEREAS, setting the per diem rate at \$100.00 would compensate the Champaign County Board members at a more appropriate rate and keep the Champaign County Board's compensation below the FY2006 average amount paid to County Board members in the four comparable counties; and

WHEREAS, a compensation increase adopted on this date to become effective on December 1, 2008 will allow the compensation for all board members to be increased at the same time because a statutory requirement states County Board members cannot vote for a compensation increase that will go into effect mid-term.

NOW THEREFORE BE IT RESOLVED by the County Board of Champaign County, Illinois that the per diem to be paid to Champaign County Board members be set at \$100.00 effective December 1, 2008.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the County Board

RESOLUTION NO. 5714

PURCHASES NOT FOLLOWING PURCHASING POLICY

November, 2006

FY 2006

WHEREAS, purchases by Champaign County offices and departments sometimes occur that are not in compliance with the Champaign County Purchasing Policy; and

WHEREAS, the Champaign County Auditor must present those purchases to the Champaign County Board for approval of payment.

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board that the purchases not following purchasing policy as presented by the Champaign County Auditor on November 21, 2006 are hereby approved for payment.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

COUNTY BOARD APPROVAL

1/06

PURCHASES NOT FOLLOWING THE PURCHASING POLICY, AND EMERGENCY PURCHASES

ENT COMMITTEE	DEPARTMENT	APPROPRIATION #	VR#/PO#	/R/PO DATE	DESCRIPTION	VENDOR	AMOUNT
PURCHASE ORDER ISSUED							
Environment &	RPC	075-670-522.01	VR#029-1347	10/25/06	Big Small All signs	Dean's Blueprint	\$ 1,704.00
Public Use	RPC	075-670-522.01	VR#029-1419	11/08/06	Today & Tomorrow	Martin Graphics	\$ 1,532.00
Utilities	Physical Plant	080-071-various	VR#071-1106	10/30/06	Roof repairs	Advanced Wayne Cain	\$ 5,915.00

*****According to Illinois Attorney General and Champaign County State's Attorney, the Purchasing Policy does not apply to the office of elected officials.*****

aid- For Information Only

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RESOLUTION NO. 5715

PAYMENT OF CLAIMS AUTHORIZATION

November, 2006

FY 2006

WHEREAS, the County Auditor has examined the Expenditure Approval List of claims against the County of Champaign totaling \$5,928,775.91 including warrants 372261 through 374111; and

WHEREAS, the claims included on the list were paid in accordance with Resolution No. 1743; and

WHEREAS, claims against the Mental Health Fund do not require County Board approval and are presented for information only; and

WHEREAS, the County Auditor has recommended the payment of all claims on the Expenditure Approval List; and

WHEREAS, the County Board finds all claims on the Expenditure Approval List to be due and payable.

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board that payment of the claims totaling \$5,928,775.91 including warrants 372261 through 374111 is approved.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
County Board
Champaign County, Illinois

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5739

EMERGENCY TRANSFER OF FUNDS

November, 2006

FY 2006

WHEREAS, an immediate emergency exists within the following fund; and

WHEREAS, the following transfers have not been approved by the Finance Committee and the department has requested immediate action by the County Board; and

NOW, THEREFORE, BE IT RESOLVED that the Champaign County Board approves the following transfers within the 2005-2006 budget; and

BE IT FURTHER RESOLVED that the County Auditor be authorized and is hereby requested to make the following transfers to the 2005-2006 budget:

Budget Transfer #06-000II

<u>TRANSFER TO ACCOUNT DESCRIPTION</u>	<u>AMOUNT</u>	<u>TRANSFER FROM ACCOUNT DESCRIPTION</u>
Fund 080 General Corporate Dept. 022 County Clerk		
511.03 Regular Full-Time Employees	\$20,000	534.64 Election Services
511.05 Temporary Salaries & Wages	\$4,000	534.64 Election Services
511.09 Overtime	\$4,500	534.64 Election Services
511.19 Election Workers	<u>\$1,500</u>	534.64 Election Services
Total:	\$30,000	

REASON: To cover expenses in the above line items.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Sheldon, County Clerk
and ex-officio Clerk of the
Champaign County Board

REQUEST FOR BUDGET TRANSFER
NEEDING CHAMPAIGN COUNTY BOARD APPROVAL

BT NO. 06-00011

FUND 080 GENERAL CORPORATE

DEPARTMENT 022 COUNTY CLERK

TO LINE ITEM:

FROM LINE ITEM:

NUMBER/TITLE	\$ AMOUNT	NUMBER/TITLE
080-022-511.03 REG. FULL-TIME EMPLOYEES	20,000.	080-022-534.64 ELECTION SERVICES
080-022-511.05 TEMP. SALARIES & WAGES	4,000.	080-022-534.64 ELECTION SERVICES
080-022-511.09 OVERTIME	4,500.	080-022-534.64 ELECTION SERVICES
080-022-511.19 ELECTION WORKERS	1,500.	080-022-534.64 ELECTION SERVICES

EXPLANATION: TO COVER EXPENSES IN THE ABOVE LINE ITEMS

DATE SUBMITTED: 11/15/2006



AUTHORIZED SIGNATURE

APPROVED BY PARENT COMMITTEE:

DATE: _____

* PLEASE SIGN IN BLUE INK *

APPROVED BY BUDGET AND FINANCE COMMITTEE:

DATE: _____

HIGHWAY & TRANSPORTATION COMMITTEE
Summary of Action Taken at 11/8/06 Meeting

<u>ITEM</u>	<u>ACTION TAKEN</u>
1. <u>Call to Order</u>	Meeting called to order at 5:30 p.m.
2. <u>Approval of Agenda/Addendum</u>	Agenda approved.
3. <u>Approval of Minutes</u>	Highway & Transportation Committee regular session minutes of October 6, 2006; Performance Appraisal Subcommittee regular session minutes of September 14, 2006; and Performance Appraisal Subcommittee closed session minutes of August 31, 2006 & September 14, 2006 approved as presented.
4. <u>Public Participation</u>	None
5. <u>Monthly Reports</u>	
A. County & Township Motor Fuel Tax Claims – October 2006	Received and placed on file.
6. <u>County Engineer</u>	
A. Intergovernmental Agreement – Greenways and Trails Plan	<i>*RECOMMEND TO THE COUNTY BOARD APPROVAL of Intergovernmental Agreement for Implementing Phase One of the 2004 Champaign County Greenways and Trails Plan.</i>
B. Race Street Speed Study	<i>*RECOMMEND TO THE COUNTY BOARD APPROVAL of a resolution to change the speed limit on the section of Race Street from 30 mph to 40 mph</i>
C. Fringe Road Funding Resolution	<i>*RECOMMEND TO THE COUNTY BOARD APPROVAL Fringe Road Funding Resolution</i>
7. <u>Other Business</u>	There was no other business.
8. <u>Designation of Items to be Placed on County Board Consent Agenda</u>	Agenda items 6 A & B were designated for the consent agenda.
9. <u>Adjournment</u>	Meeting adjourned at 6:03 p.m.

**Denotes Consent Agenda Item*

RESOLUTION NO. 5717

**RESOLUTION ESTABLISHING LONG TERM FINANCIAL PLAN FOR
MOTOR FUEL TAX FUNDS RECEIVED BY THE COUNTY OF CHAMPAIGN**

WHEREAS, the County of Champaign, Illinois receives motor fuel tax monies through a revenue sharing program defined by the State of Illinois. Pursuant to 605 ILCS 5/5-701, the said monies may be used only for the following activities within the county: construction of county highways; construction of State highways; maintenance of county or State highways; payments on certain bonds issued for the construction of state or county highways or superhighways or construction, maintenance or improvement of county highways, roads and bridges; costs of investigating the need for such construction or maintenance; payment of the county's share of projects on federal aid urban and federal aid secondary highway systems or the county's proportionate share of any federally eligible transportation project on, adjacent to or intended to serve county highways; to support a local Mass Transit District or Transit commission; construction and maintenance of grade separations and approaches; and maintenance and improvement of non-dedicated subdivision roads established before July 23, 1959; and

WHEREAS, between 1994 and 1996, Champaign County entered into long-term inter-governmental agreements with the Cities of Champaign and Urbana to implement guidelines for the planning and development of the urban fringe, and to provide for sales tax replacement to the county when businesses are annexed into the urban jurisdictions; and

WHEREAS, the inter-governmental agreements have benefited the cities by the County's contribution to the cost of development of the fringe roads, and have benefited the County by the annexation and transfer to the cities of the maintenance of the fringe roads, and by protecting the County from immediate loss of sales tax revenues by allowing a ten-year period for transition and planning for lost sales tax revenues; and

WHEREAS, in 2006, Champaign County has conducted a pavement management system study to address the planning for maintenance of the County's highways; and

WHEREAS, conservative long-term planning for the motor fuel tax resources available to the County is an effective management tool for the County Engineer, County Board, CUUATS, and other inter-governmental agencies and agreements; and

WHEREAS, based upon the County's commitments to existing inter-governmental agreements and potential future fringe road projects, and pursuant to the County's requirement to maintain the infrastructure of its county highway systems, the County Engineer recommends future planning for the motor fuel tax funding be based on:

- 65% of annual revenues reserved for county highway projects, and

- 35% of annual revenues reserved for ongoing and/or future fringe road projects which meet the eligibility requirements as defined by 605 ILCS 5/5-701; and

WHEREAS, with this plan, the County maintains its commitment to participate in the development of the urban fringe as a means of maintaining a viable system of roads within the County while acknowledging there are financial limitations of the resources available as that planning occurs; and

WHEREAS, with this plan, the County maintains its commitment to the proper development and maintenance of the county highway system, within the financial limitations of the resources available as that planning occurs; and

WHEREAS, the County Board further supports working with CUUATS, other governmental agencies and its legislators and representatives to continue to identify and promote new sources of funding for road projects throughout the County.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Champaign County, Illinois, that a long term plan for the motor fuel tax resources available to the County is advisable and an effective tool to assist the County in the proper development and maintenance of the county highway system and to assist the County in maintaining its commitment to participate in the development of the urban fringe as a means of maintaining a viable system of roads within the County; and

BE IT FURTHER RESOLVED by the County Board of Champaign County, Illinois, that the County Board approves long term planning for the motor fuel tax fund to be based on: (a) 65% of annual revenues reserved for county highway projects; and (b) 35% of annual revenues reserved for ongoing and/or future fringe road projects which meet the eligibility requirements as defined by 605 ILCS 5/5/701; and

BE IT FURTHER RESOLVED by the County Board of Champaign County that the County Board and its agents or representatives are committed to working with CUUATS, other governmental agencies, and its legislators and representatives to continue to identify and promote new sources of funding for road projects throughout Champaign County; and

BE IT FURTHER RESOLVED by the County Board of Champaign County that Resolution No. 4695 previously adopted by the County Board of Champaign County on May 19, 2005 is hereby rescinded and repealed.

**PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of
November A.D., 2006.**

**Barbara Wysocki, Chair
Champaign County Board**

ATTEST:

**Mark Sheldon, County Clerk and
Ex-Officio Clerk of the County Board**

Report of Financial Impact of Fringe Development Agreements

- From 1994 to date, the County has contributed \$10,912,685.87 to urban road projects, as outlined here:
 - 1994 Prospect Ave. & Olympian Drive \$ 191,265.72
 - 1995-98 Olympian Road Location Study \$ 81,369.01
 - 1995 Bradley Ave. (Duncan to I57) \$ 48,411.87
 - 1997-98 Windsor Road (Prospect to Mattis) \$ 717,620.00
 - 1998-2001 Curtis Road Engineering Study
(Duncan to First) \$ 52,055.56
 - 1999-2002 South Lincoln (Hazelwood-Windsor) \$ 122,059.51
 - 2001-2004 Olympian Dr. (Mattis to Apollo) \$2,602,647.09
 - 2001-2005 Curtis Road Location Study \$ 105,426.13
 - 2000-2006 Staley Road \$4,907,815.17 (to date)
 - 2002-2003 North Lincoln Avenue \$ 215,000.00
 - 2000-2002 South First Street \$ 325,000.00
 - 2002-2004 Anthony Dr. & US 45 (Farm & Fleet) \$ 930,000.00
 - 2003 Windsor Rd & Route 130 (Traffic lights) \$ 2,667.55
 - 2004 Windsor Rd Location Study \$ 22,878.80
 - 2004 Route 130/Highcross Rd Corridor Study \$ 5,000.00
 - 2004-05 N. Prospect (Town Center to Olympian) \$ 583,469.46
- In addition to the above-mentioned projects, the County has also committed to the expenditure of \$16,829,503 for the following pending road projects:
 - 2004-2007 Curtis Road Phase 1 \$3,015,393.00
 - 2005-2009 Curtis Road Phase 2 \$4,828,700.00
 - 2010-2014 Curtis Road Phase 3 \$6,500,000.00
 - 2005-2011 Windsor Road \$2,845,410.00
- Since the implementation of the intergovernmental agreements, the County has received sales tax replacement payments from the Cities of Champaign and Urbana as follows:
 - Total payments from the City of Champaign from 1996-2006 - \$1,548,519; said sales tax replacement payments now complete from the City of Champaign pursuant to the Inter-governmental Agreement;
 - Total payments from the City of Urbana from 2001-2005 - \$593,972, with an anticipated average \$140,000/year still owed to the County for the years 2006-2011.
 - The anticipated total of all sales tax replacement payments to the County as a result of the Fringe Development Agreements with the Cities, if those agreements are fully honored is \$2,982,491 over a 15 year period.



Gerald J. Schweighart, Mayor & Liquor Commissioner

102 N Neil St • Champaign IL 61820 • (217) 403-8720 • fax (217) 403-8725 • www.ci.champaign.il.us

November 14, 2006

Champaign County Board
1776 East Washington Street
Urbana, Illinois 61802

Attn: Ms Barb Wysocki, Chair

Re: County resolution for long term use of MFT funds on urban fringe roads

As you are aware, the City of Champaign, along with the City of Urbana, had concerns about the impact of the County's action several months ago that established a \$1,000,000 cap on the amount of money the County would spend per year to meet their obligations for projects shared with the Cities on the urban fringes. Existing agreements require County funding of well over \$1,000,000 in certain years, so it originally appeared that the County was attempting to extract itself from its commitments.

As the situation evolved it became apparent that the County was willing to flex the actual dollar amount, spending over \$1,000,000 some years, provided it is balanced by years of under \$1,000,000 to keep the long term rate at \$1,000,000. The City of Champaign understands this need for long term financial planning. However, the possibility of a different interpretation of the \$1,000,000 policy by a different Board is still a concern, so we believe the adoption of a clarifying resolution is useful.

We have reviewed the resolution that was recommended for approval by the County Highway Committee on November 8 and support its adoption by the County Board. We support the replacement of the \$1,000,000 cap with a percentage of MFT funds (that currently equals \$1,000,000), since that will permit both rural and urban fringe projects to share the benefit or loss of changes in MFT funding.

Thank you for considering this resolution and we look forward to continuing to work with the County on projects of mutual benefit.

Sincerely,

Gerald J. Schweighart
Mayor

Summary of Committee Action

Champaign County Environment & Land Use Committee

Date: *November 13, 2006*
Time: *7:00 P.M.*
Place: *Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington St.
Urbana, Illinois*

Members Present:

*Jan Anderson, Chris Doenitz, Tony Fabri, Nancy
Greenwalt (VC), Kevin Hunt, Brendan McGinty,
Steve Moser, Jon Schroeder*

Phone: *(217) 384-3708*

Members Absent: Ralph Langenheim (C)

AGENDA

- **County Board Action Required**
Old Business shown in Italics
-

- | | |
|---|---|
| 1. Call to Order | 7:00 p.m. |
| 2. Approval of Agenda and Addendum | Approved |
| 3. Approval of Minutes (Oct. 10, 2006; Oct. 16, 2006; Oct. 16, 2006
Closed Session) | Approved |
| 4. Public Participation | Mike Tague addressed Item # 7
and Item #8, Charles Young
addressed Item #6 |
| 5. County Board Chair's Report | |
| A. Public Notice of the Proposed Issuance of a Federally
 Enforceable State Operating Permit to APCON Corporation
 in Urbana. | Information Only |
| B. Kaskaskia River Conservation Reserve Enhancement
 Program | County Board Chair directed to
send a letter of support |
| 6. Correspondence | |
| A. Mahomet Aquifer Consortium Meeting No. 49, minutes | Placed on file |
| B. Mahomet Aquifer Consortium Meeting No. 50, agenda | Placed on file |
| A1. Recreation and Entertainment License: Honey Bee
Productions Inc, d.b.a. Malibu Bay Lounge, 3106 N
Cunningham Ave, Urbana, IL January 01, 2007 through
December 31, 2007. | Approved |
| A2. Recreation and Entertainment License: Elmer's Club 45, Inc,
d.b.a. Club 45 Banquet Hall, 3515 N Cunningham Ave,
Urbana, IL January 01, 2007 through December 31, 2007. | Approved |

**ENVIRONMENT AND LAND USE COMMITTEE
SUMMARY OF COMMITTEE ACTION
November 13, 2006**

- | | |
|--|-----------------------------------|
| A3. Recreation and Entertainment License: Kams of Illinois LLC, d.b.a. The Pink House, 2698 CR 1600N, Ogden, IL November 01, 2006 through December 31, 2006. | Approved |
| A4. Recreation and Entertainment License: Kams of Illinois LLC, d.b.a. The Pink House, 2698 CR 1600N, Ogden, IL January 01, 2007 through December 31, 2007. | Approved |
| A5. Recreation and Entertainment License: Tincup RV Park, Inc, 1715 Tincup Rd, Mahomet, IL January 01, 2007 through December 31, 2007. | Approved |
| A6. Recreation and Entertainment License: Curtis Orchard, 3902 S Duncan Rd, Champaign, IL January 01, 2007 through December 31, 2007. | Approved |
| A7. Recreation and Entertainment License: Hideaway of the Woods Grill and Bar, 809 S Prairieview Rd, Mahomet, IL January 01, 2007 through December 31, 2007. | Approved |
| A8. Recreation and Entertainment License: Uncle Buck's Sports Bar Inc, 215 S Lake of the Woods Rd, Mahomet, IL January 01, 2007 through December 31, 2007. | Approved |
| A9. Recreation and Entertainment License: Last Call for Alcohol, Inc, 105 Main St, Penfield, IL January 01, 2007 through December 31, 2007. | Approved |
| A10. Recreation and Entertainment License: The Oasis of Penfield, Inc, 2705 CR 3000N, Penfield, IL January 01, 2007 through December 31, 2007. | Approved |
| A11. Recreation and Entertainment License: rock the shed, inc, a non-profit corporation, 556 CR 2425N, Dewey, IL November 01, 2006 through December 31, 2006. | Approved with 3 conditions |
| A12. Recreation and Entertainment License: rock the shed, inc, a non-profit corporation, 556 CR 2425N, Dewey, IL January 01, 2007 through December 31, 2007. | Approved with 3 conditions |
| A13. Recreation and Entertainment License: Alto Vineyards, 4210 N Duncan Rd, Champaign, IL January 01, 2007 through December 31, 2007. | Approved |

ENVIRONMENT AND LAND USE COMMITTEE
SUMMARY OF COMMITTEE ACTION
November 13, 2006

- A14. Hotel/Motel License: Ravi-Yash, Inc, d.b.a. Travelers Stay Inn, 1906 N Cunningham Av, Urbana, IL January 01, 2007 through December 31, 2007. Approved**
- 7. •Zoning Case 506-AM-05: Petitioner: Ted Rund Recommended Approval (unanimous)**
Request: **Amend the Zoning Map to change the zoning district Designation from B-3, Highway Business Zoning District to B-4, General Business Zoning District.**
Location: **Lots 15 & 16 in Stern's Industrial Subdivision that are Commonly known as the Salt and Light Building at 1512 W Anthony Dr, Champaign.**
- 8. •Zoning Case 520-AM-05: Petitioner: Gene Bateman Remanded to ZBA for revised concept plan to reduce the number of single family residential lots.**
Request: **Amend the Zoning Map to allow for the development of 5 single family residential lots in the AG-1, Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**
Location: **Twenty-three acres in the East Half of the Northeast Quarter of Section 29 of Newcomb Twp that is commonly known as the farm field that borders the south side of CR 2600N and the west side of CR 200N.**
- 9. •Zoning Case 546-AM-06: Petitioner: Deborah J. & Michael Insana Recommended Approval (unanimous)**
Request: **Amend the Zoning Map to allow for the development of 9 single family residential lots in the AG-2, Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District to the subject property.**
Location: **A 23.93 acre tract of land located on the North side of Airport Rd in Section 35 of Somer Township.**
- 10. •Zoning Case 550-AM-06: Petitioner: William and Deborah Klein and Jeremy Ross Recommended Approval (unanimous)**
Request: **Amend the Zoning Map to change the zoning district Designation from the AG-1, Agriculture Zoning District to the B-4, General Business Zoning District, subject to conditions.**
Location: **Approximately 1.69 acres in the Southeast Quarter of the Southwest Quarter of Section 3 of Colfax Township and that is commonly known as the former BASF facility at 320 CR 1100N, Seymour.**
- 11. •Zoning Case 522-AT-05: Zoning Administrator Text Amendments Proposed as Part of Phase One of the Champaign County Comprehensive Zoning Review Parts A-M. All individual Parts forwarded to full County Board with no recommendation**

**ENVIRONMENT AND LAND USE COMMITTEE
SUMMARY OF COMMITTEE ACTION
November 13, 2006**

- | | |
|---|---------------------------|
| 12. Monthly Report for October, 2006. | Information Only |
| 13. Other Business | None |
| 14. Determination of Items to be placed on the County Board
Consent Agenda | Items #7, 9 and 10 |
| 15. Adjournment | 7:37 p.m. |

ORDINANCE NO. 801

CHAMPAIGN COUNTY ZONING ORDINANCE
AS CREATED BY
ZONING CASE 522-AT-05

WHEREAS, the Champaign County Board adopted its initial Zoning Ordinance with the passage of Resolution Number 971 on September 11, 1973; and

WHEREAS, the Champaign County Board passed the said Zoning Ordinance for the good and welfare of the citizens of Champaign County, and

WHEREAS, the Zoning Ordinance has never been revised through a comprehensive process, although the Champaign County Board has found it necessary to amend the Zoning Ordinance at least 84 times since 1973, resulting in more than 425 changes to the Zoning Ordinance; and

WHEREAS, the Champaign County Board adopted Land Use Goals and Policies on November 29, 1977, which said Goals and Policies served as the only guidance for amendments to the Champaign County Zoning Ordinance until the Champaign County Board adopted Land Use Regulatory Policies – Rural Districts on November 20, 2001, and then a revised set of Land Use Regulatory Policies-Rural Districts on September 22, 2005 as part of the Rural Districts Phase of the Comprehensive Zoning Review; and

WHEREAS, in 1998 the Environment and Land Use Committee of the Champaign County Board determined that it was essential to engage in a comprehensive review of the existing zoning ordinance, which would bring the zoning ordinance up to date with respect to new technology, social and demographic changes, economic conditions, business practices, changes in federal and state laws, and new information technology and data not available in 1973; and

WHEREAS, the Environment and Land Use Committee of the Champaign County Board approved Ordinance Objectives on March 10, 1999 to insure that future modifications to the Zoning Ordinance were based upon a comprehensive long term model; and

WHEREAS, on November 20, 2001 the Environment and Land Use Committee of the Champaign County Board approved Land Use Regulatory Policies in response to public comments received at five public meetings scheduled by the Committee at locations through the County between May 22, 2000 and June 12, 2000; and

WHEREAS, the Champaign County Zoning Board of Appeals conducted a public hearing on the recommendations for comprehensive change of the Zoning Ordinance in Case 522-AT-05, Parts A – M, during the period January 4, 2006 through August 10, 2006, adopted Findings of Fact for Parts A, B, C & M, Part D, Parts E & H, Part F, Part G, Part I, Parts J & L and Part K of Case 522-AT-05, made its formal recommendation with regard to those Parts of Case 522-AT-05, and forwarded those recommendations to

the Champaign County Board; and

WHEREAS, the Environment and Land Use Committee of the County Board forwarded its recommendation with regard to Case 522-AT-05, Parts A – M, to the Champaign County Board; and

WHEREAS, the Champaign County Board believes it is in the best interests of the citizens of Champaign County to amend the Zoning Ordinance in the manner hereinafter provided;

NOW, THEREFORE, BE IT ORDAINED, by the Champaign County Board, Champaign County, Illinois, that:

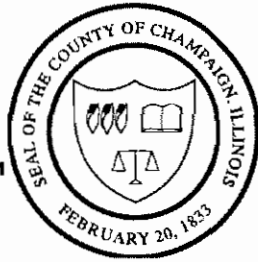
- A. The Zoning Ordinance of the County of Champaign, Illinois, adopted by Resolution No. 971 on October 10, 1973 and last amended on October 19, 2006, is hereby rescinded in its entirety and replaced by Appendix A; and
- B. This ordinance shall take effect immediately upon its passage, approval and publication as prescribed by law, provided, however, that permit applications that were complete and properly submitted prior to the effective date of this ordinance shall comply with The Zoning Ordinance of the County of Champaign, Illinois adopted by Resolution 971 and as last amended on October 19, 2006.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, 2006.

BARBARA WYSOCKI
Chair
Champaign County Board

ATTEST:

Mark Shelden
County Clerk and ex officio Clerk
of the Champaign County Board



COUNTY BOARD CONSENT AGENDA

*County of Champaign, Urbana, Illinois
Tuesday, November 21, 2006 - 7:00 p.m.*

Lyle Shields Meeting Room, Brookens Administrative Center

	<u>Page No.</u>
A. <u>JUSTICE & SOCIAL SERVICES</u>	
1. Adoption of Resolution No. 5674 authorizing an Intergovernmental Agreement between the County of Champaign and the Village of Ludlow for Animal Impoundment Services.	*56 P11-15
2. Adoption of Resolution No. 5675 authorizing an Intergovernmental Agreement between the County of Champaign and the Village of Ludlow for Animal Control Services.	*57 P16-17
3. Adoption of Resolution No. 5676 approving the Head Start Continuation Grant 2007-2008.	*58
B. <u>COUNTY FACILITIES</u>	
1. Adoption of Resolution No. 5718 appropriating \$134.76 from the Champaign County Highway Facility Construction Fund for invoice #128260 from BLDD Architects.	*59 L11-12
2. Adoption of Resolution No. 5719 appropriating \$6,796.68 from the Champaign County Highway Facility Construction Fund for invoice #128261 from BLDD Architects.	*60 L13-16
3. Adoption of Resolution No. 5730 approving an Intergovernmental Agreement between Champaign County and the Urbana Park District.	*61 L55-61
4. Adoption of Resolution No. 5731 appropriating \$2,522.18 from The Clock & Bell Tower Fund for invoice #1 from White & Borgognoni Architects, P.C.	*62 L62
5. Adoption of Resolution No. 5732 appropriating \$3,710.00 from the General Corporate Fund for Invoice #3 from Isaksen Glerum Wachter.	*63 L68
6. Adoption of Resolution No. 5733 approving Non-Exclusive Utility License between Champaign County & Metcad.	*64 L69-74
7. Adoption of Resolution No. 5734 approving the Lease Agreement Between the County of Champaign and the Champaign County Regional Planning Commission.	*65 L75-82
8. Adoption of Resolution No. 5735 approving the Lease Agreement between The County of Champaign and the Illinois Attorney General	*66-74 CF 11-14-06 addendum

C. POLICY, PERSONNEL & APPOINTMENTS

1. Adoption of Resolution No. 5677 appointing Jack Murray to the Blackford Slough Drainage District, term ending August 31, 2009. ***75-76
B8**
2. Adoption of Resolution No. 5678 appointing George Burnison to the Public Aid Appeals Committee, term ending November 30, 2008. ***77-78**
3. Adoption of Resolution No. 5679 appointing John Schmidt to the Public Aid Appeals Committee, term ending November 30, 2008. ***79-80**
4. Adoption of Resolution No. 5680 appointing Ronald Starwalt to the Public Aid Appeals Committee, term ending November 30, 2008. ***81-82**
5. Adoption of Resolution No. 5681 appointing Michael Babb to the Public Aid Appeals Committee, term ending November 30, 2008. ***83-84**
6. Adoption of Resolution No. 5682 appointing Anthony Arnold as an Alternate to the Public Aid Appeals Committee, term ending November 30, 2008. ***85-86**
7. Adoption of Resolution No. 5683 appointing Karen Bodnar to the Senior Services Advisory Committee, term ending December 31, 2009. ***87-88
B9-10**
8. Adoption of Resolution No. 5684 appointing Tami Fruhling-Voges to the Senior Services Advisory Committee, term ending December 31, 2009. ***89-90
B11-12**
9. Adoption of Resolution No. 5685 appointing Cathy Lentz to the Senior Services Advisory Committee, term ending December 31, 2009. ***91-92
B13-14**
10. Adoption of Resolution No. 5686 appointing Penny Shaw to the Senior Services Advisory Committee, term ending December 31, 2009. ***93-94
B15-16**
11. Adoption of Resolution No. 5687 appointing Linna McDade to the Senior Services Advisory Committee, term ending December 31, 2009. ***95-96**
12. Adoption of Resolution No. 5688 approving Nursing Home Marketing Admissions Coordinator Position Description and Performance Incentive Agreement. ***97-101
B18-21**
13. Adoption of Resolution No. 5689 approving a Third Party Administrator Services Agreement with Benefit Planning Consultants, Inc. ***102-111
B22-30**
14. Adoption of Resolution No. 5690 approving a Health Reimbursement Arrangement Plan for County of Champaign Non-Bargaining Employees. ***112-122
B31-41**

Policy cont.

- | | |
|--|-----------------------------|
| 15. Adoption of Resolution No. 5691 approving a Health Reimbursement Arrangement Plan for Champaign County Nursing Home Employees. | *123-133
B42-52 |
| 16. Adoption of Resolution No. 5692 to adopt County of Champaign Flexible Benefits Plan. | *134-173
B53-89 |
| 17. Adoption of Resolution No. 5693 approving Property, Liability and Excess Insurance Policies for Champaign County | *174-175
B90-117 |

D. FINANCE

- | | |
|---|---------------------|
| 1. <u>Adoption of Resolution No. 5696</u> - Budget Amendment | *176
G34 |
| A. Budget Amendment #06-00113 | |
| Fund: 076 - Tort Immunity Tax Fund | |
| Dept: 075 - General County | |
| Increased Appropriations: \$45,000 | |
| Increased Revenue: \$0 | |
| Reason: To pay remaining FY2006 General Corporate Worker's compensation costs. | |
| 2. <u>Adoption of Resolution No. 5697</u> – Budget Amendment | *177
G35 |
| A. Budget Amendment #06-00114 | |
| Fund: 080 – General Corporate Fund | |
| Dept: 043 – Emergency Management Agency | |
| Increased Appropriations: \$1,282 | |
| Increased Revenue: \$1,282 | |
| Reason: ILEAS funding for garage security. | |
| 3. <u>Adoption of Resolution No. 5698</u> – Budget Amendment | *178
G36 |
| A. Budget Amendment #06-00115 | |
| Fund: 070 – Nursing Home Construction Fund | |
| Dept: 010 – County Board | |
| Increased Appropriations: \$52,459 | |
| Increased Revenue: \$4,052,459 | |
| Reason: 2006A bond proceeds for the Nursing Home Construction Funds. | |
| 4. <u>Adoption of Resolution No. 5699</u> – Budget Amendment | *179
G37 |
| A. Budget Amendment #06-00116 | |
| Fund: 080 – General Corporate Fund | |
| Dept: 016 – Administrative Services | |
| Increased Appropriations: \$12,000 | |
| Increased Revenue: \$0 | |
| Reason: The continuous jury system has increased postage costs by \$10,500 so far this year. The request for \$12,000 is to cover that increase and is anticipated to be sufficient postage to complete all mailings for current fiscal year. | |

Finance cont.

5. Adoption of Resolution No. 5700 – Budget Amendment ***180**
 - A. Budget Amendment #06-00117 **G38**

Fund: 091 – Animal Control Fund
Dept: 047 – Animal Control
Increased Appropriations: \$9,979
Increased Revenue: \$9,979
Reason: Increase in revenue from Petsmart Charities Grant and corresponding increase in expenditures.

6. Adoption of Resolution No. 5701 – Budget Amendment ***181**
 - A. Budget Amendment #06-00118 **G39**

Fund: 070 – Nursing Home Construction Fund
Dept: 010 – County Board
Increased Appropriations: \$500,000
Increased Revenue: \$0
Reason: To pay for expenses due to Nursing Home Construction Project.

7. Adoption of Resolution No. 5702 – Budget Amendment ***182**
 - A. Budget Amendment #06-00119 **G40**

Fund: 476 – Self-funded Insurance
Dept: 118 – Property/Liability Insurance
Increased Appropriations: \$11,531
Increased Revenue: \$11,531
Reason: To accept reimbursement from American Family Insurance for repair of Head Start bus. Date of accident: 10/17/06, County Claim Number: 2006-A-18.

8. Adoption of Resolution No. 5703 – Budget Amendment ***183**
 - A. Budget Amendment #06-00120 **G41**

Fund: 476 – Self-Funded Insurance
Dept: 118 – Property/Liability Insurance
Increased Appropriations: \$50,090
Increased Revenue: \$0
Reason: To pay defense attorney fees for the remainder of FY2006, to pay settlement of claim.

9. Adoption of Resolution No. 5704 – Budget Amendment ***184**
 - A. Budget Amendment #06-00121 **G42**

Fund: 476 – Self-Funded Insurance
Dept: 119 – Workers Compensation Insurance
Increased Appropriations: \$45,000
Increased Revenue: \$0
Reason: To pay approved settlement of workers' compensation claims.

10. Adoption of Resolution No. 5705 – Budget Amendment ***185**
A. Budget Amendment #06-00122 **G43**
Fund: 080 – General Corporate Fund
Dept: 071 – Public Properties
Increased Appropriations: \$65,000
Increased Revenue: \$0
Reason: To pay for anticipated cost of building utilities for the remainder of fiscal year 2006.
11. Adoption of Resolution No. 5706 – Budget Amendment ***186**
A. Budget Amendment #06-00123 **Finance addendum**
Fund: 081 – Nursing Home Fund
Dept: 410 – Administrative
Increased Appropriations: \$275,000
Increased Revenue: \$275,000
Reason: To allow for changes in the new intergovernmental transfer agreement with the State of Illinois.
12. Adoption of Resolution No. 5707 – Budget Amendment ***187**
A. Budget Amendment #06-00124 **Finance addendum**
Fund: 629 – Courthouse Museum
Dept: 010 – County Board
Increased Appropriations: \$30,000
Increased Revenue: \$0
Reason: Pursuant to the memorandum of understanding approved by the Full County Board in October 2006.
13. Adoption of Resolution No. 5708 – Budget Transfer ***188**
A. Budget Transfer #06-00008 **G44-47**
Fund: 684 – Defense Service ICJIA Grant
Dept: 036 – Public Defender
Total amount of Transfer: \$264
Reason: Interest income earned.
14. Adoption of Resolution No. 5709 – Budget Transfer ***189**
A. Budget Transfer #06-00009 **G48**
Fund: 080 – General Corporate Fund
Dept: 071 – Public Properties
Total amount of Transfer: \$4,500
Reason: To pay for anticipated expenses for remainder of FY2006.
15. Adoption of Resolution No. 5710 to designate the office of the State’s Attorneys Appellate Prosecutor as Agent. ***190-192**
G50-52
16. Adoption of Resolution No. 5711 authorizing a Litigation Assistance Agreement between the County of Champaign and the Office of the State’s Attorneys Appellate Prosecutor. ***193-195**
G53-55

Finance cont

- | | | |
|-----|---|--|
| 17. | Adoption of Resolution No. 5713 designating depositories for funds. | *196-197
Finance addendum |
| 18. | Adoption of Ordinance No. 795 – 2007 Annual Tax Levy Ordinance. | *198-202
G58-62 |
| 19. | Adoption of Ordinance No. 796 – 2007 Annual Budget and Appropriation Ordinance. | *203-204
G63-64 |

E. HIGHWAY & TRANSPORTATION

- | | | |
|----|--|-----------------------------|
| 1. | Adoption of Resolution No. 5716 approving the intergovernmental Agreement for Implementing Phase I of the 2004 Champaign County Greenways & Trails Plan. | *205
O8-15 |
| 2. | Adoption of Ordinance No. 797 for the establishment of an Altered speed zone in Urbana Road District. | *206 |

F. ENVIRONMENT & LAND USE

- | | | |
|----|---|--------------------------------|
| 1. | Adoption of Ordinance No. 798 – Ordinance amending Zoning Ordinance reclassifying certain property – Case # 506-AM-05 | *207
Y22-50 |
| 2. | Adoption of Ordinance No. 799 – Ordinance amending Zoning Ordinance establishing a rural residential overlay zoning district In the AG-1 Agriculture Zoning District – Case #546-AM-06. | *208
Y91-121 |
| 3. | Adoption of Ordinance No. 800 – Ordinance amending Zoning Ordinance reclassifying certain property – Case #550-AM-06 | *209
Y122-141 |

RESOLUTION NO. 5674

RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE
COUNTY OF CHAMPAIGN AND THE VILLAGE OF LUDLOW FOR ANIMAL
IMPOUNDMENT SERVICES

WHEREAS, Section 10 of Article VII of the Illinois Constitution of 1970 and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 et. seq. enables units of local government to enter into agreements among themselves and provide authority for intergovernmental cooperation; and

WHEREAS, the County of Champaign (hereinafter "COUNTY") proposes to provide an Animal Service Facility primarily for the impounding of animals for the use of local law enforcement agencies; and

WHEREAS, the COUNTY and the Village of Ludlow (hereinafter "VILLAGE") desire to cooperate for the best interests of the County and the Village; and

WHEREAS, an Intergovernmental Agreement for Animal Impoundment Services between the COUNTY and the VILLAGE (hereinafter "AGREEMENT") has been prepared; and

WHEREAS, the AGREEMENT outlines the financial participation and the facilities and services responsibilities of the parties.

NOW, THEREFORE, BE IT RESOLVED that the County Board of Champaign County authorizes the County Board Chair to enter into the Intergovernmental Agreement for Animal Impoundment Services with the Village of Ludlow.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
County Board
Champaign County, Illinois

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5675

RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF CHAMPAIGN AND THE VILLAGE OF LUDLOW FOR ANIMAL CONTROL SERVICES

WHEREAS, Section 10 of Article VII of the Illinois Constitution of 1970 and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 et. seq. enables units of local government to enter into agreements among themselves and provide authority for intergovernmental cooperation; and

WHEREAS, the County of Champaign (hereinafter "COUNTY") and the Village of Ludlow (hereinafter "VILLAGE") desire to cooperate for the best interests of the COUNTY and the VILLAGE; and

WHEREAS, there is a need to respond to requests for animal control services within the VILLAGE; and

WHEREAS, the COUNTY has the ability to provide such services through the Champaign County Animal Control Department, and

WHEREAS, an Intergovernmental Agreement for Animal Control Services between the COUNTY and the VILLAGE (hereinafter "AGREEMENT") has been prepared; and

WHEREAS, the AGREEMENT outlines the financial participation and the service responsibilities of the parties.

NOW, THEREFORE, BE IT RESOLVED that the County Board of Champaign County authorizes the County Board Chair to enter into the Intergovernmental Agreement for Animal Control Services with the Village of Ludlow.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
County Board
Champaign County, Illinois

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5676

RESOLUTION FOR THE APPROVAL OF THE HEAD START CONTINUATION GRANT
2007-2008

WHEREAS, the U.S. Department of Health and Human Services procedural guidelines require the review and approval of the Head Start Continuation Grant application by the governing body; and

WHEREAS, the Champaign County Board is the governing body for Champaign County Head Start; and

WHEREAS, the FY2007 Champaign County Head Start federal funding request is in the amount of \$3,870,311 with program in-kind match of \$967,578; and

WHEREAS, the FY2007 Head Start budget represent no significant changes from the Head Start Continuation Grant application approved by the County Board in March 2006.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Champaign County that the application for the Head Start Continuation Grant is hereby approved for the Champaign County Head Start.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
County Board
Champaign County, Illinois

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5718

RESOLUTION APPROPRIATING \$134.76 FROM THE CHAMPAIGN COUNTY
HIGHWAY FACILITY CONSTRUCTION FUND FOR INVOICE #128260 FROM
BLDD ARCHITECTS

WHEREAS, the County of Champaign entered into an agreement with BLDD Architects of Champaign, Illinois in July 2005 for the purpose of Architectural/Engineering Services for the construction of a new Highway/Fleet Maintenance Facility; and

WHEREAS, the County Facilities committee recommended to the County Board approval of Invoice #128260 from BLDD Architects in the amount of \$134.76 for Professional Architect/Engineering Services provided through October 1, 2006, per the said agreement.

NOW, THEREFORE BE IT RESOLVED that the Champaign County Board approve Invoice #128260 from BLDD Architects.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk and
Ex-Officio Clerk of the County Board

RESOLUTION NO. 5719

RESOLUTION APPROPRIATING \$6,796.68 FROM THE CHAMPAIGN COUNTY
HIGHWAY FACILITY CONSTRUCTION FUND FOR INVOICE #128261 FROM
BLDD ARCHITECTS

WHEREAS, the County of Champaign entered into an agreement with BLDD Architects of Champaign, Illinois in July 2005 for the purpose of Architectural/Engineering Services for the construction of a new Highway/Fleet Maintenance Facility; and

WHEREAS, the County Facilities committee recommended to the County Board approval of Invoice #128261 from BLDD Architects in the amount of \$6,796.68 for Professional Architect/Engineering Services provided through October 1, 2006, per the said agreement.

NOW, THEREFORE BE IT RESOLVED that the Champaign County Board approve Invoice #128261 from BLDD Architects.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk and
Ex-Officio Clerk of the County Board

RESOLUTION NO. 5730

RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT
BETWEEN CHAMPAIGN COUNTY AND THE URBANA PARK DISTRICT

WHEREAS, the County of Champaign has the power to construct and maintain a nursing home pursuant to 55 ILCS 5/5-22001 and 55 ILCS 5/5 - 25001, and to provide necessary county buildings pursuant to 55 ILCS 5/5-1106; and

WHEREAS, the Urbana Park District is authorized to manage and control all property of the Park District pursuant to 70 ILCA 1205/8-1(f); and

WHEREAS, it is in the best interest in the public that the County and the District coordinate and cooperate as to the current development issues at the County's East Campus and the District's Weaver Park and Prairie Park; and

WHEREAS, the County's Facilities Committee has voted to recommend to the County Board the approval of the proposed option for easement agreement between Champaign County and the Urbana Park District relating to current development in the Watersheds which include parts of the County's East Campus and the District's Weaver and Prairie Parks.

NOW, THEREFORE BE IT RESOLVED that the County Board approve the option for easement agreement between Champaign County and the Urbana Park District relating to current development in the Watersheds which include Parts of the County's East Campus and the District's Weaver and Prairie Parks.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, 2006.

Barb Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk and
Ex-officio Clerk of the Champaign County
Board

RESOLUTION NO. 5731

RESOLUTION APPROPRIATING \$2,522.18 FROM THE CLOCK & BELL TOWER FUND FOR INVOICE #1 FROM WHITE & BORGOGNONI ARCHITECTS, P.C.

WHEREAS, the Citizens Committee for the Clock & Bell Tower Restoration wishes to make a final recommendation to the Champaign County Board as to the completion of the Clock & Bell Tower Restoration; and

WHEREAS, in order for the committee to make this recommendation, the committee determined it was necessary to receive an update on the feasibility study for the Clock & Bell Tower Project, which will take into consideration anticipated changes in the building code which is applicable to the project, as well as the total price for the project based upon which alternative is recommended by the committee; and

WHEREAS, the committee also determined that this information was essential to the committee's continuing efforts to garner public and private funding for this project; and

WHEREAS, White & Borgognoni Architects, P.C. has been previously selected by the Champaign County Board as the Architectural firm to perform professional services associated with the Clock & Bell Tower Project; and

WHEREAS, the Champaign County Board approved a contract with White & Borgognoni Architects, P.C. in an amount not to exceed \$2,500.00 for the purpose of updating the construction cost budget estimate prepared by Simpson, Gumpertz & Heger Inc. dated April 1, 2005 to reflect 2006 estimated costs; and

WHEREAS, White & Borgognoni Architects has completed the study which was contracted for by the Champaign County Board.

NOW, THEREFORE BE IT RESOLVED that the Champaign County Board approve invoice #1 from White & Borgognoni Architects, P.C. in the amount of \$2,522.18 for architectural services rendered through October 6, 2006 for Champaign County Courthouse Masonry Stabilization & Restoration

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk and
Ex-officio Clerk of the County Board

RESOLUTION NO. 5732

RESOLUTION APPROPRIATING \$3,710.00 FROM THE CHAMPAIGN COUNTY
GENERAL CORPORATE/GENERAL COUNTY BUDGET FOR INVOICE #3
FROM ISAKSEN GLERUM WACHTER ARCHITECTURE

WHEREAS, the County Facilities committee recommended to the County Board approval of Invoice #3 from Isaksen Glerum Wachter Architecture in the amount of \$3,710.00 for Professional Services rendered through September 29, 2006, per the said agreement; and

WHEREAS, the invoice is for the remodel of Brookens Administrative Center space for County Clerk election requirements.

NOW, THEREFORE BE IT RESOLVED that the Champaign County Board approve Invoice #3 from Isaksen Glerum Wachter Architecture.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk and
Ex-Officio Clerk of the County Board

RESOLUTION NO. 5733

**RESOLUTION APPROVING NON-EXCLUSIVE UTILITY LICENSE
BETWEEN CHAMPAIGN COUNTY AND METCAD**

WHEREAS, Champaign County is the owner of property located at 1905 East Main ST., Urbana, Illinois; and

WHEREAS, METCAD desires to locate a 285 foot communications tower and a 20 foot by 20 foot building on the said premises; and

WHEREAS, it is in the best interest of the citizens of Champaign County that the County enter into this agreement in order to enable METCAD to have a better communications system with all its member agencies.

NOW, THEREFORE BE IT RESOLVED that the Champaign County Board approves the Non-Exclusive Utility License between Champaign County and METCAD, and authorize the Champaign County Board Chair to execute the said license agreement.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk and
Ex-officio Clerk of the County Board

ORDINANCE NO. 5734

ORDINANCE APPROVING LEASE AGREEMENT BETWEEN THE COUNTY OF CHAMPAIGN AND THE CHAMPAIGN COUNTY REGIONAL PLANNING COMMISSION

WHEREAS, the County of Champaign is authorized by the Counties Code to enter into lease agreements for the lease of its real or personal estate (55 ILCS 5/1005); and

WHEREAS, the Champaign County Board currently leases space at the County Brookens Administrative Center, 1776 E. Washington, Urbana, Illinois to the Regional Planning Commission; and

WHEREAS, the Regional Planning Commission wishes to continue leasing space at the County Brookens Administrative Center; and

WHEREAS, it is in the best interest of the people of the State of Illinois that the Regional Planning Commission continue to have lease space at the County Brookens Administrative Center in order to make that office and its services available to the people of east central Illinois;

NOW, THEREFORE BE IT ENACTED AND ORDAINED by the County Board of Champaign County that the County Board hereby authorizes the execution of a lease agreement between the County of Champaign and the Regional Planning Commission for lease space at the County Brookens Administrative Center, 1776, E. Washington, Urbana, Illinois commencing December 1, 2006.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, 2006.

Barb Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk
Ex-officio Clerk of the Champaign County
Board

RESOLUTION NO. 5735

RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE COUNTY OF CHAMPAIGN AND THE ILLINOIS ATTORNEY GENERAL

WHEREAS, the County of Champaign is authorized by the Counties Code to enter into lease agreements for the lease of its real or personal estate (55 ILCS 5/1005); and

WHEREAS, the Champaign County Board currently leases space at the County Brookens Administrative Center, 1776 E. Washington, Urbana, Illinois to the Illinois Attorney General; and

WHEREAS, the Illinois Attorney General wishes to continue leasing space at the County Brookens Administrative Center; and

WHEREAS, it is in the best interest of the people of the State of Illinois that the Illinois Attorney General continue to have lease space at the County Brookens Administrative Center in order to make that office and its services available to the people of east central Illinois;

NOW, THEREFORE BE IT ENACTED AND ORDAINED by the County Board of Champaign County that the County Board hereby authorizes the execution of a lease agreement between the County of Champaign and the Illinois Attorney General for lease space at the County Brookens Administrative Center, 1776, E. Washington, Urbana, Illinois commencing December 1, 2006.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, 2006.

Barb Wysocki, Chair
Champaign County Board

ATTEST:

Mark Sheldon, County Clerk
Ex-officio Clerk of the Champaign County
Board

**LEASE AGREEMENT BETWEEN THE COUNTY OF CHAMPAIGN
AND THE ILLINOIS ATTORNEY GENERAL**

This lease agreement is made and entered into this _____ day of November, 2006, by and between the County of Champaign (hereinafter referred to as "Landlord") and the Illinois Attorney General (hereinafter referred to as "Tenant").

ARTICLE I

Premises

Landlord does hereby lease to Tenant 1,100 square feet of office space located in Pod 200 of the Champaign County Brookens Administrative Center, which is located at 1776 E. Washington Street, Urbana, Illinois . The office spaced lease is identified in the floor plan of the Brookens Administrative Center, which is attached as Exhibit "A". Common conference rooms located within the Brookens Administrative Center will be made available to Tenant by Landlord with reasonable prior notice to Champaign County Administrative Services at Brookens Administrative Center.

ARTICLE II

Term

This lease agreement shall commence December 1, 2006 and continue through and including November 30, 2010 unless sooner terminated or extended by written agreement of the parties.

ARTICLE III

Rent

Rent for the said lease premises shall be at the following rate :

- a. \$1,223.89 per month for the period December 1, 2006 to November 30, 2007.
- b. \$1,265.51 per month for the period December 1, 2007 to November 30, 2008.
- c. \$1,308.54 per month for the period December 1, 2008 to November 30, 2009.
- d. \$1,353.03 per month for the period December 1, 2009 to November 30, 2010.

ARTICLE IV

Utilities

At no additional cost to Tenant, Landlord shall provide electricity, plumbing, and heat and air conditioning, during the appropriate seasons. Landlord shall not be liable for failure to furnish or for suspension or delays in furnishing any utilities caused by breakdown, maintenance or repair work, strike, riot, civil disturbance, or any cause or reason whatsoever beyond the control of Landlord.

ARTICLE V

Use of Lease Premises

1. Tenant shall use and occupy the said lease premises as a business office for the Illinois Attorney General, and shall not use and occupy the said lease premises for any other purpose whatsoever without the prior written consent of Landlord. Tenant shall not use or permit the lease premises or any part thereof to be used for any disorderly, unlawful, or extra hazardous purpose.

2. Tenant shall commit no act of waste and shall take good care of the said lease premises and the fixtures and appurtenances therein, and shall, in the use and occupancy of the lease premises, conform to all laws, orders, and regulations of the federal, state and municipal or local governments or any or their departments. Tenant further agrees to hold Landlord harmless from any fines, penalties and costs incurred by Tenant's violation or non-compliance with the said laws, orders and regulations.

3. Tenant shall not use or permit the use of machinery or equipment which shall cause an unreasonable consumption of utilities within the said lease premises beyond that made known to Landlord at the time of the execution of this lease agreement.

4. Tenant shall not use any equipment or engage in any activity on the said lease premises which shall cause an increase in the liability insurance rate of the Brookens Administrative Center, or which shall create or cause undue expense to Landlord for maintenance or utilities.

5. At the expiration or termination of this lease agreement, if there is no written extension agreement of the said lease agreement, Tenant shall surrender and deliver the said lease premises to Landlord in as good a condition as when Tenant first received possession of the lease premises, ordinary wear and tear and damage by the elements, fire and other unavoidable casualty excepted. Tenant shall serve upon Landlord within ninety (90) days of the commencement of this lease agreement written notice specifying what parts, if any, of the said lease premises are not in good order.

ARTICLE VI

Subletting and Assignment

Tenant shall not assign, mortgage, pledge, or encumber this lease, or sublet the said lease premises or any part thereof, without first obtaining the written consent of Landlord.

ARTICLE VII

Alterations

1. Tenant shall not make any alterations, installations, changes, replacements, additions or improvements (structural or otherwise) in or to the said lease premises or any part thereof without the prior written approval of Landlord of the design, plans and specifications therefore. Tenant shall keep the said lease premises and the building and grounds of which it is a part free and clear of liens arising out of any work performed, materials furnished, or obligations incurred by Tenant, including mechanic's liens.

2. It is specifically understood that all alterations, installations, changes, replacements, additions or improvements upon the said lease premises shall, at the election of the Landlord, remain upon the said lease premises and be surrendered by the Tenant with the said lease premises at the expiration of this lease agreement without disturbance or injury. Shall Landlord require Tenant to remove any or all alterations, installations, changes, replacements, additions or improvements upon the said lease premises upon termination of this lease agreement or any extension thereof, Tenant agrees to remove those items so designated by Landlord at the sole cost and expense of Tenant. Shall Tenant fail to remove those items so designated by Landlord, then Landlord may cause the said items to be removed, and Tenant agrees to reimburse Landlord for the cost of such removal, together with any and all damage which Landlord may suffer and sustain by reason of the failure of Tenant to remove the same.

3. Maintenance and repair of any items installed by Tenant as outlined in this Article shall be the sole responsibility of Tenant, and Landlord shall have no obligation to maintain or repair the said items.

4. Tenant shall promptly repair any and all damages caused to the said lease premises or to the building and grounds of which the said lease premises are a part which are occasioned by the installation or removal of any alteration made pursuant to this Article.

ARTICLE VIII

Parking

1. At no additional cost to Tenant, Tenant's employees may park in the rear parking lot located at the northern and northeastern portion of the property on which the said lease premises are located, and in the east parking lot located at the southeast portion of the said property. Parking spaces shall be available on a first come, first served basis.

2. Tenant's temporary business guests and visitors shall be permitted to use the visitors' reserved parking spaces available off Washington Avenue and in the northeast parking lot off of Lierman Avenue of the property on which the lease premises are located. Parking spaces shall be available on a first come, first served basis.

ARTICLE IX

Signs, Notices, and Advertisements

1. Tenant shall be entitled to place its organizational name and logo in a space on the exterior of the building to be designated by Landlord.

2. Tenant shall not inscribe, print, affix, or otherwise place any sign, advertisement, or notice on the grounds of the said lease premises, or the exterior or interior of the building of which the said lease premises is a part, except on the doors of the said lease premises, and only in a size, color and style approved by Landlord.

ARTICLE X

Insurance

Tenant is a Constitutional Officer of the State of Illinois and, as such, is self-insured for liability.

ARTICLE XI

Services

At no additional cost, Landlord agrees to furnish custodial services to Tenant that are customary in the building of which the said lease premises is a part. Landlord shall furnish adequate lavatory supplies, and normal and usual maintenance, Mondays through Fridays, except legal holidays.

ARTICLE XII

Personal Property

Tenant shall be solely responsible for insuring its personal property and the personal property of its employees. Landlord shall not be liable for any accident, damage to, or theft of property of Tenant or its employees. Landlord shall not be liable for damages to property of Tenant or its employees resulting from the use or operation of the heating, cooling, electrical or plumbing apparatus, water, steam or other causes. Tenant expressly releases Landlord from any liability incurred or claimed by reason of damage to Tenant's or its employees' property.

ARTICLE XIII

Damage to Lease Premises

If through no fault of Tenant the said lease premises are damaged by fire or other casualty to such extent that the said lease premises are totally destroyed, or if the damage occurs during the last six months of the term of this lease agreement, this lease agreement shall cease, and Tenant shall be entitled to a refund of any rent paid for the period subsequent to the time of the damage. In all other cases when the said lease premises are damaged by fire or other casualty through no fault of Tenant, Landlord shall repair the damage as soon as practicable, and if the damage has rendered the said lease premises untenable in whole or in part, Tenant shall be entitled to a rent abatement until Landlord has repaired the damage. Should the said lease premises not be restored to tenantable condition within three months from the date of the said damage, then Tenant may, at its option, terminate this lease agreement in its entirety. In determining what constitutes repair of damage by Landlord as soon as practicable, consideration shall be given to delays caused by strike, disposition of insurance claims related to the said damage, and other causes beyond Landlord's control. If the damage results from the fault of Tenant, or Tenant's agents, servants, visitors, or licensees, Tenant shall not be entitled to any abatement or reduction of rent.

No compensation, claim, or diminution of rent shall be allowed or paid by Landlord to Tenant by reason of inconvenience, annoyance, or injury to Tenant's business arising from the necessity of repairing the said lease premises or any portion of the building of which the said lease premises are a part.

Landlord shall not be liable for damages for, nor shall this lease agreement be affected by, conditions arising or resulting from construction on a contiguous premises which may affect the building of which the said lease premises are a part.

ARTICLE XIV

Access

Landlord, its agents and its employees shall have the right to enter the said lease premises at all reasonable hours and necessary times to inspect the said lease premises and to make necessary repairs and improvements to the said lease premises and the building in which the said lease premises are located. The said inspection and any repairs or improvements which are necessary to the said lease premises shall be performed at a time mutually agreeable to both parties, unless the said inspection or repairs are necessary for an emergency purpose.

ARTICLE XV

Appropriation of Funds

Payments pursuant to the Lease Agreement are subject to the appropriation of adequate funds by the General Assembly to the Attorney General for the purposes of this Lease Agreement. Obligations of the Attorney General will cease immediately without penalty or further payment being required if, at any time, sufficient funds for this Lease have not been appropriated or are otherwise unavailable.

ARTICLE XVI

Prompt Payment Act

Any late payment charges are subject to and may be paid only in accordance with the State Prompt Payment Act, 30 ILCS 540/0.01 *et seq.*

ARTICLE XVII

Cumulative Remedies and Waiver

The specified remedies to which Landlord may be entitled under the terms of this lease agreement are cumulative, and are not intended to be exclusive of any other remedies or means of redress to which Landlord may be lawfully entitled in case of any breach or threatened breach by Tenant as to any provision of this lease agreement. The failure of Landlord to insist on strict performance of any covenant or condition of this lease agreement, or to exercise any option herein contained, shall not be construed as a waiver of such covenant, condition, or option in any other instance. No waiver by Landlord of any provision of this lease agreement shall be deemed to have been made unless made in writing and signed by Landlord.

ARTICLE XVIII

Partial Invalidity

Should any provision of this lease agreement be or become invalid or unenforceable, the remaining provisions shall be and continue to be fully effective.

ARTICLE XIX

Successors

All of the terms and provisions of this lease agreement shall be binding upon and inure to the benefit of and be enforceable by and upon the representatives, successors and assigns of Landlord and Tenant.

ARTICLE XX

Notices and Payments

All rent or other payments due by Tenant pursuant to this lease agreement shall be paid to landlord at the office of the Champaign County Administrator, 1776 E. Washington Street, Urbana, IL 61802, or such other place as Landlord may from time to time designate by written notice to Tenant. All notices required or desired to be furnished to Landlord by Tenant shall be in writing and shall be furnished by mailing the same by certified mail to Landlord, addressed to Champaign County Administrator, 1776 E. Washington Street, Urbana, IL 61802. All notices from Landlord to Tenant shall be in writing and shall be furnished by Landlord by mailing the same by certified mail addressed to Illinois Attorney General, 1776 E. Washington Street, Urbana, IL 61802.

ARTICLE XXI

Governing Law

This lease agreement shall be construed, enforced, and considered made in accordance with the laws of the State of Illinois

ARTICLE XXII

Titles

All titles, captions and headings contained in this lease agreement are for convenience only and shall not be taken into consideration in any construction or interpretation of this lease agreement, or any of its provisions.

ARTICLE XXIII

Entire Agreement

The terms of this lease agreement constitute the whole and entire agreement between the parties, and supersede any and all prior understandings, discussions, agreements or otherwise between the parties hereto with respect to the subject matter hereof.

ARTICLE XXIV

Amendment

No amendment to this lease agreement shall be effective unless it is in writing and signed by the parties hereto.

IN WITNESS WHEREOF the parties have set their hands and seals the day and year first above written, in duplicate documents, each of which shall be considered to be an original.

COUNTY OF CHAMPAIGN
Landlord

ILLINOIS ATTORNEY GENERAL
Tenant

BY: _____
Barbara Wysocki
County Board Chair

Lisa Madigan
Illinois Attorney General

ATTEST: _____
Mark Shelden
County Clerk and Ex-Officio
Clerk of the County Board

BY: _____
Melissa Mahoney
Deputy Chief of Staff,
Administration

Prepared by:

Susan W. McGrath
Senior Assistant State's Attorney
Office of the Champaign County State's Attorney
1776 E. Washington
Urbana, IL 61802
217/384-3776

RESOLUTION NO. 5677

RESOLUTION APPOINTING JACK MURRAY TO THE BLACKFORD SLOUGH DRAINAGE DISTRICT

WHEREAS, Barbara Wysocki has submitted to the County Board her appointment of Jack Murray to be a Commissioner of the Blackford Slough Drainage District; and

WHEREAS, such appointment requires the advice and consent of the County Board under 35 ILCS 200/6-5.

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board that the County Board does hereby advise and consent to the appointment of Jack Murray as a Commissioner of the Blackford Slough Drainage District for a term commencing November 21, 2006 and ending August 31, 2009; and

BE IT FURTHER RESOLVED that the "Notice of Appointment" be attached hereunto and made a part of this resolution; and

BE IT FURTHER RESOLVED that the County Clerk transmit certified copies of this resolution to: Jack Murray, 2607 County Road 1000 E, Champaign, IL 61822.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Sheldon, County Clerk
and ex-officio Clerk of the
Champaign County Board

NOTICE OF APPOINTMENT

By virtue of the power vested in me under 35 ILCS 200/6-5, I, Barbara Wysocki, as presiding officer of the Champaign County Board, do hereby appoint Jack Murray as a Commissioner of the Blackford Slough Drainage District for a term commencing November 21, 2006 and ending August 31, 2009.

I hereby submit his appointment to the County Board for its advice and consent this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
County Board
Champaign County, Illinois

RESOLUTION NO. 5678

RESOLUTION APPOINTING GEORGE BURNISON TO THE PUBLIC AID APPEALS
COMMITTEE

WHEREAS, Barbara Wysocki has submitted to the County Board her appointment of George Burnison to be a Member of the Public Aid Appeals Committee; and

WHEREAS, such appointment requires the advice and consent of the County Board under 35 ILCS 200/6-5.

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board that the County Board does hereby advise and consent to the appointment of George Burnison to be a Member of the Public Aid Appeals Committee for a term commencing December 1, 2006 and ending November 30, 2008; and

BE IT FURTHER RESOLVED that the "Notice of Appointment" be attached hereunto and made a part of this resolution; and

BE IT FURTHER RESOLVED that the County Clerk transmit certified copies of this resolution to: George Burnison, 1538 County Road 3300 N, Rantoul, IL 61866.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

NOTICE OF APPOINTMENT

By virtue of the power vested in me under 35 ILCS 200/6-5, I, Barbara Wysocki, as presiding officer of the Champaign County Board, do hereby appoint George Burnison to be a Member of the Public Aid Appeals Committee for a term commencing December 1, 2006 and ending November 30, 2008.

I hereby submit his appointment to the County Board for its advice and consent this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
County Board
Champaign County, Illinois

RESOLUTION NO. 5679

RESOLUTION APPOINTING JOHN SCHMIDT TO THE PUBLIC AID APPEALS
COMMITTEE

WHEREAS, Barbara Wysocki has submitted to the County Board her appointment of John Schmidt to be a Member of the Public Aid Appeals Committee; and

WHEREAS, such appointment requires the advice and consent of the County Board under 35 ILCS 200/6-5.

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board that the County Board does hereby advise and consent to the appointment of John Schmidt to be a Member of the Public Aid Appeals Committee for a term commencing December 1, 2006 and ending November 30, 2008; and

BE IT FURTHER RESOLVED that the "Notice of Appointment" be attached hereunto and made a part of this resolution; and

BE IT FURTHER RESOLVED that the County Clerk transmit certified copies of this resolution to: John Schmidt, P.O. Box 3428, Champaign, IL 61826-3428.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

NOTICE OF APPOINTMENT

By virtue of the power vested in me under 35 ILCS 200/6-5, I, Barbara Wysocki, as presiding officer of the Champaign County Board, do hereby appoint John Schmidt to be a Member of the Public Aid Appeals Committee for a term commencing December 1, 2006 and ending November 30, 2008.

I hereby submit his appointment to the County Board for its advice and consent this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
County Board
Champaign County, Illinois

RESOLUTION NO. 5680

RESOLUTION APPOINTING RONALD STARWALT TO THE PUBLIC AID APPEALS
COMMITTEE

WHEREAS, Barbara Wysocki has submitted to the County Board her appointment of Ronald Starwalt to be a Member of the Public Aid Appeals Committee; and

WHEREAS, such appointment requires the advice and consent of the County Board under 35 ILCS 200/6-5.

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board that the County Board does hereby advise and consent to the appointment of Ronald Starwalt to be a Member of the Public Aid Appeals Committee for a term commencing December 1, 2006 and ending November 30, 2008; and

BE IT FURTHER RESOLVED that the "Notice of Appointment" be attached hereunto and made a part of this resolution; and

BE IT FURTHER RESOLVED that the County Clerk transmit certified copies of this resolution to: Ronald Starwalt, 384 County Road 600 N, Sadorus, IL 61872.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

NOTICE OF APPOINTMENT

By virtue of the power vested in me under 35 ILCS 200/6-5, I, Barbara Wysocki, as presiding officer of the Champaign County Board, do hereby appoint Ronald Starwalt to be a Member of the Public Aid Appeals Committee for a term commencing December 1, 2006 and ending November 30, 2008.

I hereby submit his appointment to the County Board for its advice and consent this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
County Board
Champaign County, Illinois

RESOLUTION NO. 568I

RESOLUTION APPOINTING MICHAEL BABB TO THE PUBLIC AID APPEALS COMMITTEE

WHEREAS, Barbara Wysocki has submitted to the County Board her appointment of Michael Babb to be a Member of the Public Aid Appeals Committee; and

WHEREAS, such appointment requires the advice and consent of the County Board under 35 ILCS 200/6-5.

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board that the County Board does hereby advise and consent to the appointment of Michael Babb to be a Member of the Public Aid Appeals Committee for a term commencing December 1, 2006 and ending November 30, 2008; and

BE IT FURTHER RESOLVED that the "Notice of Appointment" be attached hereunto and made a part of this resolution; and

BE IT FURTHER RESOLVED that the County Clerk transmit certified copies of this resolution to: Michael Babb, 2635 County Road 2700 E, Penfield, IL 61862.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

NOTICE OF APPOINTMENT

By virtue of the power vested in me under 35 ILCS 200/6-5, I, Barbara Wysocki, as presiding officer of the Champaign County Board, do hereby appoint Michael Babb to be a Member of the Public Aid Appeals Committee for a term commencing December 1, 2006 and ending November 30, 2008.

I hereby submit his appointment to the County Board for its advice and consent this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
County Board
Champaign County, Illinois

RESOLUTION NO. 5682

RESOLUTION APPOINTING ANTHONY ARNOLD AS AN ALTERNATE TO THE PUBLIC
AID APPEALS COMMITTEE

WHEREAS, Barbara Wysocki has submitted to the County Board her appointment of Anthony Arnold to be an Alternate of the Public Aid Appeals Committee; and

WHEREAS, such appointment requires the advice and consent of the County Board under 35 ILCS 200/6-5.

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board that the County Board does hereby advise and consent to the appointment of Anthony Arnold to be an Alternate of the Public Aid Appeals Committee for a term commencing December 1, 2006 and ending November 30, 2008; and

BE IT FURTHER RESOLVED that the "Notice of Appointment" be attached hereunto and made a part of this resolution; and

BE IT FURTHER RESOLVED that the County Clerk transmit certified copies of this resolution to: Anthony Arnold, 304 N Market, Bondville, IL 61815.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

NOTICE OF APPOINTMENT

By virtue of the power vested in me under 35 ILCS 200/6-5, I, Barbara Wysocki, as presiding officer of the Champaign County Board, do hereby appoint Anthony Arnold to be an Alternate of the Public Aid Appeals Committee for a term commencing December 1, 2006 and ending November 30, 2008.

I hereby submit his appointment to the County Board for its advice and consent this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
County Board
Champaign County, Illinois

RESOLUTION NO. 5683

RESOLUTION APPOINTING KAREN BODNAR TO THE SENIOR SERVICES ADVISORY COMMITTEE

WHEREAS, Barbara Wysocki has submitted to the County Board her appointment of Karen Bodnar to be a Member of the Senior Services Advisory Committee; and

WHEREAS, such appointment requires the advice and consent of the County Board under 35 ILCS 200/6-5.

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board that the County Board does hereby advise and consent to the appointment of Karen Bodnar to be a Member of the Senior Services Advisory Committee for a term commencing January 1, 2007 and ending December 31, 2009; and

BE IT FURTHER RESOLVED that the "Notice of Appointment" be attached hereunto and made a part of this resolution; and

BE IT FURTHER RESOLVED that the County Clerk transmit certified copies of this resolution to: Karen Bodnar, 1207 W. William, Champaign, IL 61821.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

NOTICE OF APPOINTMENT

By virtue of the power vested in me under 35 ILCS 200/6-5, I, Barbara Wysocki, as presiding officer of the Champaign County Board, do hereby appoint Karen Bodnar to be a Member of the Senior Services Advisory Committee for a term commencing January 1, 2007 and ending December 31, 2009.

I hereby submit his appointment to the County Board for its advice and consent this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
County Board
Champaign County, Illinois

RESOLUTION NO. 5684

**RESOLUTION APPOINTING TAMI FRUHLING-VOGES TO THE SENIOR SERVICES
ADVISORY COMMITTEE**

WHEREAS, Barbara Wysocki has submitted to the County Board her appointment of Tami Fruhling-Voges to be a Member of the Senior Services Advisory Committee; and

WHEREAS, such appointment requires the advice and consent of the County Board under 35 ILCS 200/6-5.

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board that the County Board does hereby advise and consent to the appointment of Tami Fruhling-Voges to be a Member of the Senior Services Advisory Committee for a term commencing January 1, 2007 and ending December 31, 2009; and

BE IT FURTHER RESOLVED that the "Notice of Appointment" be attached hereunto and made a part of this resolution; and

BE IT FURTHER RESOLVED that the County Clerk transmit certified copies of this resolution to: Tami Fruhling-Voges, 407 N. 3rd, PO Box 945, St. Joseph, IL 61873.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Sheldon, County Clerk
and ex-officio Clerk of the
Champaign County Board

NOTICE OF APPOINTMENT

By virtue of the power vested in me under 35 ILCS 200/6-5, I, Barbara Wysocki, as presiding officer of the Champaign County Board, do hereby appoint Tami Fruhling-Voges to be a Member of the Senior Services Advisory Committee for a term commencing January 1, 2007 and ending December 31, 2009.

I hereby submit his appointment to the County Board for its advice and consent this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
County Board
Champaign County, Illinois

RESOLUTION NO. 5685

RESOLUTION APPOINTING CATHY LENTZ TO THE SENIOR SERVICES ADVISORY COMMITTEE

WHEREAS, Barbara Wysocki has submitted to the County Board her appointment of Cathy Lenz to be a Member of the Senior Services Advisory Committee; and

WHEREAS, such appointment requires the advice and consent of the County Board under 35 ILCS 200/6-5.

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board that the County Board does hereby advise and consent to the appointment of Cathy Lenz to be a Member of the Senior Services Advisory Committee for a term commencing January 1, 2007 and ending December 31, 2009; and

BE IT FURTHER RESOLVED that the "Notice of Appointment" be attached hereunto and made a part of this resolution; and

BE IT FURTHER RESOLVED that the County Clerk transmit certified copies of this resolution to: Cathy Lenz, 1101 Timber Drive, Mahomet, IL 61853.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

NOTICE OF APPOINTMENT

By virtue of the power vested in me under 35 ILCS 200/6-5, I, Barbara Wysocki, as presiding officer of the Champaign County Board, do hereby appoint Cathy Lenz to be a Member of the Senior Services Advisory Committee for a term commencing January 1, 2007 and ending December 31, 2009.

I hereby submit his appointment to the County Board for its advice and consent this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
County Board
Champaign County, Illinois

RESOLUTION NO. 5686

RESOLUTION APPOINTING PENNY SHAW TO THE SENIOR SERVICES ADVISORY
COMMITTEE

WHEREAS, Barbara Wysocki has submitted to the County Board her appointment of Penny Shaw to be a Member of the Senior Services Advisory Committee; and

WHEREAS, such appointment requires the advice and consent of the County Board under 35 ILCS 200/6-5.

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board that the County Board does hereby advise and consent to the appointment of Penny Shaw to be a Member of the Senior Services Advisory Committee for a term commencing January 1, 2007 and ending December 31, 2009; and

BE IT FURTHER RESOLVED that the "Notice of Appointment" be attached hereunto and made a part of this resolution; and

BE IT FURTHER RESOLVED that the County Clerk transmit certified copies of this resolution to: Penny Shaw, 1007 S. Victor, Champaign, IL 61821.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

NOTICE OF APPOINTMENT

By virtue of the power vested in me under 35 ILCS 200/6-5, I, Barbara Wysocki, as presiding officer of the Champaign County Board, do hereby appoint Penny Shaw to be a Member of the Senior Services Advisory Committee for a term commencing January 1, 2007 and ending December 31, 2009.

I hereby submit his appointment to the County Board for its advice and consent this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
County Board
Champaign County, Illinois

RESOLUTION NO. 5687

RESOLUTION APPOINTING LINNA MCDADE TO THE SENIOR SERVICES ADVISORY COMMITTEE

WHEREAS, Barbara Wysocki has submitted to the County Board her appointment of Linna McDade to be a Member of the Senior Services Advisory Committee; and

WHEREAS, such appointment requires the advice and consent of the County Board under 35 ILCS 200/6-5.

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board that the County Board does hereby advise and consent to the appointment of Linna McDade to be a Member of the Senior Services Advisory Committee for a term commencing January 1, 2007 and ending December 31, 2009; and

BE IT FURTHER RESOLVED that the "Notice of Appointment" be attached hereunto and made a part of this resolution; and

BE IT FURTHER RESOLVED that the County Clerk transmit certified copies of this resolution to: Linna McDade, 2433 County Road I225 N, St. Joseph, IL 61873.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

NOTICE OF APPOINTMENT

By virtue of the power vested in me under 35 ILCS 200/6-5, I, Barbara Wysocki, as presiding officer of the Champaign County Board, do hereby appoint Linna McDade to be a Member of the Senior Services Advisory Committee for a term commencing January 1, 2007 and ending December 31, 2009.

I hereby submit his appointment to the County Board for its advice and consent this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
County Board
Champaign County, Illinois

RESOLUTION NO. 5688

RESOLUTION TO APPROVE NURSING HOME MARKETING ADMISSIONS
COORDINATOR POSITION DESCRIPTION AND PERFORMANCE INCENTIVE
AGREEMENT

WHEREAS, the Champaign County Board has established personnel policies for the description, classification and compensation of its positions; and

WHEREAS, the Champaign County Nursing Home Administrator has requested a change to the position description of the Nursing Home Marketing Admissions Coordinator position, and change in terms of compensation for that position through a Performance Incentive Agreement; and

WHEREAS, the Policy, Personnel and Appointments Committee has approved the Nursing Home Administrator's recommendation for the position description and Performance Incentive Agreement for the Nursing Home Marketing Admissions Coordinator Position.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Champaign County that the position description for the Nursing Home Marketing Admissions Coordinator position and Performance Incentive Agreement for that position, as attached hereto as Exhibits A and B, are hereby adopted and approved.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

Health Services - I
Nursing Management Group
EXEMPT

**Champaign County
Position Description**

Date: October, 2006
Position: Marketing Admissions Coordinator
Department: Administration
Reports To: Administrator

POSITION PURPOSE:

Identify, recruit and admit qualified candidates for long-term care, rehabilitation, and respite services. Manage the external marketing and public relations for the Home.

DIMENSIONS:

Nursing Home Residents: 243 (approximately)

NATURE AND SCOPE:

The Marketing Admissions Coordinator reports to the Administrator. Also reporting to this position are: Assistant Administrator, Comptroller, Adult Day Care Director, Maintenance Director, Director of Nursing, Food Service Director, Human Resources Director, Laundry Supervisor, Social Service Director, Executive Secretary, and the Activity Director.

The Champaign County Nursing Home, owned by the county, is a 243-bed licensed facility providing skilled, intermediate and shelter care to its residents; respite and adult day care for clients. The Nursing Home employs approx. 260 people.

PRINCIPAL ACCOUNTABILITIES:

The Marketing Admissions Coordinator is responsible for all public relations/special events, marketing and admissions screenings for the facility. Duties in each area include:

Public Relations/Special Events –

- Designs and develops marketing and promotional materials for the facility. These shall include, but are not limited to: fliers, brochures, news releases, backgrounders, fact sheets, bios, newsletters and fundraising letters of solicitation.
- Establishes relationships and maintains contact with reporters, advertising media representatives and primary and secondary resources in the health care field.
- Establishes relationships and maintains contact with various clubs, organizations and Senior Citizen's groups.
- Recommends and implements initiatives that manage the target market perception of the nursing home.
- Provides presentations, speeches and public appearances as needed.

- Assists with in-service education as requested.

Marketing-

- Develops and coordinates the implementation of a marketing strategy for resident and facility services, census development and image enhancement (Strategic Marketing Plan).
- Maintains census data (inquiries, admissions, discharges and referral sources).
- Maintains customer satisfaction data.
- Provides charts, graphs and data on marketing analysis and census development to the Administrator as needed.
- Maintains a record of media coverage.
- Participates in and provides reports to the Quality Assurance Committee.
- Is responsible for the advertising budget and what forms of media (radio, newspaper and television) are used to promote the facility.
- Develops a Marketing Team, which will meet on a monthly basis and develop ways to promote and market the facility. The Marketing Team will also assist as a back-up team for inquiries, tours and admissions when the Marketing Admissions Coordinator is not available or in the building.
- Creates a brand image for the facility, identifies our primary, secondary, and tertiary target markets, and extends our brand image to each of those markets.

Admissions-

- Census development and maintenance.
- Acts as a liaison between the facility and family members during the pre-admission and admission process. Upon admissions, refers family members to appropriate department head depending on specific need.
- Conduct tours, admission screenings and field inquiries.
- Coordinates with appropriate member(s) of the leadership team to determine whether the facility can meet the needs of each potential admit.
- Ensure the admission contracts and advanced directives are complete within 24-hours of admission.
- Provides any other services or duties as required by the Administrator.

The desired minimum requirements necessary to effectively perform position responsibilities include: a four year degree in marketing, management, healthcare administration, nursing, or similar combination of education and experience; three years healthcare case management or healthcare sales experience in a long-term care setting, excellent management skills, the ability to communicate in English both orally and in writing, and respect for the principals of resident rights, confidentiality, EEO and ADA.

Compensation-

This position is classed in Salary Range 'H' for the base wage. This position is eligible for an additional compensation package based upon performance. Refer to the attached agreement titled, "Performance Incentive".

THIS DOCUMENT CONTAINS A DESCRIPTION OF A GENERAL CLASS OF POSITIONS WITHIN THE CHAMPAIGN COUNTY SALARY ADMINISTRATION PROGRAM. THE DESCRIPTION CONTAINS EXAMPLES OF DUTIES AND RESPONSIBILITIES WHICH MAY OR MAY NOT BE CONSIDERED TO BE "ESSENTIAL FUNCTIONS" TO A PARTICULAR JOB OR POSITION WITHIN THIS JOB CLASS. "ESSENTIAL FUNCTIONS" ARE TO BE DETERMINED AT THE POSITION OR JOB LEVEL WITHIN EACH DEPARTMENT.

Marketing/Admissions Coordinator
Performance Incentive Agreement

The Champaign County Nursing Home (hereinafter, "Home") and _____, Marketing/Admissions Coordinator do hereby agree to the Performance Incentive listed below. The Performance Incentive is subject to standard income deductions. Payment of earned incentives will occur in conjunction with the first complete payroll following the month in which the incentive was earned.

Incentives are as follows:

1. Census development

Average daily census equals or exceeds 95% of the licensed bed occupancy, calculated each calendar month of this agreement without rounding.

Amount \$1,000

2. Admission activity

Complete admission to the home of a resident, patient, or client for at least one 24-hour period. This excludes the Adult Day Care. The admission must be considered a new resident who has not resided in the facility in the previous 72-hours.

Amount \$100

The Home will calculate the occupancy percentage and number of admissions each month to determine the amount of incentive pay. You will receive a written copy of the census and admission calculation data with the affected paycheck.

Nursing Home Administrator

Marketing/Admission Coordinator

Date

Date

RESOLUTION NO. 5689

RESOLUTION TO APPROVE A THIRD PARTY ADMINISTRATOR SERVICES AGREEMENT WITH BENEFIT PLANNING CONSULTANTS, INC.

WHEREAS, the Champaign County Board has established certain employee benefit programs, including one or more of the following: a health flexible spending account ("Health FSA") under Code Section 105; a dependent care assistance program ("DCAP") under Code Section 129; a health reimbursement arrangement ("HRA"); and a transportation fringe benefit plan ("Transportation Plan") under code Section 132(f)(4); and

WHEREAS, the Champaign County Board has requested Benefit Planning Consultants, Inc. ("TPA") to act as its agent for the payment of certain benefits and to furnish certain administrative services for one or more of the Health FSA, DCAP, HRA, and Transportation Plan as described above, effective December 1, 2006.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Champaign County that the Third Party Administrator Services Agreement with Benefit Planning Consultants, Inc. revised December 1, 2006 is hereby approved; and

BE IT FURTHER RESOLVED by the County Board of Champaign County, that the County Board Chair is hereby authorized to execute the Third Party Administrator Services Agreement with Benefit Planning Consultants, Inc., on behalf of Champaign County.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Sheldon, County Clerk
and ex-officio Clerk of the
Champaign County Board

TPA SERVICES AGREEMENT

Revised December 1, 2006

RECITALS

A. Champaign County ("Employer") has established certain employee benefit programs, including one or more of the following: a health flexible spending account ("Health FSA") under Code Section 105; a dependent care assistance program ("DCAP") under Code Section 129; a health reimbursement arrangement ("HRA"); and a transportation fringe benefit plan ("Transportation Plan") under Code Section 132(f)(4). The Health FSA and the DCAP are each offered under Code Section 125 cafeteria plan.

B. Employer has requested Benefit Planning Consultants, Inc. ("TPA") to act as its agent for the payment of certain benefits and to furnish certain administrative services for one or more of the Health FSA, DCAP, HRA, and Transportation Plan as described in this Agreement (collectively, the "Program").

In consideration of the mutual promises contained in this Agreement, Employer and TPA agree as follows.

ARTICLE I

INTRODUCTION

1.1 Effective Date and Term

The effective date of this Revised Agreement is December 1, 2006 ("Effective Date"). The initial term shall be the length of the initial plan year; thereafter, this Agreement will renew automatically for successive periods of twelve (12) months unless this Agreement is terminated in accordance with the provisions of Section 6.8.

1.2 Scope of Undertaking

Employer has sole and final authority to control and manage the operation of the Program. TPA is and shall remain an independent contractor with respect to the services being performed hereunder and shall not for any purpose be deemed an employee of Employer, nor shall TPA and Employer be deemed partners, engaged in a joint venture or governed by any legal relationship other than that of independent contractor. TPA does not assume any responsibility for the general policy design of the Program, the adequacy of its funding, or any act or omission or breach of duty by Employer, nor is TPA in any way to be deemed an insurer, underwriter or guarantor with respect to any benefits payable under the Program. TPA generally provides reimbursement services only and does not assume any financial risk or obligation with respect to claims for benefits payable by Employer under the Program. Nothing herein shall be deemed to constitute TPA as a party to the Program or to confer upon TPA any authority or control respecting management of the Program, authority or responsibility in connection with administration of the Program, or responsibility for the terms or validity of the Program. Nothing in this Agreement shall be deemed to impose upon TPA any obligation to any employee of Employer or any person who is participating in the program ("Participant").

1.3 Definitions

"**Agreement**" means this TPA Services Agreement, including all Appendices hereto.

"**COBRA**" means the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended.

"**Code**" means the Internal Revenue Code of 1986, as amended.

"**DCAP**" has the meaning given in the Recitals.

"**Eligibility Reports**" have the meaning described in Section 2.3.

"**Employer**" has the meaning given in the Recitals.

"**ERISA**" means the Employee Retirement Income Security Act of 1974, as amended.

"**Effective Date**" has the meaning given in Section 1.1.

"Health FSA" has the meaning given in the Recitals.

"HIPAA" means the Health Insurance Portability and Accountability Act of 1996, as amended.

"Named Fiduciary," means the named fiduciary as defined in ERISA Section 402(a)(1).

"Participant" has the meaning given in Section 1.2.

"Plan," means the Health FSA, DCAP, HRA or Transportation Plan, as applicable.

"Plan Administrator" means the administrator as defined in ERISA Section 3(16)(A).

"Program" and "TPA" have the meanings given in the Recitals.

"Transportation Plan" has the meaning given in the Recitals.

ARTICLE II **EMPLOYER RESPONSIBILITIES**

2.1 Sole Responsibilities

- (a) *General.* Employer has the sole authority and responsibility for the Program and its operation, including the authority and responsibility for administering, construing and interpreting the provisions of the Program and making all determinations thereunder. Employer gives TPA the authority to act on behalf of Employer in connection with the Program, but only as expressly stated in this Agreement or as mutually agreed in writing by Employer and TPA. All final determinations as to a Participant's entitlement to Program benefits are to be made by Employer, including any determination upon appeal of a denied claim for Program benefits. Employer is considered the Plan Administrator and Named Fiduciary of the Program benefits for purposes of ERISA.
- (b) *Examples.* Without limiting Employer's responsibilities described herein, it shall be Employer's sole responsibility (as Plan Administrator) and duty to: ensure compliance with COBRA; perform required nondiscrimination testing; amend the Plans as necessary to ensure ongoing compliance with applicable law; file any required tax or governmental returns (including Form 5500 returns) relating to the Plans; determine if and when a valid election change has occurred; handle Participant claim appeals; execute and retain required Plan and claims documentation; and take all other steps necessary to maintain and operate the Plans in compliance with applicable provisions of the Plans, ERISA, the Code and other applicable federal and state laws. Upon written request, TPA can act as an independent contractor to assist in preparing said services for mutually agreed upon fees or as outlined in the fee schedule Appendix.

2.2 Service Charges; Funding

Employer shall pay TPA the service charges set forth in the Appendices hereto, as described in Article V. Employer shall promptly fund an account maintained for the payment of Program benefits as described in Article IV.

2.3 Information to TPA

Employer shall furnish the information requested by TPA as determined necessary to perform TPA's functions hereunder, including information concerning the Program and the eligibility of individuals to participate in and receive Program benefits ("Eligibility Reports"). Such information shall be provided to TPA in the time and in the manner agreed to by Employer and TPA. TPA shall have no responsibility with regard to benefits paid in error due to Employer's failure to timely update such information. From time to time thereafter, but no more frequently than monthly, TPA shall provide Employer with updated Reports by electronic medium or paper unless otherwise agreed by the parties. Employer shall be responsible for ensuring the accuracy of its Eligibility Reports, and bears the burden of proof in any dispute with TPA relating to the accuracy of any Report. TPA shall have no liability to Employer or any Participant as a consequence of an inaccurate Report, and TPA shall not have any obligation to credit Employer for any claims expenses or administrative fees incurred or paid to TPA as a consequence of Employer failing to review Reports for accuracy. TPA shall assume that all such information is complete and accurate and is under no duty to question the completeness or accuracy of such information.

2.4 Plan Documents

Employer is responsible for the Program's compliance with all applicable federal and state laws and regulations and shall provide TPA with all relevant documents, including but not limited to, the Program documents and any Program amendments. Employer will notify TPA of any changes to the Program at least thirty (30) days before the effective date of such changes. Employer acknowledges that TPA is not providing tax or legal advice and that Employer shall be solely responsible for determining the legal and tax status of the Program. As described in Section 3.7 and upon written request from Employer, TPA can furnish updated documents and/or amendments for mutually agreed upon fees.

2.5 Liability for Claims

Employer is responsible for payment of claims made pursuant to, and the benefits to be provided by, the Program. TPA does not insure or underwrite the liability of Employer under the Program. Employer is responsible for proper funding of reimbursements issued by TPA to participants. Except for expenses specifically assumed by TPA in this Agreement, Employer is responsible for all expenses incident to the Program.

2.6 Indemnification

Employer shall indemnify TPA and hold it harmless from and against all loss, liability, damage, expense, attorney's fees or other obligations, resulting from, or arising out of any act or omission of Employer in connection with the Program or claim, demand, or lawsuit by Program Participants and beneficiaries against TPA in connection with benefit payments or services performed hereunder. In addition, Employer shall indemnify TPA and hold it harmless from and against any liability, expense, demand, or other obligation, resulting from, or out of any premium charge, tax or similar assessment (federal or state), for which the Program or Employer is liable. Employer shall also have the indemnification obligation described in Section 3.3.

2.7 Medical Records

Employer shall, if required by law or regulation, notify each Participant and provide each Participant with an opportunity to opt out (if required) or obtain from each Participant such written authorization for release of any personal financial records and medical records in accordance with applicable state and federal law (including the Gramm-Leach-Bliley Act) to permit Employer and/or TPA to perform their obligations under this Agreement.

ARTICLE III **TPA RESPONSIBILITIES**

3.1 Sole Responsibilities

TPA's sole responsibilities shall be as described in this Agreement (including the obligations listed in any Appendix to this Agreement). TPA generally provides certain reimbursement and record keeping services, as described further below.

3.2 Service Delivery

TPA shall provide access to customer service personnel by telephone during normal business hours as determined by TPA. TPA shall not be deemed in default of this Agreement, nor held responsible for, any cessation, interruption or delay in the performance of its obligations hereunder due to causes beyond its reasonable control, including, but not limited to, natural disaster, act of God, labor controversy, civil disturbance, disruption of the public markets, war or armed conflict, or the inability to obtain sufficient materials or services required in the conduct of its business, including Internet access, or any change in or the adoption of any law, judgment or decree.

3.3 Benefits Payment

TPA shall, as agent of Employer, operate under the express terms of this Agreement and the Program. TPA shall initially determine if persons covered by the Program (as described in the Eligibility Reports) are entitled to benefits under the Program and shall pay Program benefits in its usual and customary manner, to Participants as set forth in this Article III and Article IV. TPA shall have no duty or obligation with respect to claims incurred prior to the Effective Date ("Prior Reimbursement Requests"), if any, and/or Program administration (or other) services arising prior to the Effective Date ("Prior Administration"), if any, regardless of whether such services were/are to be performed prior to or after the Effective Date. Employer agrees that: (a) TPA has no responsibility or obligation with respect to Prior Reimbursement Requests and/or Prior Administration; (b) Employer will be responsible for processing Prior Reimbursement Requests (including any run-off claims submitted after the Effective Date) and maintaining legally required records of all Prior Reimbursement Requests and Prior Administration sufficient to comply with applicable legal (e.g., IRS substantiation) requirements; and (c) Employer shall indemnify and hold TPA harmless for any liability relating to Prior Reimbursement Requests and/or Prior Administration.

3.4 Bonding

TPA has, and will maintain, a fidelity bond for all persons involved in collecting money or making claim payments, and all officers of the company. This bond covers the handling of Employer's and Participants' money from dishonesty, theft, forgery or alteration, and unexplained disappearance. TPA shall provide a copy of the said bond to Employer for every service year in which this Agreement is in effect.

3.5 Reporting

TPA shall make available to Employer each month via electronic medium or paper a master report showing annual election, year-to-date claims paid, year-to-date payroll deposits, and account balances. TPA shall also make available to Participants each quarter via electronic medium or paper a report showing their individual payment history and status of claims and the amounts and transactions in their individual accounts.

3.6 Claims Appeals

TPA shall refer to Employer or its designee, for final determination, any claim for benefits on coverage that is appealed after initial rejection by TPA or any class of claims that Employee may specify, including: (a) any question of eligibility or entitlement of the claimant for coverage under the Program; (b) any question with respect to the amount due; or (c) any other appeal.

3.7 Additional Documents

If Employer requests, and Employer and TPA mutually agree upon payment of applicable fees, then TPA shall furnish Employer: (a) plan documents to be reviewed by Employer, for creation of customized documentation for the Program to be approved and executed by Employer, including board resolutions, summary plan descriptions (SPDs), plan documents and plan amendments (if any); and (b) administrative forms needed for TPA to perform under this Agreement.

3.8 Recordkeeping

TPA shall maintain, for the duration of this Agreement, the usual and customary books, records and documents, including electronic records, that relate to the Program and its Participants that TPA has prepared or that has otherwise come within its possession. If this Agreement terminates, TPA may deliver, or at Employer's request, will deliver all such books, records and documents to Employer, subject to TPA's right to retain copies of any records it deems appropriate. If this Agreement terminates, Employer shall make arrangements with TPA to pick up its books, records and documents. Employer shall provide access to TPA for the said books, records and documents for ninety days after the Agreement has been terminated in order to allow TPA to complete whatever obligation TPA as defined by the Agreement

3.9 Standard of Care

TPA shall use reasonable care and due diligence in the exercise of its powers and the performance of its duties under this Agreement. If TPA makes any payment under this Agreement to an ineligible person, or if more than the correct amount is paid, TPA shall make a diligent effort to recover any payment made to or on behalf of an ineligible person or any overpayment.

3.10 Notices to Participants; Amendment to Comply with Privacy Rules

TPA shall provide to Employer all notices (including any required opt-out notice) reflecting its privacy policies and practices as required by state and/or federal law (including the Gramm-Leach-Bliley Act). TPA agrees to amend this Agreement as is necessary from time to time to comply with the requirements of the privacy rules under HIPAA.

3.11 Non-Discretionary Duties; Additional Duties

TPA and Employer agree that the duties to be performed hereunder by TPA are non-discretionary duties. TPA and Employer may agree to additional duties in writing as may be specified in the Appendices from time to time.

ARTICLE IV. **BENEFIT PROGRAM PAYMENT:** **EMPLOYER'S FUNDING RESPONSIBILITY**

4.1 Payment of Benefits

Employer authorizes TPA to pay Program benefits by checks written (or other draft payment or debit) on a bank account established and maintained for the payment of Program benefits. Each week or at such other interval as mutually agreed upon, TPA will notify Employer of the amount needed to pay approved benefit claims and Employer shall pay or transfer into the bank account the amount needed for the payment of Program benefits. Employer shall enter into such agreements and provide instructions to its bank as are necessary to implement this Section 4.1. TPA shall have sole authority to provide whatever notifications, instructions or directions as may be necessary to accomplish the disbursement of such Program funds to or on behalf of Participants in payment of approved claims. If Debit cards are used in conjunction with the Program, Employer agrees to sufficiently fund the bank account and monitor it to prevent overdraft.

4.2 Funding of Benefits

Funding for any payment on behalf of the Participants under the Program, including but not limited to, all benefits to Participants in accordance with the Program, is the sole responsibility of Employer, and Employer agrees to accept liability for, and provide sufficient funds to satisfy, all payments to Participants under the Program, including claims for reimbursement for covered expenses, where such expenses are incurred and the claim is presented for payment during the term of this Agreement.

ARTICLE V. **TPA COMPENSATION**

5.1 Service Charges

The amounts of the monthly service charges of TPA are described in the Appendices. TPA may change the amount of such charges by providing at least thirty (30) days written or electronic notice to Employer, before the annual date of renewal of this Agreement. TPA may also change the monthly service charges as of the date any change is made in the Program.

5.2 Billing of Charges

All service charges of TPA, whether provided for in this or any other Section, shall be billed separately from statements for payment of claims so that proper accounting can be made by Employer of the respective amounts paid for claims and for administrative expenses.

5.3 Payment of Charges

All charges under this Article V are outlined in the Appendices and billed prospectively to Employer on a monthly basis. Fees for the month shall be billed at the beginning of the month, and due within ten (10) days. Alternatively, if so agreed by the parties, TPA may deduct payment for monthly service charges from the bank account maintained by Employer as described in Article IV. Employer shall make payment to TPA within ten (10) business days of receipt of notice of the amount due, or such amount may automatically be deducted from the bank account maintained for benefit payment.

ARTICLE VI. **GENERAL PROVISIONS**

6.1 Severability; Headings

If any term of this Agreement is declared invalid by a court, the same will not affect the validity of any other provision, provided that the basic purposes of this Agreement are achieved through the remaining valid provisions. The headings of Sections and subsections contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

6.2 Compliance; Non-Waiver

Failure by Employer or TPA to insist upon strict performance of any provision of this Agreement will not modify such provision, render it unenforceable, or waive any subsequent breach. No waiver or modification of any of the terms or provisions of this Agreement shall be valid unless in each instance the waiver or modification is accomplished pursuant to the amendment provisions of Section 6.3.

6.3 Assignment; Amendment

Neither Employer nor TPA can assign this Agreement without the other party's written consent. This Agreement may be amended only by written agreement of duly authorized officers of Employer and TPA.

6.4 Audits

Each party shall be authorized to perform audits of the records of payment to all Participants and other data specifically related to performance of the parties under this Agreement upon reasonable prior written notice to the other. Audits shall be performed during normal working hours. Audits may be performed by an agent of either party provided such agent signs an acceptable confidentiality agreement. Each party agrees to provide reasonable assistance and information to the auditors. Employer agrees that if it requests such an audit it shall reimburse TPA for its reasonable expenses incurred in complying with the audit, including copying and labor costs, with the said expenses to be agreed upon by the parties in writing prior to the performance of the said audit. Each party also agrees to provide such additional information and reports as the other party shall reasonably request.

6.5 Non-Disclosure of Proprietary Information

- (a) *General.* Employer and TPA each acknowledge that in contemplation of entering into this Agreement (and as a result of the contractual relationship created hereby), each party has revealed and disclosed, and shall continue to reveal and disclose to the other, information which is proprietary and or confidential information of such party. Employer and TPA agree that each party shall; (a) keep such proprietary and/or confidential information of the other party in strict confidence; (b) not disclose

confidential information of the other party to any third parties or to any of its employees not having a legitimate need to know such information; and (c) shall not use confidential information of the other party for any purpose not directly related to and necessary for the performance of its obligations under this Agreement (unless required to do so by a court of competent jurisdiction or a regulatory body having authority to require such disclosure).

(b) *Confidential Information Defined.* Information revealed or disclosed by a party for any purpose not directly related to and necessary for the performance of such party's obligations under this Agreement shall not be considered confidential information for purposes hereof (a) if, when, and to the extent such information is or becomes generally available to the public without the fault or negligence of the party receiving or disclosing the information; or (b) if the unrestricted use of such information by the party receiving or disclosing the information has been expressly authorized in writing and in advance by an authorized representative of the other party. For purposes of this Section, confidential information is any information in written, human-readable, machine-readable, or electronically recorded form (and legended as confidential and/or proprietary or words of similar import) and information disclosed orally in connection with this Agreement and identified as confidential and/or proprietary (or words of similar import); and programs, policies, practices, procedures, files, records and correspondence concerning the parties' respective businesses or finances. The terms and conditions of this Section 6.5 shall survive the termination of this Agreement.

6.6 Arbitration

Any controversy or claim arising out of or relating to this Agreement between Employer and TPA, or the breach thereof, shall be subject to non-binding arbitration prior to the filing of a complaint in a court of law; provided, however, that such arbitration shall be final and binding and may be enforced in any court with the requisite jurisdiction if the parties agree in advance, in writing, that such arbitration shall have final, binding effect. All arbitration, whether binding or non-binding, shall be conducted in accordance with the Commercial Arbitration Rules of the American Arbitration Association. The arbitration shall take place in Champaign, Illinois.

6.7 Notices and Communications

(a) *Notices.* All notices provided for herein shall be sent by confirmed facsimile, or guaranteed overnight mail, with tracing capability, or by first class United States mail, with postage prepaid, addressed to the other party at their respective addresses set forth below or such other addresses as either party may designate in writing to the other from time to time for such purposes. All notices provided for herein shall be deemed given or made when sent.

(b) *Addresses.*

Employer's address for notices as described above is: Attn: Debbie Chow, Insurance Specialist
Champaign County
1776 E. Washington St.
Urbana, IL 61802

TPA's address for notices as described above is: Benefit Planning Consultants, Inc.
2110 Clearlake Blvd., Suite 200
P.O. Box 7500
Champaign, IL 61826-7500.

(c) *Communications.* Employer agrees that TPA may communicate confidential, protected, privileged or otherwise sensitive information to Employer through a named contact designated by Employer "Named Contact" and specifically agrees to indemnify TPA and hold it harmless: (a) for any such communications directed to Employer through the Named Contact attempted via telefax, mail, telephone, e-mail or any other media, acknowledging the possibility that such communications may be

inadvertently misrouted or intercepted; and (b) from any claim for the improper use or disclosure of any health information by TPA where such information is used in a manner consistent with its duties and responsibilities hereunder.

6.8 Termination of Agreement

- (a) *Automatic.* This Agreement shall automatically terminate as of the earliest of the following: (i) the effective date of any legislation which makes the Program and/or this Agreement illegal; (ii) the date Employer becomes insolvent, or bankrupt, or subject to liquidation, receivership, or conservatorship; or (iii) the termination date of the Program, subject to any agreement between Employer and TPA regarding payment of benefits after the Program is terminated.
- (b) *Optional.* This Agreement may be terminated as of the earliest of the following: (i) by TPA upon the failure of Employer to pay any charges within thirty (30) business days after they are due and payable as provided in Article V; (ii) by TPA upon the failure of Employer to perform its obligations in accordance with this Agreement, (iii) by Employer upon the failure of TPA to perform its obligations in accordance with this Agreement; or (iv) by either Employer or TPA, as of the end of the term of this Agreement, by giving the other party thirty (30) days written notice.
- (c) *Limited Continuation After Termination.* If the Program is terminated, Employer and TPA may mutually agree in writing that this Agreement shall continue for the purpose of payment of any Program benefit, expense or claims incurred prior to the date of Program termination. In addition, if this Agreement is terminated while the Program continues in effect, Employer and TPA may mutually agree in writing that this Agreement shall continue for the purpose of payment of any claims for which requests for reimbursements have been received by TPA before the date of such termination. If this Agreement is continued in accordance with this subsection (c), Employer shall pay the monthly service charges incurred during the period that this Agreement is so continued.
- (d) *Survival of Certain Provisions.* Termination of this Agreement shall not terminate the rights or obligations of either party arising out of a period prior to such termination. The indemnity, confidentiality and privacy provisions of this Agreement shall survive its termination.

6.9 Complete Agreement; Governing Law

This Agreement (including the Appendices) is the full Agreement of the parties with respect to the subject matter hereof and supersedes all prior agreements and representations between the parties. This Agreement shall be construed, enforced and governed by the laws of the State of Illinois.

IN WITNESS WHEREOF, Employer and TPA have caused this Agreement to be executed in their names by their undersigned officers, the same being duly authorized to do so.

Champaign County ("Plan")

Benefit Planning Consultants, Inc. (TPA)

Signed: _____

Signed: _____

By: _____
PRINT NAME

By: Habeeb G. Habeeb

Title: _____

Title: President

Date: _____

Date: _____

TPA Service Agreement
Appendix A—Health FSA, DCAP and HRA Guidelines
Revised December 1, 2006

Capitalized terms used in this Appendix and not defined have the meanings given in the Agreement.

Initial Setup Fee:

Setup Fee is waived.

Monthly Service Charges:

Monthly Fees are billed at the beginning of each month for TPA services performed that month, and are due and payable within 10 days. There are two levels of services provided: with and without a Health Reimbursement Arrangement (HRA). The monthly fees charged for each Participant enrolled in the health care and/or dependent care reimbursement account for any part of the plan year for the term of the Agreement shall be \$4.80 per Participant per month, with a minimum fee of \$100 per month. The monthly fees charged for each Participant enrolled in the health care and/or dependent care reimbursement account and health reimbursement arrangement for any part of the plan year for the term of the Agreement shall be \$5.50 per Participant per month (with data download from health insurance provider), with a minimum fee of \$100 per month. The Per Participant fees in subsequent periods will be based on the actual number of participants. Postage is included in the Per Participant and Minimum Monthly rates. Requests for stop-payment for claim payment checks will be billed at the rate of \$29 per incident or at the prevailing fee charged by TPAs bank at the time the request is made.

Services Included:

Employer is responsible for all legal requirements and administrative obligations with regard to the HRA, Health FSA & DCAP, except for the following administrative duties (to be performed by TPA):

1. TPA shall make available (by electronic medium or paper copy) a set of master enrollment and reimbursement forms and instructions for filing Participant claims, so the employer can make copies to distribute to all plan participants. Upon payment of additional fees, TPA shall make available other HRA, Health FSA & DCAP documents.
2. Upon receiving instructions from Employer with regard to a Participant's change in status or other event that permits an election change under IRS regulations, TPA shall make the requested change in the Participant's election as soon as practicable.
3. Employer shall prepare and submit any Form 5500 unless otherwise agreed upon by both parties in writing and for mutually agreed upon fees.
4. TPA shall assist Employer in preparing nondiscrimination tests for the HRA, Health FSA & DCAP when requested.
5. TPA shall disburse any benefit payments that it determines to be due weekly but within no more than one (1) month from the day on which TPA receives the claim. Benefit payments shall be made by check or direct deposit payable to the Participant. Claims of less than \$50 may be carried forward and aggregated with future claims until the total amount is equal to or greater than \$50, except that any remaining amount shall be paid after the end of the Plan Year without regard to the \$50 threshold. In the case of DCAP claims, if the amount of the claim exceeds the amount the Participant has had withheld to date, TPA will hold the claim and make reimbursements as monies are withheld from the Participant's pay.
6. TPA shall notify Participants with regard to any claims that are denied due to inadequate substantiation or data submission and provide an adequate period of time for the Participant to resubmit the claim. TPA shall follow the requirements of ERISA with regard to denial of claims.

Services Not Included:

TPA is not responsible for any of the following:

1. Employer's compliance with COBRA nor compliance with HIPAA with regard to certificates of creditable coverage.
2. Determining if and when an event has occurred under the IRS permitted election change regulations such that a change in election is permitted under the Health FSA or DCAP.

RESOLUTION NO. 5690

RESOLUTION TO APPROVE A HEALTH REIMBURSEMENT ARRANGEMENT PLAN
FOR COUNTY OF CHAMPAIGN NON-BARGAINING EMPLOYEES

WHEREAS, the Champaign County Board has established A Health Reimbursement Arrangement Plan to be offered non-bargaining employees effective December 1, 2006; and

WHEREAS, the Health Reimbursement Arrangement Plan attached hereto sets forth the terms and conditions by which the Champaign County Board shall make available this benefit to its employees, effective December 1, 2006.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Champaign County that the attached Health Reimbursement Arrangement Plan for County of Champaign Non-Bargaining Employees, effective December 1, 2006, is hereby approved; and

BE IT FURTHER RESOLVED by the County Board of Champaign County, that the County Board Chair is hereby authorized to execute the Health Reimbursement Arrangement Plan for County of Champaign Non-Bargaining Employees effective December 1, 2006, on behalf of Champaign County.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

County of Champaign Non-Bargaining Unit Employees Health Reimbursement Arrangement Plan (HRA) Plan Document

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Section

I	Definitions
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III	Benefits
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V	Continuation Of Coverage
VI	Miscellaneous
VII	Schedule Of Benefits

Plan Purpose

The Name of this Plan is County of Champaign Non-Bargaining Unit Employees Health Reimbursement Arrangement Plan, established by the Employer, County of Champaign, whose address is 1776 E. Washington, Urbana, IL 61802. The effective date of this Plan is December 1, 2006.

The purpose of the Plan is to allow Employees of the Employer to obtain reimbursement of Qualified Medical Expenses not otherwise reimbursed or reimbursable in full by any other accident or health plan with tax-free funds provided by the Employer from the HRA Account. The Employer intends that the Plan qualify as an employer-provided medical reimbursement plan under Code sections 105 and 106 and regulations issued hereunder, and as a health reimbursement arrangement as defined under IRS Notice 2002-45, and shall be interpreted to accomplish that objective. The Expenses reimbursed under the Plan are intended to be eligible for exclusion from the participating Employee's gross income for Federal Income Tax purposes under Code Section 105 (b).

Section I

Definitions

The following words and phrases as used herein shall have the following meanings, unless a different meaning is plainly required by the context. Pronouns shall be interpreted so that the masculine pronoun shall include the feminine and the singular shall include the plural, and the following rules of interpretation shall apply in reading this instrument:

"Affiliated Employer" means:

- a. any corporation which is a member of a controlled group of corporations including those within the meaning of section 1563(a) and 414(b) of the Code, determined without regard to sections 1563(a)(4) and (e)(3)(C), including the Employer;
- b. any organization under common control with the Employer within the meaning of section 414(c) of the Code;
- c. any organization which is included with the Employer in an affiliated service group within the meaning of section 414(m) of the Code; or
- d. any other entity required to be aggregated with the Employer pursuant to regulations under section 414(o) of the Code.

"Benefit Credits" means the amounts set aside for Benefits under Section 3 and credited to the Participant's Health Reimbursement Arrangement account.

"Benefits" means the reimbursements for Qualified Medical Expenses available from time to time under the Plan, as set forth on this Plan.

"Board" means the Board of Directors of County of Champaign

"Change in Status" means:

- a. A change in a Participant's legal marital status, including marriage, divorce, legal separation, annulment, or death of the Participant's spouse.
- b. An event affecting the number of the Participant's Dependents, including birth, death, adoption, and placement for adoption.
- c. A change in employment status of the Participant, his spouse or Dependents, including termination or commencement of employment (as determined under the Code Section 125 regulations); a strike or lockout; a commencement of or return from an unpaid leave of absence; a change in worksite; or a change in the employment status of the Participant, his spouse or dependent (e.g., hourly to salary, union to non-union, or full-time to part-time), that affects that person's rights under this Plan or an underlying benefit program (e.g., changing from salaried to hourly-paid, union to non-union

County of Champaign Non-Bargaining Unit Employees
Health Reimbursement Arrangement Plan Document

- d. An event that causes a Participant's Dependent to satisfy or cease to satisfy the eligibility requirements for a particular benefit, such as attaining a specified age or the Dependent's status as a student.
- e. A change in the residence of the Participant, his spouse or Dependent.
- f. Any other events included under Code Section 125, or regulations or other guidance promulgated there under relating to changes in family status. The determination of whether there is a Change in Status shall be determined by the Plan Administrator in its sole discretion, consistent with the regulations under Code Section 125.

"**COBRA**" means the Consolidated Omnibus Budget Reconciliation Act of 1985.

"**Code**" means the Internal Revenue Code of 1986, and the same as may be amended from time to time.

"**Committee**" means the individuals who may be appointed by the Plan Administrator to administer the process of claims review for the Plan in accordance with Section 4.

"**Dependent**" means any individual who is as a tax dependent of the Participant as defined in Code § 105(b), with the following exception: any child to whom Code § 152 (e) applies (regarding a child or divorced parents, etc., where one or both parents have custody of the child for more than half of the calendar year and where the parents together provide more than half of the child's support for the calendar year) is treated as a dependent of both parents. Notwithstanding the foregoing, the HRA Account will provide benefits in accordance with the applicable requirements of any QMCSO, even if the child does not meet the definition of "Dependent".

"**Effective Date**" means December 1, 2006.

"**Eligible Employee**" means any Non-Bargaining Unit Employee, other than an Employee of the Champaign County Nursing Home, who is participating in the Employer's Group Health Plan.

"**Employee**" means any person employed by the Employer. The term Employee shall include leased employees within the meaning of Code Section 414(n)(2).

"**Employer**" means County of Champaign and any other business organization, which succeeds to its business and elects to continue this Plan, which adopts this Plan with the consent of the Board.

"**Enrollment Form**" means the form provided by the Administrator for the purpose of allowing an Eligible Employee to participate in this Plan. The Employer may designate the Employer's Group Health Plan enrollment form as the required enrollment form for this Plan.

"**Enrollment Period**" means the period upon becoming an eligible employee. In addition, with respect to a Plan Year, it means the month prior to the beginning of the Plan Year, or such other period as may be prescribed by the Plan Administrator in a nondiscriminatory manner.

"**Entry Date**" means the date the conditions for eligibility requirements were met and an Enrollment Form has been submitted to the Administrator.

"**ERISA**" means the Employee Retirement Income Security Act of 1974, and the same as may be amended from time to time.

"**Expense**" (See "Qualified Medical Expense" below.).

"**Group Health Plan**" means the high deductible health plan(s) that the Employer maintains for its Employees (and for their Spouses and Dependents that may be eligible under the terms of such plan), providing major medical type benefits through a group insurance policy or policies.

"**Health FSA**" means a health flexible spending arrangement as defined in Prop. Treas. Reg. Section 1.125-2, Q/A-7(a).

"**Highly Compensated Employee**" means any Employee defined as such in section 105(h) of the Code.

"**HRA Account**" means the HRA Account described in Section 3.

"**Ineurred**" means a Qualified Medical Expense is incurred at the time the medical care or service giving rise to the Expense is furnished, and not when the individual incurring the Expense is formally billed for, is charged for, or pays for medical care.

"**Participant**" means any Eligible Employee who has met the conditions for participation set forth in Section 2, below.

"**Participating Employer**" means the Employer and any affiliated company which adopts this Plan with the consent of the Board.

County of Champaign Non-Bargaining Unit Employees
Health Reimbursement Arrangement Plan Document

“Period of Coverage” means the Plan Year, with the following exceptions: (a) for Employee who first become eligible to participate, it shall mean the portion of the Plan Year following the date participation commences, as described in Section II; and (b) for employees who terminate participation, it shall mean the portion of the Plan Year prior to the date participation terminates, as described in Section II. A different Period of Coverage (e.g. monthly) may be established by the Administrator and communicated to the Participants.

“Plan” means the Health Reimbursement Arrangement Plan described herein.

“Plan Year” means the 12-month period commencing December 1 and ending November 30.

“Qualified Benefits” means each reimbursement for Qualified Medical Expenses as described in the document.

“Qualified Medical Expense” means Expenses Incurred during the Period of Coverage that are applied to the deductible that exceed the per person or the per family deductible amount listed on Schedule A for in-network expenses under the Employer’s Group Health Plan. After the individual or family limit has been met this Plan will pay the in-network deductible expenses Incurred under the Employer’s Group Health Plan up to a maximum benefit amount as defined in Schedule A. Out-of-network deductible expenses, co-pays, coinsurance and other out-of-pocket expenses are not eligible expenses under this Plan.

Qualified Medical Expenses can only be reimbursed to the extent that the participant or other person incurring the expense is not reimbursed for the expense (nor is the expense reimbursable) through the Employer’s Group Health Plan, other insurance, or any accident or health plan except a Health FSA. If only a portion of the Qualified Medical Expenses has been reimbursed elsewhere (e.g. because the health insurance plan imposes deductible limitations), the HRA Account can reimburse the remaining portion of such Expense if it otherwise meets the requirements of the Plan.

The cost of such eligible Expenses must be supported by adequate evidence of the incurring or payment of such cost, and submitted to the Employer by the Participant or his legal representative. The determination of the qualification of the deductible expenses and the determination of the completeness of submitted request for reimbursement will rest solely on the Employer or person or persons appointed to review all claims. The consequent Employer’s decision will be final.

“Reimbursement” means the actual transfer of Benefit Credits available to a Plan Participant in the Health Reimbursement Arrangement account, by the Employer, for payment of Qualified Medical Expenses. The reimbursement will be in the form of a check drawn on the funds of the Employer, or in any other form as determined by the Employer.

“Spouse” means the legally married husband or wife of a Participant, unless legally separated by court decree. Spouse means an individual who is legally married to a Participant as determined under applicable state law (and who is treated as a spouse under the Code).

Section II

Participation in the Plan

Eligibility to Participate. Any Eligible Employee shall be eligible to participate hereunder as of the date he satisfies the eligibility conditions for the Employer’s Group Health Plan, the provisions of which are specifically incorporated herein by reference.

Effective Date of Participation. Each Eligible Employee shall be eligible to become a Participant effective as of his Entry Date into the Employer’s Group Health Plan.

Procedure for and Effect of Participation. An Eligible Employee may become a Participant in the Plan by executing an Enrollment Form, available from the Employer or Plan Administrator, and by providing such data as are reasonably required by the Employer as a condition of such participation. Each individual shall for all purposes be deemed conclusively to have consented to the provisions of the Plan and all amendments thereto.

Cessation of Participation. A Participant will cease to be a Participant as of the earlier of:

- a. the date on which the Plan terminates;
- b. the date on which he ceases to be an Eligible Employee or the date the Participation ceases according to other provisions of this Plan, if his Participation is extended by other provisions of this Plan.
- c. the date on which a Participating Employer terminates its participation in the Plan.

Nothing in this section shall prohibit the payment of Benefits with respect to claims arising prior to the Participant’s termination of participation in accordance with the requirements stated in Section III.

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Participation Following Termination of Employment or Loss of Eligibility

If a Participant terminates his or her employment for any reason or ceases to be an Eligible Employee for any other reason and then is rehired or becomes an Eligible Employee within the same Plan Year, the Employee will be reinstated with the same HRA Account balance that such individual had before termination.

Change in Enrollment.

An Eligible Employee, who is not enrolled, may complete an enrollment form in connection with a change of status:

When a significant coverage is no longer available resulting in a loss of coverage under this Plan, a Participant may change to another benefit option, if available, or cease enrollment.

Participants may make a change in benefit options that corresponds with changes made under an accident and health plan of the spouse's or dependent's employer including changes made under a domestic partner's plan, or the plan of the employee's employer. The change request must be combined with adequate documentation describing the change in coverage for which the Participant, dependent, or domestic partner is covered.

Participants may make a change in coverage to add self or dependent who lose coverage under a health plan maintained or administered by a government or educational institution.

Section III

Benefits

Benefit Credits. There shall be credited to each Participant's Health Reimbursement Arrangement account those Benefit Credits that correspond to the amount of the Employer's funding for the complete Plan Year or for such partial Plan Year, as shown by the amounts set forth on Schedule A attached hereto, and as may be revised by the Employer from time to time. The amount of Benefits actually provided to or for the benefit of any Participant shall be a charge to the balance of his Health Reimbursement Arrangement account.

Election of Benefits. A participant must select the same benefit level in this Plan as in the Employer's Group Health plan.

Nature of Participant Health Reimbursement Arrangement account (HRA Account). No money shall actually be allocated to any Reimbursement Account; any such Reimbursement Account shall be of a memorandum nature, maintained by the Plan Administrator for accounting purposes, and shall not be representative of any identifiable Trust assets. No interest will be credited to or paid on amounts credited to a Health Reimbursement Arrangement account.

Provision of Benefits. The Employer shall provide such Benefits as the Participant has elected under the Plan, in such amounts as do not exceed the amount indicated on the Schedule A of this Plan, and subject to Employer contributions from time to time. Such Benefits shall be subject to the provisions of this Plan, the Summary Plan Description, contract, or other arrangement setting forth the further terms and conditions pursuant to which such Benefits are provided. No amount shall be applied to provide Benefits under this Plan if such amount would exceed the balance of the Participant's Benefit Credits in the Health Reimbursement Arrangement account.

No Carryover of Benefits. If at the end of any Plan Year where there remains any unused Benefit Credits to the Participant's Health Reimbursement Arrangement account such total benefit credits will not be carried forward into the following Plan Year. A participant has 90 days after the end of the Plan Year to file a claim for any Qualified Medical Expenses Incurred in the previous plan year against any unused Benefit Credits from the previous Plan Year. A Qualified Medical Expense Incurred during one Period of Coverage may not be paid with Benefit Credits from a different Period of Coverage. In addition, any HRA benefit payments that are unclaimed (e.g., uncashed benefit checks) by the close of the Plan Year following the Period of Coverage in which the Qualified Medical Expense was incurred shall remain the property of the Employer.

Revocation and Modification of Elections.

- a. Once an Eligible Employee has elected Benefits under the Plan and the Plan Year has begun, he may not amend or revoke his election of Benefits, unless there is a Change in Status or as may otherwise be permitted under this Section 3. The revocation of a designation of Benefits and election of new Benefits may be made by an Eligible Employee only if both the revocation of existing designation of Benefits and election of new Benefits are made on account of and consistent with the previously described Change in Status (except for coverage under COBRA as defined in Section 5.)
- b. Change in Coverage.

A Participant may make a prospective election change that is on account of and corresponds with a change made under the plan of the employer of the Participant's spouse, former spouse, or Dependent's employer, if (a) the accident and

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health plan in which the spouse, former Spouse, or Dependent participates permits its participants to make an election change that would be permitted under Treasury regulation Section 1.125-4(b) through (g); or (b) the Participant's plan year period of coverage is different from the plan year period of coverage under the cafeteria plan or benefit plan of the plan in which the Spouse, former Spouse or Dependent participates.

Where there is a judgment, decree, or order (including a qualified medical child support order described in ERISA Section 609) ("Order") resulting from a Participant's divorce, annulment, legal separation, or change in custody, (a) a Participant's election under this Plan may be changed to provide coverage for a Dependent who is the Participant's child if the Order requires such coverage, and (b) coverage of the Dependent who is the Participant's child may be revoked or changed if the Order requires someone other than the Participant to provide such coverage.

If a Participant, his spouse or Dependent is entitled to special enrollment rights under a group health plan, as required by Code Sec. 9801(f) (i.e., HIPAA), then a Participant may revoke a prior election for coverage under this Plan and make a new election, provided that the election corresponds with such special enrollment rights under the group health plan.

A Participant entitled to make a new election under this Section 3 must do so within 30 days of the event described above. Any such election shall apply for the balance of the Plan Year in which the election is made unless a subsequent event (described in this Section 3) occurs.

Forfeitures. If the total Qualified Benefits paid or reimbursed to a Participant with respect to any Plan Year are less than the Benefit Credits allocated to the provision of such Qualified Benefits, the unused portion shall be forfeited 90 days following the end of the Plan Year.

Reimbursements. Except as otherwise provided in this Plan, reimbursement of expenses shall be made at such time and in such amounts as are evidenced by submitted proof of incurring for Qualified Medical Expenses by the Employee, provided sufficient Benefit Credits are available in the account of the Participant. No payment may be made for any medical expense incurred by the Participant before the Participant's effective date of coverage or incurred or paid on or after the date of actual termination of participation. Provisions for reimbursement of expenses by the Employer will be determined by the Employer who is the sole source of payment of benefits. Your claim reimbursements will be processed on a minimum of a monthly basis.

Nondiscrimination. Reimbursement to Highly Compensated Individuals may be limited or treated as taxable compensation to comply with Code Section 105 (h), as may be determined by the Administrator in its sole discretion.

Termination of Employment. If a Participant separates from service with the Employer during a period in which he is covered under the Plan, his participation in this Plan ends on the same date as his termination as an active Eligible Employee from the Employer's Group Health Plan.

Participation While on FMLA Leave. A Participant who takes an unpaid leave of absence under the Family and Medical Leave Act of 1993 ("FMLA Leave") may continue participation in this Plan to the same extent the employee participates in the Plan. If such participant returns to active employment, the participant will be reinstated, provided the former participant also is reinstated in the Employer's Group Health Plan *coincidentally, and in the same manner as existed* before the FMLA Leave commenced. The Employer will provide such Benefit Credits that would normally be provided to such Participant. The manner in which such Benefit Credits are applied to the Participant's account shall be determined by the Employer or Plan Administrator in its sole discretion.

Uniformed Service Under USERRA. A Participant who is absent from employment with the Employer on account of being in "uniformed service", as that term is defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"), will continue participation in the Plan as long as the employee elects coverage under the health plan. The coverage period shall extend for the lesser of 24 months or until the Participant fails to apply for reinstatement or to return to employment with the Employer. Benefit Credits remaining at the time active employment ceases may be used as provided in the Plan except that no Qualified Medical Expenses will be considered for reimbursement when the cost of the medical service was available for payment or coverage by any other accident and health plan to which the Participant is entitled. All unused Benefit Credits remaining in the Health Reimbursement Arrangement account will be held in the account until such time as the Employee returns to active Employment in the time and manner under USERRA, and then be available for reimbursement for Qualified Medical Expenses. If such participant returns to active employment before the expiration of the 24 month period indicated above, the participant will be reinstated, provided the former participant also is reinstated in the Employer's Group Health Plan *coincidentally, and in the same manner as existed* before the USERRA Leave commenced. The Employer will provide such Benefit Credits that would normally be provided to such Participant during the remainder of the current Plan Year. The manner in which such Benefit Credits are applied to the Participant's account shall be determined by the Employer or Plan Administrator in its sole discretion.

Section IV

Administration

Enrollment. An Eligible Employee may request Participation in the Plan by completing the Enrollment Form supplied by the Employer or Plan Administrator. No eligible employee may enroll in this Plan unless and until he coincidentally enrolls at the same time, in the Employer's Group Health Plan.

Administrator. The Employer shall be the Plan Administrator for the purposes of ERISA.

Named Fiduciary. The Employer shall be the named fiduciary responsible for administration of the Plan. The Employer may, however, delegate any of its powers or duties under the Plan in writing to any person or entity. The delegate shall become the fiduciary for only that part of the administration which has been delegated by the Employer and any references to the Employer shall instead apply to the delegate. However if the employer assigns any of the Employer's responsibility to an Employee, it will not be considered a delegation of Employer responsibility but rather how the Employer internally is assigning responsibility.

Rules of Administration. The Plan Administrator, shall have full discretionary authority and power to administer and construe the Program, subject to applicable requirements of law. Without limiting the generality of the foregoing, the Plan Administrator shall have the following discretionary powers and duties: (i) to make and enforce such rules and regulations as it deems necessary or proper for the efficient administration of the Program; (ii) to interpret the Program, its interpretation thereof to be final and conclusive on all persons claiming benefits under the Program; (iii) to decide all questions concerning the Program, including questions of fact respecting Program benefits, the eligibility of any person to participate in the Program and the status and rights of any Participant under the Program; and (iv) to appoint such agents, counsel, accountants, consultants and other persons as may be required to assist in administering the Program.

Third Party Administrator. The Plan may from time to time employ the services of an Third Party administrator (TPA) for designated Plan administration, or other Qualified professionals for Plan services, under the direction of the Plan Administrator. A Third Party Administrator (TPA) is under contract to provide administrative services to this Plan. This provider is described on Schedule A of this document.

Funding Policy. All of the amounts payable under this Plan shall be paid from the general assets of the Employer. Nothing herein will be construed to require the Employer or the Administrator to maintain any fund or to segregate any amount for the benefit of the Participant, and no Participant or other person shall have any claim against, right to, or security or other interest in any fund, account, or asset of the Employer from which any payment under this Plan may be made. There is no trust or other fund from which Benefits are paid.

Claims Procedure.

A. To receive benefits under the Plan, a Participant must submit a written claim for benefits to the Plan Administrator. For purposes of the claims procedure, the Employer will assign a person or a committee, to be the Claims Administrator. Any claim for Benefits underwritten by an Insurance Contract shall be made to the Insurer. If the Insurer denies any claim, the Participant or beneficiary shall follow the Insurer's claims review procedure. Any other claim for Benefits shall be made to the Administrator. If the Administrator denies a claim, the Administrator may provide notice to the Participant or beneficiary, in writing, within 90 days after the claim is filed unless special circumstances require an extension of time for processing the claim. If the Administrator does not notify the Participant of the denial of the claim within the 90 day period specified above, then the claim shall be deemed denied. The notice of a denial of a claim shall be written in a manner calculated to be understood by the claimant and shall set forth:

1. specific references to the pertinent Plan provisions on which the denial is based;
2. a description of any additional material or information necessary for the claimant to perfect the claim and an explanation as to why such information is necessary; and
3. an explanation of the Plan's claim procedure.

a. Within 60 days after receipt of the above material, the claimant shall have a reasonable opportunity to appeal the claim denial to the Administrator for a full and fair review. The claimant or his duly authorized representative may:

1. request a review upon written notice to the Administrator;
2. review pertinent documents; and

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3. submit issues and comments in writing.

b. A decision on the review by the Administrator will be made not later than 60 days after receipt of a request for review, unless special circumstances require an extension of time for processing (such as the need to hold a hearing), in which event a decision should be rendered as soon as possible, but in no event later than 120 days after such receipt. The decision of the Administrator shall be written and shall include specific reasons for the decision, written in a manner calculated to be understood by the claimant, with specific references to the pertinent Plan provisions on which the decision is based.

c. Any balance remaining in the Participants' HRA Account shall be forfeited 90 days following the end of the Plan year, unless the Participant had made a claim for such Plan Year, in writing, which has been denied or is pending; in which event the amount of the claim shall be held in his account until the claim appeal procedures set forth above have been satisfied or the claim is paid. If any such claim is denied on appeal, the amount held beyond 90 days after the end of the Plan Year shall be forfeited.

d. Notwithstanding the foregoing, in the case of a claim for medical expenses under the Health Reimbursement Arrangement Plan, the following timetable for claims and rules below apply:

Notification of whether claim is accepted or denied	30 days
Extension due to matters beyond the control of the Plan	15 days
Insufficient information on the Claim:	
Notification of	15 days
Response by Participant	45 days
Review of claim denial	60 days

The Plan Administrator will provide written or electronic notification of any claim denial. The notice will state:

1. The specific reason or reasons for the denial.
2. Reference to the specific Plan provisions on which the denial was based.
3. A description of any additional material or information necessary for the claimant to perfect the claim and an explanation of why such material or information is necessary.
4. A description of the Plan's review procedures and the time limits applicable to such procedures. This will include a statement of the right to bring a civil action under section 502 of ERISA following a denial on review.
5. A statement that the claimant is entitled to receive, upon request and free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to the Claim.
6. If the denial was based on an internal rule, guideline, protocol, or other similar criterion, the specific rule, guideline, protocol, or criterion will be provided free of charge. If this is not practical, a statement will be included that such a rule, guideline, protocol, or criterion was relied upon in making the denial and a copy will be provided free of charge to the claimant upon request.

When the Participant receives a denial, the Participant shall have 180 days following receipt of the notification in which to appeal the decision. The Participant may submit written comments, documents, records, and other information relating to the Claim. If the Participant requests, the Participant shall be provided, free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to the Claim.

The period of time within which a denial on review is required to be made will begin at the time an appeal is filed in accordance with the procedures of the Plan. This timing is without regard to whether all the necessary information accompanies the filing.

A document, record, or other information shall be considered relevant to a Claim if it:

1. was relied upon in making the claim determination;

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2. was submitted, considered, or generated in the course of making the claim determination, without regard to whether it was relied upon in making the claim determination;
3. demonstrated compliance with the administrative processes and safeguards designed to ensure and to verify that claim determinations are made in accordance with Plan documents and Plan provisions have been applied consistently with respect to all claimants; or
4. constituted a statement of policy or guidance with respect to the Plan concerning the denied claim.

The review will take into account all comments, documents, records, and other information submitted by the claimant relating to the Claim, without regard to whether such information was submitted or considered in the initial claim determination. The review will not afford deference to the initial denial and will be conducted by a fiduciary of the Plan who is neither the individual who made the adverse determination nor a subordinate of that individual.

Nondiscriminatory Operation. All rules, decisions and designations by the Employer, Claim Administrator, and each Committee under the Plan shall be made in a nondiscriminatory manner, and persons similarly situated shall be treated alike.

Liability of Administrative Personnel. Neither the Employer nor any of its Employees shall be liable for any loss due to an error or omission in administration of the Plan unless the loss is due to the gross negligence or willful misconduct of the party to be charged or is due to the failure of the party to be charged to exercise a fiduciary responsibility with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

Section V

Continuation of Coverage

Notwithstanding anything in the Plan to the contrary, in the event any benefit under this Plan subject to the continuation coverage requirement of Code Section 4980B becomes unavailable, each Participant will be entitled to continuation coverage as prescribed in Code Section 4980B.

Section VI

Miscellaneous

Administrative Expenses. All reasonable expenses incurred in administering the Plan are currently paid by the Employer

Amendment and Termination. The Employer may amend or terminate all or any portion of this Plan at any time for any reason by resolution of the Employer or by any person authorized by the Employer to take such action.

Effect of Plan on Employment. The Plan shall not be deemed to constitute a contract of employment between the Participating Employer and any Participant or to be a consideration or an inducement for the employment of any Participant or Employee. Nothing contained in this Plan shall be deemed to give any Participant or Employee the right to be retained in the service of the Participating Employer or to interfere with the right of the Employer to discharge any Participant or Employee at any time regardless of the effect which such discharge will have upon him or her as a Participant of this Plan.

Alienation of Benefits. No Benefit under this Plan may be voluntarily or involuntarily assigned or alienated.

Facility of Payment. If the Employer deems any person incapable of receiving Benefit to which he is entitled by reason of not having reached the age of majority, illness, infirmity, or other incapacity, it may direct that payment be made directly for the benefit of such person or to any person selected by the Employer to disburse it, whose receipt shall be a complete release of the Employer and shall be deemed full payment of the Benefit. Such payments shall, to the extent thereof, discharge all liability of the Employer.

Proof of Claim. As a condition of receiving Benefits under the Plan, any person may be required to submit whatever proof the Employer may require either directly to the Employer or to any person delegated by it.

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Code and ERISA Compliance. It is intended that this Plan meet all applicable requirements of the Code and ERISA, and of all regulations issued thereunder. This Plan shall be construed, operated and administered accordingly, and in the event of any conflict between any part, clause or provision of this Plan and the Code and/or ERISA, the provisions of the Code and ERISA shall be deemed controlling, and any conflicting part, clause or provision of this Plan shall be deemed superseded to the extent of the conflict.

No Guarantee of Tax Consequences. Neither the Administrator nor the Employer makes any commitment or guarantee that any amounts paid to or for the benefit of a participant under this Plan will be excludable from the Participant's gross income for federal, state or local income tax purposes. It shall be the obligation of each Participant to determine whether each payment under this Plan is excludable from the Participant's gross income for federal, state and local income tax purposes, and to notify the Administrator if the Participant has any reason to believe that such payment is not so excludable.

Indemnification of Employer. If any Participant receives one or more payments or reimbursements under this Plan on a tax-free basis, and such payments do not qualify for such treatment under the Code, such Participant shall indemnify and reimburse the Employer for any liability it may incur for failure to withhold federal income taxes, Social Security taxes, or other taxes from such payments or reimbursements.

Applicable Law. The Plan shall be construed, administered and enforced according to the laws of the State of Illinois to the extent not superseded by the Code, ERISA, or any other federal law.

Source of Payments. The Employer shall be the sole sources of Benefits under the Plan. No Employee or beneficiary shall have any right to, or interest in, any assets of the Employer upon termination of employment or otherwise, except as provided from time to time under the Plan, and then only to the extent of the Benefits payable under the Plan to such Employee or beneficiary.

Severability. If any provision of this Plan shall be held invalid or unenforceable, such invalidity or unenforceability shall not affect any other provision, and this Plan shall be construed and enforced as if such provision had not been included.

Heirs and Assigns. This Plan shall be binding upon the heirs, executors, administrators, successors and assigns of all parties, including each Participant and beneficiary.

Headings and Captions. The headings and captions set forth in the Plan are provided for convenience only, shall not be considered part of the Plan, and shall not be employed in construction of the Plan.

Multiple Functions. Any person or a group of persons may serve in more than one fiduciary capacity with respect to the Plan.

Gender and Form. Unless the context clearly indicates otherwise, pronouns shall be interpreted so that the masculine pronoun shall include the feminine, and the singular shall include the plural.

Plan Provisions Controlling. In the event that the terms or Provisions of any summary or description of this Plan, or of any other instrument, are in any construction interpreted as being in conflict with the provisions of this Plan as set forth in this document, the provisions of this plan shall be controlling.

Prior Year Claims. Claims can be submitted up to 90 days past the end of the plan year.

Protection of Your Health Information Under the HIPAA Privacy and Security Regulations

Use and Disclosure of Protected Health Information (PHI)

The Plan will use or disclose "Protected Health Information" (PHI) to the extent and in accordance with the uses and disclosures permitted by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and the regulations issued thereunder, as amended from time to time, including 45 CFR Parts 160 and 164, subparts A and E (HIPAA Privacy Rule) and 45 CFR Parts 160 and 164, subpart C (HIPAA Security Rule).

Use and Disclose PHI as Permitted by Authorization of a Participant

As soon as practicable following the receipt of an authorization from a participant or his or her duly appointed personal representative, the Plan will disclose PHI in accordance with the authorization.

Disclosure to the Employer

Upon request of the Employer, the Plan will disclose summary health information and enrollment and disenrollment information to the Employer as permitted pursuant to Section 164.504 of the HIPAA Privacy Rule.

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The Plan will disclose to the Employer PHI other than summary health information and enrollment and disenrollment information for purposes related to "plan administration" as defined in the HIPAA Privacy Rule only upon receipt of a certification from the Employer that the Plan documents have been amended to incorporate the provisions set forth herein.

To receive PHI as described in the preceding paragraph, the Employer shall certify to the Plan that it agrees to:

- not use or further disclose PHI other than as permitted or required by the Plan document or as required by law;
- implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity and availability of electronic PHI that the Employer creates, receives, maintains, or transmits on behalf of the Plan;
- ensure that any agents, including a subcontractor, to whom the Employer provides PHI received from the Plan agree to the same restrictions and conditions that apply to the Employer with respect to such PHI;
- not use or disclose PHI for employment-related actions and decisions unless authorized by the individual that is the subject of the PHI or his or her duly appointed personal representative;
- not use or disclose PHI in connection with any other benefit or employee benefit plan of the Employer unless authorized by an individual;
- report to the Plan any security incident, as defined under the HIPAA Security Rule, or any use or disclosure of PHI that is inconsistent with the uses or disclosures provided for of which it becomes aware;
- make PHI available to an individual in accordance with the access requirements under the HIPAA Privacy Rule;
- make PHI available for amendment and incorporate any amendments to PHI in accordance the HIPAA Privacy Rule;
- make available the information required to provide an accounting of disclosures in accordance with the HIPAA Privacy Rule;
- make internal practices, books and records relating to the use and disclosure of PHI received from the Plan available to the HHS Secretary for the purposes of determining the Plan's compliance with the HIPAA Privacy Rule; and
- if feasible, return or destroy all PHI received from the Plan that the Employer still maintains in any form, and retain no copies of such PHI when no longer needed for the purpose for which the disclosure was made. Where the return or destruction is not feasible, limit further uses and disclosures to those purposes that make the return or destruction not feasible.

Adequate Separation Between the Plan and the Employer Must Be Maintained

In accordance with the HIPAA Privacy Rule and the HIPAA Security Rule and to the extent permitted under the Plan's privacy policies, only the following employees or classes of employees may be given access to PHI:

- Privacy Officer.
- Designee(s) of the Privacy Officer.

The persons described in this section may only have access to and use and disclose PHI for the purposes described above. If the persons described in this section do not comply with this Plan document, and the Plan's policies and procedures, the Employer shall provide a mechanism for resolving issues of noncompliance, including disciplinary sanctions.

Executed this Date: _____

County of Champaign

ATTEST: _____

(Secretary)

BY: _____

(Authorized Officer)

RESOLUTION NO. 5691

RESOLUTION TO APPROVE A HEALTH REIMBURSEMENT ARRANGEMENT PLAN
FOR CHAMPAIGN COUNTY NURSING HOME EMPLOYEES

WHEREAS, the Champaign County Board has established A Health Reimbursement Arrangement Plan to be offered Champaign County Nursing Home employees effective December 1, 2006; and

WHEREAS, the Health Reimbursement Arrangement Plan attached hereto sets forth the terms and conditions by which the Champaign County Board shall make available this benefit to its Nursing Home employees, effective December 1, 2006.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Champaign County that the attached Health Reimbursement Arrangement Plan for Champaign County Nursing Home Employees, effective December 1, 2006, is hereby approved; and

BE IT FURTHER RESOLVED by the County Board of Champaign County, that the County Board Chair is hereby authorized to execute the Health Reimbursement Arrangement Plan for Champaign County Nursing Home Employees effective December 1, 2006, on behalf of Champaign County.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

**Champaign County Nursing Home
Health Reimbursement Arrangement Plan (HRA)
Plan Document**

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Plan Purpose

The Name of this Plan is Champaign County Nursing Home Health Reimbursement Arrangement Plan, established by the Employer, County of Champaign, whose address is 1776 E. Washington, Urbana, IL 61802. The effective date of this Plan is December 1, 2006.

The purpose of the Plan is to allow Employees of the Employer to obtain reimbursement of Qualified Medical Expenses not otherwise reimbursed or reimbursable in full by any other accident or health plan with tax-free funds provided by the Employer from the HRA Account. The Employer intends that the Plan qualify as an employer-provided medical reimbursement plan under Code sections 105 and 106 and regulations issued hereunder, and as a health reimbursement arrangement as defined under IRS Notice 2002-45, and shall be interpreted to accomplish that objective. The Expenses reimbursed under the Plan are intended to be eligible for exclusion from the participating Employee's gross income for Federal Income Tax purposes under Code Section 105 (b).

Section I

Definitions

The following words and phrases as used herein shall have the following meanings, unless a different meaning is plainly required by the context. Pronouns shall be interpreted so that the masculine pronoun shall include the feminine and the singular shall include the plural, and the following rules of interpretation shall apply in reading this instrument:

"Affiliated Employer" means:

- a. any corporation which is a member of a controlled group of corporations including those within the meaning of section 1563(a) and 414(b) of the Code, determined without regard to sections 1563(a)(4) and (e)(3)(C), including the Employer;
- b. any organization under common control with the Employer within the meaning of section 414(c) of the Code;
- c. any organization which is included with the Employer in an affiliated service group within the meaning of section 414(m) of the Code; or
- d. any other entity required to be aggregated with the Employer pursuant to regulations under section 414(o) of the Code.

"Benefit Credits" means the amounts set aside for Benefits under Section 3 and credited to the Participant's Health Reimbursement Arrangement account.

"Benefits" means the reimbursements for Qualified Medical Expenses available from time to time under the Plan, as set forth on this Plan.

"Board" means the Board of Directors of County of Champaign

"Change in Status" means:

- a. A change in a Participant's legal marital status, including marriage, divorce, legal separation, annulment, or death of the Participant's spouse.
- b. An event affecting the number of the Participant's Dependents, including birth, death, adoption, and placement for adoption.
- c. A change in employment status of the Participant, his spouse or Dependents, including termination or commencement of employment (as determined under the Code Section 125 regulations); a strike or lockout; a commencement of or return from an unpaid leave of absence; a change in worksite; or a change in the employment status of the Participant, his spouse or dependent (e.g., hourly to salary, union to non-union, or full-time to part-time), that affects that person's rights under this Plan or an underlying benefit program (e.g., changing from salaried to hourly-paid, union to non-union or part-time from full-time).

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- c. A change in the residence of the Participant, his spouse or Dependent.
- f. Any other events included under Code Section 125, or regulations or other guidance promulgated there under relating to changes in family status. The determination of whether there is a Change in Status shall be determined by the Plan Administrator in its sole discretion, consistent with the regulations under Code Section 125.

“**COBRA**” means the Consolidated Omnibus Budget Reconciliation Act of 1985.

“**Code**” means the Internal Revenue Code of 1986, and the same as may be amended from time to time.

“**Committee**” means the individuals who may be appointed by the Plan Administrator to administer the process of claims review for the Plan in accordance with Section 4.

“**Dependent**” means any individual who is as a tax dependent of the Participant as defined in Code § 105(b), with the following exception: any child to whom Code § 152 (e) applies (regarding a child or divorced parents, etc., where one or both parents have custody of the child for more than half of the calendar year and where the parents together provide more than half of the child’s support for the calendar year) is treated as a dependent of both parents. Notwithstanding the foregoing, the HRA Account will provide benefits in accordance with the applicable requirements of any QMCSO, even if the child does not meet the definition of “Dependent”.

“**Effective Date**” means December 1, 2006.

“**Eligible Employee**” means any Employee of the Champaign County Nursing Home who is participating in the Employer’s Group Health Plan.

“**Employee**” means any person employed by the Employer. The term Employee shall include leased employees within the meaning of Code Section 414(n)(2).

“**Employer**” means County of Champaign and any other business organization, which succeeds to its business and elects to continue this Plan, which adopts this Plan with the consent of the Board.

“**Enrollment Form**” means the form provided by the Administrator for the purpose of allowing an Eligible Employee to participate in this Plan. The Employer may designate the Employer’s Group Health Plan enrollment form as the required enrollment form for this Plan.

“**Enrollment Period**” means the period upon becoming an eligible employee. In addition, with respect to a Plan Year, it means the month prior to the beginning of the Plan Year, or such other period as may be prescribed by the Plan Administrator in a nondiscriminatory manner.

“**Entry Date**” means the date the conditions for eligibility requirements were met and an Enrollment Form has been submitted to the Administrator.

“**ERISA**” means the Employee Retirement Income Security Act of 1974, and the same as may be amended from time to time.

“**Expense**” (See “Qualified Medical Expense” below.).

“**Group Health Plan**” means the high deductible health plan(s) that the Employer maintains for its Employees (and for their Spouses and Dependents that may be eligible under the terms of such plan), providing major medical type benefits through a group insurance policy or policies.

“**Health FSA**” means a health flexible spending arrangement as defined in Prop. Treas. Reg. Section 1.125-2, Q/A-7(a).

“**Highly Compensated Employee**” means any Employee defined as such in section 105(h) of the Code.

“**HRA Account**” means the HRA Account described in Section 3.

“**Incurred**” means a Qualified Medical Expense is incurred at the time the medical care or service giving rise to the Expense is furnished, and not when the individual incurring the Expense is formally billed for, is charged for, or pays for medical care.

“**Participant**” means any Eligible Employee who has met the conditions for participation set forth in Section 2, below.

“**Participating Employer**” means the Employer and any affiliated company which adopts this Plan with the consent of the Board.

“**Period of Coverage**” means the Plan Year, with the following exceptions: (a) for Employee who first become eligible to participate, it shall mean the portion of the Plan Year following the date participation commences, as described in Section

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II; and (b) for employees who terminate participation, it shall mean the portion of the Plan Year prior to the date participation terminates, as described in Section II. A different Period of Coverage (e.g. monthly) may be established by the Administrator and communicated to the Participants.

“Plan” means the Health Reimbursement Arrangement Plan described herein.

“Plan Year” means the 12-month period commencing December 1 and ending November 30.

“Qualified Benefits” means each reimbursement for Qualified Medical Expenses as described in the document.

“Qualified Medical Expense” means Expenses Incurred during the Period of Coverage that are applied to the deductible that exceed the per person or the per family deductible amount listed on Schedule A for in-network expenses under the Employer’s Group Health Plan. After the individual or family limit has been met this Plan will pay the in-network deductible expenses Incurred under the Employer’s Group Health Plan up to a maximum benefit amount as defined in Schedule A. Out-of-network deductible expenses, co-pays, coinsurance and other out-of-pocket expenses are not eligible expenses under this Plan.

Qualified Medical Expenses can only be reimbursed to the extent that the participant or other person incurring the expense is not reimbursed for the expense (nor is the expense reimbursable) through the Employer’s Group Health Plan, other insurance, or any accident or health plan except a Health FSA. If only a portion of the Qualified Medical Expenses has been reimbursed elsewhere (e.g. because the health insurance plan imposes deductible limitations), the HRA Account can reimburse the remaining portion of such Expense if it otherwise meets the requirements of the Plan.

The cost of such eligible Expenses must be supported by adequate evidence of the incurring or payment of such cost, and submitted to the Employer by the Participant or his legal representative. The determination of the qualification of the deductible expenses and the determination of the completeness of submitted request for reimbursement will rest solely on the Employer or person or persons appointed to review all claims. The consequent Employer’s decision will be final.

“Reimbursement” means the actual transfer of Benefit Credits available to a Plan Participant in the Health Reimbursement Arrangement account, by the Employer, for payment of Qualified Medical Expenses. The reimbursement will be in the form of a check drawn on the funds of the Employer, or in any other form as determined by the Employer.

“Spouse” means the legally married husband or wife of a Participant, unless legally separated by court decree. Spouse means an individual who is legally married to a Participant as determined under applicable state law (and who is treated as a spouse under the Code).

Section II

Participation in the Plan

Eligibility to Participate. Any Eligible Employee shall be eligible to participate hereunder as of the date he satisfies the eligibility conditions for the Employer’s Group Health Plan, the provisions of which are specifically incorporated herein by reference.

Effective Date of Participation. Each Eligible Employee shall be eligible to become a Participant effective as of his Entry Date into the Employer’s Group Health Plan.

Procedure for and Effect of Participation. An Eligible Employee may become a Participant in the Plan by executing an Enrollment Form, available from the Employer or Plan Administrator, and by providing such data as are reasonably required by the Employer as a condition of such participation. Each individual shall for all purposes be deemed conclusively to have consented to the provisions of the Plan and all amendments thereto.

Cessation of Participation. A Participant will cease to be a Participant as of the earlier of:

- a. the date on which the Plan terminates;
- b. the date on which he ceases to be an Eligible Employee or the date the Participation ceases according to other provisions of this Plan, if his Participation is extended by other provisions of this Plan.
- c. the date on which a Participating Employer terminates its participation in the Plan.

Nothing in this section shall prohibit the payment of Benefits with respect to claims arising prior to the Participant’s termination of participation in accordance with the requirements stated in Section III.

Participation Following Termination of Employment or Loss of Eligibility

If a Participant terminates his or her employment for any reason or ceases to be an Eligible Employee for any other reason and then is rehired or becomes an Eligible Employee within the same Plan Year, the Employee will be reinstated with the same HRA Account balance that such individual had before termination.

Change in Enrollment.

An Eligible Employee, who is not enrolled, may complete an enrollment form in connection with a change of status:

When a significant coverage is no longer available resulting in a loss of coverage under this Plan, a Participant may change to another benefit option, if available, or cease enrollment.

Participants may make a change in benefit options that corresponds with changes made under an accident and health plan of the spouse's or dependent's employer including changes made under a domestic partner's plan, or the plan of the employee's employer. The change request must be combined with adequate documentation describing the change in coverage for which the Participant, dependent, or domestic partner is covered.

Participants may make a change in coverage to add self or dependent who lose coverage under a health plan maintained or administered by a government or educational institution.

Section III

Benefits

Benefit Credits. There shall be credited to each Participant's Health Reimbursement Arrangement account those Benefit Credits that correspond to the amount of the Employer's funding for the complete Plan Year or for such partial Plan Year, as shown by the amounts set forth on Schedule A attached hereto, and as may be revised by the Employer from time to time. The amount of Benefits actually provided to or for the benefit of any Participant shall be a charge to the balance of his Health Reimbursement Arrangement account.

Election of Benefits. A participant must select the same benefit level in this Plan as in the Employer's Group Health plan.

Nature of Participant Health Reimbursement Arrangement account (HRA Account). No money shall actually be allocated to any Reimbursement Account; any such Reimbursement Account shall be of a memorandum nature, maintained by the Plan Administrator for accounting purposes, and shall not be representative of any identifiable Trust assets. No interest will be credited to or paid on amounts credited to a Health Reimbursement Arrangement account.

Provision of Benefits. The Employer shall provide such Benefits as the Participant has elected under the Plan, in such amounts as do not exceed the amount indicated on the Schedule A of this Plan, and subject to Employer contributions from time to time. Such Benefits shall be subject to the provisions of this Plan, the Summary Plan Description, contract, or other arrangement setting forth the further terms and conditions pursuant to which such Benefits are provided. No amount shall be applied to provide Benefits under this Plan if such amount would exceed the balance of the Participant's Benefit Credits in the Health Reimbursement Arrangement account.

No Carryover of Benefits. If at the end of any Plan Year where there remains any unused Benefit Credits to the Participant's Health Reimbursement Arrangement account such total benefit credits will not be carried forward into the following Plan Year. A participant has 90 days after the end of the Plan Year to file a claim for any Qualified Medical Expenses Incurred in the previous plan year against any unused Benefit Credits from the previous Plan Year. A Qualified Medical Expense Incurred during one Period of Coverage may not be paid with Benefit Credits from a different Period of Coverage. In addition, any HRA benefit payments that are unclaimed (e.g., uncashed benefit checks) by the close of the Plan Year following the Period of Coverage in which the Qualified Medical Expense was incurred shall remain the property of the Employer.

Revocation and Modification of Elections.

- a. Once an Eligible Employee has elected Benefits under the Plan and the Plan Year has begun, he may not amend or revoke his election of Benefits, unless there is a Change in Status or as may otherwise be permitted under this Section 3. The revocation of a designation of Benefits and election of new Benefits may be made by an Eligible Employee only if both the revocation of existing designation of Benefits and election of new Benefits are made on account of and consistent with the previously described Change in Status (except for coverage under COBRA as defined in Section 5.)
- b. Change in Coverage.

A Participant may make a prospective election change that is on account of and corresponds with a change made under the plan of the employer of the Participant's spouse, former spouse, or Dependent's employer, if (a) the accident and health plan in which the spouse, former Spouse, or Dependent participates permits its participants to make an election

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change that would be permitted under Treasury regulation Section 1.125-4(b) through (g); or (b) the Participant's plan year period of coverage is different from the plan year period of coverage under the cafeteria plan or benefit plan of the plan in which the Spouse, former Spouse or Dependent participates.

Where there is a judgment, decree, or order (including a qualified medical child support order described in ERISA Section 609) ("Order") resulting from a Participant's divorce, annulment, legal separation, or change in custody, (a) a Participant's election under this Plan may be changed to provide coverage for a Dependent who is the Participant's child if the Order requires such coverage, and (b) coverage of the Dependent who is the Participant's child may be revoked or changed if the Order requires someone other than the Participant to provide such coverage.

If a Participant, his spouse or Dependent is entitled to special enrollment rights under a group health plan, as required by Code Sec. 9801(f) (i.e., HIPAA), then a Participant may revoke a prior election for coverage under this Plan and make a new election, provided that the election corresponds with such special enrollment rights under the group health plan.

A Participant entitled to make a new election under this Section 3 must do so within 30 days of the event described above. Any such election shall apply for the balance of the Plan Year in which the election is made unless a subsequent event (described in this Section 3) occurs.

Forfeitures. If the total Qualified Benefits paid or reimbursed to a Participant with respect to any Plan Year are less than the Benefit Credits allocated to the provision of such Qualified Benefits, the unused portion shall be forfeited 90 days following the end of the Plan Year.

Reimbursements. Except as otherwise provided in this Plan, reimbursement of expenses shall be made at such time and in such amounts as are evidenced by submitted proof of incurring for Qualified Medical Expenses by the Employee, provided sufficient Benefit Credits are available in the account of the Participant. No payment may be made for any medical expense incurred by the Participant before the Participant's effective date of coverage or incurred or paid on or after the date of actual termination of participation. Provisions for reimbursement of expenses by the Employer will be determined by the Employer who is the sole source of payment of benefits. Your claim reimbursements will be processed on a minimum of a monthly basis.

Nondiscrimination. Reimbursement to Highly Compensated Individuals may be limited or treated as taxable compensation to comply with Code Section 105 (h), as may be determined by the Administrator in its sole discretion.

Termination of Employment. If a Participant separates from service with the Employer during a period in which he is covered under the Plan, his participation in this Plan ends on the same date as his termination as an active Eligible Employee from the Employer's Group Health Plan.

Participation While on FMLA Leave. A Participant who takes an unpaid leave of absence under the Family and Medical Leave Act of 1993 ("FMLA Leave") may continue participation in this Plan to the same extent the employee participates in the Plan. If such participant returns to active employment, the participant will be reinstated, provided the former participant also is reinstated in the Employer's Group Health Plan coincidentally, and in the same manner as existed before the FMLA Leave commenced. The Employer will provide such Benefit Credits that would normally be provided to such Participant. The manner in which such Benefit Credits are applied to the Participant's account shall be determined by the Employer or Plan Administrator in its sole discretion.

Uniformed Service Under USERRA. A Participant who is absent from employment with the Employer on account of being in "uniformed service", as that term is defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"), will continue participation in the Plan as long as the employee elects coverage under the health plan. The coverage period shall extend for the lesser of 24 months or until the Participant fails to apply for reinstatement or to return to employment with the Employer. Benefit Credits remaining at the time active employment ceases may be used as provided in the Plan except that no Qualified Medical Expenses will be considered for reimbursement when the cost of the medical service was available for payment or coverage by any other accident and health plan to which the Participant is entitled. All unused Benefit Credits remaining in the Health Reimbursement Arrangement account will be held in the account until such time as the Employee returns to active employment in the time and manner under USERRA, and then be available for reimbursement for Qualified Medical Expenses. If such participant returns to active employment before the expiration of the 24 month period indicated above, the participant will be reinstated, provided the former participant also is reinstated in the Employer's Group Health Plan coincidentally, and in the same manner as existed before the USERRA Leave commenced. The Employer will provide such Benefit Credits that would normally be provided to such Participant during the remainder of the current Plan Year. The manner in which such Benefit Credits are applied to the Participant's account shall be determined by the Employer or Plan Administrator in its sole discretion.

Section IV

Administration

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Enrollment. An Eligible Employee may request Participation in the Plan by completing the Enrollment Form supplied by the Employer or Plan Administrator. No eligible employee may enroll in this Plan unless and until he coincidentally enrolls at the same time, in the Employer's Group Health Plan.

Administrator. The Employer shall be the Plan Administrator for the purposes of ERISA.

Named Fiduciary. The Employer shall be the named fiduciary responsible for administration of the Plan. The Employer may, however, delegate any of its powers or duties under the Plan in writing to any person or entity. The delegate shall become the fiduciary for only that part of the administration which has been delegated by the Employer and any references to the Employer shall instead apply to the delegate. However if the employer assigns any of the Employer's responsibility to an Employee, it will not be considered a delegation of Employer responsibility but rather how the Employer internally is assigning responsibility.

Rules of Administration. The Plan Administrator, shall have full discretionary authority and power to administer and construe the Program, subject to applicable requirements of law. Without limiting the generality of the foregoing, the Plan Administrator shall have the following discretionary powers and duties: (i) to make and enforce such rules and regulations as it deems necessary or proper for the efficient administration of the Program; (ii) to interpret the Program, its interpretation thereof to be final and conclusive on all persons claiming benefits under the Program; (iii) to decide all questions concerning the Program, including questions of fact respecting Program benefits, the eligibility of any person to participate in the Program and the status and rights of any Participant under the Program; and (iv) to appoint such agents, counsel, accountants, consultants and other persons as may be required to assist in administering the Program.

Third Party Administrator. The Plan may from time to time employ the services of an Third Party administrator (TPA) for designated Plan administration, or other Qualified professionals for Plan services, under the direction of the Plan Administrator. A Third Party Administrator (TPA) is under contract to provide administrative services to this Plan. This provider is described on Schedule A of this document.

Funding Policy. All of the amounts payable under this Plan shall be paid from the general assets of the Employer. Nothing herein will be construed to require the Employer or the Administrator to maintain any fund or to segregate any amount for the benefit of the Participant, and no Participant or other person shall have any claim against, right to, or security or other interest in any fund, account, or asset of the Employer from which any payment under this Plan may be made. There is no trust or other fund from which Benefits are paid.

Claims Procedure.

A. To receive benefits under the Plan, a Participant must submit a written claim for benefits to the Plan Administrator. For purposes of the claims procedure, the Employer will assign a person or a committee, to be the Claims Administrator. Any claim for Benefits underwritten by an Insurance Contract shall be made to the Insurer. If the Insurer denies any claim, the Participant or beneficiary shall follow the Insurer's claims review procedure. Any other claim for Benefits shall be made to the Administrator. If the Administrator denies a claim, the Administrator may provide notice to the Participant or beneficiary, in writing, within 90 days after the claim is filed unless special circumstances require an extension of time for processing the claim. If the Administrator does not notify the Participant of the denial of the claim within the 90 day period specified above, then the claim shall be deemed denied. The notice of a denial of a claim shall be written in a manner calculated to be understood by the claimant and shall set forth:

1. specific references to the pertinent Plan provisions on which the denial is based;
2. a description of any additional material or information necessary for the claimant to perfect the claim and an explanation as to why such information is necessary; and
3. an explanation of the Plan's claim procedure.

a. Within 60 days after receipt of the above material, the claimant shall have a reasonable opportunity to appeal the claim denial to the Administrator for a full and fair review. The claimant or his duly authorized representative may:

1. request a review upon written notice to the Administrator;
2. review pertinent documents; and
3. submit issues and comments in writing.

b. A decision on the review by the Administrator will be made not later than 60 days after receipt of a request for review, unless special circumstances require an extension of time for processing (such as the need to hold a hearing), in which event a decision should be rendered as soon as possible, but in no event later than 120 days after such receipt. The decision of the Administrator shall be written and shall include specific

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reasons for the decision, written in a manner calculated to be understood by the claimant, with specific references to the pertinent Plan provisions on which the decision is based.

c Any balance remaining in the Participants' HRA Account shall be forfeited 90 days following the end of the Plan year, unless the Participant had made a claim for such Plan Year, in writing, which has been denied or is pending; in which event the amount of the claim shall be held in his account until the claim appeal procedures set forth above have been satisfied or the claim is paid. If any such claim is denied on appeal, the amount held beyond 90 days after the end of the Plan Year shall be forfeited.

d Notwithstanding the foregoing, in the case of a claim for medical expenses under the Health Reimbursement Arrangement Plan, the following timetable for claims and rules below apply:

Notification of whether claim is accepted or denied	30 days
Extension due to matters beyond the control of the Plan	15 days
Insufficient information on the Claim:	
Notification of	15 days
Response by Participant	45 days
Review of claim denial	60 days

The Plan Administrator will provide written or electronic notification of any claim denial. The notice will state:

1. The specific reason or reasons for the denial.
2. Reference to the specific Plan provisions on which the denial was based.
3. A description of any additional material or information necessary for the claimant to perfect the claim and an explanation of why such material or information is necessary.
4. A description of the Plan's review procedures and the time limits applicable to such procedures. This will include a statement of the right to bring a civil action under section 502 of ERISA following a denial on review.
5. A statement that the claimant is entitled to receive, upon request and free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to the Claim.
6. If the denial was based on an internal rule, guideline, protocol, or other similar criterion, the specific rule, guideline, protocol, or criterion will be provided free of charge. If this is not practical, a statement will be included that such a rule, guideline, protocol, or criterion was relied upon in making the denial and a copy will be provided free of charge to the claimant upon request.

When the Participant receives a denial, the Participant shall have 180 days following receipt of the notification in which to appeal the decision. The Participant may submit written comments, documents, records, and other information relating to the Claim. If the Participant requests, the Participant shall be provided, free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to the Claim.

The period of time within which a denial on review is required to be made will begin at the time an appeal is filed in accordance with the procedures of the Plan. This timing is without regard to whether all the necessary information accompanies the filing.

A document, record, or other information shall be considered relevant to a Claim if it:

1. was relied upon in making the claim determination;
2. was submitted, considered, or generated in the course of making the claim determination, without regard to whether it was relied upon in making the claim determination;
3. demonstrated compliance with the administrative processes and safeguards designed to ensure and to verify that claim determinations are made in accordance with Plan documents and Plan provisions have been applied consistently with respect to all claimants; or

4. constituted a statement of policy or guidance with respect to the Plan concerning the denied claim.

The review will take into account all comments, documents, records, and other information submitted by the claimant relating to the Claim, without regard to whether such information was submitted or considered in the initial claim determination. The review will not afford deference to the initial denial and will be conducted by a fiduciary of the Plan who is neither the individual who made the adverse determination nor a subordinate of that individual.

Nondiscriminatory Operation. All rules, decisions and designations by the Employer, Claim Administrator, and each Committee under the Plan shall be made in a nondiscriminatory manner, and persons similarly situated shall be treated alike.

Liability of Administrative Personnel. Neither the Employer nor any of its Employees shall be liable for any loss due to an error or omission in administration of the Plan unless the loss is due to the gross negligence or willful misconduct of the party to be charged or is due to the failure of the party to be charged to exercise a fiduciary responsibility with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

Section V

Continuation of Coverage

Notwithstanding anything in the Plan to the contrary, in the event any benefit under this Plan subject to the continuation coverage requirement of Code Section 4980B becomes unavailable, each Participant will be entitled to continuation coverage as prescribed in Code Section 4980B.

Section VI

Miscellaneous

Administrative Expenses. All reasonable expenses incurred in administering the Plan are currently paid by the Employer

Amendment and Termination. The Employer may amend or terminate all or any portion of this Plan at any time for any reason by resolution of the Employer or by any person authorized by the Employer to take such action.

Effect of Plan on Employment. The Plan shall not be deemed to constitute a contract of employment between the Participating Employer and any Participant or to be a consideration or an inducement for the employment of any Participant or Employee. Nothing contained in this Plan shall be deemed to give any Participant or Employee the right to be retained in the service of the Participating Employer or to interfere with the right of the Employer to discharge any Participant or Employee at any time regardless of the effect which such discharge will have upon him or her as a Participant of this Plan.

Alienation of Benefits. No Benefit under this Plan may be voluntarily or involuntarily assigned or alienated.

Facility of Payment. If the Employer deems any person incapable of receiving Benefit to which he is entitled by reason of not having reached the age of majority, illness, infirmity, or other incapacity, it may direct that payment be made directly for the benefit of such person or to any person selected by the Employer to disburse it, whose receipt shall be a complete release of the Employer and shall be deemed full payment of the Benefit. Such payments shall, to the extent thereof, discharge all liability of the Employer.

Proof of Claim. As a condition of receiving Benefits under the Plan, any person may be required to submit whatever proof the Employer may require either directly to the Employer or to any person delegated by it.

Code and ERISA Compliance. It is intended that this Plan meet all applicable requirements of the Code and ERISA, and of all regulations issued thereunder. This Plan shall be construed, operated and administered accordingly, and in the event of any conflict between any part, clause or provision of this Plan and the Code and/or ERISA, the provisions of the Code and ERISA shall be deemed controlling, and any conflicting part, clause or provision of this Plan shall be deemed superseded to the extent of the conflict.

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No Guarantee of Tax Consequences. Neither the Administrator nor the Employer makes any commitment or guarantee that any amounts paid to or for the benefit of a participant under this Plan will be excludable from the Participant's gross income for federal, state or local income tax purposes. It shall be the obligation of each Participant to determine whether each payment under this Plan is excludable from the Participant's gross income for federal, state and local income tax purposes, and to notify the Administrator if the Participant has any reason to believe that such payment is not so excludable.

Indemnification of Employer. If any Participant receives one or more payments or reimbursements under this Plan on a tax-free basis, and such payments do not qualify for such treatment under the Code, such Participant shall indemnify and reimburse the Employer for any liability it may incur for failure to withhold federal income taxes, Social Security taxes, or other taxes from such payments or reimbursements.

Applicable Law. The Plan shall be construed, administered and enforced according to the laws of the State of Illinois to the extent not superceded by the Code, ERISA, or any other federal law.

Source of Payments. The Employer shall be the sole sources of Benefits under the Plan. No Employee or beneficiary shall have any right to, or interest in, any assets of the Employer upon termination of employment or otherwise, except as provided from time to time under the Plan, and then only to the extent of the Benefits payable under the Plan to such Employee or beneficiary.

Severability. If any provision of this Plan shall be held invalid or unenforceable, such invalidity or unenforceability shall not affect any other provision, and this Plan shall be construed and enforced as if such provision had not been included.

Heirs and Assigns. This Plan shall be binding upon the heirs, executors, administrators, successors and assigns of all parties, including each Participant and beneficiary.

Headings and Captions. The headings and captions set forth in the Plan are provided for convenience only, shall not be considered part of the Plan, and shall not be employed in construction of the Plan.

Multiple Functions. Any person or a group of persons may serve in more than one fiduciary capacity with respect to the Plan.

Gender and Form. Unless the context clearly indicates otherwise, pronouns shall be interpreted so that the masculine pronoun shall include the feminine, and the singular shall include the plural.

Plan Provisions Controlling. In the event that the terms or Provisions of any summary or description of this Plan, or of any other instrument, are in any construction interpreted as being in conflict with the provisions of this Plan as set forth in this document, the provisions of this plan shall be controlling.

Prior Year Claims. Claims can be submitted up to 90 days past the end of the plan year.

Protection of Your Health Information Under the HIPAA Privacy and Security Regulations

Use and Disclosure of Protected Health Information (PHI)

The Plan will use or disclose "Protected Health Information" (PHI) to the extent and in accordance with the uses and disclosures permitted by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and the regulations issued thereunder, as amended from time to time, including 45 CFR Parts 160 and 164, subparts A and E (HIPAA Privacy Rule) and 45 CFR Parts 160 and 164, subpart C (HIPAA Security Rule).

Use and Disclose PHI as Permitted by Authorization of a Participant

As soon as practicable following the receipt of an authorization from a participant or his or her duly appointed personal representative, the Plan will disclose PHI in accordance with the authorization.

Disclosure to the Employer

Upon request of the Employer, the Plan will disclose summary health information and enrollment and disenrollment information to the Employer as permitted pursuant to Section 164.504 of the HIPAA Privacy Rule.

The Plan will disclose to the Employer PHI other than summary health information and enrollment and disenrollment information for purposes related to "plan administration" as defined in the HIPAA Privacy Rule only upon receipt of a certification from the Employer that the Plan documents have been amended to incorporate the provisions set forth herein.

To receive PHI as described in the preceding paragraph, the Employer shall certify to the Plan that it agrees to:

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- not use or further disclose PHI other than as permitted or required by the Plan document or as required by law;
- implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity and availability of electronic PHI that the Employer creates, receives, maintains, or transmits on behalf of the Plan;
- ensure that any agents, including a subcontractor, to whom the Employer provides PHI received from the Plan agree to the same restrictions and conditions that apply to the Employer with respect to such PHI;
- not use or disclose PHI for employment-related actions and decisions unless authorized by the individual that is the subject of the PHI or his or her duly appointed personal representative;
- not use or disclose PHI in connection with any other benefit or employee benefit plan of the Employer unless authorized by an individual;
- report to the Plan any security incident, as defined under the HIPAA Security Rule, or any use or disclosure of PHI that is inconsistent with the uses or disclosures provided for of which it becomes aware;
- make PHI available to an individual in accordance with the access requirements under the HIPAA Privacy Rule;
- make PHI available for amendment and incorporate any amendments to PHI in accordance the HIPAA Privacy Rule;
- make available the information required to provide an accounting of disclosures in accordance with the HIPAA Privacy Rule;
- make internal practices, books and records relating to the use and disclosure of PHI received from the Plan available to the HHS Secretary for the purposes of determining the Plan's compliance with the HIPAA Privacy Rule; and
- if feasible, return or destroy all PHI received from the Plan that the Employer still maintains in any form, and retain no copies of such PHI when no longer needed for the purpose for which the disclosure was made. Where the return or destruction is not feasible, limit further uses and disclosures to those purposes that make the return or destruction not feasible.

Adequate Separation Between the Plan and the Employer Must Be Maintained

In accordance with the HIPAA Privacy Rule and the HIPAA Security Rule and to the extent permitted under the Plan's privacy policies, only the following employees or classes of employees may be given access to PHI:

- Privacy Officer.
- Designee(s) of the Privacy Officer.

The persons described in this section may only have access to and use and disclose PHI for the purposes described above.

If the persons described in this section do not comply with this Plan document, and the Plan's policies and procedures, the Employer shall provide a mechanism for resolving issues of noncompliance, including disciplinary sanctions.

Executed this Date: _____ / ____ / ____

County of Champaign

ATTEST: _____

(Secretary)

BY: _____

(Authorized Officer)

RESOLUTION NO. 5692

RESOLUTION TO ADOPT COUNTY OF CHAMPAIGN FLEXIBLE BENEFITS PLAN

WHEREAS, the Champaign County Board has established A County of Champaign Flexible Benefits Plan, originally effective on April 1, 1993; and

WHEREAS, the County of Champaign Flexible Benefits Plan is hereby amended and restated, effective December 1, 2006; and

WHEREAS, the intention of the Champaign County Board is that the Plan qualify as a "Cafeteria Plan" within the meaning of Section 125 of the Internal Revenue Code of 1986, as amended, and that the benefits which an employee elects to receive under the Plan be excludable from the Employee's income under Section 125(a) and other applicable sections of the Internal Revenue Code of 1986, as amended.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Champaign County that the form of amended Cafeteria Plan including a Dependent Care Flexible Spending Account and Health Flexible Spending Account effective December 1, 2006, Exhibit A attached hereto, is hereby approved and adopted, and the Chair of the County Board is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan; and

BE IT FURTHER RESOLVED by the County Board of Champaign County, that the Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan; and

BE IT FURTHER RESOLVED by the County Board of Champaign County that the duly authorized agents of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the Cafeteria Plan by delivering to each employee a copy of the summary description of the Plan in the form of the Summary Plan Description, Exhibit B attached hereto, which is hereby approved;

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

CERTIFICATION

I, Mark Shelden, County Clerk of the County of Champaign, Illinois, do hereby certify that attached hereto as Exhibits A and B, respectively, are true copies of County of Champaign Flexible Benefits Plan as amended and restated and the Summary Plan Description approved and adopted in the foregoing Resolution of the Champaign County Board.

Mark Shelden, County Clerk and
Ex-Officio Clerk of the Champaign County Board

COUNTY OF CHAMPAIGN FLEXIBLE BENEFITS PLAN
AND ALL SUPPORTING FORMS HAVE BEEN PRODUCED FOR
BENEFIT PLANNING CONSULTANTS, INC.

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COUNTY OF CHAMPAIGN FLEXIBLE BENEFITS PLAN

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COUNTY OF CHAMPAIGN FLEXIBLE BENEFITS PLAN

INTRODUCTION

The Employer has amended this Plan effective December 1, 2006, to recognize the contribution made to the Employer by its Employees. Its purpose is to reward them by providing benefits for those Employees who shall qualify hereunder and their dependents and beneficiaries. The concept of this Plan is to allow Employees to choose among different types of benefits based on their own particular goals, desires and needs. This Plan is a restatement of a Plan which was originally effective on April 1, 1993. The Plan shall be known as County of Champaign Flexible Benefits Plan (the "Plan").

The intention of the Employer is that the Plan qualify as a "Cafeteria Plan" within the meaning of Section 125 of the Internal Revenue Code of 1986, as amended, and that the benefits which an Employee elects to receive under the Plan be excludable from the Employee's income under Section 125(a) and other applicable sections of the Internal Revenue Code of 1986, as amended.

ARTICLE I DEFINITIONS

1.1 "Administrator" means the individual(s) or corporation appointed by the Employer to carry out the administration of the Plan. The Employer shall be empowered to appoint and remove the Administrator from time to time as it deems necessary for the proper administration of the Plan. In the event the Administrator has not been appointed, or resigns from a prior appointment, the Employer shall be deemed to be the Administrator.

1.2 "Affiliated Employer" means the Employer and any corporation which is a member of a controlled group of corporations (as defined in Code Section 414(b)) which includes the Employer; any trade or business (whether or not incorporated) which is under common control (as defined in Code Section 414(c)) with the Employer; any organization (whether or not incorporated) which is a member of an affiliated service group (as defined in Code Section 414(m)) which includes the Employer; and any other entity required to be aggregated with the Employer pursuant to Treasury regulations under Code Section 414(o).

1.3 "Benefit" means any of the optional benefit choices available to a Participant as outlined in Section 4.1.

1.4 "Cafeteria Plan Benefit Dollars" means the amount available to Participants to purchase Benefit Options as provided under Section 4.1. Each dollar contributed to this Plan shall be converted into one Cafeteria Plan Benefit Dollar.

1.5 "Code" means the Internal Revenue Code of 1986, as amended or replaced from time to time.

1.6 "Compensation" means the amounts received by the Participant from the Employer during a Plan Year.

1.7 "Dependent" means any individual who qualifies as a dependent under an

1.8 "Effective Date" means April 1, 1993.

1.9 "Election Period" means the period immediately preceding the beginning of each Plan Year established by the Administrator, such period to be applied on a uniform and nondiscriminatory basis for all Employees and Participants. However, an Employee's initial Election Period shall be determined pursuant to Section 5.1.

1.10 "Eligible Employee" means any Employee who has satisfied the provisions of Section 2.1.

An individual shall not be an "Eligible Employee" if such individual is not reported on the payroll records of the Employer as a common law employee. In particular, it is expressly intended that individuals not treated as common law employees by the Employer on its payroll records are not "Eligible Employees" and are excluded from Plan participation even if a court or administrative agency determines that such individuals are common law employees and not independent contractors.

However, any Employee who is a "part-time" Employee shall not be eligible to participate in this Plan. A "part-time" Employee is any Employee who works, or is expected to work on a regular basis, less than 30 hours a week and is designated as a part-time Employee on the Employer's personnel records. For the Health Flexible Spending and Dependent Care Benefits portion of this Plan, only twelve (12) Month Employees shall be eligible to participate.

1.11 "Employee" means any person who is employed by the Employer. The term Employee shall include leased employees within the meaning of Code Section 414(n)(2).

1.12 "Employer" means County of Champaign and any successor which shall maintain this Plan; and any predecessor which has maintained this Plan.

1.13 "Insurance Contract" means any contract issued by an Insurer underwriting a Benefit.

1.14 "Insurance Premium Payment Plan" means the plan of benefits contained in Section 4.1 of this Plan, which provides for the payment of Premium Expenses.

1.15 "Insurer" means any insurance company that underwrites a Benefit under this Plan.

1.16 "Key Employee" means an Employee described in Code Section 416(i)(1) and the Treasury regulations thereunder.

1.17 "Participant" means any Eligible Employee who elects to become a Participant pursuant to Section 2.3 and has not for any reason become ineligible to participate further in the Plan.

1.18 "Plan" means this instrument, including all amendments thereto.

1.19 "Plan Year" means the 12-month period beginning December 1 and ending November 30. The Plan Year shall be the coverage period for the Benefits provided for under this Plan. In the event a Participant commences participation during a Plan Year, then the initial coverage period shall be that portion of the Plan Year commencing on such Participant's date of entry and ending on the last day of such Plan Year.

1.20 "Premium Expenses" or "Premiums" mean the Participant's cost for the Benefits described in Section 4.1.

1.21 "Premium Reimbursement Account" means the account established for a Participant pursuant to this Plan to which part of his Cafeteria Plan Benefit Dollars may be allocated and from which Premiums of the Participant shall be paid or reimbursed. If more than one type of insured Benefit is elected, sub-accounts shall be established for each type of insured Benefit.

1.22 "Salary Redirection" means the contributions made by the Employer on behalf of Participants pursuant to Section 3.1. These contributions shall be converted to Cafeteria Plan Benefit Dollars and allocated to the funds or accounts established under the Plan pursuant to the Participants' elections made under Article V.

1.23 "Salary Redirection Agreement" means an agreement between the Participant and the Employer under which the Participant agrees to reduce his Compensation or to forego all or part of the increases in such Compensation and to have such amounts contributed by the Employer to the Plan on the Participant's behalf. The Salary Redirection Agreement shall apply only to Compensation that has not been actually or constructively received by the Participant as of the date of the agreement (after taking this Plan and Code Section 125 into account) and, subsequently does not become currently available to the Participant.

1.24 "Spouse" means "spouse" as defined in an Insurance Contract or the legally married husband or wife of a Participant, unless legally separated by court decree.

ARTICLE II PARTICIPATION

2.1 ELIGIBILITY

Any Eligible Employee shall be eligible to participate hereunder 3 month(s) after his initial date of employment with the Employer. However, any Eligible Employee who was a Participant in the Plan on the effective date of this amendment shall continue to be eligible to participate in the Plan.

2.2 EFFECTIVE DATE OF PARTICIPATION

An Eligible Employee shall become a Participant effective as of the date on which he satisfies the requirements of Section 2.1.

2.3 APPLICATION TO PARTICIPATE

An Employee who is eligible to participate in this Plan shall, during the applicable Election Period, complete an application to participate and election of benefits form which the Administrator shall furnish to the Employee. The election made on such form shall be irrevocable until the end of the applicable Plan Year unless the Participant is entitled to change his Benefit elections pursuant to Section 5.4 hereof.

An Eligible Employee shall also be required to execute a Salary Redirection Agreement during the Election Period for the Plan Year during which he wishes to participate in this Plan. Any such Salary Redirection Agreement shall be effective for the first pay period beginning on or after the Employee's effective date of participation pursuant to Section 2.2.

Notwithstanding the foregoing, an Employee who is eligible to participate in this Plan and who is covered by the Employer's insured Benefits under this Plan shall automatically become a Participant to the extent of the Premiums for such insurance unless the Employee elects, during the Election Period, not to participate in the Plan.

2.4 TERMINATION OF PARTICIPATION

A Participant shall no longer participate in this Plan upon the occurrence of any of the following events:

- (a) His termination of employment, subject to the provisions of Section 2.6;
- (b) The end of the Plan Year during which he became a limited Participant because of a change in employment status pursuant to Section 2.5;
- (c) His death, subject to the provisions of Section 2.7; or
- (d) The termination of this Plan, subject to the provisions of Section 10.2.

2.5 CHANGE OF EMPLOYMENT STATUS

If a Participant ceases to be eligible to participate because of a change in employment status or classification (other than through termination of employment), the Participant shall become a limited Participant in this Plan for the remainder of the Plan Year in which such change of employment status occurs. As a limited Participant, no further Salary Redirection may be made on behalf of the Participant, and, except as otherwise provided herein, all further Benefit elections shall cease, subject to the limited Participant's right to continue coverage under any Insurance Contracts. However, any balances in the limited Participant's Dependent Care Flexible Spending Account may be used during such Plan Year to reimburse the limited Participant for any allowable Employment-Related Dependent Care incurred during the Plan Year. Subject to the provisions of Section 2.6, if the limited Participant later becomes an Eligible Employee, then the limited Participant may again become a full Participant in this Plan, provided he otherwise satisfies the participation requirements set forth in this Article II as if he were a new Employee and made an election in accordance with Section 5.1.

2.6 TERMINATION OF EMPLOYMENT

If a Participant's employment with the Employer is terminated for any reason other than death, his participation in the Benefit Options provided under Section 4.1 shall be governed in accordance with the following:

(a) With regard to Benefits which are insured, the Participant's participation in the Plan shall cease, subject to the Participant's right to continue coverage under any Insurance Contract for which premiums have already been paid.

(b) With regard to the Dependent Care Flexible Spending Account, the Participant's participation in the Plan shall cease and no further Salary Redirection contributions shall be made. However, such Participant may submit claims for employment related Dependent Care Expense reimbursements for claims incurred through the remainder of the Plan Year in which such termination occurs and submitted within 90 days after the end of the Plan Year, based on the level of the Participant's Dependent Care Flexible Spending Account as of the date of termination.

(c) With regard to the Health Flexible Spending Account, the Participant's participation in the Plan shall cease according to the following schedule:

If the last deduction for the Health Flexible Spending Account is on the first pay of the month, termination from the Health Spending Account Plan will be the 15th of the month.

If the last deduction for the Health Flexible Spending Account is on the last payroll of the month for deductions, termination from the Health Spending Account Plan will be the last day of the month.

The Participant may submit claims for expenses that were incurred during the portion of the Plan Year before the end of the period for which payments to the Health Flexible Spending Account have already been made. Thereafter, the health benefits under this Plan including the Health Flexible Spending Account shall be applied and administered consistent with such further rights a Participant and his Dependents may be entitled to pursuant to Code Section 4980B and Section 11.14 of the Plan.

2.7 DEATH

If a Participant dies, his participation in the Plan shall cease. However, such Participant's beneficiaries, or the representative of his estate, may submit claims for expenses or benefits for the remainder of the Plan Year or until the Cafeteria Plan Benefit Dollars allocated to each specific benefit are exhausted. A Participant may designate a specific beneficiary for this purpose. If no such beneficiary is specified, the Administrator may designate the Participant's Spouse, one of his Dependents or a representative of his estate.

ARTICLE III
CONTRIBUTIONS TO THE PLAN

3.1 SALARY REDIRECTION

Benefits under the Plan shall be financed by Salary Redirections sufficient to support Benefits that a Participant has elected hereunder and to pay the Participant's Premium Expenses. The salary administration program of the Employer shall be revised to allow each Participant to agree to reduce his pay during a Plan Year by an amount determined necessary to purchase the elected Benefit Options. The amount of such Salary Redirection shall be specified in the Salary Redirection Agreement and shall be applicable for a Plan Year. Notwithstanding the above, for new Participants, the Salary Redirection Agreement shall only be applicable from the first day of the pay period following the Employee's entry date up to and including the last day of the Plan Year. These contributions shall be converted to Cafeteria Plan Benefit Dollars and allocated to the funds or accounts established under the Plan pursuant to the Participants' elections made under Article V.

Any Salary Redirection shall be determined prior to the beginning of a Plan Year (subject to initial elections pursuant to Section 5.1) and prior to the end of the Election Period and shall be irrevocable for such Plan Year. However, a Participant may revoke a Benefit election or a Salary Redirection Agreement after the Plan Year has commenced and make a new election with respect to the remainder of the Plan Year, if both the revocation and the new election are on account of and consistent with a change in status and such other permitted events as determined under Article V of the Plan and consistent with the rules and regulations of the Department of the Treasury. Salary Redirection amounts shall be contributed on a pro rata basis for each pay period during the Plan Year. All individual Salary Redirection Agreements are deemed to be part of this Plan and incorporated by reference hereunder.

3.2 APPLICATION OF CONTRIBUTIONS

As soon as reasonably practical after each payroll period, the Employer shall apply the Salary Redirection to provide the Benefits elected by the affected Participants. Any contribution made or withheld for the Health Flexible Spending Account or Dependent Care Flexible Spending Account shall be credited to such fund or account. Amounts designated for the Participant's Premium Expense Reimbursement Account shall likewise be credited to such account for the purpose of paying Premium Expenses.

3.3 PERIODIC CONTRIBUTIONS

Notwithstanding the requirement provided above and in other Articles of this Plan that Salary Redirections be contributed to the Plan by the Employer on behalf of an Employee on a level and pro rata basis for each payroll period, the Employer and Administrator may implement a procedure in which Salary Redirections are contributed throughout the Plan Year on a periodic basis that is not pro rata for each payroll period. However, with regard to the Health Flexible Spending Account, the payment schedule for the required contributions may not be based on the rate or amount of reimbursements during the Plan Year.

ARTICLE IV
BENEFITS

4.1 BENEFIT OPTIONS

Each Participant may elect any one or more of the following optional Benefits:

- (1) Health Flexible Spending Account
- (2) Dependent Care Flexible Spending Account

In addition, each Participant shall have a sufficient portion of his Salary Redirections applied to the following Benefits unless the Participant elects not to receive such Benefits:

- (3) Health Insurance Benefit
- (4) Dental Insurance Benefit
- (5) Cancer Insurance Benefit
- (6) Accidental Death and Dismemberment Insurance Benefit
- (7) Other Insurance Benefit

4.2 HEALTH FLEXIBLE SPENDING ACCOUNT BENEFIT

Each Participant may elect to participate in the Health Flexible Spending Account option, in which case Article VI shall apply.

4.3 DEPENDENT CARE FLEXIBLE SPENDING ACCOUNT BENEFIT

Each Participant may elect to participate in the Dependent Care Flexible Spending Account option, in which case Article VII shall apply.

4.4 HEALTH INSURANCE BENEFIT

(a) Each Participant may elect to be covered under a health Insurance Contract for the Participant, his or her spouse, and his or her Dependents.

(b) The Employer may select suitable health Insurance Contracts for use in providing this health insurance benefit, which policies will provide uniform benefits for all Participants electing this Benefit.

(c) The rights and conditions with respect to the benefits payable from such health Insurance Contract shall be determined therefrom, and such Insurance Contract shall be incorporated herein by reference.

4.5 DENTAL INSURANCE BENEFIT

(a) Each Participant may elect to be covered under the Employer's dental Insurance Contract. In addition, the Participant may elect either individual or family coverage under such Insurance Contract.

(b) The Employer may select suitable dental Insurance Contracts for use in providing this dental insurance benefit, which policies will provide uniform benefits for all Participants electing this Benefit.

(c) The rights and conditions with respect to the benefits payable from such dental Insurance Contract shall be determined therefrom, and such dental Insurance Contract shall be incorporated herein by reference.

4.6 CANCER INSURANCE BENEFIT

(a) Each Participant may elect to be covered under the Employer's cancer Insurance Contract. In addition, the Participant may elect either individual or family coverage.

(b) The Employer may select suitable cancer Insurance Contracts for use in providing this cancer insurance benefit, which policies will provide uniform benefits for all Participants electing this Benefit.

(c) The rights and conditions with respect to the benefits payable from such cancer Insurance Contract shall be determined therefrom, and such cancer Insurance Contract shall be incorporated herein by reference.

4.7 ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE BENEFIT

(a) Each Participant may elect to be covered under the Employer's accidental death and dismemberment Insurance Contract.

(b) The Employer may select suitable accidental death and dismemberment policies for use in providing this accidental death and dismemberment insurance benefit, which policies will provide uniform benefits for all Participants electing this Benefit.

(c) The rights and conditions with respect to the benefits payable from such accidental death and dismemberment Insurance Contract shall be determined therefrom, and such accidental death and dismemberment Insurance Contract shall be incorporated herein by reference.

4.8 OTHER INSURANCE BENEFIT

(a) The Employer may select additional health or other policies allowed under Code Section 125 or allow the purchase of additional health or other policies by and for Participants, which policies will provide uniform benefits for all Participants electing this Benefit.

(b) The rights and conditions with respect to the benefits payable from any additional Insurance Contract shall be determined therefrom, and such Insurance Contract shall be incorporated herein by reference.

4.9 NONDISCRIMINATION REQUIREMENTS

(a) It is the intent of this Plan to provide benefits to a classification of employees which the Secretary of the Treasury finds not to be discriminatory in favor of the group in whose favor discrimination may not occur under Code Section 125.

(b) It is the intent of this Plan not to provide qualified benefits as defined under Code Section 125 to Key Employees in amounts that exceed 25% of the aggregate of such Benefits provided for all Eligible Employees under the Plan. For purposes of the preceding sentence, qualified benefits shall not include benefits which (without regard to this paragraph) are includible in gross income.

(c) If the Administrator deems it necessary to avoid discrimination or possible taxation to Key Employees or a group of employees in whose favor discrimination may not occur in violation of Code Section 125, it may, but shall not be required to, reduce contributions or non-taxable Benefits in order to assure compliance with this Section. Any act taken by the Administrator under this Section shall be carried out in a uniform and nondiscriminatory manner. If the Administrator decides to reduce contributions or non-taxable Benefits, it shall be done in the following manner. First, the non-taxable Benefits of the affected Participant (either an employee who is highly compensated or a Key Employee, whichever is applicable) who has the highest amount of non-taxable Benefits for the Plan Year shall have his non-taxable Benefits reduced until the discrimination tests set forth in this Section are satisfied or until the amount of his non-taxable Benefits equals the non-taxable Benefits of the affected Participant who has the second highest amount of non-taxable Benefits. This process shall continue until the nondiscrimination tests set forth in this Section are satisfied. With respect to any affected Participant who has had Benefits reduced pursuant to this Section, the reduction shall be made proportionately among Health Flexible Spending Account Benefits and Dependent Care Flexible Spending Account Benefits, and once all these Benefits are expended, proportionately among insured Benefits. Contributions which are not utilized to provide Benefits to any Participant by virtue of any administrative act under this paragraph shall be forfeited and deposited into the benefit plan surplus.

ARTICLE V PARTICIPANT ELECTIONS

5.1 INITIAL ELECTIONS

An Employee who meets the eligibility requirements of Section 2.1 on the first day of, or during, a Plan Year may elect to participate in this Plan for all or the remainder of such Plan Year, provided he elects to do so before his effective date of participation pursuant to Section 2.2. However, if such Employee does not complete an application to participate and

shall extend 30 calendar days after such date, or for such further period as the Administrator shall determine and apply on a uniform and nondiscriminatory basis. However, any election during the extended 30-day election period pursuant to this Section 5.1 shall not be effective until the first pay period following the later of such Participant's effective date of participation pursuant to Section 2.2 or the date of the receipt of the election form by the Administrator, and shall be limited to the Benefit expenses incurred for the balance of the Plan Year for which the election is made.

Notwithstanding the foregoing, an Employee who is eligible to participate in this Plan and who is covered by the Employer's insured benefits under this Plan shall automatically become a Participant to the extent of the Premiums for such insurance unless the Employee elects, during the Election Period, not to participate in the Plan.

5.2 SUBSEQUENT ANNUAL ELECTIONS

During the Election Period prior to each subsequent Plan Year, each Participant shall be given the opportunity to elect, on an election of benefits form to be provided by the Administrator, which spending account Benefit options he wishes to select. Any such election shall be effective for any Benefit expenses incurred during the Plan Year which follows the end of the Election Period. With regard to subsequent annual elections, the following options shall apply:

(a) A Participant or Employee who failed to initially elect to participate may elect different or new Benefits under the Plan during the Election Period;

(b) A Participant may terminate his participation in the Plan by notifying the Administrator in writing during the Election Period that he does not want to participate in the Plan for the next Plan Year;

(c) An Employee who elects not to participate for the Plan Year following the Election Period will have to wait until the next Election Period before again electing to participate in the Plan, except as provided for in Section 5.4.

5.3 FAILURE TO ELECT

Any Participant who fails to complete a new benefit election form pursuant to Section 5.2 by the end of the applicable Election Period shall be treated in the following manner:

(a) With regard to Benefits available under the Plan for which no Premium Expenses apply, such Participant shall be deemed to have elected not to participate in the Plan for the upcoming Plan Year. No further Salary Redirections shall therefore be authorized or made for the subsequent Plan Year for such Benefits.

5.4 CHANGE IN STATUS

(a) Any Participant may change a Benefit election after the Plan Year (to which such election relates) has commenced and make new elections with

respect to the remainder of such Plan Year if, under the facts and circumstances, the changes are necessitated by and are consistent with a change in status which is acceptable under rules and regulations adopted by the Department of the Treasury, the provisions of which are incorporated by reference. Notwithstanding anything herein to the contrary, if the rules and regulations conflict, then such rules and regulations shall control.

In general, a change in election is not consistent if the change in status is the Participant's divorce, annulment or legal separation from a spouse, the death of a spouse or dependent, or a dependent ceasing to satisfy the eligibility requirements for coverage, and the Participant's election under the Plan is to cancel accident or health insurance coverage for any individual other than the one involved in such event. In addition, if the Participant, spouse or dependent gains or loses eligibility for coverage, then a Participant's election under the Plan to cease or decrease coverage for that individual under the Plan corresponds with that change in status only if coverage for that individual becomes applicable or is increased under the family member plan.

Regardless of the consistency requirement, if the individual, the individual's spouse, or dependent becomes eligible for continuation coverage under the Employer's group health plan as provided in Code Section 4980B or any similar state law, then the individual may elect to increase payments under this Plan in order to pay for the continuation coverage. However, this does not apply for COBRA eligibility due to divorce, annulment or legal separation.

Any new election shall be effective at such time as the Administrator shall prescribe, but not earlier than the first pay period beginning after the election form is completed and returned to the Administrator. For the purposes of this subsection, a change in status shall only include the following events or other events permitted by Treasury regulations:

- (1) ~~Legal Marital Status: events that change a Participant's legal marital status, including marriage, divorce, death of a spouse, legal separation or annulment;~~
- (2) ~~Number of Dependents: Events that change a Participant's number of dependents, including birth, adoption, placement for adoption, or death of a dependent;~~
- (3) ~~Employment Status: Any of the following events that change the employment status of the Participant, spouse, or dependent: termination or commencement of employment, a strike or lockout, commencement or return from an unpaid leave of absence, or a change in worksite. In addition, if the eligibility conditions of this Plan or other employee benefit plan of the Employer of the Participant, spouse, or dependent depend on the employment status of that individual and there is a change in that individual's employment status with the consequence that the individual becomes (or ceases to be) eligible under the plan, then that change constitutes a change in employment under this subsection;~~

(4) Dependent satisfies or ceases to satisfy the eligibility requirements: An event that causes the Participant's dependent to satisfy or cease to satisfy the requirements for coverage due to attainment of age, student status, or any similar circumstance; and

(5) Residency: A change in the place of residence of the Participant, spouse or dependent, that would lead to a change in status (such as a loss of HMO coverage).

For the Dependent Care Flexible Spending Account, a dependent becoming or ceasing to be a "Qualifying Dependent" as defined under Code Section 21(b) shall also qualify as a change in status.

(b) Notwithstanding subsection (a), the Participants may change an election for accident or health coverage during a Plan Year and make a new election that corresponds with the special enrollment rights provided in Code Section 9801(f). Such change shall take place on a prospective basis, unless otherwise required by Code Section 9801(f) to be retroactive.

(c) Notwithstanding subsection (a), in the event of a judgment, decree, or order ("order") resulting from a divorce, legal separation, annulment, or change in legal custody (including a qualified medical child support order defined in ERISA Section 609) which requires accident or health coverage for a Participant's child (including a foster child who is a dependent of the Participant):

(1) The Plan may change an election to provide coverage for the child if the order requires coverage under the Participant's plan; or

(2) The Participant shall be permitted to change an election to cancel coverage for the child if the order requires the former spouse to provide coverage for such child, under that individual's plan and such coverage is actually provided.

(d) Notwithstanding subsection (a), a Participant may change elections to cancel accident or health coverage for the Participant or the Participant's spouse or dependent if the Participant or the Participant's spouse or dependent is enrolled in the accident or health coverage of the Employer and becomes entitled to coverage (i.e., enrolled) under Part A or Part B of the Title XVIII of the Social Security Act (Medicare) or Title XIX of the Social Security Act (Medicaid), other than coverage consisting solely of benefits under Section 1928 of the Social Security Act (the program for distribution of pediatric vaccines). If the Participant or the Participant's spouse or dependent who has been entitled to Medicaid or Medicare coverage loses eligibility, that individual may prospectively elect coverage under the Plan if a benefit package option under the Plan provides similar coverage.

(e) If the cost of a Benefit provided under the Plan increases or decreases during a Plan Year, then the Plan shall automatically increase or decrease, as the case may be, the Salary Redirections of all affected Participants for such Benefit. Alternatively, if the cost of a benefit package option increases significantly, the Administrator shall permit the affected Participants to either

make corresponding changes in their payments or revoke their elections and, in lieu thereof, receive on a prospective basis coverage under another benefit package option with similar coverage, or drop coverage prospectively if there is no benefit package option with similar coverage.

A cost increase or decrease refers to an increase or decrease in the amount of elective contributions under the Plan, whether resulting from an action taken by the Participants or an action taken by the Employer.

If the coverage under a Benefit is significantly curtailed or ceases during a Plan Year, affected Participants may revoke their elections of such Benefit and, in lieu thereof, elect to receive on a prospective basis coverage under another plan with similar coverage, or drop coverage prospectively if no similar coverage is offered.

If, during the period of coverage, a new benefit package option or other coverage option is added, an existing benefit package option is significantly improved, or an existing benefit package option or other coverage option is eliminated, then the affected Participants may elect the newly-added option, or elect another option if an option has been eliminated prospectively and make corresponding election changes with respect to other benefit package options providing similar coverage. In addition, those Eligible Employees who are not participating in the Plan may opt to become Participants and elect the new or newly improved benefit package option.

A Participant may make a prospective election change to add group health coverage for the Participant, the Participant's spouse or dependent if such individual loses group health coverage sponsored by a governmental or educational institution, including a state children's health insurance program under the Social Security Act, the Indian Health Service or a health program offered by an Indian tribal government, a state health benefits risk pool, or a foreign government group health plan.

A Participant may make a prospective election change that is on account of and corresponds with a change made under the plan of a spouse's, former spouse's or dependent's employer if (1) the cafeteria plan or other benefits plan of the spouse's, former spouse's or dependent's employer permits its participants to make a change; or (2) the cafeteria plan permits participants to make an election for a period of coverage that is different from the period of coverage under the cafeteria plan of a spouse's, former spouse's or dependent's employer.

A Participant may make a prospective election change that is on account of and corresponds with a change by the Participant in the dependent care provider. The availability of dependent care services from a new childcare provider is similar to a new benefit package option becoming available. A cost change is allowable in the Dependent Care Flexible Spending Account only if the cost change is imposed by a dependent care provider who is not related to the Participant, as defined in Code Section 152(a)(1) through (8).

A Participant shall not be permitted to change an election to the Health Flexible Spending Account as a result of a cost or coverage change under any health insurance benefits.

ARTICLE VI
HEALTH FLEXIBLE SPENDING ACCOUNT

6.1 ESTABLISHMENT OF PLAN

This Health Flexible Spending Account is intended to qualify as a medical reimbursement plan under Code Section 105 and shall be interpreted in a manner consistent with such Code Section and the Treasury regulations thereunder. Participants who elect to participate in this Health Flexible Spending Account may submit claims for the reimbursement of Medical Expenses. All amounts reimbursed shall be periodically paid from amounts allocated to the Health Flexible Spending Account. Periodic payments reimbursing Participants from the Health Flexible Spending Account shall in no event occur less frequently than monthly.

6.2 DEFINITIONS

For the purposes of this Article and the Cafeteria Plan, the terms below have the following meaning:

(a) "Health Flexible Spending Account" means the account established for Participants pursuant to this Plan to which part of their Cafeteria Plan Benefit Dollars may be allocated and from which all allowable Medical Expenses incurred by a Participant, his or her spouse and his or her Dependents may be reimbursed.

(b) "Highly Compensated Participant" means, for the purposes of this Article and determining discrimination under Code Section 105(h), a participant who is:

- (1) one of the 5 highest paid officers;
- (2) a shareholder who owns (or is considered to own applying the rules of Code Section 318) more than 10 percent in value of the stock of the Employer; or
- (3) among the highest paid 25 percent of all Employees (other than exclusions permitted by Code Section 105(h)(3)(B) for those individuals who are not Participants).

(c) "Medical Expenses" means any expense for medical care within the meaning of the term "medical care" as defined in Code Section 213(d) and as allowed under Code Section 105 and the rulings and Treasury regulations thereunder, and not otherwise used by the Participant as a deduction in determining his tax liability under the Code. "Medical Expenses" can be incurred by the Participant, his or her spouse and his or her Dependents.

A Participant may not be reimbursed for the cost of other health coverage such as premiums paid under plans maintained by the employer of the Participant's spouse or individual policies maintained by the Participant or his spouse or Dependent.

A Participant may not be reimbursed for "qualified long-term care services" as defined in Code Section 7702B(c).

(d) The definitions of Article I are hereby incorporated by reference to the extent necessary to interpret and apply the provisions of this Health Flexible Spending Account.

6.3 FORFEITURES

The amount in the Health Flexible Spending Account as of the end of any Plan Year (and after the processing of all claims for such Plan Year pursuant to Section 6.7 hereof) shall be forfeited and credited to the benefit plan surplus. In such event, the Participant shall have no further claim to such amount for any reason, subject to Section 8.2.

6.4 LIMITATION ON ALLOCATIONS

Notwithstanding any provision contained in this Health Flexible Spending Account to the contrary, no more than \$2,500 may be allocated to the Health Flexible Spending Account by a Participant in or on account of any Plan Year.

6.5 NONDISCRIMINATION REQUIREMENTS

(a) It is the intent of this Health Flexible Spending Account not to discriminate in violation of the Code and the Treasury regulations thereunder.

(b) If the Administrator deems it necessary to avoid discrimination under this Health Flexible Spending Account, it may, but shall not be required to, reject any elections or reduce contributions or Benefits in order to assure compliance with this Section. Any act taken by the Administrator under this Section shall be carried out in a uniform and nondiscriminatory manner. If the Administrator decides to reject any elections or reduce contributions or Benefits, it shall be done in the following manner. First, the Benefits designated for the Health Flexible Spending Account by the member of the group in whose favor discrimination may not occur pursuant to Code Section 105 that elected to contribute the highest amount to the fund for the Plan Year shall be reduced until the nondiscrimination tests set forth in this Section or the Code are satisfied, or until the amount designated for the fund equals the amount designated for the fund by the next member of the group in whose favor discrimination may not occur pursuant to Code Section 105 who has elected the second highest contribution to the Health Flexible Spending Account for the Plan Year. This process shall continue until the nondiscrimination tests set forth in this Section or the Code are satisfied. Contributions which are not utilized to provide Benefits to any Participant by virtue of any administrative act under this paragraph shall be forfeited and credited to the benefit plan surplus.

6.6 COORDINATION WITH CAFETERIA PLAN

All Participants under the Cafeteria Plan are eligible to receive Benefits under this Health Flexible Spending Account. The enrollment under the Cafeteria Plan shall constitute enrollment under this Health Flexible Spending Account. In addition, other matters concerning contributions, elections and the like shall be governed by the general provisions of the Cafeteria Plan.

6.7 HEALTH FLEXIBLE SPENDING ACCOUNT CLAIMS

(a) All Medical Expenses incurred by a Participant, his or her spouse and his or her Dependents shall be reimbursed during the Plan Year subject to Section 2.6, even though the submission of such a claim occurs after his participation hereunder ceases; but provided that the Medical Expenses were incurred during the applicable Plan Year. Medical Expenses are treated as having been incurred when the Participant is provided with the medical care that gives rise to the medical expenses, not when the Participant is formally billed or charged for, or pays for the medical care.

(b) The Administrator shall direct the reimbursement to each eligible Participant for all allowable Medical Expenses, up to a maximum of the amount designated by the Participant for the Health Flexible Spending Account for the Plan Year. Reimbursements shall be made available to the Participant throughout the year without regard to the level of Cafeteria Plan Benefit Dollars which have been allocated to the fund at any given point in time. Furthermore, a Participant shall be entitled to reimbursements only for amounts in excess of any payments or other reimbursements under any health care plan covering the Participant and/or his Spouse or Dependents.

(c) Reimbursement payments under this Plan shall be made directly to the Participant. However, in the Administrator's discretion, payments may be made directly to the service provider. The application for payment or reimbursement shall be made to the Administrator on an acceptable form within a reasonable time of incurring the debt or paying for the service. The application shall include a written statement from an independent third party stating that the Medical Expense has been incurred and the amount of such expense. Furthermore, the Participant shall provide a written statement that the Medical Expense has not been reimbursed or is not reimbursable under any other health plan coverage and, if reimbursed from the Health Flexible Spending Account, such amount will not be claimed as a tax deduction. The Administrator shall retain a file of all such applications.

(d) Claims for the reimbursement of Medical Expenses incurred in any Plan Year shall be paid as soon after a claim has been filed as is administratively practicable; provided however, that if a Participant fails to submit a claim within 90 days after the end of the Plan Year, those Medical Expense claims shall not be considered for reimbursement by the Administrator.

ARTICLE VII
DEPENDENT CARE FLEXIBLE SPENDING ACCOUNT

7.1 ESTABLISHMENT OF ACCOUNT

This Dependent Care Flexible Spending Account is intended to qualify as a program under Code Section 129 and shall be interpreted in a manner consistent with such Code Section. Participants who elect to participate in this program may submit claims for the reimbursement of Employment-Related Dependent Care Expenses. All amounts reimbursed shall be paid from amounts allocated to the Participant's Dependent Care Flexible Spending Account.

7.2 DEFINITIONS

For the purposes of this Article and the Cafeteria Plan the terms below shall have the following meaning:

(a) "Dependent Care Flexible Spending Account" means the account established for a Participant pursuant to this Article to which part of his Cafeteria Plan Benefit Dollars may be allocated and from which Employment-Related Dependent Care Expenses of the Participant may be reimbursed for the care of the Qualifying Dependents of Participants.

(b) "Earned Income" means earned income as defined under Code Section 32(c)(2), but excluding such amounts paid or incurred by the Employer for dependent care assistance to the Participant.

(c) "Employment-Related Dependent Care Expenses" means the amounts paid for expenses of a Participant for those services which if paid by the Participant would be considered employment related expenses under Code Section 21(b)(2). Generally, they shall include expenses for household services and for the care of a Qualifying Dependent, to the extent that such expenses are incurred to enable the Participant to be gainfully employed for any period for which there are one or more Qualifying Dependents with respect to such Participant. Employment-Related Dependent Care Expenses are treated as having been incurred when the Participant's Qualifying Dependents are provided with the dependent care that gives rise to the Employment-Related Dependent Care Expenses, not when the Participant is formally billed or charged for, or pays for the dependent care. The determination of whether an amount qualifies as an Employment-Related Dependent Care Expense shall be made subject to the following rules:

(1) If such amounts are paid for expenses incurred outside the Participant's household, they shall constitute Employment-Related Dependent Care Expenses only if incurred for a Qualifying Dependent as defined in Section 7.2(d)(1) (or deemed to be, as described in Section 7.2(d)(1) pursuant to Section 7.2(d)(3)), or for a Qualifying Dependent as defined in Section 7.2(d)(2) (or deemed to be, as described in Section 7.2(d)(2) pursuant to Section 7.2(d)(3)) who regularly spends at least 8 hours per day in the Participant's household;

(2) If the expense is incurred outside the Participant's home at a facility that provides care for a fee, payment, or grant for more than 6 individuals who do not regularly reside at the facility, the facility must comply with all applicable state and local laws and regulations, including licensing requirements, if any; and

(3) Employment-Related Dependent Care Expenses of a Participant shall not include amounts paid or incurred to a child of such Participant who is under the age of 19 or to an individual who is a dependent of such Participant or such Participant's Spouse.

(d) "Qualifying Dependent" means, for Dependent Care Flexible Spending Account purposes,

(1) a Participant's Dependent (as defined in Code Section 152(a)(1)) who has not attained age 13;

(2) a Dependent or the Spouse of a Participant who is physically or mentally incapable of caring for himself or herself and has the same principal place of abode as the Participant for more than one-half of such taxable year; or

(3) a child that is deemed to be a Qualifying Dependent described in paragraph (1) or (2) above, whichever is appropriate, pursuant to Code Section 21(e)(5).

(e) The definitions of Article I are hereby incorporated by reference to the extent necessary to interpret and apply the provisions of this Dependent Care Flexible Spending Account.

7.3 DEPENDENT CARE FLEXIBLE SPENDING ACCOUNTS

The Administrator shall establish a Dependent Care Flexible Spending Account for each Participant who elects to apply Cafeteria Plan Benefit Dollars to Dependent Care Flexible Spending Account benefits.

7.4 INCREASES IN DEPENDENT CARE FLEXIBLE SPENDING ACCOUNTS

A Participant's Dependent Care Flexible Spending Account shall be increased each pay period by the portion of Cafeteria Plan Benefit Dollars that he has elected to apply toward his Dependent Care Flexible Spending Account pursuant to elections made under Article V hereof.

7.5 DECREASES IN DEPENDENT CARE FLEXIBLE SPENDING ACCOUNTS

A Participant's Dependent Care Flexible Spending Account shall be reduced by the amount of any Employment-Related Dependent Care Expense reimbursements paid or incurred on behalf of a Participant pursuant to Section 7.12 hereof.

7.6 ALLOWABLE DEPENDENT CARE REIMBURSEMENT

Subject to limitations contained in Section 7.9 of this Program, and to the extent of the amount contained in the Participant's Dependent Care Flexible Spending Account, a Participant who incurs Employment-Related Dependent Care Expenses shall be entitled to receive from the Employer full reimbursement for the entire amount of such expenses incurred during the Plan Year or portion thereof during which he is a Participant.

7.7 ANNUAL STATEMENT OF BENEFITS

On or before January 31st of each calendar year, the Employer shall furnish to each Employee who was a Participant and received benefits under Section 7.6 during the prior calendar year, a statement of all such benefits paid to or on behalf of such Participant during the prior calendar year.

7.8 FORFEITURES

The amount in a Participant's Dependent Care Flexible Spending Account as of the end of any Plan Year (and after the processing of all claims for such Plan Year pursuant to Section 7.12 hereof) shall be forfeited and credited to the benefit plan surplus. In such event, the Participant shall have no further claim to such amount for any reason.

7.9 LIMITATION ON PAYMENTS

Notwithstanding any provision contained in this Article to the contrary, amounts paid from a Participant's Dependent Care Flexible Spending Account in or on account of any taxable year of the Participant shall not exceed the lesser of the Earned Income limitation described in Code Section 129(b) or \$5,000 (\$2,500 if a separate tax return is filed by a Participant who is married as determined under the rules of paragraphs (3) and (4) of Code Section 21(e)).

7.10 NONDISCRIMINATION REQUIREMENTS

(a) It is the intent of this Dependent Care Flexible Spending Account that contributions or benefits not discriminate in favor of the group of employees in whose favor discrimination may not occur under Code Section 129(d).

(b) It is the intent of this Dependent Care Flexible Spending Account that not more than 25 percent of the amounts paid by the Employer for dependent care assistance during the Plan Year will be provided for the class of individuals who are shareholders or owners (or their Spouses or Dependents), each of whom (on any day of the Plan Year) owns more than 5 percent of the stock or of the capital or profits interest in the Employer.

(c) If the Administrator deems it necessary to avoid discrimination or possible taxation to a group of employees in whose favor discrimination may not occur in violation of Code Section 129 it may, but shall not be required to, reject any elections or reduce contributions or non-taxable benefits in order to assure compliance with this Section. Any act taken by the Administrator under this Section shall be carried out in a uniform and nondiscriminatory manner. If the

Administrator decides to reject any elections or reduce contributions or Benefits, it shall be done in the following manner. First, the Benefits designated for the Dependent Care Flexible Spending Account by the affected Participant that elected to contribute the highest amount to such account for the Plan Year shall be reduced until the nondiscrimination tests set forth in this Section are satisfied, or until the amount designated for the account equals the amount designated for the account of the affected Participant who has elected the second highest contribution to the Dependent Care Flexible Spending Account for the Plan Year. This process shall continue until the nondiscrimination tests set forth in this Section are satisfied. Contributions which are not utilized to provide Benefits to any Participant by virtue of any administrative act under this paragraph shall be forfeited.

7.11 COORDINATION WITH CAFETERIA PLAN

All Participants under the Cafeteria Plan are eligible to receive Benefits under this Dependent Care Flexible Spending Account. The enrollment and termination of participation under the Cafeteria Plan shall constitute enrollment and termination of participation under this Dependent Care Flexible Spending Account. In addition, other matters concerning contributions, elections and the like shall be governed by the general provisions of the Cafeteria Plan.

7.12 DEPENDENT CARE FLEXIBLE SPENDING ACCOUNT CLAIMS

The Administrator shall direct the payment of all such Dependent Care claims to the Participant upon the presentation to the Administrator of documentation of such expenses in a form satisfactory to the Administrator. However, in the Administrator's discretion, payments may be made directly to the service provider. In its discretion in administering the Plan, the Administrator may utilize forms and require documentation of costs as may be necessary to verify the claims submitted. At a minimum, the form shall include a statement from an independent third party as proof that the expense has been incurred and the amount of such expense. In addition, the Administrator may require that each Participant who desires to receive reimbursement under this Program for Employment-Related Dependent Care Expenses submit a statement which may contain some or all of the following information:

- (a) The Dependent or Dependents for whom the services were performed;
- (b) The nature of the services performed for the Participant, the cost of which he wishes reimbursement;
- (c) The relationship, if any, of the person performing the services to the Participant;
- (d) If the services are being performed by a child of the Participant, the age of the child;
- (e) A statement as to where the services were performed;

(f) If any of the services were performed outside the home, a statement as to whether the Dependent for whom such services were performed spends at least 8 hours a day in the Participant's household;

(g) If the services were being performed in a day care center, a statement:

(1) that the day care center complies with all applicable laws and regulations of the state of residence,

(2) that the day care center provides care for more than 6 individuals (other than individuals residing at the center), and

(3) of the amount of fee paid to the provider.

(h) If the Participant is married, a statement containing the following:

(1) the Spouse's salary or wages if he or she is employed, or

(2) if the Participant's Spouse is not employed, that

(i) he or she is incapacitated, or

(ii) he or she is a full-time student attending an educational institution and the months during the year which he or she attended such institution.

(i) If a Participant fails to submit a claim within 90 days after the end of the Plan Year, those claims shall not be considered for reimbursement by the Administrator.

ARTICLE VIII BENEFITS AND RIGHTS

8.1 CLAIM FOR BENEFITS

(a) Any claim for Benefits underwritten by Insurance Contract(s) shall be made to the Insurer. If the Insurer denies any claim, the Participant or beneficiary shall follow the Insurer's claims review procedure.

(b) Any claim for Dependent Care Flexible Spending Account or Health Flexible Spending Account Benefits shall be made to the Administrator. For the Health Flexible Spending Account, if a Participant fails to submit a claim within 90 days after the end of the Plan Year, those claims shall not be considered for reimbursement by the Administrator. For the Dependent Care Flexible Spending Account, if a Participant fails to submit a claim within 90 days after the end of the Plan Year, those claims shall not be considered for reimbursement by the Administrator. If the Administrator denies a claim, the Administrator may provide notice to the Participant or beneficiary, in writing, within 90 days after

processing the claim. The notice of a denial of a claim shall be written in a manner calculated to be understood by the claimant and shall set forth:

- (1) specific references to the pertinent Plan provisions on which the denial is based;
- (2) a description of any additional material or information necessary for the claimant to perfect the claim and an explanation as to why such information is necessary; and
- (3) an explanation of the Plan's claim procedure.

(c) Within 60 days after receipt of the above material, the claimant shall have a reasonable opportunity to appeal the claim denial to the Administrator for a full and fair review. The claimant or his duly authorized representative may:

- (1) request a review upon written notice to the Administrator;
- (2) review pertinent documents; and
- (3) submit issues and comments in writing.

(d) A decision on the review by the Administrator will be made not later than 60 days after receipt of a request for review, unless special circumstances require an extension of time for processing (such as the need to hold a hearing), in which event a decision should be rendered as soon as possible, but in no event later than 120 days after such receipt. The decision of the Administrator shall be written and shall include specific reasons for the decision, written in a manner calculated to be understood by the claimant, with specific references to the pertinent Plan provisions on which the decision is based.

(e) Any balance remaining in the Participant's Dependent Care Flexible Spending Account or Health Flexible Spending Account as of the end of the time for claims reimbursement for each Plan Year shall be forfeited and deposited in the benefit plan surplus of the Employer pursuant to Section 6.3 or Section 7.8, whichever is applicable, unless the Participant had made a claim for such Plan Year, in writing, which has been denied or is pending; in which event the amount of the claim shall be held in his account until the claim appeal procedures set forth above have been satisfied or the claim is paid. If any such claim is denied on appeal, the amount held beyond the end of the Plan Year shall be forfeited and credited to the benefit plan surplus.

8.2 APPLICATION OF BENEFIT PLAN SURPLUS

Any forfeited amounts credited to the benefit plan surplus by virtue of the failure of a Participant to incur a qualified expense or seek reimbursement in a timely manner may, but need not be, separately accounted for after the close of the Plan Year (or after such further time specified herein for the filing of claims) in which such forfeitures arose. In no event shall such amounts be carried over to reimburse a Participant for expenses incurred during a subsequent Plan Year for the same or any other Benefit available under the Plan; nor shall amounts forfeited by a particular Participant be made available to such Participant in any other form or manner, except as permitted by Treasury regulations. Amounts in the benefit plan surplus shall first be used to defray any administrative costs and experience losses and thereafter be retained by the Employer.

ARTICLE IX ADMINISTRATION

9.1 PLAN ADMINISTRATION

The operation of the Plan shall be under the supervision of the Administrator. It shall be a principal duty of the Administrator to see that the Plan is carried out in accordance with its terms, and for the exclusive benefit of Employees entitled to participate in the Plan. The Administrator shall have full power to administer the Plan in all of its details, subject, however, to the pertinent provisions of the Code. The Administrator's powers shall include, but shall not be limited to the following authority, in addition to all other powers provided by this Plan:

- (a) To make and enforce such rules and regulations as the Administrator deems necessary or proper for the efficient administration of the Plan;
- (b) To interpret the Plan, the Administrator's interpretations thereof in good faith to be final and conclusive on all persons claiming benefits by operation of the Plan;
- (c) To decide all questions concerning the Plan and the eligibility of any person to participate in the Plan and to receive benefits provided by operation of the Plan;
- (d) To reject elections or to limit contributions or Benefits for certain highly compensated participants if it deems such to be desirable in order to avoid discrimination under the Plan in violation of applicable provisions of the Code;
- (e) To provide Employees with a reasonable notification of their benefits available by operation of the Plan;
- (f) To approve reimbursement requests and to authorize the payment of benefits; and
- (g) To appoint such agents, counsel, accountants, consultants, and actuaries as may be required to assist in administering the Plan.

Any procedure, discretionary act, interpretation or construction taken by the Administrator shall be done in a nondiscriminatory manner based upon uniform principles consistently applied and shall be consistent with the intent that the Plan shall continue to comply with the terms of Code Section 125 and the Treasury regulations thereunder.

9.2 EXAMINATION OF RECORDS

The Administrator shall make available to each Participant, Eligible Employee and any other Employee of the Employer such records as pertain to their interest under the Plan for examination at reasonable times during normal business hours.

9.3 PAYMENT OF EXPENSES

Any reasonable administrative expenses shall be paid by the Employer unless the Employer determines that administrative costs shall be borne by the Participants under the Plan or by any Trust Fund which may be established hereunder. The Administrator may impose reasonable conditions for payments, provided that such conditions shall not discriminate in favor of highly compensated employees.

9.4 INSURANCE CONTROL CLAUSE

In the event of a conflict between the terms of this Plan and the terms of an Insurance Contract of an independent third party Insurer whose product is then being used in conjunction with this Plan, the terms of the Insurance Contract shall control as to those Participants receiving coverage under such Insurance Contract. For this purpose, the Insurance Contract shall control in defining the persons eligible for insurance, the dates of their eligibility, the conditions which must be satisfied to become insured, if any, the benefits Participants are entitled to and the circumstances under which insurance terminates.

9.5 INDEMNIFICATION OF ADMINISTRATOR

—The Employer agrees to indemnify and to defend to the fullest extent permitted by law any Employee serving as the Administrator or as a member of a committee designated as Administrator (including any Employee or former Employee who previously served as Administrator or as a member of such committee) against all liabilities, damages, costs and expenses (including attorney's fees and amounts paid in settlement of any claims approved by the Employer) occasioned by any act or omission to act in connection with the Plan, if such act or omission is in good faith.

ARTICLE X AMENDMENT OR TERMINATION OF PLAN

10.1 AMENDMENT

The Employer, at any time or from time to time, may amend any or all of the provisions of the Plan without the consent of any Employee or Participant. No amendment shall have the effect of modifying any benefit election of any Participant in effect at the time of such amendment, unless such amendment is made to comply with Federal, state or local laws, statutes or regulations.

10.2 TERMINATION

The Employer is establishing this Plan with the intent that it will be maintained for an indefinite period of time. Notwithstanding the foregoing, the Employer reserves the right to terminate this Plan, in whole or in part, at any time. In the event the Plan is terminated, no further contributions shall be made. Benefits under any Insurance Contract shall be paid in accordance with the terms of the Insurance Contract.

No further additions shall be made to the Health Flexible Spending Account or Dependent Care Flexible Spending Account, but all payments from such fund shall continue to be made according to the elections in effect until 90 days after the termination date of the Plan. Any amounts remaining in any such fund or account as of the end of such period shall be forfeited and deposited in the benefit plan surplus after the expiration of the filing period.

ARTICLE XI MISCELLANEOUS

11.1 PLAN INTERPRETATION

All provisions of this Plan shall be interpreted and applied in a uniform, nondiscriminatory manner. This Plan shall be read in its entirety and not severed except as provided in Section 11.12.

11.2 GENDER AND NUMBER

Wherever any words are used herein in the masculine, feminine or neuter gender, they shall be construed as though they were also used in another gender in all cases where they would so apply, and whenever any words are used herein in the singular or plural form, they shall be construed as though they were also used in the other form in all cases where they would so apply.

11.3 WRITTEN DOCUMENT

This Plan, in conjunction with any separate written document which may be required by law, is intended to satisfy the written Plan requirement of Code Section 125 and any Treasury regulations thereunder relating to cafeteria plans.

11.4 EXCLUSIVE BENEFIT

This Plan shall be maintained for the exclusive benefit of the Employees who participate in the Plan.

11.5 PARTICIPANT'S RIGHTS

This Plan shall not be deemed to constitute an employment contract between the Employer and any Participant or to be a consideration or an inducement for the employment of any Participant or Employee. Nothing contained in this Plan shall be deemed to give any Participant or Employee the right to be retained in the service of the Employer or to interfere with the right of the Employer to discharge any Participant or Employee at any time regardless of

11.6 ACTION BY THE EMPLOYER

Whenever the Employer under the terms of the Plan is permitted or required to do or perform any act or matter or thing, it shall be done and performed by a person duly authorized by its legally constituted authority.

11.7 EMPLOYER'S PROTECTIVE CLAUSES

(a) Upon the failure of either the Participant or the Employer to obtain the insurance contemplated by this Plan (whether as a result of negligence, gross neglect or otherwise), the Participant's Benefits shall be limited to the insurance premium(s), if any, that remained unpaid for the period in question and the actual insurance proceeds, if any, received by the Employer or the Participant as a result of the Participant's claim.

(b) The Employer shall not be responsible for the validity of any Insurance Contract issued hereunder or for the failure on the part of the Insurer to make payments provided for under any Insurance Contract. Once insurance is applied for or obtained, the Employer shall not be liable for any loss which may result from the failure to pay Premiums to the extent Premium notices are not received by the Employer.

11.8 NO GUARANTEE OF TAX CONSEQUENCES

Neither the Administrator nor the Employer makes any commitment or guarantee that any amounts paid to or for the benefit of a Participant under the Plan will be excludable from the Participant's gross income for federal or state income tax purposes, or that any other federal or state tax treatment will apply to or be available to any Participant. It shall be the obligation of each Participant to determine whether each payment under the Plan is excludable from the Participant's gross income for federal and state income tax purposes, and to notify the Employer if the Participant has reason to believe that any such payment is not so excludable. Notwithstanding the foregoing, the rights of Participants under this Plan shall be legally enforceable.

11.9 INDEMNIFICATION OF EMPLOYER BY PARTICIPANTS

If any Participant receives one or more payments or reimbursements under the Plan that are not for a permitted Benefit, such Participant shall indemnify and reimburse the Employer for any liability it may incur for failure to withhold federal or state income tax or Social Security tax from such payments or reimbursements. However, such indemnification and reimbursement shall not exceed the amount of additional federal and state income tax (plus any penalties) that the Participant would have owed if the payments or reimbursements had been made to the Participant as regular cash compensation, plus the Participant's share of any Social Security tax that would have been paid on such compensation, less any such additional income and Social Security tax actually paid by the Participant.

11.10 FUNDING

Unless otherwise required by law, contributions to the Plan need not be placed in trust or dedicated to a specific Benefit, but may instead be considered general assets of the Employer. Furthermore, and unless otherwise required by law, nothing herein shall be construed to require the Employer or the Administrator to maintain any fund or segregate any amount for the benefit of any Participant, and no Participant or other person shall have any claim against, right to, or security or other interest in, any fund, account or asset of the Employer from which any payment under the Plan may be made.

11.11 GOVERNING LAW

This Plan is governed by the Code and the Treasury regulations issued thereunder (as they might be amended from time to time). In no event shall the Employer guarantee the favorable tax treatment sought by this Plan. To the extent not preempted by Federal law, the provisions of this Plan shall be construed, enforced and administered according to the laws of the State of Illinois.

11.12 SEVERABILITY

If any provision of the Plan is held invalid or unenforceable, its invalidity or unenforceability shall not affect any other provisions of the Plan, and the Plan shall be construed and enforced as if such provision had not been included herein.

11.13 CAPTIONS

The captions contained herein are inserted only as a matter of convenience and for reference, and in no way define, limit, enlarge or describe the scope or intent of the Plan, nor in any way shall affect the Plan or the construction of any provision thereof.

11.14 CONTINUATION OF COVERAGE

Notwithstanding anything in the Plan to the contrary, in the event any benefit under this Plan subject to the continuation coverage requirement of Code Section 4980B becomes unavailable, each Participant will be entitled to continuation coverage as prescribed in Code Section 4980B, and related regulations. If during the Plan Year, the Employer employs fewer than twenty (20) employees on a typical business day, this Section shall not apply.

11.15 FAMILY AND MEDICAL LEAVE ACT

Notwithstanding anything in the Plan to the contrary, in the event any benefit under this Plan becomes subject to the requirements of the Family and Medical Leave Act and regulations thereunder, this Plan shall be operated in accordance with Regulation 1.125-3.

11.16 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT

Notwithstanding anything in this Plan to the contrary, this Plan shall be operated in accordance with HIPAA and regulations thereunder.

11.17 UNIFORM SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

Notwithstanding any provision of this Plan to the contrary, contributions, benefits and service credit with respect to qualified military service shall be provided in accordance with USERRA and the regulations thereunder.

11.18 COMPLIANCE WITH HIPAA PRIVACY STANDARDS

(a) If the Health Flexible Spending Account under this Cafeteria Plan is subject to the Standards for Privacy of Individually Identifiable Health Information (45 CFR Part 164, the "Privacy Standards"), then this Section shall apply.

(b) The Plan shall not disclose Protected Health Information to any member of the Employer's workforce unless each of the conditions set out in this Section are met. "Protected Health Information" shall have the same definition as set forth in the Privacy Standards but generally shall mean individually identifiable information about the past, present or future physical or mental health or condition of an individual, including information about treatment or payment for treatment.

(c) Protected Health Information disclosed to members of the Employer's workforce shall be used or disclosed by them only for purposes of Plan administrative functions. The Plan's administrative functions shall include all Plan payment functions and health care operations. The terms "payment" and "health care operations" shall have the same definitions as set out in the Privacy Standards, but the term "payment" generally shall mean activities taken to determine or fulfill Plan responsibilities with respect to eligibility, coverage, provision of benefits, or reimbursement for health care.

(d) The Plan shall disclose Protected Health Information only to members of the Employer's workforce who are authorized to receive such Protected Health Information, and only to the extent and in the minimum amount necessary for that person to perform his or her duties with respect to the Plan. "Members of the Employer's workforce" shall refer to all employees and other persons under the control of the Employer. The Employer shall keep an updated list of those authorized to receive Protected Health Information.

(1) An authorized member of the Employer's workforce who receives Protected Health Information shall use or disclose the Protected Health Information only to the extent necessary to perform his or her duties with respect to the Plan.

(2) In the event that any member of the Employer's workforce uses or discloses Protected Health Information other than as permitted by this Section and the Privacy Standards, the incident shall be reported to the Plan's privacy officer. The privacy officer shall take appropriate action, including:

(i) investigation of the incident to determine whether the breach occurred inadvertently, through negligence or deliberately; whether there is a pattern of breaches; and the degree of harm caused by the breach;

(ii) appropriate sanctions against the persons causing the breach which, depending upon the nature of the breach, may include oral or written reprimand, additional training, or termination of employment;

(iii) mitigation of any harm caused by the breach, to the extent practicable; and

(iv) documentation of the incident and all actions taken to resolve the issue and mitigate any damages.

(e) The Employer must provide certification to the Plan that it agrees to:

(1) Not use or further disclose the information other than as permitted or required by the Plan documents or as required by law;

(2) Ensure that any agent or subcontractor, to whom it provides Protected Health Information received from the Plan, agrees to the same restrictions and conditions that apply to the Employer with respect to such information;

(3) Not use or disclose Protected Health Information for employment-related actions and decisions or in connection with any other benefit or employee benefit plan of the Employer;

(4) Report to the Plan any use or disclosure of the Protected Health Information of which it becomes aware that is inconsistent with the uses or disclosures permitted by this Section, or required by law;

(5) Make available Protected Health Information to individual Plan members in accordance with Section 164.524 of the Privacy Standards;

(6) Make available Protected Health Information for amendment by individual Plan members and incorporate any amendments to Protected Health Information in accordance with Section 164.526 of the Privacy Standards;

(7) Make available the Protected Health Information required to provide an accounting of disclosures to individual Plan members in accordance with Section 164.528 of the Privacy Standards;

(8) Make its internal practices, books and records relating to the use and disclosure of Protected Health Information received from the Plan

available to the Department of Health and Human Services for purposes of determining compliance by the Plan with the Privacy Standards;

(9) If feasible, return or destroy all Protected Health Information received from the Plan that the Employer still maintains in any form, and retain no copies of such information when no longer needed for the purpose for which disclosure was made, except that, if such return or destruction is not feasible, limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible; and

(10) Ensure the adequate separation between the Plan and members of the Employer's workforce, as required by Section 164.504(f)(2)(iii) of the Privacy Standards and set out in (d) above.

11.19 COMPLIANCE WITH HIPAA ELECTRONIC SECURITY STANDARDS

Under the Security Standards for the Protection of Electronic Protected Health Information (45 CFR Part 164.300 et. seq., the "Security Standards"):

(a) The Employer agrees to implement reasonable and appropriate administrative, physical and technical safeguards to protect the confidentiality, integrity and availability of Electronic Protected Health Information that the Employer creates, maintains or transmits on behalf of the Plan. "Electronic Protected Health Information" shall have the same definition as set out in the Security Standards, but generally shall mean Protected Health Information that is transmitted by or maintained in electronic media.

(b) The Employer shall ensure that any agent or subcontractor to whom it provides Electronic Protected Health Information shall agree, in writing, to implement reasonable and appropriate security measures to protect the Electronic Protected Health Information.

(c) The Employer shall ensure that reasonable and appropriate security measures are implemented to comply with the conditions and requirements set forth in Section 11.18.

IN WITNESS WHEREOF, this Plan document is hereby executed this
_____ day of _____.

County of Champaign

By _____
EMPLOYER

ADOPTING RESOLUTION

The undersigned Principal of County of Champaign (the Employer) hereby certifies that the following resolutions were duly adopted by the Employer on _____, and that such resolutions have not been modified or rescinded as of the date hereof:

RESOLVED, that the form of amended Cafeteria Plan including a Dependent Care Flexible Spending Account and Health Flexible Spending Account effective December 1, 2006, presented to this meeting is hereby approved and adopted and that the duly authorized agents of the Employer are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

RESOLVED, that the Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan.

RESOLVED, that the duly authorized agents of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the Cafeteria Plan by delivering to each employee a copy of the summary description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved.

The undersigned further certifies that attached hereto as Exhibits A and B, respectively, are true copies of County of Champaign Flexible Benefits Plan as amended and restated and the Summary Plan Description approved and adopted in the foregoing resolutions.

Principal

Date: _____

RESOLUTION NO. 5693

RESOLUTION APPROVING PROPERTY, LIABILITY and EXCESS INSURANCE
POLICIES for CHAMPAIGN COUNTY

WHEREAS, the Champaign County Board annually approves insurance policies for the County's various property, liability and excess insurance needs for the ensuing fiscal year; and

WHEREAS, the Champaign County Insurance Specialist, with the assistance of Dimond Brothers Insurance Agency, the County's insurance broker; has searched the market and negotiated with current providers, and as a result provides the following recommendation for the County's insurance policies for FY2007:

- Nursing Home Property – Cincinnati Insurance Company – Annual Premium \$31,210
- County Property/Inland Marine/Crime – Selective Insurance Company – Annual Premium \$87,696
- County Liability Insurance – Illinois Counties Risk Management Trust – Annual Premium \$406,236, with a two-year rate guarantee from December 1, 2006 to November 30, 2008
- Pollution Legal Liability Coverage for the new nursing home – AIG – Annual Premium of \$23,516.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Champaign County that the following insurance proposals are accepted and approved as the policies to cover Champaign County's property, liability and excess insurance:

- Nursing Home Property – Cincinnati Insurance Company – Annual Premium \$31,210
- County Property/Inland Marine/Crime – Selective Insurance Company – Annual Premium \$87,696
- County Liability Insurance – Illinois Counties Risk Management Trust – Annual Premium \$406,236, with a two-year rate guarantee from December 1, 2006 to November 30, 2008
- Pollution Legal Liability Coverage for the new nursing home – AIG – Annual Premium of \$23,516.

PRESENTED, PASSED, APPROVED and RECORDED this 21st day of November,
A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk and
Ex-officio Clerk of the County Board

RESOLUTION NO. 5696

BUDGET AMENDMENT

November, 2006

FY 2006

WHEREAS, the Finance Committee has approved the following amendment to the 2005-2006 budget.

NOW, THEREFORE, BE IT RESOLVED that the Champaign County Board approves the following amendment to the 2005-2006 budget; and

BE IT FURTHER RESOLVED that the County Auditor be authorized and is hereby requested to make the following amendment to the 2005-2006 budget:

Budget Amendment #06-00113

<u>ACCOUNT DESCRIPTION</u>		<u>AMOUNT</u>
Fund 076 Tort Immunity Tax Fund Dept. 075 General County		
Increased Appropriations		
513.04 Workers' Compensation Insurance		\$45,000
	Total	\$45,000
Increased Revenue		
None (From Tort Immunity Tax Fund balance)		\$0
	Total	\$0

REASON: To pay remaining FY2006 General Corporate workers' compensation costs.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, A.D.
2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Sheldon, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5697

BUDGET AMENDMENT

November, 2006

FY 2006

WHEREAS, the Finance Committee has approved the following amendment to the 2005-2006 budget.

NOW, THEREFORE, BE IT RESOLVED that the Champaign County Board approves the following amendment to the 2005-2006 budget; and

BE IT FURTHER RESOLVED that the County Auditor be authorized and is hereby requested to make the following amendment to the 2005-2006 budget:

Budget Amendment #06-00114

<u>ACCOUNT DESCRIPTION</u>		<u>AMOUNT</u>
Fund 080 General Corporate Fund		
Dept. 043 Emergency Management Agency		
Increased Appropriations		
544.33 Furnishings, Office Equipment		<u>\$1,282</u>
	Total	\$1,282
Increased Revenue		
362.16 Tenant Reimbursement Building Improvement		<u>\$1,282</u>
	Total	\$1,282

REASON: ILEAS funding for garage security.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, A.D.

2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5698

BUDGET AMENDMENT

November, 2006

FY 2006

WHEREAS, the Finance Committee has approved the following amendment to the 2005-2006 budget.

NOW, THEREFORE, BE IT RESOLVED that the Champaign County Board approves the following amendment to the 2005-2006 budget; and

BE IT FURTHER RESOLVED that the County Auditor be authorized and is hereby requested to make the following amendment to the 2005-2006 budget:

Budget Amendment #06-00115

<u>ACCOUNT DESCRIPTION</u>		<u>AMOUNT</u>
Fund 070 Nursing Home Construction Fund Dept. 010 County Board		
Increased Appropriations		
544.29 Nursing Home Building Construction/Improvement		\$52,459
	Total	\$52,459
Increased Revenue		
383.10 Sale of General Obligation Bonds		\$4,052,459
	Total	\$4,052,459

REASON: 2006A bond proceeds for the Nursing Home construction funds.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, A.D.
2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Sheldon, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5699

BUDGET AMENDMENT

November, 2006

FY 2006

WHEREAS, the Finance Committee has approved the following amendment to the 2005-2006 budget.

NOW, THEREFORE, BE IT RESOLVED that the Champaign County Board approves the following amendment to the 2005-2006 budget; and

BE IT FURTHER RESOLVED that the County Auditor be authorized and is hereby requested to make the following amendment to the 2005-2006 budget:

Budget Amendment #06-00116

<u>ACCOUNT DESCRIPTION</u>		<u>AMOUNT</u>
Fund 080 General Corporate Fund Dept. 016 Administrative Services		
Increased Appropriations		
522.06 Postage, UPS, Fed Express		<u>\$12,000</u>
	Total	\$12,000
Increased Revenue		
None (From General Corporate Fund balance)		<u>\$0</u>
	Total	\$0

REASON: The continuous jury system has increased postage costs by \$10,500 so far this year. The request for \$12,000 is to cover that increase and is anticipated to be sufficient postage to complete all mailings for the current fiscal year.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, A.D.
2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5700

BUDGET AMENDMENT

November, 2006

FY 2006

WHEREAS, the Finance Committee has approved the following amendment to the 2005-2006 budget.

NOW, THEREFORE, BE IT RESOLVED that the Champaign County Board approves the following amendment to the 2005-2006 budget; and

BE IT FURTHER RESOLVED that the County Auditor be authorized and is hereby requested to make the following amendment to the 2005-2006 budget:

Budget Amendment #06-00117

<u>ACCOUNT DESCRIPTION</u>	<u>AMOUNT</u>
Fund 091 Animal Control Fund Dept. 047 Animal Control	
Increased Appropriations	
522.11 Medical Supplies	\$9,979
Total	\$9,979
Increased Revenue	
363.60 Private Grants	\$9,979
Total	\$9,979

REASON: Increase in revenue from Petsmart Charities Grant and corresponding increase in expenditures.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, A.D.

2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5701

BUDGET AMENDMENT

November, 2006

FY 2006

WHEREAS, the Finance Committee has approved the following amendment to the 2005-2006 budget.

NOW, THEREFORE, BE IT RESOLVED that the Champaign County Board approves the following amendment to the 2005-2006 budget; and

BE IT FURTHER RESOLVED that the County Auditor be authorized and is hereby requested to make the following amendment to the 2005-2006 budget:

Budget Amendment #06-00118

<u>ACCOUNT DESCRIPTION</u>		<u>AMOUNT</u>
Fund 070 Nursing Home Construction Fund Dept. 010 County Board		
Increased Appropriations		
544.29 Nursing Home Building Construction/Improvement		\$500,000
	Total	\$500,000
Increased Revenue		
None (From Nursing Home Construction Fund balance)		\$0
	Total	\$0

REASON: To pay for expenses due to Nursing Home Construction project.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, A.D.
2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Sheldon, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5702

BUDGET AMENDMENT

November, 2006

FY 2006

WHEREAS, the Finance Committee has approved the following amendment to the 2005-2006 budget.

NOW, THEREFORE, BE IT RESOLVED that the Champaign County Board approves the following amendment to the 2005-2006 budget; and

BE IT FURTHER RESOLVED that the County Auditor be authorized and is hereby requested to make the following amendment to the 2005-2006 budget:

Budget Amendment #06-00119

<u>ACCOUNT DESCRIPTION</u>		<u>AMOUNT</u>
Fund 476 Self-Funded Insurance		
Dept. 118 Property/Liability Insurance		
Increased Appropriations		
534.80 Auto Damage/Liability Claims		<u>\$11,531</u>
	Total	<u>\$11,531</u>
Increased Revenue		
369.90 Other Miscellaneous Revenue		<u>\$11,531</u>
	Total	<u>\$11,531</u>

REASON: To accept reimbursement from American Family Insurance for repair of Head Start bus.
Date of accident: 10/17/06. County claim number: 2006-A-18.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, A.D.

2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5703

BUDGET AMENDMENT

November, 2006

FY 2006

WHEREAS, the Finance Committee has approved the following amendment to the 2005-2006 budget.

NOW, THEREFORE, BE IT RESOLVED that the Champaign County Board approves the following amendment to the 2005-2006 budget; and

BE IT FURTHER RESOLVED that the County Auditor be authorized and is hereby requested to make the following amendment to the 2005-2006 budget:

Budget Amendment #06-00120

<u>ACCOUNT DESCRIPTION</u>	<u>AMOUNT</u>
Fund 476 Self-Funded Insurance	
Dept. 118 Property/Liability Insurance	
Increased Appropriations	
533.03 Attorney Fees	\$20,000
534.81 General Liability Claims	<u>\$30,090</u>
Total	\$50,090
Increased Revenue	
None (From Self-Funded Insurance Fund balance)	<u>\$0</u>
Total	<u>\$0</u>

REASON: To pay defense attorney fees for the remainder of FY2006. To pay settlement of claim.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5704

BUDGET AMENDMENT

November, 2006

FY 2006

WHEREAS, the Finance Committee has approved the following amendment to the 2005-2006 budget.

NOW, THEREFORE, BE IT RESOLVED that the Champaign County Board approves the following amendment to the 2005-2006 budget; and

BE IT FURTHER RESOLVED that the County Auditor be authorized and is hereby requested to make the following amendment to the 2005-2006 budget:

Budget Amendment #06-00121

<u>ACCOUNT DESCRIPTION</u>		<u>AMOUNT</u>
Fund 476 Self-Funded Insurance		
Dept. 119 Workers' Compensation Insurance		
Increased Appropriations		
513.14 Workers' Self-Funded Claim		\$45,000
	Total	\$45,000
Increased Revenue		
None (From Self-Funded Insurance Fund balance)		\$0
	Total	\$0

REASON: To pay approved settlements of workers' compensation claims.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, A.D.
2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5705

BUDGET AMENDMENT

November, 2006

FY 2006

WHEREAS, the Finance Committee has approved the following amendment to the 2005-2006 budget.

NOW, THEREFORE, BE IT RESOLVED that the Champaign County Board approves the following amendment to the 2005-2006 budget; and

BE IT FURTHER RESOLVED that the County Auditor be authorized and is hereby requested to make the following amendment to the 2005-2006 budget:

Budget Amendment #06-00122

<u>ACCOUNT DESCRIPTION</u>		<u>AMOUNT</u>
Fund 080 General Corporate Fund		
Dept. 071 Public Properties		
Increased Appropriations		
533.30 Gas Service		\$65,000
	Total	\$65,000
Increased Revenue		
None (From General Corporate Fund balance)		\$0
	Total	\$0

REASON: To pay for anticipated cost of building utilities for the remainder of fiscal year 2006.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, A.D.

2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5706

BUDGET AMENDMENT

November, 2006

FY 2006

WHEREAS, the Finance Committee has approved the following amendment to the 2005-2006 budget.

NOW, THEREFORE, BE IT RESOLVED that the Champaign County Board approves the following amendment to the 2005-2006 budget; and

BE IT FURTHER RESOLVED that the County Auditor be authorized and is hereby requested to make the following amendment to the 2005-2006 budget:

Budget Amendment #06-00123

<u>ACCOUNT DESCRIPTION</u>	<u>AMOUNT</u>
Fund 081 Nursing Home Fund Dept. 410 Administrative	
Increased Appropriations	
534.16 Grant Match	
	Total
	<u>\$275,000</u>
	\$275,000
Increased Revenue	
331.28 Medicaid Title XIX (IPA)	
	Total
	<u>\$275,000</u>
	\$275,000

REASON: To allow for changes in the new intergovernmental transfer agreement with the State of Illinois.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, A.D.

2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5707

BUDGET AMENDMENT

November, 2006

FY 2006

WHEREAS, the Finance Committee has approved the following amendment to the 2005-2006 budget.

NOW, THEREFORE, BE IT RESOLVED that the Champaign County Board approves the following amendment to the 2005-2006 budget; and

BE IT FURTHER RESOLVED that the County Auditor be authorized and is hereby requested to make the following amendment to the 2005-2006 budget:

Budget Amendment #06-00124

<u>ACCOUNT DESCRIPTION</u>	<u>AMOUNT</u>
Fund 629 Courthouse Museum Dept. 010 County Board	
Increased Appropriations	
533.92 Contributions & Grants	<u>\$30,000</u>
Total	<u>\$30,000</u>
Increased Revenue	
None (From Courthouse Museum Fund balance)	<u>\$0</u>
Total	<u>\$0</u>

REASON: Pursuant to the memorandum of understanding approved by the full County Board in October 2006.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5708

TRANSFER OF FUNDS

November, 2006

FY 2006

WHEREAS, the Finance Committee has approved the following transfer between accounts within the funds listed below; and

WHEREAS, sufficient amounts have been appropriated to support such transfer.

NOW, THEREFORE, BE IT RESOLVED that the Champaign County Board approves the following transfer within the 2005-2006 budget; and

BE IT FURTHER RESOLVED that the County Auditor be authorized and is hereby requested to make the following transfer to the 2005-2006 budget:

Budget Transfer #06-00008

<u>TRANSFER TO ACCOUNT DESCRIPTION</u>	<u>AMOUNT</u>	<u>TRANSFER FROM ACCOUNT DESCRIPTION</u>
Fund 684 Defense Service ICJIA Grant Dept. 036 Public Defender		
534.41 Return Unused Grant	\$264	513.06 Employee Health/Life Insurance
Total:	\$264	

REASON: Interest income earned.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5709

TRANSFER OF FUNDS

November, 2006

FY 2006

WHEREAS, the Finance Committee has approved the following transfers between accounts within the funds listed below; and

WHEREAS, sufficient amounts have been appropriated to support such transfers.

NOW, THEREFORE, BE IT RESOLVED that the Champaign County Board approves the following transfers within the 2005-2006 budget; and

BE IT FURTHER RESOLVED that the County Auditor be authorized and is hereby requested to make the following transfers to the 2005-2006 budget:

Budget Transfer #06-00009

<u>TRANSFER TO ACCOUNT DESCRIPTION</u>	<u>AMOUNT</u>	<u>TRANSFER FROM ACCOUNT DESCRIPTION</u>
Fund 080 General Corporate Fund Dept. 071 Public Properties		
533.44 Main Street Jail Repair-Maintenance	\$2,500	511.04 Regular Part-Time Employees
533.43 Courthouse Repair- Maintenance	\$2,000	513.06 Employee Health/Life Insurance
Total:	\$4,500	

REASON: To pay for anticipated expenses for remainder of FY2006.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 5710

A RESOLUTION TO DESIGNATE THE OFFICE OF THE
STATE'S ATTORNEYS APPELLATE PROSECUTOR AS AGENT

WHEREAS, the Office of the State's Attorneys Appellate Prosecutor was created to provide services to State's Attorneys in Judicial Districts containing less than 3,000,000 inhabitants; and,

WHEREAS, the powers and duties of the Office of the State's Attorneys Appellate Prosecutor are defined and enumerated in the "State's Attorneys Appellate Prosecutor's Act", 725 ILCS 210/1 et. seq., as amended; and,

WHEREAS, the Illinois General Assembly appropriates monies for the ordinary and contingent expenses of the Office of the State's Attorneys Appellate Prosecutor, one-third from the State's Attorneys Appellate Prosecutor's County Fund and two-thirds from the General Revenue Fund, provided that such funding receives county approval and support from within the respective Judicial Districts eligible to apply; and,

WHEREAS, the Office of the State's Attorneys Appellate Prosecutor shall administer the operation of the appellate offices so as to insure that all participating State's Attorneys continue to have final authority in preparation, filing, and arguing of all appellate briefs and any trial assistance; and,

WHEREAS, the Office of the State's Attorneys Appellate Prosecutor and the Illinois General Assembly have reviewed and approved a budget for Fiscal Year 2007, which funds will provide for the continued operation of the Office of the State's Attorneys Appellate Prosecutor.

NOW, THEREFORE, BE IT RESOLVED that the Champaign County Board, in regular session, this 21st day of November, 2006 does hereby support the continued operation of the Office of the State's Attorneys Appellate Prosecutor, and designates the Office of the State's Attorneys Appellate Prosecutor as its Agent to administer the operation of the appellate offices and process said appellate court cases for this County.

BE IT FURTHER RESOLVED that the attorneys employed by the Office of the State's Attorneys Appellate Prosecutor are hereby authorized to act as Assistant State's Attorneys on behalf of the State's Attorneys of this county in the appeal of all cases, when requested to do so by the State's Attorney, and with the advice and consent of the State's Attorney prepare, file, and argue appellate briefs for those cases; and also, as may be requested by the State's Attorney, to assist in the prosecution of cases under the Illinois Controlled Substances Act, the Cannabis Control Act, the Drug Asset Forfeiture Procedure Act and the Narcotics Profit Forfeiture Act. Such attorneys are further authorized to assist the State's Attorney in the State's Attorney's duties under the Illinois Public Labor Relations Act, including negotiations thereunder, as well as in the trial and appeal of tax objections.

BE IT FURTHER RESOLVED that the attorneys employed by the Office of the State's Attorneys Appellate Prosecutor may also assist State's Attorneys in the discharge of their duties in the prosecution and trial of other cases, and may act as Special Prosecutor if duly appointed to do so by a court having jurisdiction.

BE IT FURTHER RESOLVED that the Champaign County Board hereby agrees to participate in the service program of the Office of the State's Attorneys Appellate Prosecutor for Fiscal Year 2007, commencing December 1, 2006, and ending November 30, 2007, by hereby appropriating a sum of money not to exceed \$27,000.00 for the express purpose of providing a portion of the funds required for financing the operation of the Office of the State's Attorneys Appellate Prosecutor, and agrees to deliver the same to the Office of the State's Attorneys Appellate Prosecutor on request during the Fiscal Year 2007.

PRESENTED, ADOPTED, AND APPROVED AND RECORDED this _____ day of November, 2006.

Attest: _____

RESOLUTION NO. 5711

A RESOLUTION AUTHORIZING A LITIGATION ASSISTANCE AGREEMENT
BETWEEN THE COUNTY OF CHAMPAIGN AND THE OFFICE OF THE STATE'S
ATTORNEYS APPELLATE PROSECUTOR

The Office of the State's Attorneys Appellate Prosecutor, and the County of Champaign, Illinois, the parties herein, in consideration of their mutual interest and needs, and upon mutually FINDING:

That the powers of the Office of the State's Attorneys Appellate Prosecutor include the power to enter into agreements with any Illinois county and expend services from any public source, as provided by Section 4.07 of the State's Attorneys Appellate Prosecutor's Act, 725 ILCS 210/4.07; and

That from time to time the State's Attorney of said County may require the assistance in the circuit court of an Assistant State's Attorney knowledgeable in both trial and appellate matters; and,

That from time to time due to absence, disability, conflict of interest or the appearance thereof, or otherwise in the interest of justice, the State's Attorney may find it necessary or prudent to request the Court to appoint a Special Prosecutor to act in his or her stead; and

That the Office of the State's Attorneys Appellate Prosecutor is committed to facilitating effective and error free prosecution at trial as an essential component of exercising its statutory authority pursuant to Section 4.01 of the Act on behalf of State's Attorneys on appeal; and,

That the Office of the State's Attorneys Appellate Prosecutor is prepared, when appropriate, to permit attorneys employed by the Office to act in the capacity of Special

Assistant State's Attorney or Special Prosecutor without additional fee or compensation by the County where such attorneys are so appointed by a Court of competent jurisdiction.

NOW THEREFORE, the parties hereto, in consideration of the contributions made by the County to the Office of the State's Attorneys Appellate Prosecutor pursuant to 725 ILCS 210/9 et seq., and in consideration of their respective and mutual interests and obligations above stated, hereby AGREE, pursuant to the authority granted in 725 ILCS 210/4.07, that:

1. The State's Attorney may, in his or her discretion, appoint as Special Assistant State's Attorney an attorney or attorneys employed by the Office of the State's Attorneys Appellate Prosecutor to assist the State's Attorney in the prosecution of any matter within the State's Attorney's authority, and that upon such appointment as Special Assistant State's Attorney by the Court, each such attorney shall serve without compensation by the County other than for necessary expenses; and,

2. The State's Attorney may, where in his or her considered opinion the circumstances warrant such action, request the Court regarding any matter under investigation, filed, or pending, to appoint an attorney or attorneys employed by the Office of the State's Attorneys Appellate Prosecutor as Special Prosecutor(s) in lieu of the State's Attorney, to investigate or prosecute any matter that would otherwise be

within the State's Attorney's authority, and that upon acceptance of such appointment, said attorney or attorneys shall serve without compensation by the County other than for necessary expenses.

DATE: _____

Chairman of County Board

State's Attorneys Appellate Prosecutor

By: _____
Director Norbert J. Goetten

Attest: _____
County Clerk

RESOLUTION NO. 5713

RESOLUTION DESIGNATING DEPOSITORIES FOR FUNDS

WHEREAS, Daniel J. Welch, County Treasurer of the County of Champaign, State of Illinois, Pursuant to ILCS 55 5/3-11002 of the Illinois Compiled Statutes, requests the County Board of the County of Champaign to designate a bank or banks, or other depositories in which the funds and other public monies in his custody may be deposited, and

WHEREAS, the designation of depositories for the keeping of County Funds and other public monies in the custody of the County Treasurer of the County of Champaign is a valid exercise of power and duties of said County Board.

NOW THEREFORE BE IT RESOLVED by the County Board of the County of Champaign, State of Illinois, that the following Financial Institutions are hereby designated as depositories for the County Funds and other public monies in the custody of Daniel J. Welch, County Treasurer of the County of Champaign:

Bank of Rantoul	Rantoul
J.P. Morgan Chase Bank	Champaign
Bank Champaign	Champaign
Main Street Bank & Trust	Champaign
Busey Bank	Urbana
Central Illinois Bank	Champaign
Dewey State Bank	Dewey
First Federal Savings Bank	Champaign
First Mid-Illinois Bank & Trust	Urbana
First Midwest Bank	Champaign
FreeStar Bank	Champaign
Sidell State Bank	Homer
First National Bank of Ivesdale	Ivesdale
First National Bank of Ogden	Ogden
First Bank & Trust	Savoy
Fisher National Bank	Fisher
The Gifford State Bank	Gifford
Heartland Bank & Trust Co.	Champaign
Hickory Point Bank & Trust	Champaign
Centrue Bank	Champaign
Longview State Bank	Sidney
National City Bank	Champaign
Peoples State Bank	Mansfield
Philo Exchange Bank	Philo
Strategic Capital Bank	Champaign
U of I Employees Credit Union	Champaign
Regions Bank	Champaign
Illinois Funds C/O U.S. Bank	Springfield
CDARS Promontory Network	Champaign

Resolution No. 5713

BE IT FURTHER RESOLVED that this resolution shall supersede and cancel all previous resolutions relating to the designation of depositories for funds in the custody of the Champaign County Treasurer.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, A.D., 2006.

Barbara Wysocki, Chair
Champaign County Board

Mark V. Shelden, County Clerk &
ex-Officio Clerk of the Champaign
County Board

ORDINANCE NO. 795

2007 ANNUAL TAX LEVY ORDINANCE

WHEREAS, we the County Board of Champaign County, Illinois, have determined that for County purposes, it will be necessary to levy a tax in the total amount of \$23,255,507 on the real property and railroad property, in Champaign County, Illinois, for raising of monies for the several objects and purposes specified in the 2007 Annual Budget and Appropriation Ordinance,

NOW, THEREFORE, BE IT ORDAINED that there is hereby levied a tax in the amount of \$6,552,164 for the County General Corporate purposes;

- \$ 112,835 for salaries and operating budget of the Board of Review
- \$ 587,175 for salaries and operating budget of the County Clerk's Office
- \$ 915,413 for salaries and operating budget of the Circuit Court
- \$4,802,630 for salaries and operating budget of the Correctional Center
- \$ 134,111 for salaries of the State's Attorney's Office.

BE IT FURTHER ORDAINED that there is hereby levied a tax in the amount of \$866,900 for the purpose of purchasing insurance against any loss or liability which may be imposed upon the County, in accordance with 745 ILCS 10/9-107, said \$866,900 is exclusive of and in addition to those sums heretofore levied; and

- \$412,000 levied for liability/property insurance/claims reserve
- \$454,900 levied for Worker Compensation and unemployment insurance/claims reserve.

BE IT FURTHER ORDAINED that there is hereby levied a tax, in the amount of \$1,640,876 as the County Highway Tax, as provided in the Illinois Highway Code, being for the purpose of improving, repairing, maintaining, constructing, and reconstructing highways in this county required to be repaired, maintained, and constructed by the County in accordance with 605 ILCS 5/5-601, said sum raised to be placed in a separate fund known as the County Highway Fund, which \$1,640,876 is exclusive of and in addition to those sums heretofore levied; and

- \$1,129,966 levied for Highway Department employee salaries
- \$ 353,505 levied for Highway Department employee fringe benefits
- \$ 100,000 levied for heavy equipment maintenance
- \$ 57,405 levied for heavy equipment purchases.

BE IT FURTHER ORDAINED that there is hereby levied a tax, in the amount of \$832,372 as provided in the Illinois Highway Code, for the County Bridge Fund for expenditures

payable from the County Bridge Fund and for the purpose of constructing and repairing bridges, culverts, drainage structures or grade separations, including approaches thereto, on public roads in the County, required to be so constructed and repaired by the County under the Illinois Highway Code, in accordance with 605 ILCS 5/5-602, said sum of \$832,372 being exclusive of and in addition to those sums heretofore levied; and

\$832,372 levied for bridges and culverts construction match funds.

BE IT FURTHER ORDAINED that there is hereby levied a tax, in the amount of \$3,066,658 for the purpose of providing community mental health facilities and services in Champaign County, pursuant to an election held November 7, 1972, authorizing a levy of a tax not to exceed 10 percent of the full assessed valuation, and amendments to the Community Mental Health Act, 405 ILCS 20/4, authorizing an increase to the maximum levy of tax not to exceed .15 percent of the full assessed valuation, said sum shall be placed into a special fund in the Champaign County Treasury to be designated as the "Community Mental Health Fund" and shall be used only for the purpose specified in the Illinois Compiled Statutes; said sum of \$3,066,658 is exclusive of and in addition to those sums heretofore levied; and

\$ 308,288 levied for Mental Health Board employee salaries
\$ 82,246 levied for Mental Health Board employee fringe benefits
\$2,676,124 levied for Mental Health grants to service providers.

BE IT FURTHER ORDAINED that there is hereby levied a tax, in the amount of \$2,278,632 in accordance with an act entitled Illinois Municipal Retirement Fund Act, as amended, 40 ILCS 5/7-171, and being for the purpose of making county contributions to said Illinois Municipal Retirement Fund as required by law, said \$2,278,632 being exclusive of and in addition to those sums heretofore levied; and

\$2,278,632 levied for General Corporate Employer Retirement Costs.

BE IT FURTHER ORDAINED that there is hereby levied a tax, in the amount of \$1,394,627 for the purpose of participation in the Federal Social Security Insurance Program and Federal Medicare Program, in accordance with 40 ILCS 5/21-110 to 5/21-110.1, said \$1,394,627 is exclusive of and in addition to those sums heretofore levied; and

\$1,394,627 levied for General Corporate Employer Social Security and Medicare.

BE IT FURTHER ORDAINED that there is hereby levied a tax, in the amount of \$5,967 for the purpose of providing funds to pay expenses in the construction and maintenance of highways in the federal aid network or County highway network in accordance with 605 ILCS 5/5-603, and said sum of \$5,967 shall be placed in a separate fund known as the Matching Fund

and is exclusive of and in addition to those sums heretofore levied; and

\$5,967 levied for road improvement match funds.

BE IT FURTHER ORDAINED that there is hereby levied a tax, in the amount of \$402,761 for the purpose of the County's share of the Cooperative Extension service programs, in accordance with 505 ILCS 45/8, said \$402,761 is exclusive of and in addition to those sums heretofore levied; and

\$402,761 levied for Cooperative Extension Education Programs.

BE IT FURTHER ORDAINED that there is hereby levied a tax, in the amount of \$781,654 for the purpose of the County Health Fund in accordance with 70 ILCS 905/15 and 55 ILCS 5/5-25010 to 5-25011, said \$781,654 shall be held in a separate fund known as the County Health Fund and is exclusive of and in addition to those sums heretofore levied; and

\$318,446 levied for professional services contract with Champaign-Urbana Public Health District

\$463,208 levied for rebate to the Champaign-Urbana Public Health District.

BE IT FURTHER ORDAINED that there is hereby levied a tax, in the amount of \$838,339 for the purpose of the County Nursing Home Fund in accordance with 55 ILCS 5/5-21001, said \$838,339 shall be held in a separate fund known as the Champaign County Nursing Home Fund, and is exclusive of and in addition to those sums heretofore levied; and

\$536,228 levied for Nursing Home Employer Retirement Costs

\$302,111 levied for Nursing Home Employer Social Security and Medicare.

BE IT FURTHER ORDAINED that there is hereby levied a tax, in the amount of \$1,594,369 for the purpose of paying the principal and interest due on Nursing Home Construction Bonds dated February 26, 2003, issued pursuant to County Board Resolution No. 4644 adopted February 6, 2003, said sum of \$1,594,369 is exclusive of and in addition to those sums heretofore levied; and

\$1,594,369 levied for bond principal/interest payments.

BE IT FURTHER ORDAINED that there is hereby levied a tax, in the amount of \$3,000,188 for the purpose of providing facilities or services for the benefit of residents in Champaign County who are mentally retarded or under a developmental disability and who are not eligible to participate in any such program conducted under Article 14 of the School Code, pursuant to an election held November 2, 2004, authorizing a levy of a tax not to exceed .1

percent of the full assessed valuation, said sum shall be placed into a special fund in the Champaign County Treasury to be designated as the "Fund for Persons With a Developmental Disability" and shall be used only for the purpose specified in 55 ILCS 105; said sum of \$3,000,188 is exclusive of and in addition to those sums heretofore levied; and

\$2,796,621 levied for grants to service providers

\$ 203,567 levied for professional services in administering grants.

BE IT FURTHER ORDAINED that the sums heretofore levied in the total amount of \$23,255,507 be raised by taxation upon property in this County and the County Clerk of Champaign County is hereby ordered to compute and extend upon the proper books of the County Collector for the said year, the sums heretofore levied for so much thereof as will not in the aggregate exceed the limit established by law on the assessed valuation as equalized for the year 2006.

PRESENTED, PASSED, APPROVED, AND RECORDED by the County Board of Champaign County, Illinois, on the 21st day of November, A.D. 2006 session.

Barbara Wysocki, Chair
Champaign County Board

AYE ___ NAY ___ ABSENT

ATTEST:

Mark Shelden, County Clerk & ex-officio
Clerk of the Champaign County Board

TRUTH IN TAXATION
CERTIFICATE OF COMPLIANCE

I, the undersigned, hereby certify that I am the presiding officer of the County of Champaign, Illinois, and as such presiding officer I certify that the levy ordinance, a copy of which is attached, was adopted pursuant to, and in all respects in compliance with the provisions of Section 18-60 through 18-85 of the "Truth in Taxation Law" or the levy ordinance does not exceed 105% of the previous year's extension.

This certificate applies to the 2006 levy.

Date: November _____, 2006.

PRESIDING OFFICER: _____

Barbara Wysocki, Chair
Champaign County Board

ORDINANCE NO. 796

2007 ANNUAL BUDGET AND APPROPRIATION ORDINANCE

WHEREAS, the Finance Committee of the County Board of Champaign County, Illinois, has considered and determined the amounts of monies estimated and deemed necessary expenses to be incurred by and against the County of Champaign, State of Illinois, within and for the fiscal year beginning December 1, 2006 and ending November 30, 2007, and has further proposed County expenditures in the attached recommended Budget; and

WHEREAS, pursuant to 55 ILCS 5/6-1002, the attached recommended Budget includes the following:

- a. A statement of the receipts and payments and a statement of the revenues and expenditures of the fiscal year last ended.
- b. A statement of all monies in the county treasury or in any funds thereof, unexpended at the termination of the fiscal year last ended, of all amounts due or accruing to such county, and of all outstanding obligations or liabilities of the county incurred in any preceding fiscal year.
- c. Estimates of all probable income for the current fiscal year and for the ensuing fiscal year covered by the budget, specifying separately for each of said years the estimated income from taxes, from fees, and from all other sources. The estimated income from fees shall indicate both the estimated total receipts from fees by county fee officers and the estimated net receipts from fees to be paid into the county treasury.
- d. A detailed statement showing estimates of expenditures for the current fiscal year, revised to the date of such estimate, and, separately, the proposed expenditures for the ensuing fiscal year for which the budget is prepared. Said revised estimates and proposed expenditures shall show the amounts for current expenses and capital outlay, shall specify the several objects and purposes of each item of current expenses, and shall include for each of said years all floating indebtedness as of the beginning of the year, the amount of funded debt maturing during the year, the interest accruing on both floating and funded debt, and all charges fixed or imposed upon counties by law.
- e. A schedule of proposed appropriations itemized as provided for proposed expenditures included in the schedule prepared in accordance with the provisions of paragraph (d) hereof, as approved by the county board.

WHEREAS, the level of appropriation for each fund and department is defined by the amount as listed with the following exceptions: the legal level of control in all departments (except the Regional Planning Commission) is by category, Personnel and Non-Personnel, for each department or group of departments within the same fund and headed by the same

administrator. Transfers between any line items in the Personnel category and transfers between any line items in the Non-Personnel category, in the same department or group of departments headed by the same administrator within the same fund, may be made by notifying the County Auditor on forms provided by the Auditor. Transfers between the Personnel and Non-Personnel categories, as well as transfers between different funds or departments headed by different administrators may be made only with the approval of a 2/3 vote of the full County Board.

- a. The Regional Planning Commission's legal level of control on appropriations is defined as follows:
 - i. For departments which account for contracts with Champaign County, the legal level of budgetary control is by category, Personnel and Non-Personnel, within the individual department. Transfers between any line items in the Personnel category and transfers between any line items in the Non-Personnel category, in the same department, may be made by notifying the County Auditor on standardized forms. Transfers between the Personnel and Non-Personnel categories as well as transfers between different funds for departments, may be made only with the approval of a 2/3 vote of the full County Board.
 - ii. For all other departments, the legal level of budgetary control is the individual department's total budget. Transfers between any line items within the same department may be made by notifying the County Auditor on standardized forms. Transfers between different funds or departments may be made only with the approval of a 2/3 vote of the full County Board.

NOW, THEREFORE, BE IT ORDAINED by the Champaign County Board that the attached recommended Budget is hereby adopted as the Annual Budget and Appropriation Ordinance of Champaign County for the fiscal year beginning December 1, 2006 and ending November 30, 2007.

PRESENTED, PASSED, APPROVED and RECORDED by the County Board of Champaign County, Illinois, at the recessed September, A.D. 2006 session.

Dated this 21st day of November, A.D. 2006.

Barbara Wysocki, Chair
Champaign County Board

AYE ___ NAY ___ ABSENT ___

ATTEST:

Mark Shelden, County Clerk & ex-officio
Clerk of the Champaign County Board

RESOLUTION NO. 5716

RESOLUTION AUTHORIZING THE COUNTY BOARD CHAIR
TO SIGN AN INTERGOVERNMENTAL AGREEMENT
IMPLEMENTING PHASE ONE OF THE
GREENWAYS AND TRAILS PLAN
SECTION #06-00000-01-ES

WHEREAS, Champaign County, the City of Champaign, the City of Urbana, the Village of Savoy, the Village of Mahomet, the Champaign Park District, the Urbana Park District, the University of Illinois, the Champaign-Urbana Mass Transit District, the Champaign County Forest Preserve District, and the Champaign County Regional Planning Commission are desirous to enter into an Intergovernmental Agreement for implementation of Phase I of the Greenway and Trails Plan, County Section #06-00000-01-ES.

NOW, THEREFORE, BE IT RESOLVED, that the Chair of the County Board of Champaign County is hereby authorized to sign the aforementioned agreement on behalf of Champaign County, and bind the County to the terms contained therein.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day
of November A.D., 2006.

Barbara Wysocki, Chair
County Board of the County of
Champaign, Illinois

ATTEST: _____
Mark Sheldon, County Clerk and
ex-Officio Clerk of the County Board

Prepared by: Jeff Blue
County Engineer

ORDINANCE NO. 797

AN ORDINANCE FOR THE ESTABLISHMENT
OF AN ALTERED SPEED ZONE
IN URBANA ROAD DISTRICT

WHEREAS, it is hereby declared by the County Board of Champaign County, Illinois, that the basic statutory vehicular speed limit established by Section 11-604 of the Illinois Vehicle Code is greater, or less, than that considered reasonable and proper on Race Street from McCullough Bridge to Curtis Road, a distance of 0.50 mile, for which Urbana Road District has maintenance responsibility and which is not under the jurisdiction of the Department of Transportation, State of Illinois.

NOW, THEREFORE, BE IT FURTHER DECLARED, that this Board has caused to be made an engineering and traffic investigation upon the highway listed, and

BE IT FURTHER DECLARED, that by virtue of Section 11-604 of the above Code, this Board determines and declares that the reasonable and proper absolute maximum speed limit upon the highway described shall be as stated therein, and

BE IT FURTHER DECLARED, that by virtue of Section 11-604 of the above Code, and according to the results of the engineering and traffic investigation on the above stated segment of Race Street, it was determined that the reasonable and proper absolute maximum speed limit from McCullough Bridge to Curtis Road, shall be 40 miles per hour, and

BE IT FURTHER DECLARED, that this ordinance shall take effect immediately after the erection of said signs giving notice of the maximum speed limit.

PRESENTED, PASSED, APPROVED and RECORDED this 21st day of November A.D., 2006.

Barbara Wysocki, Chair
County Board of the County of
Champaign, Illinois

ATTEST: _____
Mark. Shelden, County Clerk and
ex-Officio Clerk of the County Board

Prepared by: Jeff Blue
County Engineer

ORDINANCE NO. 798
ORDINANCE AMENDING ZONING ORDINANCE
RECLASSIFYING CERTAIN PROPERTY

506-AM-05

WHEREAS, the Champaign County Zoning Board of Appeals held a public hearing, made a formal recommendation for approval, and forwarded to this Board Zoning Case Number 506-AM-05;

WHEREAS, the Champaign County Board believes it is for the best interests of the County and for the public good and welfare to amend the Champaign County Zoning Ordinance in a manner hereinafter provided;

NOW, THEREFORE, BE IT ORDAINED, by the Champaign County Board, Champaign County, Illinois, as follows:

1. That Resolution No. 971, *The Zoning Ordinance of the County of Champaign, Illinois*, be amended by reclassifying from B-3 Highway Business to B-4 General Business the following described real estate:

Lots 15 and 16 in Stern's Industrial Subdivision in Section 2 of Champaign Township.

2. By changing the boundary lines of the Zoning Map in accordance with the provisions hereof.

PRESENTED, PASSED, APPROVED AND RECORDED this 21st day of November, A.D. 2006.

SIGNED:

ATTEST:

Barbara Wysocki, Chair
Champaign County Board

Mark Shelden, County Clerk &
ex officio Clerk of the County Board

ORDINANCE NO. 799
ORDINANCE AMENDING ZONING ORDINANCE
ESTABLISHING A RURAL RESIDENTIAL OVERLAY ZONING DISTRICT
IN THE AG-1 AGRICULTURE ZONING DISTRICT

546-AM-06

WHEREAS, the Champaign County Zoning Board of Appeals held a public hearing, made a formal recommendation for approval, and forwarded to this Board Zoning Case Number 546-AM-06;

WHEREAS, the Champaign County Board believes it is for the best interests of the County and for the public good and welfare to amend the Champaign County Zoning Ordinance in a manner hereinafter provided;

NOW, THEREFORE, BE IT ORDAINED, by the Champaign County Board, Champaign County, Illinois, as follows:

1. That Resolution No. 971, *The Zoning Ordinance of the County of Champaign, Illinois*, be amended by establishing a Rural Residential Overlay Zoning District permitting no more than 9 building lots in addition to any building lots otherwise authorized by right in the AG-1 Agriculture Zoning District on the following described real estate:

Beginning at a point on the South line of Section 35, Township 20 North, Range 9 East of the third Principal Meridian, and 349.8 feet East of the Southwest corner of said Section 35 for a place of beginning, thence North parallel to the West line of said Section 35, 1,070 feet, thence East 976.4 feet to an iron pipe, thence South 1,070 feet to the South line of said Section 35, thence West on said South Section line 974.55 feet to the place of beginning and-containing 23.93 acres more or less.

2. That the boundary lines of the Zoning Map be changed and that a symbolic indication of the existence of conditions be placed on the map in accordance with the provisions hereof

PRESENTED, PASSED, APPROVED AND RECORDED this 21st day of November, A.D. 2006.

SIGNED:

ATTEST:

Barbara Wysocki, Chair
Champaign County Board

Mark Shelden, County Clerk &
ex officio Clerk of the County Board

ORDINANCE NO. 800
ORDINANCE AMENDING ZONING ORDINANCE
RECLASSIFYING CERTAIN PROPERTY

550-AM-06

WHEREAS, the Champaign County Zoning Board of Appeals held a public hearing, made a formal recommendation for approval, and forwarded to this Board Zoning Case Number 550-AM-06;

WHEREAS, the Champaign County Board believes it is for the best interests of the County and for the public good and welfare to amend the Champaign County Zoning Ordinance in a manner hereinafter provided;

NOW, THEREFORE, BE IT ORDAINED, by the Champaign County Board, Champaign County, Illinois, as follows:

1. That Resolution No. 971, *The Zoning Ordinance of the County of Champaign, Illinois*, be amended by reclassifying from AG-1 Agriculture to B-4 General Business the following described real estate:

Commencing at the Southwest corner of Section 3, Township 18 North, Range 7 East of the Third Principal Meridian, Champaign County, Illinois, thence east along the south line of the said Section 3 a distance of 1,050 feet to the point of beginning; thence north and parallel to the west line of said Section 3 a distance of 250 feet; thence east and parallel to the south line of said Section 3 a distance of 295 feet; thence south and parallel to the west line of said Section 3 a distance of 250 feet to the south line of said section; thence west along the south line of said Section 3 a distance of 295 feet to the place of beginning, all being situated in Section 3, Township 18 North, Range 7 East of the Third Principal Meridian, Champaign County, Illinois and containing 1.69 acres more or less.

2. By changing the boundary lines of the Zoning Map in accordance with the provisions hereof.

PRESENTED, PASSED, APPROVED AND RECORDED this 21st day of November, A.D. 2006.

SIGNED:

ATTEST:

Barbara Wysocki, Chair
Champaign County Board

Mark Shelden, County Clerk &
ex officio Clerk of the County Board

Champaign
County
Department of



Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
FAX (217) 328-2426

To: **Environment and Land Use Committee**
From: **John Hall, Director, Zoning Administrator**
Susan Monte, County Planner
Date: **November 9, 2006**
RE: **Case 522- AT-05 Comprehensive Zoning Review**

Zoning Case 522-AT-05

Request: **Text amendments that are Phase One of the Comprehensive Zoning Review**

Petitioner: **Zoning Administrator**

STATUS

This Case was continued from the September 13, 2006, meeting.

This memorandum reviews basic considerations related to the mechanics of adopting any part of the amendment.

There are now 10 formal township and municipal protests and a supermajority (3/4 approval) of the County Board will be required for approval of any part of Case 522-AT-05.

DRAFT ADOPTING ORDINANCE

Attachment A is a Draft Adopting Ordinance that is merely a “shell” Ordinance and that requires inclusion of an Appendix that will contain the substantive language proposed for adoption. The Appendix will vary depending upon the version of the Amendment that is actually adopted. Because of the controversial nature of some parts of the amendment and the need for a supermajority approval, it is difficult to predict the actual amendment that may be adopted.

ATTACHMENTS FOR ALTERNATIVE AMENDMENTS

Several attachments have been included to provide flexibility for the Board in consideration of this comprehensive amendment. A table is included as a guide to the various attachments.

Public Review Draft 3 Dated May 19, 2006

Public Review Draft 3 dated May 19, 2006, is the full text amendment (all parts) and was distributed to all County Board members in September. This is the only alternative amendment that fully conforms with all of the County Board’s officially adopted Land Use Regulatory Policies (LURPs). However, the public hearing and additional staff review have identified a significant problem with the Stream Protection Buffer (Part I of the amendment) and the problem remains in the Revised Public Review Draft 3 dated May 19, 2006.

Part I establishes a stream protection buffer along most major streams and within that buffer requires a tree removal permit and limits management of vegetation. Public testimony was greatly against this and the ZBA found that these regulations are too restrictive. Staff believes that the vegetation regulations will be impossible to enforce if adopted. The Stream Protection Buffer could be reduced to be merely a setback for buildings and other construction and would still partially achieve LURP I.7.1. The changes required to Part I to achieve that change are the following:

- (1) delete paragraph 21.20.200 B. Removal of Mature Trees;
- (2) delete paragraph 21.20.300 B. Removal of Mature Trees;
- (3) delete paragraph 21.20.300 C. Replacement of Surface Vegetation;
- (4) delete subsection 29.20.200 Tree removal permit application;
- (5) delete the tree removal permit fee in subsection 29.20.300.

Minimum Ordinance Alternative

As reviewed at the September 12, 2006, County Board Study Session, the minimum Parts of Case 522-AT-05 that are necessary to have a coherent Ordinance are parts A, B, C, E, H (all but Buildable Area), J, L, and M. A Draft version of that "Minimum Ordinance" has been prepared as an alternative comprehensive amendment and included as a separate attachment.

The Minimum Ordinance that would result would be more user friendly than the current Ordinance and the current serious weaknesses in the Rural Residential Overlay Zoning District would be corrected in the new rural Planned Development Zoning District. The Minimum Ordinance would also contain the current limits on creation of rural lots which is much different than what Case 522-AT-05 was intended to allow. Note that Part J of this alternative contains subsection 37.30.200 that prohibits Rural Planned Developments on Best Prime Farmland.

Additive and Alternative Parts

Because the Minimum Ordinance does not contain all Parts of the amendment it does not conform to many of the Land Use Regulatory Policies. Text adding the other Parts of Case 522-AT-05 are also attached and the Board can combine those Parts with the Minimum Ordinance to make it more conforming with the Land Use Regulatory Policies. Alternative versions of many of the Parts are also attached that can be added to either the Minimum Ordinance or used to replace Parts of Public Review Draft 3 dated May 19, 2006. The other Parts that are included separately are the following:

- **Attachment D1 is text that would add Part D** (One Lot Per 40 Acres Limit on By-right Lots) to the Minimum Ordinance Alternative. This would replace the current lot limits with the "one-lot-per-40-acres" limit which the ZBA recommended for approval.
- **Attachment D2 is text for a *modified Part D*** that has a limit of One Plus One Lot Per 40 Acres Limit for By-right Lots. This would replace the "one lot per 40 acres" limit

with a less restrictive limit. The ZBA reviewed and recommended for approval the more restrictive version of Part D (see above).

- **Attachment F is text that would add Part F** (Drainage Protections and related Buildable Area Requirement) to the Minimum Ordinance Alternative. This part is the drainage protections that the ZBA recommended for approval. No alternatives are proposed for this Part of the amendment.
- **Attachment G1 is text that would add Part G** (Public Resource Buffer and related Buildable Area Requirement) to the Minimum Ordinance Alternative. Part G was not recommended for approval by the ZBA.
- **Attachment G2 is text for a modified Part G** that would make the Public Resource Buffer (and related Buildable Area Requirement) applicable only to intensive Special Use Permits and Planned Rural Development. The ZBA did not review the modified Part G but it is less restrictive than what the ZBA reviewed. The modified Part G eliminates the Public Resource Buffer from less intensive Special Use Permits but would still require it for more intensive Special Use Permits and Rural Planned Developments.
- **Attachment I1 is text that would add Part I** (Stream Protection Buffer and related Buildable Area Requirement) to the Minimum Ordinance Alternative. Part I was not recommended for approval by the ZBA.
- **Attachment I2 is text for a modified Part I** Stream Protection Buffer (and related Buildable Area Requirement) applicable only to intensive Special Use Permits and Planned Rural Developments. The ZBA did not review the modified Part I but it is less restrictive than what the ZBA reviewed. The modified Part I eliminates the Stream Protection Buffer from less intensive Special Use Permits but would still require it for more intensive Special Use Permits and Rural Planned Developments.
- **Attachment J is text for a modified Part J** to allow small Rural Planned Developments on Best Prime Farmland. The ZBA recommended approval of Part J that prohibited Rural Planned Development from Best Prime Farmland and never reviewed the modified Part J which is less restrictive. This modified Part J allows Rural Planned Developments on Best Prime Farmland but limits the maximum number of lots to less than what can be proposed on non-Best Prime Farmland soils.
- **Attachment K1 is text that would add Part K** (Environmental Performance Standards and Natural Area Impact Assessment for Special Use Permits and Rural Planned Developments) to the Minimum Ordinance Alternative. Part K was not recommended for approval by the ZBA
- **Attachment K2 is text for a modified Part K** to only require Environmental Performance Standards and Natural Area Impact Assessment for intensive Special Use Permits and Rural Planned Developments. The ZBA never saw the modified Part K but it is less restrictive than what the ZBA reviewed.. The modified Part K eliminates the Environmental Performance Standards and Natural Area Impact Assessment from less

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 NOVEMBER 9, 2006

intensive Special Use Permits but would still require them for more intensive Special Use Permits and Rural Planned Developments.

Guide to Case 522-AT-05 Alternatives

Alternative	Relevant Attachment	Changes to LURPs
INDIVIDUAL COMPREHENSIVE AMENDMENTS		
<input type="checkbox"/> Case 522-AT-05²	Attachment B Public Review Draft 3 dated May 19, 2006	NONE REQUIRED
<input type="checkbox"/> Case 522-AT-05 With Modified Part I	Attachment B Public Review Draft 3 dated May 19, 2006, with the following changes to remove the tree removal permit and vegetation management requirements: (1) delete paragraph 21.20.200 B. (2) delete paragraph 21.20.300 B. (3) delete paragraph 21.20.300 C. (4) delete subsection 29.20.200 (5) delete the tree removal permit fee in subsection 29.20.300.	NONE REQUIRED
<input type="checkbox"/> Minimum Ordinance¹	Attachment C	CHANGES REQUIRED BUT NOT IDENTIFIED
INDIVIDUAL PARTS THAT CAN BE VOTED ON SEPARATELY TO MODIFY THE ABOVE :		
<input type="checkbox"/> Part D (One lot per 40 acres limit)	Attachment D1	REDUCES REQUIRED CHANGES
<input type="checkbox"/> Part F (Drainageway Protections)	Attachment F	REDUCES REQUIRED CHANGES
<input type="checkbox"/> Part G (Public Resource Buffer)	Attachment G1	REDUCES REQUIRED CHANGES
<input type="checkbox"/> Modified Part G (Public Resource Buffer only for Intensive Special Use Permits and Rural Planned Developments)	Attachment G2	REDUCES REQUIRED CHANGES
<input type="checkbox"/> Part I (Stream Protection Buffer)	Attachment I1	REDUCES REQUIRED CHANGES
<input type="checkbox"/> Modified Part I (Stream Protection Buffer only for Intensive Special Use Permits and Rural Planned Developments)	Attachment I2	REDUCES REQUIRED CHANGES
<input type="checkbox"/> Part K (Environmental Performance Standards and Natural Area Impact Assessment)	Attachment K1	REDUCES REQUIRED CHANGES
<input type="checkbox"/> Modified Part K (Environmental Performance Standards and Natural Area Impact Assessment for Intensive Special Use Permits and Rural Planned Developments)	Attachment K2	REDUCES REQUIRED CHANGES

NOTES

1. Individual parts can be added to the Minimum Ordinance to construct a more robust Ordinance. For example, consider the following:
 - The ZBA Recommendation was for all Parts of the Minimum Ordinance plus Part D and Part F.
 - Case 522-AT-05 with all parts would include all Parts of the Minimum Ordinance plus Part D, Part F, Part G, Part I, and Part K

Guide to Case 522-AT-05 Alternatives

NOTES (continued)

2. Individual Parts can be replaced with Modified Parts to change the amendment as follows:
 - Replacing Parts G, I, and K with Modified Parts G, I, and K might address some concerns of the ZBA.
 - Replacing Part D with the Modified Part D would add the "one plus one lot per 40 acres" limit on lot creation.
 - Replacing Part J with the Modified Part J would authorize small Rural Planned Developments on Best Prime Farmland.

ATTACHMENTS

- A** Draft Adopting Ordinance (to be amended as desired)
- B** Public Review Draft 3 Dated May 19, 2006 (previously distributed)
- C** Minimum Ordinance Alternative (included separately)
- D1** Text adding Part D to the Minimum Ordinance
{NO ATTACHMENT E}
- F** Text adding Part F to the Minimum Ordinance
- G1** Text adding Part G to the Minimum Ordinance
- G2** Text of the Modified Part G
{NO ATTACHMENT H}
- I1** Text adding Part I to the Minimum Ordinance
- I2** Text of the Modified Part I
{NO ATTACHMENT J}
- K1** Text adding Part K to the Minimum Ordinance
- K2** Text of the Modified Part K

ATTACHMENT A

Draft Adopting Ordinance*

*** requires an Appendix to be attached with the substantive text of the amendment**

ORDINANCE NO. ____

CHAMPAIGN COUNTY ZONING ORDINANCE
AS CREATED BY
ZONING CASE 522-AT-05

WHEREAS, the Champaign County Board adopted its initial Zoning Ordinance with the passage of Resolution Number 971 on September 11, 1973; and

WHEREAS, the Champaign County Board passed the said Zoning Ordinance for the good and welfare of the citizens of Champaign County, and

WHEREAS, the Zoning Ordinance has never been revised through a comprehensive process, although the Champaign County Board has found it necessary to amend the Zoning Ordinance at least 84 times since 1973, resulting in more than 425 changes to the Zoning Ordinance; and

WHEREAS, the Champaign County Board adopted Land Use Goals and Policies on November 29, 1977, which said Goals and Policies served as the only guidance for amendments to the Champaign County Zoning Ordinance until the Champaign County Board adopted Land Use Regulatory Policies – Rural Districts on November 20, 2001, and then a revised set of Land Use Regulatory Policies-Rural Districts on September 22, 2005 as part of the Rural Districts Phase of the Comprehensive Zoning Review; and

WHEREAS, in 1998 the Environment and Land Use Committee of the Champaign County Board determined that it was essential to engage in a comprehensive review of the existing zoning ordinance, which would bring the zoning ordinance up to date with respect to new technology, social and demographic changes, economic conditions, business practices, changes in federal and state laws, and new information technology and data not available in 1973; and

WHEREAS, the Environment and Land Use Committee of the Champaign County Board approved Ordinance Objectives on March 10, 1999 to insure that future modifications to the Zoning Ordinance were based upon a comprehensive long term model; and

WHEREAS, on November 20, 2001 the Environment and Land Use Committee of the Champaign County Board approved Land Use Regulatory Policies in response to public comments received at five public meetings scheduled by the Committee at locations through the County between May 22, 2000 and June 12, 2000; and

WHEREAS, the Champaign County Zoning Board of Appeals conducted a public hearing on the recommendations for comprehensive change of the Zoning Ordinance in Case 522-AT-05, Parts A – M, during the period January 4, 2006 through August 10, 2006, adopted Findings of Fact for Parts A, B, C & M, Part D, Parts E & H, Part F, Part G, Part I, Parts J & L and Part K of Case 522-AT-05, made its formal recommendation with regard to those Parts of Case 522-AT-05, and forwarded those recommendations to

the Champaign County Board; and

WHEREAS, the Environment and Land Use Committee of the County Board forwarded its recommendation with regard to Case 522-AT-05, Parts A – M, to the Champaign County Board; and

WHEREAS, the Champaign County Board believes it is in the best interests of the citizens of Champaign County to amend the Zoning Ordinance in the manner hereinafter provided;

NOW, THEREFORE, BE IT ORDAINED, by the Champaign County Board, Champaign County, Illinois, that:

- A. The Zoning Ordinance of the County of Champaign, Illinois, adopted by Resolution No. 971 on October 10, 1973 and last amended on October 19, 2006, is hereby rescinded in its entirety and replaced by Appendix A; and
- B. This ordinance shall take effect immediately upon its passage, approval and publication as prescribed by law, provided, however, that permit applications that were complete and properly submitted prior to the effective date of this ordinance shall comply with The Zoning Ordinance of the County of Champaign, Illinois adopted by Resolution 971 and as last amended on October 19, 2006.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of November, 2006.

BARBARA WYSOCKI
Chair
Champaign County Board

ATTEST:

Mark Shelden
County Clerk and ex officio Clerk
of the Champaign County Board

ATTACHMENT D1

Text adding Part D to the Minimum Ordinance

(changes the limit on by-right lots to one lot per 40 acres)

CASE 522-AT-05 ORDINANCE TEXT

include '1 + 1 per 40' limit on creation of new residential lots: Part D (from PRD3 5/19/06)

Drawing upon portions of *Public Review Draft 3* revised May 19, 2006¹, modify Case 522-AT-05 Ordinance Text #1) Minimum Parts necessary to form a coherent Zoning Ordinance: Parts A, B, C, E, H (#2-#6), J, L & M, as follows:

Chapter 15 Paragraph 15.20.200(A) retained in original form:

- A. The following limits apply to a PARCEL existing as of January 1, 1998 that is less than 40 acres in area:
 - 1. No more than one SINGLE FAMILY DWELLING may be constructed, provided that no other DWELLING exists on the PARCEL.
 - 2. The new or existing DWELLING may be located on a LOT divided from the PARCEL, in which case the rest of the PARCEL becomes a Remainder Lot and may not be built upon.

Paragraph 15.20.200(B) modified to read:

- B. The following limits apply to a PARCEL existing as of January 1, 1998 that is 40 acres or more in area:
 - 1. One SINGLE FAMILY DWELLING, up to a maximum of 4 DWELLINGS, may be constructed for each 40 acres of PARCEL area in addition to any one existing DWELLING on the PARCEL as of [effective date].
 - 2. New DWELLINGS authorized by Subparagraph 1 must be placed on separate LOTS. An existing DWELLING may be placed on a separate LOT. The rest of the PARCEL remaining after permitted LOTS have been created is a Remainder Lot and may not be built upon.

Paragraph 15.20.300(C) retained in its original form

1. If any section or portion of a section is added or removed, following remaining section(s) or portion(s) are renumbered.

ATTACHMENT F

Text adding Part F to the Minimum Ordinance

(adds drainage protections)

CASE 522-AT-05 ORDINANCE TEXT

Add Part F: drainageway protection

Drawing upon portions of *Public Review Draft 3* revised May 19, 2006¹, modify Case 522-AT-05 Ordinance Text, Minimum Parts Necessary to Form a Coherent Zoning Ordinance: Parts A, B, C, E, H (#2-#6) J, L & M, as follows:

Chapter 3 Paragraph 3.20.300(B) modified to retain Item vi

Chapter 7 Subparagraph 7.20.300(C)(4) retained and modified as follows:

‘This USE may not be located in a Drainageway Setback.’

Subparagraph 7.20.300(D)(3) retained and modified as follows:

‘No stockpiles may be located within a Drainageway Setback.’

Subparagraph 7.20.570(D)(6) retained in its original form

Chapter 8 Subparagraph 8.20.200(B)(2) retained and modified as follows:

‘No overburden stockpiles may be located within a Drainageway Setback.’

Subparagraph 8.20.200(C)(2) retained and modified as follows:

‘No overburden stockpiles may be located within a Drainageway Setback.’

Subparagraph 8.20.300(B)(3) retained and modified as follows:

‘This USE may not be located within a Drainageway Setback.’

Subparagraph 8.20.570(B)(7) retained and modified as follows:

‘Paved areas, paddocks, exercise rings or similar confined areas; or manure STORAGE or management facilities may not be located in a Drainageway Setback.’

Subparagraph 8.20.570(C)(7) retained and modified as follows:

‘Paved areas, paddocks, exercise rings or similar confined areas; or manure STORAGE or management facilities may not be located in a Drainageway Setback.’

Chapter 15 Section 15.40 retained and modified as follows:

Item v of Paragraph 15.40.400(A) removed
Paragraph 15.40.400(E) modified to read as follows:

1. If any section or portion of a section is added or removed, following remaining section(s) or portion(s) are renumbered.

CASE 522-AT-05 ORDINANCE TEXT

Add Part F: drainageway protection

‘If possible, a BUILDABLE AREA must have ACCESS to a STREET or PRIVATE ACCESSWAY that does not cross a Drainageway Setback.’

Chapter 16 Paragraph 16.50.100(A) modified to retain Items iii and iv
Paragraph 16.50.100(B) retained in its original form

Chapter 22 retained in its original form

Chapter 37 Paragraph 37.50.200(B) retained in its original form

Chapter 48 Section 48.10 retained in its original form
Section 48.30 modified to retain original definition of ORDINARY HIGH WATER
ELEVATION
Section 48.40 modified to retain original definition of TOP OF BANK SLOPE

1. If any section or portion of a section is added or removed, following remaining section(s) or portion(s) are renumbered.

ATTACHMENT GI

Text adding Part G to the Minimum Ordinance

(adds the Public Resource Buffer)

CASE 522-AT-05 ORDINANCE TEXT

Add Part G: Public Resource Area Buffer

Add the following portions of *Public Review Draft 3* revised May 19, 2006¹:

Chapter 3 Item v of Paragraph 3.20.300(B) modified as follows:

‘v. Public Resource Area Buffer requirements of Chapter 21;’

Item ii of Subsection 3.30.300

Item iii of Subsection 3.30.300 modified as follows:

‘iii. the tower or OFF-PREMISES SIGN is not located within a Public Resource Area Buffer;’

Chapter 7 Subparagraph 7.20.300(C)(4) modified as follows:

‘4. This USE may not be located in a Public Resource Area Buffer.’

Chapter 8 Subparagraph 8.20.300(B)(3) modified as follows:

‘This USE may not be located within a Public Resource Area Buffer.’

Subparagraph 8.20.570(B)(7) modified as follows:

‘Paved areas; paddocks, exercise rings or similar confined areas; or manure STORAGE or management facilities may not be located in a Public Resource Area Buffer.’

Subparagraph 8.20.570(C)(7) modified as follows:

‘Paved areas; paddocks, exercise rings or similar confined areas; or manure STORAGE or management facilities may not be located in a Public Resource Area Buffer.’

Chapter 15 Section 15.40 modified as follows:

Item ii of Paragraph 15.40.100(B) removed
Items ii and iii of Paragraph 15.40.400(B) removed
Paragraph 15.60.200(D) retained in its original form
Paragraph 15.60.300(E) retained in its original form

Chapter 16 Paragraph 16.50.100(A) modified to remove Items ii, iii and iv
Paragraph 16.50.100(B)

Chapter 21 Section 21.30

1. If any section or portion of a section is added or removed, following remaining section(s) or portion(s) are renumbered.

CASE 522-AT-05 ORDINANCE TEXT

Add Part G: Public Resource Area Buffer

Chapter 37 Paragraph 37.50.200(B)

Chapter 48 Section 48.10 modified to retain the definition of 'BUILDABLE AREA' in its original form

-
1. If any section or portion of a section is added or removed, following remaining section(s) or portion(s) are renumbered.

ATTACHMENT G2

Text of the Modified Part G

**(a modified the Public Resource Buffer that only applies to intensive
Special Use Permits and Rural Planned Development)**

CASE 522-AT-05 ORDINANCE TEXT

Add modified Part G: Public Resource Area Buffer, modified to apply only to Planned Development Districts and high-impact Special Uses

Drawing upon portions of *Public Review Draft 3* revised May 19, 2006¹, modify Case 522-AT-05 Ordinance Text, Minimum Parts Necessary to Form a Coherent Zoning Ordinance: Parts A, B, C, E, H (#2-6), J, L & M, as follows:

Chapter 3 Item v of Paragraph 3.20.300(B) retained and modified as follows:

‘v. Public Resource Area Buffer requirements of Chapter 21;’

Item ii of Subsection 3.30.300 retained in its original form

Item iii of Subsection 3.30.300 retained and modified as follows:

‘iii. the tower or OFF-PREMISES SIGN is not located within a Public Resource Area Buffer;’

Chapter 7 Subparagraph 7.20.300(C)(4) retained and modified as follows:

‘4. This USE may not be located in a Public Resource Area Buffer.’

Chapter 8 Subparagraph 8.20.300(B)(3) retained and modified as follows:

‘This USE may not be located within a Public Resource Area Buffer.’

Subparagraph 8.20.570(B)(7) retained and modified as follows:

‘Paved areas; paddocks, exercise rings or similar confined areas; or manure STORAGE or management facilities may not be located in a Public Resource Area Buffer.’

Subparagraph 8.20.570(C)(7) retained and modified as follows:

‘Paved areas; paddocks, exercise rings or similar confined areas; or manure STORAGE or management facilities may not be located in a Public Resource Area Buffer.’

Chapter 15 Section 15.40 retained and modified as follows:

Item ii of Paragraph 15.40.100(B) removed

Items ii and iii of Paragraph 15.40.400(B) removed

Paragraph 15.60.200(D) retained in its original form

Paragraph 15.60.300(E) retained in its original form

Chapter 16 Paragraph 16.50.100(A) modified to remove Items ii, iii and iv
Paragraph 16.50.100(B) retained in its original form

1. If any section or portion of a section is added or removed, following remaining section(s) or portion(s) are renumbered.

CASE 522-AT-05 ORDINANCE TEXT

Add modified Part G: Public Resource Area Buffer, modified to apply only to Planned Development Districts and high-impact Special Uses

Chapter 21 Section 21.30 retained and modified as follows:

Subsection 21.30.300 added as follows:

'Public Resource Area Limits Apply to Planned Development Districts and Certain Special Uses

- A. The Public Resource Area Buffer requirements of this Section apply to a project that meets both of the following conditions:
1. The proposed development may be authorized only as a Special Use, County Board Special Use, or Planned Development District, and, if the proposed development is a Special Use or County Board Special Use, more than 16 percent of the site proposed for development consists of well-developed woodland vegetation, sensitive riparian areas, pastures, prairies, or meadows existing on a LOT as of the date of the Year 2005 Champaign County GIS Consortium digital ortho photography. The Zoning Administrator shall refer to Year 2005 Champaign County GIS Consortium digital ortho photography as a source of information regarding the existence of such areas.
 2. The site of the proposed development is located in the CR District.'

Paragraphs 21.30.400(A) and 21.30.400(B) modified as follows:

- 'A. CONSTRUCTION, excavation, fill or any development or USE that requires a Zoning Use Permit and that is a part of a Planned Development District; or Special Use or County Board Special Use meeting the requirements of Paragraph 21.30.300(A), except that exempted by Subsection 21.30.400.'
- B. Any outdoor lighting fixture that is a part of a Planned Development District, Special Use, or County Board Special Use meeting the requirements of Paragraph 21.30.300(A) that directs light or glare onto an adjacent Public Resource Area is not allowed within the limits of a Public Resource Area Buffer. Any such light fixture located within a Public Resource Area Buffer must be equipped with a luminaire equipped with full cutoff shield(s) and located a sufficient distance from the LOT LINE of a Public Resource Area to prevent, to the maximum degree possible, light spillover onto a Public Resource Area PROPERTY.'

Paragraph 21.30.500(A) modified as follows:

-
1. If any section or portion of a section is added or removed, following remaining section(s) or portion(s) are renumbered.

CASE 522-AT-05 ORDINANCE TEXT

Add modified Part G: Public Resource Area Buffer, modified to
apply only to Planned Development Districts and high-impact Special Uses

‘A. CONSTRUCTION of a STREET, PRIVATE ACCESSWAY or private driveway is allowed in a Public Resource Area Buffer only if it is located so as to affect the smallest possible area of a Public Resource Area Buffer.’

Chapter 37 Paragraph 37.50.200(B) retained in its original form

Chapter 48 Section 48.10 modified to retain the definition of ‘BUILDABLE AREA’ in its original form

1. If any section or portion of a section is added or removed, following remaining section(s) or portion(s) are renumbered.

ATTACHMENT I1

Text adding Part I to the Minimum Ordinance

(adds the Stream Protection Buffer)

CASE 522-AT-05 ORDINANCE TEXT

Add Part I: Stream Protection Buffer

Add the following portions of *Public Review Draft 3* revised May 19, 2006¹ :

Chapter 3 Item v of Paragraph 3.20.300(B) modified as follows:

‘v. Stream Protection Buffer requirements of Chapter 21;’

Item iii of Subsection 3.30.300 modified as follows:

‘iii. the tower or OFF-PREMISES SIGN is not located within a Stream Protection Buffer;’

Chapter 4 Item v of Paragraph 4.50.100(C)

Chapter 6 Subsection 6.20.570

Chapter 7 Subparagraph 7.20.200(B)(6)
Subparagraph 7.20.200(C)(8)
Subparagraph 7.20.300(C)(4) modified as follows:

‘4. This USE may not be located in a Stream Protection Buffer.’

Subparagraph 7.20.300(D)(2)
Subparagraph 7.20.300(D)(3) modified as follows:

‘No stockpiles may be located within a Stream Protection Buffer.’

Subparagraph 7.20.550(B)(2)
Subparagraph 7.20.570(A)(2)
Paragraph 7.20.570(B)
Subparagraph 7.20.570(D)(5)
Paragraph 7.20.570(E)

Chapter 8 Subparagraph 8.20.200(A)(7)
Subparagraph 8.20.200(B)(1)
Subparagraph 8.20.200(B)(2) modified as follows:

‘No overburden stockpiles may be located within a Stream Protection Buffer.’

Subparagraph 8.20.200(C)(1)
Subparagraph 8.20.200(C)(2) modified as follows:

‘No overburden stockpiles may be located within a Stream Protection Buffer.’

Subparagraph 8.20.300(B)(3) modified as follows:

1. If any section or portion of a section is added or removed, following remaining section(s) or portion(s) are renumbered.

CASE 522-AT-05 ORDINANCE TEXT

Add Part I: Stream Protection Buffer

‘This USE may not be located within a Stream Protection Buffer.’

Subparagraph 8.20.550(A)(2)

Subparagraph 8.20.550(B)(2)

Item 8.20.550(F)(2)(a)(iv)

Subparagraph 8.20.570(B)(7) modified as follows:

‘Paved areas; paddocks, exercise rings or similar confined areas; or manure STORAGE or management facilities may not be located in a Stream Protection Buffer.’

Subparagraph 8.20.570(C)(7) modified as follows:

‘Paved areas; paddocks, exercise rings or similar confined areas; or manure STORAGE or management facilities may not be located in a Stream Protection Buffer.’

Chapter 15 Section 15.40 modified as follows:

Item ii of Paragraph 15.40.100(B) removed

Items ii and iii of Paragraph 15.40.400(B) removed

Paragraph 15.40.400(E) modified as follows:

‘If possible, a BUILDABLE AREA must have ACCESS to a STREET or PRIVATE ACCESSWAY that does not cross a Stream Protection Buffer.’

Paragraph 15.60.200(D)

Paragraph 15.60.300(E)

Chapter 16 Paragraph 16.50.100(A) modified to remove Items i, iii and iv
Paragraph 16.50.100(B)

Chapter 21 Section 21.20

Chapter 37 Paragraph 37.50.200(B)

Chapter 48 Section 48.10 modified to retain the definition of ‘BUILDABLE AREA’ in its original form

1. If any section or portion of a section is added or removed, following remaining section(s) or portion(s) are renumbered.

ATTACHMENT I2

Text of the Modified Part I

**(a modified Stream Protection Buffer that only applies to intensive
Special Use Permits and Rural Planned Development)**

CASE 522-AT-05 ORDINANCE TEXT

Add modified Part I: Stream Protection Buffer, modified to:
eliminate tree or vegetation controls; and
apply only to Planned Development Districts and high-impact Special Uses

Drawing upon portions of *Public Review Draft 3* revised May 19, 2006¹, modify Case 522-AT-05 Ordinance Text, Minimum Parts Necessary to Form a Coherent Zoning Ordinance: Parts A, B, C, E, H (#2-#6), J, L & M, as follows:

Chapter 3 Item v of Paragraph 3.20.300(B) retained and modified as follows:

‘v. Stream Protection Buffer requirements of Chapter 21;’

Item iii of Subsection 3.30.300 retained and modified as follows:

‘iii. the tower or OFF-PREMISES SIGN is not located within a Stream Protection Buffer;’

Chapter 4 Item v of Paragraph 4.50.100(C) retained in its original form

Chapter 6 Subsection 6.20.570 retained in original form

Chapter 7 Subparagraph 7.20.200(B)(6) retained in its original form
Subparagraph 7.20.200(C)(8) retained in its original form
Subparagraph 7.20.300(C)(4) retained and modified as follows:

‘4. This USE may not be located in a Stream Protection Buffer.’

Subparagraph 7.20.300(D)(2) retained in its original form
Subparagraph 7.20.300(D)(3) retained and modified as follows:

‘No stockpiles may be located within a Stream Protection Buffer.’

Subparagraph 7.20.550(B)(2) retained in its original form
Subparagraph 7.20.570(A)(2) retained in its original form
Paragraph 7.20.570(B) retained in its original form
Subparagraph 7.20.570(D)(5) retained in its original form
Paragraph 7.20.570(E) retained in its original form

Chapter 8 Subparagraph 8.20.200(A)(7) retained in its original form
Subparagraph 8.20.200(B)(1) retained in its original form
Subparagraph 8.20.200(B)(2) retained and modified as follows:

‘No overburden stockpiles may be located within a Stream Protection Buffer.’

Subparagraph 8.20.200(C)(1) retained in its original form
Subparagraph 8.20.200(C)(2) retained and modified as follows:

1. If any section or portion of a section is added or removed, following remaining section(s) or portion(s) are renumbered.

CASE 522-AT-05 ORDINANCE TEXT

Add modified Part I: Stream Protection Buffer, modified to:
eliminate tree or vegetation controls; and
apply only to Planned Development Districts and high-impact Special Uses

‘No overburden stockpiles may be located within a Stream Protection Buffer.’

Subparagraph 8.20.300(B)(3) retained and modified as follows:

‘This USE may not be located within a Stream Protection Buffer.’

Subparagraph 8.20.550(A)(2) retained in its original form

Subparagraph 8.20.550(B)(2) retained in its original form

Item 8.20.550(F)(2)(a)(iv) retained in its original form

Subparagraph 8.20.570(B)(7) retained and modified as follows:

‘Paved areas; paddocks, exercise rings or similar confined areas; or manure STORAGE or management facilities may not be located in a Stream Protection Buffer.’

Subparagraph 8.20.570(C)(7) retained and modified as follows:

‘Paved areas; paddocks, exercise rings or similar confined areas; or manure STORAGE or management facilities may not be located in a Stream Protection Buffer.’

Chapter 15 Section 15.40 retained and modified as follows:

Item ii of Paragraph 15.40.100(B) removed

Items ii and iii of Paragraph 15.40.400(B) removed

Paragraph 15.40.400(E) retained and modified as follows:

‘If possible, a BUILDABLE AREA must have ACCESS to a STREET or PRIVATE ACCESSWAY that does not cross a Stream Protection Buffer.’

Paragraph 15.60.200(D) retained in its original form

Paragraph 15.60.300(E) retained in its original form

Chapter 16 Paragraph 16.50.100(A) modified to remove Items i, iii and iv

Paragraph 16.50.100(B) retained in its original form

Chapter 21 Section 21.20 retained in its original form, except as follows:

Subsection 21.20.200 title modified as follows:

‘Stream Protection Buffer Limits Apply to Planned Development Districts and Certain Special Uses’

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1. If any section or portion of a section is added or removed, following remaining section(s) or portion(s) are renumbered.

^ CASE 522-AT-05 ORDINANCE TEXT

Add modified Part I: Stream Protection Buffer, modified to:
eliminate tree or vegetation controls; and
apply only to Planned Development Districts and high-impact Special Uses

new Paragraph 21.20.200(A) added as follows:

'A. The Stream Protection Buffer requirements of this Section apply to a project that meets both of the following conditions:

1. The proposed development may be authorized only as a Special Use, County Board Special Use, or Planned Development District, and if the proposed development is a Special Use or a County Board Special Use, more than 16 percent of the site proposed for development consists of well-developed woodland vegetation, sensitive riparian areas, pastures, prairies, or meadows existing on a LOT as of the date of the Year 2005 Champaign County GIS Consortium digital ortho photography. The Zoning Administrator shall refer to Year 2005 Champaign County GIS Consortium digital ortho photography as a source of information regarding the existence of such areas.
2. The site of the proposed development is located in the CR District.'

Paragraph 21.20.200(B) removed

Paragraph 21.20.300(A) modified as follows:

- 'A. CONSTRUCTION, excavation, fill or any development or USE that requires a Zoning Use Permit and that is a part of a Planned Development District; or Special Use or County Board Special Use meeting the requirements of Paragraph 21.20.200(A), is not allowed within the limits of a 100-year floodplain located in a Stream Protection Buffer, except that exempted by Subsection 21.20.300.'

Items i and iii of Paragraph 21.20.300(A) removed

Paragraphs 21.20.300(B), 21.20.300(C), 21.20.300(E) and 21.20.300(F) removed

Items ii and iii of Paragraph 21.20.300(D) removed

Chapter 37 Paragraph 37.50.200(B) retained in its original form

Chapter 48 Section 48.10 modified to retain the definition of 'BUILDABLE AREA' in its original form

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1. If any section or portion of a section is added or removed, following remaining section(s) or portion(s) are renumbered.

ATTACHMENT K1

Text adding Part K to the Minimum Ordinance

**(adds requirements for Environmental Performance Standards and
Natural Area Impact Assessment to CR District)**

CASE 522-AT-05 ORDINANCE TEXT

Add Part K environmental performance standards & Natural Area Impact Assessments

Add the following portions of *Public Review Draft 3* revised May 19, 2006 ¹:

- Chapter 21 Paragraph 21.40.300(D)
Section 21.50
Section 21.60

- Chapter 35 Paragraph 35.20.200(D)
Paragraph 35.20.300(B)

- Chapter 37 Paragraph 37.90.100(G)
Item xvi of Subsection 37.90.200
Item 6 of Subsection 37.90.300
Paragraph 37.100.200(F)

1. If any section or portion of a section is added or removed, following remaining section(s) or portion(s) are renumbered.

ATTACHMENT K2

Text of the Modified Part K

(a modified Environmental Performance Standards and Natural Area Impact Assessment to CR District that only applies to intensive Special Use Permits and Rural Planned Development)

CASE 522-AT-05 ORDINANCE TEXT

Add Part K environmental performance standards & Natural Area Impact Assessments
modified to apply only to Planned Development Districts and high-impact Special Uses

Drawing upon portions of *Public Review Draft 3* revised May 19, 2006¹, modify Case 522-AT-05 Ordinance Text, Minimum Parts Necessary to Form a Coherent Zoning Ordinance: Parts A, B, C, E, H (#2-#6), J, L & M, as follows:

Chapter 21 Paragraph 21.40.300(D) retained in its original form

Section 21.50 retained with modifications as follows:

Subsection 21.50.100 modified to read as follows:

‘The performance standards of this Section apply to a project that meets all of the following criteria:

1. The site of the proposed development is located in the CR District.
2. The proposed development may be authorized only as a Special Use, County Board Special Use, or Planned Development District and, if the proposed development may be authorized as a Special Use or County Board Special Use, more than 16 percent of the site proposed for development consists of well-developed woodland vegetation, sensitive riparian areas, pastures, prairies, or meadows existing on a LOT as of the date of the Year 2005 Champaign County GIS Consortium digital ortho photography. The Zoning Administrator shall refer to Year 2005 Champaign County GIS Consortium digital ortho photography as a source of information regarding the existence of such areas.’

Section 21.60 retained with modifications as follows:

Paragraph 21.60.100(A) modified to read as follows:

‘A NAIA is required for a project that meets all of the following criteria:

1. The site of the proposed development is located in the CR District.
2. The proposed development may be authorized only as a Special Use, County Board Special Use, or Planned Development District, and if the proposed development may be authorized as a Special Use or County Board Special Use and more than 16 percent of the site proposed for development consists of well-developed woodland vegetation, sensitive riparian areas, pastures, prairies, or meadows existing on a LOT as of the date of the Year 2005 Champaign County GIS Consortium digital ortho photography. The Zoning Administrator shall refer to Year 2005

1. If any section or portion of a section is added or removed, following remaining section(s) or portion(s) are renumbered.

CASE 522-AT-05 ORDINANCE TEXT

Add Part K environmental performance standards & Natural Area Impact Assessments
modified to apply only to Planned Development Districts and high-impact Special Uses

Champaign County GIS Consortium digital ortho photography as a source of information regarding the existence of such areas.'

Paragraph 21.60.200(A) modified to read as follows:

'The NAIA is used to determine the probable harm that will occur as a result of a Special Use, County Board Special Use or a Planned Development District, to an area containing or formerly containing as of the date of the Year 2005 Champaign County GIS Consortium digital ortho photography, well-developed woodland vegetation, sensitive riparian areas, pastures, prairies, or meadow areas.'

Chapter 35 Paragraph 35.20.200(D) retained and modified to read as follows:

'A Natural Area Impact Assessment, as described in Section 21.60, if the requirements of Paragraph 21.60.100(A) are met.'

Paragraph 35.20.300(B) retained and modified to read as follows:

'If the Special Use or County Board Special Use meets the requirements of Subsection 21.50.100, the ZBA shall make a finding that the proposed Special Use or County Board Special Use is substantially consistent with the performance standards for development as indicated in Section 21.50.

Chapter 37 Paragraph 37.90.100(G) retained in its original form
Item xvi of Subsection 37.90.200 retained in its original form
Item 6 of Subsection 37.90.300 retained in its original form
Paragraph 37.100.200(F) retained in its original form

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1. If any section or portion of a section is added or removed, following remaining section(s) or portion(s) are renumbered.

**MINUTES OF A STUDY SESSION OF THE COUNTY BOARD,
CHAMPAIGN COUNTY, ILLINOIS
SEPTEMBER 12, 2006**

The County Board of Champaign County, Illinois met at a Study Session, Tuesday, September 12, 2006 at 7:00 p.m. in the Lyle Shields Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, Illinois, with Barbara Wysocki presiding and Leroy Holliday, as Secretary of the Meeting.

CALL TO ORDER

Chair Wysocki called the Meeting to order, and the Clerk to call the roll. Roll call showed the following Board Members Present: Anderson, Beckett, Carter, Doentiz, Greenwalt, Hogue, James, Jay, Jones, Langenheim, McGinty, Moser, Schroeder, Tapley, Wysocki - 15; Absent: Avery, Betz, Cowart, Gross, Hunt, Knott and Sapp – 7. Thereupon, the Chair declared a quorum present. Board Members Bensyl, Fabri, O'Connor, Putman and Weibel – 5, arrived after the roll call.

APPROVAL OF AGENDA

Board Member Beckett offered the motion to approve the Agenda; seconded by Board Member Langenheim.

ZONING CASE 522-AT-05: ZONING ADMINISTRATOR

Ms. Wysocki stated that the procedures for this study session will be somewhat different than those conducted at a regular Board meeting in that presentations will be given by Ms. Monte, County Planner and Mr. Hall, Director of Planning and Zoning. She said that following these presentations the Board Members will have an opportunity to pose questions and submit comments to Ms. Monte and Mr. Hall regarding the Draft Ordinance. She said that at the conclusion of the study session public participation will be allowed although public comments will be restricted to five minutes. She reminded the public that this is a study session and not a public hearing therefore no new information or evidence will be allowed.

Ms. Monte gave a Power Point presentation and an overview of Zoning Case 522-AT-05.

Mr. Hall gave an overview of Zoning Case 522-AT-05 alternatives.

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COUNTY BOARD DISCUSSION

Mr. James asked Mr. Hall why is a 250 foot stream buffer needed and what is it based on.

Mr. Hall said the stream buffer is 150 feet and the Finding of Fact reviews a number of studies with buffers that range less than 150ft to 900ft. He said that was the minimum that could be proposed and still achieve some aspect of maintaining a contiguous riparian corridor.

Mr James asked Mr. Hall if there were to be a buffer would the homeowner still be responsible for the upkeep of that area or will the county.

Mr. Hall answered the homeowner and it would be like any other zoning side yard, rear yard, front yard set back.

Mr. James said it seems to be a lot of area to for a buffer in some of the areas we're talking about.

Mr. Hall said it would only be along the major streams and only if it's in the special Flood Hazard Area. He said if it's above the base flood elevation it is no longer in the stream protection buffer. Mr. Hall went on and said if there is not a fifty percent tree cover in the 2005 area photo then it's also not in the stream protection buffer.

Mr. Moser said he has a neighbor that has 160 acres of land. Mr Moser said he first bought four 20 acre tracts and then he bought another 80. Mr. Moser said the 20 acre tracts all have separate tax numbers and have never been joined together as one parcel. Mr. Moser said there was a set of buildings on the first 20 and the other three were bought over a period of years and the 80 was bought last. Mr. Moser asked Mr. Hall what would one home per 40 acres do in that situation if it was adopted.

Mr. Hall stated if you have an 80 acre tract which consists of four 20 acre parcels each with their own parcel number the Draft Ordinance will let you do one lot from each of the twenty acre tracts. Mr. Hall said if you have 80 acres with one parcel number you can create two lots.

Mr. Moser asked Mr. Hall with the current ordinance what could be done.

Mr. Hall said assuming no previous parcels had been created you could create three parcels from each one of the 20 acre parcels.

Mr. Moser asked do you mean three on each parcel plus the one that is already there.

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Mr. Hall said he assumed that was there before January 1, 1998. Mr. Hall said that each of those lots has to meet the requirement about lot access and minimum standards and with Best Prime Farmland they each have to meet the maximum lot size.

Mr. Moser asked Mr. Hall how many on the 80.

Mr. Hall answered five for a total of 17 on those parcels.

Mr. Jay said there are some things that concern him and one of those is the buffer around public property. Mr. Jay said if those folks need 250 feet of buffer they should either put it inside their boundaries or acquire it, and it should not be the responsibility of the home owner to provide a buffer for somebody else.

Mr. McGinty said several items came up at the ZBA one being that it would not be easy to enforce. He asked Mr. Hall how he would respond to that?

Mr. Hall said the drainageway protections create a lot of work for staff but staff is prepared to deal with it but the real concern in this Draft Ordinance is the tree removal permit and the surface vegetation management requirements. He said those are real problems. Mr. Hall said he did not think that staff could enforce those requirements.

Mr. McGinty said he had heard from people who are for one per 40 and those who are not. Mr. McGinty asked Mr. Hall to describe what's wrong with one home per 40 acres.

Mr. Hall said that it limits the options for the farmer who has invested in that land. Right now, if you have 20 acres you can sell off three lots and each lot is going for 65 to 70 thousand dollars.

Mr. McGinty asked Mr. Hall how about two per 40 instead of one and if that was better for the land owner to some extent.

Mr. Hall said it retains more of the asset value compared to the current ordinance. Mr. Hall said in terms of zoning we look at one per 40 as a good thing. It allows fewer non-agricultural residents out in the rural area. Mr. Hall said you are playing off those zoning concerns with the landowners' concerns about value and flexibility.

Mr. McGinty asked Mr. Hall if he shared the same concerns as the ZBA regarding the Stream Protection Buffer not being economically sound and being a cost burden to the landowner.

Mr. Hall answered his concern with the Stream Protection Buffer is that you have to have a tree removal permit to cut more than three trees and in good management practices you will probably cut down more than three trees in the life time of the property. Mr. Hall said in regards to the 150 foot buffer, it's just another zoning setback just like any other. Mr. Hall said it primarily affects only new lots and has very little impact on existing lots.

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Ms. Anderson asked about the 250 foot buffer for parks and other public resource areas.

Ms. Monte said the intent of the Public Area Resource Buffer is to minimize disturbance to these public resource areas from adjacent properties. Ms. Monte said potential harmful impacts are pollutant runoff, trespass, and encroachment. Ms. Monte said impacts that diminish parks are light glare, noise, pet predation on birds and small animals and increase traffic. Ms. Monte stated those types of impacts are minimized by the proposed 250 foot buffer.

Mr. Hall said if you adopt the one house per 40 acres the need for a public resource buffer is reduced greatly.

Mr. Langehiem asked Ms. Monte if the illustration Draft Public Resource Buffer showed the extent of the buffer that appears on Homer Lake shows less than half the existing resource area would have buffers.

Ms. Monte answered yes, that is correct there are fourteen lots that fall in that public resource buffer.

Mr. McGinty said that the information had been packaged in a way to where it would be interesting to see how to consider all the alternatives.

Mr. Moser said that he attended three ZBA meetings and about 80% of the discussion was regarding environmental issues and no one said if the drainage districts were exempt. He said there isn't much left out along the Salt Fork that is developed or platted so it will be grandfathered in and he looks at this as stomping on the people that went out there and built a house with another encumbrance on their property. Mr. Moser said he manages a farm in Kerr Township that is on the Champaign County and Ford County line that will be totally encumbered by the 250 foot buffer and there will never be a house on it and he can't support that. Mr. Moser said he supports the 25 foot buffer to protect the tiles. He said there are so many of those tiles we don't know about and were put in maybe 100 years ago and you will never find it until you hit one of them. Mr. Moser said he didn't how the county could enforce this Ordinance.

Mr. Hall said although we don't know where the tiles are, with this ordinance it states if you interrupt a tile the Zoning Ordinance requires that you do the proper thing. He said in times past, well meaning individuals would contact the Soil & Water Conservation District and they would help them and got the right thing done but if the adjacent land owner has a complaint that somebody may have interrupted a tile it isn't a violation of the Zoning Ordinance but this would make it a violation if you interrupt it and do not do the right thing. He said that it would be difficult to enforce but this would be a little bit of a help.

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Mr. Carter asked Mr. Hall why haven't we heard from the majority of the farmers. We are here making decisions and it looks like landowners should have some say-so about all of this.

Mr. Hall said we have had about 10 meetings and many hours of testimony that could be made available to you.

Mr. Tapley asked Mr. Hall what is the objective of the one per 40.

Mr. Hall answered the conversion of Best Prime Farmland is minimized, less non-farm traffic on farm road interfering with farm traffic, less encroachment in the wooded areas without review to insure there is acceptable levels of disturbance.

Mr. Tapley asked Mr. Hall what are the environmental concerns.

Mr. Hall answered when you have less and less of the natural environment every part that is of high quality becomes more valuable. These regulations are not intended to save just any old woodlands but to identify woodlands of high quality. He said there is a specific process to identify areas like that. He said the County Board adopted the Land Use Regulatory Policies back in 2001 after about a year long effort.

M. Tapley asked Mr. Hall if the environmental concerns go back to protecting Best Prime Farmland.

Mr. Hall answered there are two policies that deal with environmental concerns, policies 1.7.1 and 1.7.2, and several policies dealing with Best Prime Farmland.

Mr. James asked Mr. Hall if his staff would be limited in the ability to enforce this ordinance.

Mr. Hall answered yes, especially regarding tree removal.

Mr. James asked if the Department was backlogged at this time.

Mr. Hall answered there is a small backlog in regards to zoning violations and a large backlog of nuisance violations. Mr. Hall said every time you add a new rule it creates a new enforcement issue.

Mr. Langenhiem said regarding Mr. Carter's comment, there has been a lot of public input and many public meetings and ZBA meetings have been open and well attended and the public had ample opportunity to express their concerns and contribute input.

Mr. Moser said in regards to Mr. Tapley's comment, Mr. Doenitz, Mr. Schroeder, and Mr. Jay's son along with himself all farm. He said traffic is terrible on Windsor Road. where he lives. He said he cannot get his equipment out on the road between 7 and 8

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o'clock in the morning due to traffic and the same in the evening with evening traffic. Mr. Moser said each year when he puts chemicals on his field someone will come up to him and tell him the chemical he sprayed killed their trees. He said there are houses on narrow country roads and when you have a 20 feet wide head on a combine or take any type of tool down the road with mailboxes it is like going through an obstacle course. He said he has a lot of friends and they are either for this one per 40 or they are dead set against it because in their lifetime even though they will never sell a three-acre lot off of anything they own, they still want that privilege. He went on to say that when you put in dwellings in a township with no tax base and a road district to maintain it puts a lot of hardship on the road commissioner. Mr. Moser said that you can make a case all night long either way.

Mr. Jay said there are small land owners who have invested their money in farm ground as opposed to a 401k retirement plan. He said they put their money in land because when they retire they can either live off the land or they can sell it for their retirement. Mr. Jay asked how many Board members would stand for the county reaching into their retirement plan and taking a little off the top. He said this land is these folk's retirement and he does not believe the one per 40 is going to preserve farm ground. The City of Champaign gobbles up more prime farm ground in a week or a year than all the rest of the county put together and when the U of I expands or, the City of Champaign or the City of Urbana expands they expand into the very best soils in the world. He said when you get to the Mahomet area you get into the timber soils. Mr. Jay said that the system is flawed and he does not think the one per 40 is going to fix it so he can't support it at this time.

Mr. Fabri said that he was unhappy with this proposal but will vote to send it to public hearing for more discussion. He said there had been a lot of work put into our present Ordinance and about a year and a half ago some people got together in good faith and basically said let's scratch all the environmental stuff off the list and get just enough support from the people that do not like that. He said that was a bad compromise because the things we are giving up are the things we should be fighting for. He said that of the 180,000 people in the County he was sure the majority of them would like to see our forest preserves protected.

Mr. Schroeder said he has a problem with the Stream Protection Buffer because the buffer is to protect trees and there are no homes for miles along the Kaskaskia but you get to the Douglas County and Champaign County line and there's a forested area and people are building in that area and an organized drainage district is established there. Mr. Schroeder said people don't move out in those areas to cut down trees or to dig up bushes, but they move to those areas because they love the natural area and they respect it. Mr. Schroeder said he believes no government regulation should be imposed on an individual telling them what to do on their land. Mr. Schroeder said the buffer will not do anything for the Mahomet Forest Preserve or the Homer Lake Forest Preserve because they are already platted out and will be grandfathered in or there are already houses there. He asked if the county decided on the one per 40 and it passed would it be possible that a

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person that has 40 acres and who wants to develop that tract could go to any municipality and ask for an annexation agreement and therefore be exempt from County zoning.

Mr. Hall answered yes.

Mr. Moser said he had calls from a lot of people who never voted for him who are now asking for help. He said that the people are being encroached upon by the 15 people who live in the Champaign –Urbana city limits with liabilities that they do not want.

Mr. Carter said we should treat everyone the same and all should have a choice.

Mr. Jay said the buffer area around parks is a good cause but he thought the cost should be shared by everyone and not just the adjacent land owner.

Ms. Anderson said she grew up in a rural area with trees and streams and she would like to see them protected and the County must find a way to preserve natural areas.

Mr. Tapley said it seems like people are so willing to tell their neighbor what to do as long as it benefits them. He said he believes everyone wants to protect the environment and he is not sure what problems we are trying to fix.

Mr. Jay said we have more filter strips along streams and ditches than any other county in the State thanks to the Champaign County Soil and Water Conservation District and they also work to create additional timber ground so there are some positive things going on that a Zoning Ordinance just won't do. He said he thinks sometimes we try to do too much when it comes to zoning.

Mr. Moser said he would make a motion tomorrow night to send to the full board with no recommendation on all of these points and vote them up or vote them down.

PUBLIC PARTICIPATION

Ms. Wysocki said there are 5 or 6 people who have asked to speak and if others wish to speak please sign the white slips.

Chris Hausman said he is the chairman of the Champaign County Farm Bureau Land Use Committee. He said he the Farm Bureau has spent a lot of time and has been active looking at the land use policy for the past several years with a review by our board annually. He said the preference of the farm bureau is the by-right development of a one per forty and no rural subdivisions on land with an LE score of 85 or above. He said the bureau supports parts D, F, and J and 8 counties supported similar ordinances. He said he traveled to Bloomington and one side is strict urban development and on the other side nothing but rural landscape there is a distinction between urban area and the rural area. Mr. Hausman said last year there were ten countywide dialogue meetings and in these meetings over 680 people participated in these and in these meetings were farmland,

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urban sprawl, rural subdivisions, protecting agriculture were identified in all of these meeting and most of the times they were in the top tree. Mr. Hauseman said the ZBA approved unanimously Parts D, F, and J and the farm bureau supports their decision.

Phillip Geil had no comment.

Mark Thompson said the ZBA vote was split on part D and not unanimous. He said the one per 40 is a huge attack on private property rights for the landowners in the county. He said that when it comes to these buffers mother nature takes care of them, when we have a torrential rain the water sheds and the rivers move that water and you would not want to build on it and if you live there you would not to do it. Mr. Thompson said the biologist who works at his conservation camp said that they are going to girdle every tree girdle means to cut a ring around the tree base and you kill the tree because it's junk and locust and we want to put in good trees. He said you are telling me that I can't cut down more than 3 trees and the wildlife biologist are telling me to cut down everyone of them down.

Mr. Thompson said during May and June of 2001 there were 5 town meetings consisting of mainly mayors, city workers, fire personnel and paramedics that were informed by mail which added up to approximately 106 people who made those 5 meetings and that is not a fair representation of the area. He said that the decision was made on September 18, 2001 which is a week after 9/11. He said he is a Farm Bureau member and he doesn't agree with this nor do about 50 percent of the members. Mr. Thompson said that he bought and paid for his property and doesn't want the county or anyone telling him what to do with it.

Eric Thorsland said he farms 17.1 acres next to Mahomet and Newcomb Township and is certified organic. Some people are putting value on land as to what they can sell it for rather than what they can do with it. He said that all I have to do is go 200 yards to get to my 10 acres that I farm now with all the development I have to wait just to go 200 yards. We loose good ground with all the by-right lots and RRO's. he said he loses his right to get to his property due to the neighbors planted trees on the east side of me which shades my crops. He said he as a farmer has to have a 30 ft buffer from the land. Mr. Thorsland said there is nothing wrong with development but it's best to keep it compact and contiguous.

Herb Shildt said that he and his wife have about forty acres north of Mahomet in Newcomb Township and maintain it in its natural state. He said that Mr. Fabri expressed the need to preserve natural areas but the natural is in my back yard that we bought and maintain, it's private property and these proposals seek to punish us. He said that when we bought the land we bought the vegetation and all that comes with it and if we wanted to cut down an oak tree for hardwood floors we should be permitted to do so and if the county wishes to prevent us from doing these things they should compensate us. Mr. Shildt said that he attended every CZR meeting and approximately 600 people attended and many testified and about 90 percent opposed the proposals. He said there are people

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in the county who live in these areas that are being impacted by the proposals who already doing the right thing. He said he is the chairman of Newcomb Township Plan Commission and Newcomb Township protested Draft 3 because he believes it is a bad idea.

Jim Rector said his family owns property along the Salt Fork. Mr. Rector said his family has had property along the Salt Fork for over 160 years. Mr. Rector did a slide show presentation regarding homes built along waterways and wooded areas.

Norman Stenzel, 545A CR 1900N, said maybe we all have been misled. He said some people may be against all zoning. He said that some people believe that zoning is a taking of property and zoning as a taking is not supported by the legal reviews of zoning. He said that there may be restrictions on activity but there is also much activity that is allowed. Mr. Stenzel said if there is allowable activity then the property has not been taken. He said if there is a difference in zoning then everyone may not be treated the same.

Hal Barnhart said that Part D on page 98 did pass by unanimous vote. He said that he attended some of the meetings that were held in the early 1970's when zoning was first being discussed and some people were against zoning like it was the end of the earth. He said that zoning is about protection. He said in 1977 the County adopted a set of Land Use Goals and Policies. He encouraged people to go back and read the intent statements for the Agriculture and Conservation & Recreation districts in the Zoning Ordinance. He said that the Land Use Regulatory Policies were adopted in 2001 and we should not be talking about the policies again but we should be talking about how the policies should be administered and how the Ordinance is going to fit the policies. He said that when the County passed the first Zoning Ordinance they talked about preserving farmland and natural areas and then prior to the Zoning Ordinance being amended in 1997 there could have been 400,000 by-right lots created in this county and he wondered what that protected. Mr. Barnhart said that if the County adopted one per 40 he did not know how many small lots could be created. He referred to a table that was given to the Ad Hoc Committee about a year ago and the table indicated an additional 19,000 lots could be created by right and he wondered if that was protecting farmland.

Mr. Barnhart said there are 12 factors to be considered in the RRO process and one of those factors is the effects on wetlands, historic or archaeological sites, and natural or scenic areas, and wildlife habitat and he wondered how that is done. He did not know what rational basis could be used for that determination. He explained there was the Section 22 report provided by the Soil and Water Conservation District which lists soil types and engineering problems in certain areas and the LE score that is rational and non-subjective evidence but there isn't much in terms of natural areas.

Mr. Barnhart mentioned that the County Board has no control over sprawl caused by the City of Champaign, Urbana, Savoy, Mahomet, and others but it does have control over land use in the County and he encouraged the County Board to make use of what they

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can do. He mentioned a BigSmallAll report that mentions of the 4,310 acres of farmland that were converted to residential use since 1998, 3,700 of those are single family homes and lots that are larger than 30,000 square feet account for 8% of the new single family dwellings but account for 46.6% of the land converted. Mr. Barnhart said there is an issue of how many lots and families per acre in town versus one family on a five acre lot in the countryside.

Neil Malone, Illinois Association of Realtors, stated that sometimes there is a distorted view of what the IAR does. What they really do is, as realtors they represent about 600 professionals in this part of Illinois that are engaged in nearly every land transaction that occurs. His responsibilities include working with seven local associations that range from Danville to Mattoon and Charleston, through Decatur, Lincoln, Springfield, and through to Jacksonville. As an expert in real estate transactions he can tell the Board that this is probably the worst idea in any of the jurisdictions he currently works with. It comes down to an issue of individual rights versus an abstract greater good. The people that realtors work with put their life savings into buying a property because they intend to enjoy the full use of that property. He indicated that Mr. Jay's analogy on the 401(k) issue was right on point. Land in the County has an economic value, whether that is best realized by farming it; conserving on; or building on it; the land has a value, and to limit that value arbitrarily by saying that just because a specific parcel of land has a Land Evaluation value of "X" does not make any rational sense especially when you consider that Champaign County is an excellent place to live because the natural features and the great schools and etc. But the people also make it a great place to live, and to deter people from coming here because the housing option they want is unavailable isn't rational. Then to further punish people who have made an investment in this community by purchasing land is completely counter-intuitive. He lives in Springfield, in one of the eight counties that has the 1 per 40 provision in code, and he deals with that on a personal level as well. He has a friend who works in State government, and they own land in Douglass County and in Champaign County as well. Every time he comes to Champaign County she jokes that he is over here protecting her inheritance because the land value would be greatly reduced if this proposal is approved. He has spoken to people who have spent their lives as rural land appraisers in this part of the state, and they all tell him that this will seriously effect economic value of the land in this County. There may be some people who aren't uncomfortable with someone taking value out of their 401(k), these are the only people he can imagine could support this proposal.

Russ Taylor of Mahomet said that he served on the Board 20 years ago. He owns farmland in Mahomet, his family has for four generations, and he has sold thousands of houses in the County. He has worked with people both rural and in the city. He wanted to suggest two things, by passing something like this the Board would be assuming that private property owners would not take care of their property in an environmentally positive way. They would be assuming that owners will destroy it or hurt the environment and the County needs to tell them how to protect their land. He doesn't think that is correct. The second point is that houses will go up even with the 1 per 40 and what

DRAFT MINUTES OF A STUDY SESSION OF THE COUNTY BOARD DRAFT
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the proposal will do is allow rich people to move to the County and buy their 40 acres and take it out of production and not let the average man achieve their dream.

Ms. Wysocki stated that concluded the public participation for the evening. The next action would be tomorrow night at the ELUC meeting and if it is their desire the County Board will take action on this proposal on the 21st of September.

ADJOURNMENT

The meeting adjourned at 9:50 p.m.

Champaign
County
Department of

**PLANNING &
ZONING**

Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
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To: **Champaign County Board**
From: **John Hall**, Director, Zoning Administrator
Susan Monte, County Planner

Date: **November 17, 2006**

RE: **ELUC action on Case 522- AT-05 Comprehensive Zoning
Review**

Zoning Case 522-AT-05

Request: **Text amendments that are Phase One of the Comprehensive
Zoning Review**

Petitioner: **Zoning Administrator**

STATUS

The Environment and Land Use Committee (ELUC) took final action on this case at their meeting on Monday, November 13, 2006, and referred the 13 separate parts of this case to the full County Board with "NO RECOMMENDATION".

This memorandum reviews considerations related to the ELUC referral. In the time available it is not possible for staff to divide the Case into 13 distinct separate adopting ordinances as referred by ELUC. Staff recommends that the ELUC referral be amended and the Board consider this case in no more than eight specific parts which are reviewed below.

Further, because this Case has been prepared as a single comprehensive amendment, even though the Board can vote on each of the eight parts there are still a minimum number of parts necessary to make a coherent Ordinance. Parts A, B, C, L, and M have been integrated with the existing Zoning Ordinance to make a new "minimum ordinance" (included separately for Board members as Attachment C). ***Attachment C is a necessary and essential part of any revised Zoning Ordinance that would result from this Case.***

Draft minutes of the September 12, 2006, County Board Study Session are included separately for approval. A supermajority (21 of 27 members) of the County Board will be required for approval of any part of Case 522-AT-05 because of the 10 township and municipal protests.

E.L.U.C. MEMORANDUM DATED 11/09/06 AND ACTION

ELUC received a memorandum (see attached) dated November 9, 2006, that reviewed how the final action on Case 522-AT-05 could be structured based on a "shell" ordinance (attached to the memorandum) and an appendix that would contain the actual substantive amending Zoning Ordinance text.

ELUC also received a "minimum" version of the Draft Ordinance that contained the minimum Parts necessary for a coherent Zoning Ordinance. The Draft Minimum Ordinance included with the November 9, 2006, memorandum included subparts #2 through #6 of Part H in addition to Parts A, B, C, E, J, L, and M. ELUC also received several additive and alternative parts

(Modified Parts) that could be added to either the Draft Minimum Ordinance or the Public Review Draft 3 dated May 19, 2006.

ELUC chose to forward the 13 separate parts of this case (Parts A through M) to the full County Board with “NO RECOMMENDATION” and did not forward the Draft Minimum Ordinance or the Public Review Draft 3 dated May 19, 2006.

AMENDMENT OF E.L.U.C. REFERRAL

Recall that the shell Adopting Ordinance must have an Appendix that contains the actual amending Zoning Ordinance text. In the time available before the November 21, 2006, County Board meeting it is not possible to provide an amending Zoning Ordinance text for each of the 13 distinct separate amendments. Further, because this Case has been prepared as a single comprehensive amendment, even though the Board can vote on each of the nine parts there are still a minimum number of parts necessary to make a coherent Ordinance. Staff recommends that the Board consider this case in eight specific parts which are reviewed below and the ELUC recommendation should be modified by a friendly amendment at the November 21, 2006, meeting to include the following nine parts:

- **Attachment C (included separately for all County Board members) is the Existing Zoning Ordinance plus Parts A, B, C, L, and M.** The ZBA recommended approval of Parts A, B, C, L, and M. These four parts are too difficult to separate and when added to the Existing Zoning Ordinance result in a coherent amended Zoning Ordinance.

This alternative includes the current limit on lot creation in the rural districts (see section 15.20) and the current Rural Residential Overlay Zoning District (see Chapter 37). This is a complete Zoning Ordinance that is an improvement over the existing Zoning Ordinance and can be modified by adding other Parts of Case 522-AT-05.

The adoption of Parts A, B, C, L, and M are necessary and essential for the adoption of any of the other Parts of Case 522-AT-05.

- **Attachment D is text that would add Part D (One Lot Per 40 Acres Limit on By-right Lots).** This would replace the current lot limits with the “one-lot-per-40-acres” limit which the ZBA recommended for approval.

As reviewed in the September 7, 2006, memorandum the “one lot per 40 acre” limit on lots will greatly reduce the number of lots that can be created compared to the current Ordinance and fewer lots will mean less disturbance to public resources and natural areas. Thus, Part D is especially important if Parts G (Public Resource Buffer) and I (Stream Protection Buffer) are not adopted.

- **Attachment E is text that would add Part E & subparts #2 through #6 of Part H (Miscellaneous changes to standards for lots and site development) for the Minimum Ordinance alternative.** The ZBA recommended approval of Parts E and H.

- **Attachment F is text that would add Part F (Drainage Protections) and related Buildable Area Requirement of Part H.** This part includes the drainage protections that the ZBA recommended for approval.

Note that Part F can itself be amended to only require protection of drain tile systems by deleting Section 22.20 Drainageway Setback and eliminating all references to “drainageway setback”.

- **Attachment G is text that would add Part G (Public Resource Buffer) and related Buildable Area Requirement of Part H.** Part G was not recommended for approval by the ZBA.
- **Attachment I is text that would add Part I (Stream Protection Buffer) and related Buildable Area Requirement of Part H.** Part I was not recommended for approval by the ZBA. Note that staff recommends that any adoption of Part I should if possible include the following changes:
 - (1) delete paragraph 21.20.200 B. Removal of Mature Trees;
 - (2) delete paragraph 21.20.300 B. Removal of Mature Trees;
 - (3) delete paragraph 21.20.300 C. Replacement of Surface Vegetation;
 - (4) delete subsection 29.20.200 Tree removal permit application;
 - (5) delete the tree removal permit fee in subsection 29.20.300.
- **Attachment J would add Part J (replacing the current Rural Residential Overlay Zoning District with the Rural Planned Development District and making other changes to zoning procedures).** Part J was recommended for approval by the ZBA. Staff also recommends the approval of Part J so that current problems with the Rural Residential Overlay Zoning District are corrected.

If Part J is not adopted there should be a follow-on amendment to add a Special Use Permit requirement to the current Rural Residential Overlay Zoning District.

Note that this Part adds subsection 37.30.200 which prohibits Rural Planned Developments on Best Prime Farmland. Recall from the September 7, 2006, memorandum that adopting this provision without also adopting Part K could have an unintended consequence of steering rural subdivisions into the CR District because it includes the prohibition of Rural Planned Developments on Best Prime Farmland included in Part J (subsection 37.30.200) while at the same time it does not require impact assessment for subdivisions in the CR District (Part K). Deleting subsection 37.30.200 would have no effect on the rest of the Ordinance and it may reduce the effect of steering rural subdivision into the CR District in the even that Part K is not adopted.

- **Attachment K is text that would add Part K** (Environmental Performance Standards and Natural Area Impact Assessment for Special Use Permits and Rural Planned Developments). Part K was not recommended for approval by the ZBA

ADOPTING THE MINIMUM PARTS REQUIRED FOR A COHERENT ORDINANCE

Given that all Parts of Case 522-AT-05 are amendments to the existing Zoning Ordinance, the minimum Parts of Case 522-AT-05 that are necessary to have a coherent Zoning Ordinance are parts A, B, C, L, and M. This is fewer parts than were described in earlier memoranda but it is accurate.

The Ordinance that would result would be more user friendly but it would retain the current serious weakness in the Rural Residential Overlay Zoning District and it would also retain the current limits on lot creation in the rural districts which exceed the provisions of the Land Use Regulatory Policies and would not have the other improvements (such as drainage and environmental protections) that are possible with Case 522-AT-05.

ATTACHMENTS

- A Overview of Attachments and Case 522-AT-05 Parts**
- B1 Draft Minutes of the September 12, 2006, County Board Study Session (included separately)**
- B2 ELUC Memorandum dated November 9, 2006 (included separately)**
- C Existing Zoning Ordinance plus Parts A, B, C, L, and M (included separately)**
- D Text adding Part D**
- E Text adding Parts E & subparts #2 through #6 of Part H**
- F Text adding Part F**
- G Text adding Part G**
- {NO ATTACHMENT H}*
- I Text adding Part I**
- J Text adding Parts J**
- K Text adding Part K**

Attachment A. Overview of Attachments and Case 522-AT-05 Parts

Attachment	ZBA Recommendation	Part	General Description	Relevant Land Use Regulatory Policies *
C**	APPROVE (Unanimous vote)	A	Revise nature & intent of the rural districts.....	1.1.1, 1.1.2, 1.6.1 & 1.6.3
		B	Modify Table of Authorized Uses.....	1.1.2, 1.1.4, 1.6.1, 1.6.2, 1.6.3
		C	Revise certain Special Use standard conditions.....	1.1.4
		L	Make miscellaneous changes regarding zoning procedures.....	1.1.4, 1.3.5, 1.5.1, 1.5.3, 1.5.4
		M	Change format & add new techniques & clarifying language.....	NA
D***	APPROVE (Unanimous vote)	D	Generally limit number of residences in AG, AG-2, and CR Districts to 1 per 40 acres.....	1.1.2, 1.2, 1.3.1, 1.3.2, 1.3.3
E***	APPROVE (Unanimous vote)	E	Increase required lot area for unplatted lot to 2 acres in AG, AG-2, and CR Districts.....	1.1.3, 1.1.4, 1.3.1
		H	Make miscellaneous changes to standards for lots, site development & construction.....	1.1.3, 1.1.4, 1.3.1, 1.9
F***	APPROVE (Unanimous vote)	F	Require 75 feet drainage setback & 25 feet drain tile setback for new use or structure	1.1.2, 1.4.2
G***	DENY (Unanimous vote)	G	Restrict new use or structure within 250 feet buffer around public parks & preserves	1.1.3, 1.1.4, 1.7.1
		I	Require 150 feet stream protection buffer in CR District	1.7.1
J***	APPROVE (Unanimous vote)	J	Replace existing Rural Residential Overlay Zoning District w/ Rural Planned Development District	1.2, 1.1.4, 1.3.5, 1.5.1, 1.5.3, 1.5.4
K***	DENY (Unanimous vote)	K	Establish performance standards & require Natural Area Impact Assessment for Special Uses and Rural Planned Development Districts in CR District	1.1.3, 1.1.4, 1.7.2

NOTES

* The relevant Land Use Regulatory Policies should be modified for any Part that is not adopted.

** Attachment C is a necessary and required part of any amendment to the Zoning Ordinance as it contains the existing Zoning Ordinance as amended by Parts A, B, C, L, and M. All other parts of Case 522-AT-05 are additive to this core group of amendments.

***Additive Parts that can only modify Attachment C (Existing Zoning Ordinance plus Parts A, B, C, L, and M) to construct a more robust Ordinance. For example, the ZBA Recommendation was for Parts D, E, F, J, and H in addition to Parts A, B, C, L, and M.

ATTACHMENT D

November 17, 2006

Text adding Part D

(Part D changes the limit for by-right lots to one lot per 40 acres)

1. Amend Section 15, Lots, by deleting existing paragraph 15.20.200A., renumbering existing paragraph 15.20.200B. to 15.20.200C. and, adding new paragraphs 15.20.200A. and B. as follows:

- A. The following limits apply to a PARCEL existing as of January 1, 1998 that is less than 40 acres in area:
 - 1. No more than one SINGLE FAMILY DWELLING may be constructed, provided that no other DWELLING exists on the PARCEL.
 - 2. The new or existing DWELLING may be located on a LOT divided from the PARCEL, in which case the rest of the PARCEL becomes a Remainder Lot and may not be built upon.

- B. The following limits apply to a PARCEL existing as of January 1, 1998 that is 40 acres or more in area:
 - 1. One SINGLE FAMILY DWELLING may be constructed for each 40 acres of PARCEL area and in addition to any one existing DWELLING on the PARCEL as of [effective date].
 - 2. New DWELLINGS authorized by Subparagraph 1 must be placed on separate LOTS. An existing DWELLING may be placed on a separate LOT. The rest of the PARCEL remaining after permitted LOTS have been created is a Remainder Lot and may not be built upon.

- C. If AGRICULTURE is the principal USE of a LOT or PARCEL, a DWELLING that is accessory to the agricultural USE is not counted against the limits contained in this Section, as long as it remains accessory to an agricultural USE.

ATTACHMENT E

November 17, 2006

Part E..... increase minimum required lot to 2 acres for new rural lots not platted or surveyed

Part H as follows:

- 2) increase minimum lot area to 1 acre and minimum average lot width to 200 feet for lots with no connection to public sanitary sewer system
- 3) generally simplify and lessen side and rear yard requirements for rural lots that are platted or surveyed.
- 4) decrease maximum lot coverage limits to 15%, consistent with *County Stormwater Management Policy*
- 5) allow one accessory dwelling on a rural lot, on temporary and limited basis
- 6) establish 80 foot 'Section Line' street setback from street centerline with a required 25 foot front yard

1. **Add new Section 4.20, Accessory Single Family Dwelling, and renumber subsequent Sections accordingly. New Section 4.20 text follows:**

4.20 Accessory Single Family Dwelling

4.20.100 Where Allowed

- A. Accessory to a Non-Residential Principal USE in any DISTRICT

A SINGLE FAMILY DWELLING may be established as an accessory USE to a non-residential principal USE in any DISTRICT.

- B. Accessory to Another SINGLE FAMILY DWELLING in the CR, AG or AG-2 DISTRICTS

A SINGLE FAMILY DWELLING may be temporarily established as an accessory USE to another SINGLE FAMILY DWELLING in the CR, AG or AG-2 DISTRICTS provided that Subsections 4.20.200 and 4.20.300 requirements are met.

4.20.200 Limitations and Conditions Regarding a SINGLE FAMILY DWELLING as an Accessory USE to Another SINGLE FAMILY DWELLING

- A. An accessory SINGLE FAMILY DWELLING may be allowed in the CR, AG and AG-2 DISTRICTS.
- B. An accessory SINGLE FAMILY DWELLING may be established for the limited purpose of providing housing to one or more FAMILY members on a temporary basis.
- C. An accessory SINGLE FAMILY DWELLING must be a MANUFACTURED HOME that:
- i. meets the requirements of Subsection 16.30.200; and
 - ii. is not placed on a permanent foundation.
- D. The MANUFACTURED HOME constituting an accessory SINGLE FAMILY DWELLING must be removed from a LOT when its Zoning Use Permit expires.
- E. No more than one accessory SINGLE FAMILY DWELLING may be permitted on a LOT at the same time.
- F. The OWNER of the PROPERTY on which the accessory SINGLE FAMILY DWELLING is located must reside in a SINGLE FAMILY DWELLING on the LOT.
- G. The accessory SINGLE FAMILY DWELLING must meet YARD requirements for a principal BUILDING.

4.20.300 Permit Requirements

- A. An accessory SINGLE FAMILY DWELLING may not be occupied or maintained if a Zoning Use Permit and Zoning Compliance Certificate are not in effect.
- B. The Zoning Use Permit and Zoning Compliance Certificate for an accessory SINGLE FAMILY DWELLING expire and have no further effect as of midnight on June 30 of each year unless renewed in accordance with the procedure described in Section 29.60.’

2. Amend the Table in Paragraph 15.30.300(A), Minimum LOT Dimension Requirements for LOTS With a Connected PUBLIC SANITARY SEWER SYSTEM, by replacing that portion of the Table regarding requirements ‘On or after [effective date]’ with the following text:

LOT CREATION DATE	ZONING DISTRICT	MINIMUM LOT AREA ¹	AVERAGE LOT WIDTH	ADDITIONAL LOT AREA ¹ REQUIRED FOR AN ADDITIONAL DWELLING UNIT OR PRINCIPAL USE
On or after [effective date]	CR, Conservation-Recreation AG, Agriculture AG-2, Agriculture B-1, Rural Trade Center	1 acre if LOT is PLATTED 2 acres if LOT is not PLATTED	200 feet	no requirement
	R-1, Single Family Residence	9,000 square feet	80 feet	2,500 square feet
	R-2, Single Family Residence	6,500 square feet	65 feet	2,500 square feet
	R-3, Single Family Residence	6,500 square feet	65 feet	2,500 square feet
	R-4, Multiple Family Residence	6,500 square feet	65 feet	2,000 square feet
	B-2, Neighborhood Business B-3, Highway Business B-4, General Business	6,500 square feet	65 feet	no requirement
	R-5, Manufactured Home Park	5 acres	200 feet	
	B-5, Central Business	no requirement	no requirement	
	I-1, Light Industry	10,000 square feet	100 feet	
	I-2, Heavy Industry	20,000 square feet	150 feet	

3. Add Table 15.30.300(A) Note 2, as follows:

- ‘2. For purposes of this Subsection, the minimum two-acre LOT AREA calculation may include a STREET RIGHT-OF-WAY but must exclude any LOT AREA:
 - i. occupied by a lake, pond, or stream, channel or other waterway; or
 - ii. lying within an easement of ACCESS.’

4. Amend the Table in Paragraph 15.30.300(B), Minimum LOT Dimension Requirements for LOTS Without a Connected PUBLIC SANITARY SEWER SYSTEM, by replacing that portion of the Table regarding requirements ‘On or after [effective date]’ with the following text:

LOT CREATION DATE	ZONING DISTRICT	MINIMUM LOT AREA ¹	AVERAGE LOT WIDTH	ADDITIONAL LOT AREA ¹ REQUIRED FOR AN ADDITIONAL DWELLING UNIT OR USE
On or after [effective date]	All DISTRICTS	1 acre if PLATTED 2 acres if not PLATTED	200 feet	no requirement

5. Add Table 15.30.300(B) Note 2, as follows:

- ‘2. For purposes of this Subsection, the minimum two-acre LOT AREA calculation may include a STREET RIGHT-OF-WAY but must exclude any LOT AREA:
- i. occupied by a lake, pond, or stream, channel or other waterway; or
 - ii. lying within an easement of ACCESS.’

6. Modify the portion of the Table in Section 16.40, Lot Coverage Allowance by District, that applies to the CR, AG, AND AG-2 Zoning Districts, as follows:

ZONING DISTRICT	MAXIMUM LOT COVERAGE
CR, AG , AG-2	15%

7. Modify the Table in Subsection 16.60.300, Schedule of YARD and SETBACK LINE Requirements by DISTRICT, as follows:

[CONTINUED ON NEXT PAGE]

ZONING DISTRICT	USE TYPE	MINIMUM SIDE YARD (FEET)		MINIMUM REAR YARD (FEET)		MINIMUM FRONT YARD ABUTTING STREET ^{1, 5} (FEET)				MINIMUM DISTANCE BETWEEN SETBACK LINE AND STREET CENTERLINE ^{1, 2, 5} (FEET)			
		LOT SURVEYED OR PLATTED	LOT NOT SURVEYED OR PLATTED	LOT SURVEYED OR PLATTED	LOT NOT SURVEYED OR PLATTED	Major	Collector	Section Line	Minor	Major	Collector	Section Line	Minor
CR	Principal	10	20	25	25	35	30	25	25	85	75	80	55
	Accessory	10	20	10	20								
AG	Principal	10	20	25	25	35	30	25	25	85	75	80	55
	Accessory	10	20	10	20								
AG-2	Principal	10	20	20	20	35	30	25	25	85	75	80	55
	Accessory	10	20	10									
R-1	Principal	10 ⁽³⁾		20		35	30	25	25	85	75	80	55
	Accessory	5 ⁽³⁾		5									
R-2	Principal	10 ⁽³⁾		20		35	30	25	25	85	75	80	55
	Accessory	5 ⁽³⁾		5									
R-3	Principal	5		20		35	30	25	25	85	75	80	55
	Accessory	5		5									
R-4	Principal	5 ⁽⁴⁾		15		35	30	25	25	85	75	80	55
	Accessory	5 ⁽⁴⁾		5									
R-5	STRUCTURE placement and site development regulations indicated in Section 39.40												
B-1	Principal	10	20	20	20	35	30	25	25	85	75	80	55
	Accessory	10	20	15	20								
B-2	Principal	10		20		35	30	25	25	85	75	80	55
	Accessory	10		15									
B-3	Principal	5		20		35	30	25	25	85	75	80	55
	Accessory	5		15									
B-4	Principal	10		20		35	30	25	25	85	75	80	55
	Accessory	10		15									
I-1	Principal	10		20		35	30	25	25	85	75	80	55
	Accessory	10		15									
I-2	Principal	20		30		35	30	25	25	85	75	80	55
	Accessory	20		30									

8. Add new Section 29.60, Zoning Use Permit for an Accessory Single Family Dwelling, and renumber subsequent Sections. New Section 29.60 text follows:

‘29.60 Zoning Use Permit for an Accessory Single Family Dwelling

29.60.100 Valid for One-Year Period

The Zoning Administrator shall permit the temporary placement of a MANUFACTURED HOME on a LOT as an accessory SINGLE FAMILY DWELLING if all requirements of Section 4.20 are met. The Zoning Use Permit for such STRUCTURE expires on June 30 of each year.

29.60.200 Procedure for Renewal

- A. Prior to the expiration date of the Zoning Use Permit for an accessory SINGLE FAMILY DWELLING, the LOT OWNER may renew the Zoning Use Permit until June 30 of the following year.
- B. An application to extend the Zoning Use Permit must identify the person or persons occupying the existing SINGLE FAMILY DWELLING and the temporary accessory SINGLE FAMILY DWELLING and certify that the requirements of Section 4.20 are met.’

9. Modify the Section 48.40 definition of STREET as follows:

‘STREET: A thoroughfare dedicated to the public within a STREET which affords the principal means of ACCESS to ABUTTING PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the official Zoning Map according to type of USE, and generally as follows:

- i. Major STREET: Federal or State highways
- ii. Collector STREET: County highways and urban arterial STREETS
- iii. Section Line STREET: any STREET, except a Major STREET, that is situated on a Township Section Line
- iv. Minor STREET: Township roads and other local roads’

ATTACHMENT F

November 17, 2006

Text adding Part F

(Part F adds drainage protections)

1. Add item 3.20.300 B.vi as follows and renumber as required:

- vi. Drainageway Setback and Drain Tile Setback requirements of Chapter 22;
and

2. Add a new item to subsection 3.30.300 as follows and reletter as required:

- ii. the leasehold for the tower or OFF-PREMISES SIGN is not included in the BUILDABLE AREA of the LOT;

3. Add Subparagraph 7.20.300 C.4 as follows:

- 4. This USE may not be located in Drainageway Setback.

4. Add Subparagraph 7.20.300 D.2 as follows:

- 2. No stockpiles may be located within a Drainageway Setback.

5. Add Subparagraph 6. to subsection 7.20.570 D. Riding Stable as follows:

- 6. No manure storage may be located within a Drainageway Setback.

6. Add Subparagraph 8.20.200 B.2 as follows:

- 2. No overburden stockpiles may be located within a Drainageway Setback.

7. Add Subparagraph 8.20.200 C.2 as follows:

- 2. No overburden stockpiles may be located within a Drainageway Setback.

8. Add Subparagraph 8.20.300 B.3 as follows:

- 3. This USE may not be located within a Drainageway Setback.

9. Add Subparagraph 8.20.570 B.7 as follows:

- 7. Paved areas, paddocks, exercise rings or similar confined areas; or manure STORAGE or management facilities may not be located in a Drainageway Setback.

10. Add Subparagraph 8.20.570 C.7 as follows:

- 7. Paved areas, paddocks, exercise rings or similar confined areas; or manure STORAGE or management facilities may not be located in a Drainageway Setback.

11. Add new Section 15.40 Buildable Area and renumber subsequent sections as required and new section 15.40 to read as follows:

15.40 Buildable Area

15.40.100 Designation of BUILDABLE AREA

- A. A BUILDABLE AREA meeting the requirements of this Section must be designated on a Zoning Use Permit.
- B. No CONSTRUCTION requiring a Zoning Use Permit may occur outside the designated BUILDABLE AREA except for a driveway if:
 - i. the driveway must be constructed there to provide ACCESS to the only potential minimum BUILDABLE AREA on the LOT; and
 - ii. the driveway is constructed in compliance with Paragraph 22.20.400(A) and Paragraph 22.30.400(C), whichever applies.

15.40.200 Minimum BUILDABLE AREA

- A. In the CR, AG and AG-2 Districts, the minimum BUILDABLE AREA is 30,000 square feet in area with a minimum average width of 150 feet.
- B. In all other DISTRICTS the minimum BUILDABLE AREA is equal to the 75 percent of the minimum LOT AREA specified in Section 15.30 with a minimum average width equal to 75 percent of the AVERAGE LOT WIDTH specified in Section 15.30.

15.40.300 LOTS Exempt from BUILDABLE AREA Requirements

BUILDABLE AREA requirements are intended to apply to all LOTS created after [effective date]. A LOT is exempt from the requirements of this Section if it was created by a written instrument executed prior to [effective date] conveying title or conveying the right to use or occupy the LOT separately than any adjacent land.

15.40.400 BUILDABLE AREA Characteristics

- A. A BUILDABLE AREA may not include:
 - i. a STREET RIGHT-OF-WAY, an easement of ACCESS, or an ACCESS STRIP;
 - ii. a drainageway easement;
 - iii. a pipeline easement (excluding a speculative pipeline easement covering an entire tract of land, also known as a blanket pipeline easement);
 - iv. an area of open water; or

- B. A BUILDABLE AREA may not be located;
 - i. within a 100-year floodplain if possible;
 - ii. within 25 feet of a drain tile if possible;
 - iii. within a Drainageway Setback; or
 - iv. within a runway primary surface or runway clear zone.

- C. A BUILDABLE AREA may not include areas of the following soils identified in the Champaign County Soil Survey:
 - i. No. 3473A, Rossburg Silt Loam;
 - ii. No. 3302A, Ambraw Silty Clay Loam;
 - iii. No. 330A, Peotone Silty Clay Loam; and
 - iv. No. 3107A, Sawmill Silty Clay Loam.

- D. The BUILDABLE AREA must have ACCESS over dry land meeting the requirements of Section 15.50.

12. Amend the new Section 15.40 Buildable Area by adding the following new Paragraph and renumbering as required:

- E. If possible, a BUILDABLE AREA must have ACCESS to a STREET or PRIVATE ACCESSWAY that does not cross a Drainage Setback.

13. Add items iii. and iv. to paragraph 16.50.100A as follows and renumber as required:

- iii. a Drainageway Setback, except as provided in Subsection 22.20.500
- iv. 25 feet of a drain tile, except as provided in Subsection 22.30.400;

14. Add paragraph 16.50.100 B as follows:

- B. No BUILDING, STRUCTURE or site development that requires a Zoning Use Permit may be placed outside a required BUILDABLE AREA, except as provided in Section 15.40.

15. Add text to Chapter 22 as follows:

22 Protection of Drainageways and Drain Tile Systems

22.10 General Provisions

22.10.100 Purpose

The purpose of these regulations is to:

- i. prevent the obstruction of surface drainage; and
- ii. protect the function of the surface and drain tile systems.

22.10.200 Authority of Zoning Administrator

It is prohibitively expensive to map all important features of the drainage system in advance. The Zoning Administrator is authorized to determine the existence and location of drainageways and drainage tiles using the best available information.

22.10.300 Best Available Information

A. The Zoning Administrator will make a determination whether a drainageway or a drain tile exists on a particular site based on the review of one or more of the following items:

1. 1984 Soil Survey of Champaign County, Illinois
2. 2001 Soil Survey of Champaign County, Illinois
3. General Drainage Map of Champaign County, Copyright 1971, State of Illinois Department of Public Works and Buildings, Division of Waterways
4. U.S. Geological Survey Topographic Maps (7.5 Minute Series)
5. Year 2005 Champaign County GIS Consortium digital ortho photography
6. Map of Non-Intermittent Drainageways in Champaign County and Partial Map of Intermittent Drainageways in Champaign County as of December, 2005

22.10.300 A cont:

7. Inventory of Illinois Drainage and Levee Districts, 1971, State of Illinois Department of Business and Economic Development
8. Map of Drainage Districts of Champaign County, Illinois, Champaign County Soil and Water Conservation District, November, 2000

B. The Zoning Administrator may consider additional information submitted by an applicant or other interested party if it is of equivalent quality.

22.10.400 Regulations Cumulative

The areas described in this Chapter may overlap with one another. All regulations applicable in these areas apply and the most restrictive will govern.

22.20 Drainageway Setback

22.20.100 Definition of Drainageway

- A. A drainageway is a defined area of concentrated overland flow of runoff, including areas of intermittent and perennial flow such as swales, grass waterways, ditches, channelized streams and natural streams.
- B. For purposes of the provisions of this Section, drainageways do not include road ditches.
- C. In addition to a field examination of the pattern of surface flow on a particular site, the location of an intermittent drainageway is identifiable by a review of a combination of one or more of the items listed in Paragraph 22.10.300(A).

22.20.200 Drainageway Setback

22.20.200 Drainageway Setback.

- A. Drainageway Setback extends outward a distance of 75 feet from the centerline of any drainageway that carries only intermittent flows.
- B. A Drainageway Setback extends inland a distance of 75 feet from a non-intermittent drainageway.
 - 1. The Drainageway Setback is measured inland perpendicular from the ORDINARY HIGH WATER ELEVATION when:
 - i. the floodplain adjacent to a channel or stream is relatively flat and wide and easily identifiable; or
 - ii. the floodplain adjacent to a channel or stream is not apparent and the bank slope above the ORDINARY HIGH WATER ELEVATION is less than 2:1 (i.e., has a slope less steep than one vertical unit per two horizontal units).
 - 2. The Drainageway Setback is measured inland perpendicular from the TOP OF BANK SLOPE when:
 - i. a channel or stream is contained in a relatively narrow ditch or trench with no apparent adjacent floodplain and

with a minimum 2:1 bank slope above the ORDINARY HIGH WATER ELEVATION (i.e., with a bank slope at least as steep as one vertical unit per two horizontal units); or

- ii. a channel or stream has no apparent floodplain and has a minimum 2:1 bank slope above the ORDINARY HIGH WATER ELEVATION (i.e., has a slope that is at least as steep as one vertical unit per two horizontal units).

22.20.300 Actions Prohibited in a Drainageway Setback

CONSTRUCTION, excavation, fill or any development or USE that requires a Zoning Use Permit is not allowed in a Drainageway Setback, except that exempted by Subsection 22.20.400.

22.20.400 Actions Allowed Subject to Restrictions within a Drainageway Setback

A. CONSTRUCTION of a STREET, PRIVATE ACCESSWAY or private driveway is allowed within a Drainageway Setback if:

- i. it is necessary to create a LOT for a USE authorized by right or as a Conditional Use, or to otherwise make economic USE of the PROPERTY;
- ii. the CONSTRUCTION affects the smallest possible area of the Drainageway Setback; and
- iii. the requirements of state or federal regulations are met.

B. Piped discharge of stormwater is allowed in a Drainageway Setback if:

- i. it is required to prevent erosion;
- ii. the CONSTRUCTION affects the smallest possible area of the Drainageway Setback;
- iii. it is approved by a drainage district having jurisdiction; and
- iv. the requirements of state or federal regulations are met.

C. Constructed detention basins or ponds are allowed in a Drainageway Setback as an accessory STRUCTURE or as authorized in Chapter 6 provided that:

- i. a minimum of 20 feet of Drainageway Setback is maintained on the upland side of the constructed pond or detention basin;
- ii. the requirements of Section 16.110 are met;
- iii. the requirements of the *Champaign County Stormwater Management Policy* are met; and
- iv. applicable state and federal regulations are met.

D. Stabilization or repair of a drainageway to preserve its function or prevent erosion is allowed in a Drainageway Setback.

- E. CONSTRUCTION related to restoration of the natural functions or wildlife habitat including the restoration or CONSTRUCTION of wetlands is allowed in a Drainageway Setback.
- F. CONSTRUCTION and maintenance by a drainage district is allowed in a Drainageway Setback.
- G. CONSTRUCTION authorized in a Planned Development District or by Special Use or County Board Special Use is allowed in a Drainageway Setback.

22.20.500 LOTS Exempt from Drainageway Setback Requirements

- A. LOTS created prior to [effective date] that do not contain a minimum BUILDABLE AREA outside of the limits of a Drainageway Setback are exempt from the Section 22.20 requirements.
- B. LOTS on which BUILDINGS or STRUCTURES were lawfully constructed or on which a USE was lawfully established within the limits of a Drainageway Setback prior to [effective date] are exempt from Section 22.20 requirements.

22.20.600 Drainageways Exempt from Drainageway Setback Requirements

- A. Intermittent drainageways that serve an upstream tributary area of 5 acres or less are exempt from the requirement for a Drainageway Setback.

22.30 Drain Tile Setback

22.30.100 Drain Tiles Defined

Drain tiles include:

- i. agricultural drain tiles;
- ii. subsurface drainage systems constructed for purposes other than AGRICULTURE;
- iii. underground storm drains; and
- iv. underground components of on-site wastewater disposal systems.

22.30.200 Locating Drain Tiles

- A. In locating a BUILDABLE AREA or authorizing CONSTRUCTION, the Zoning Administrator shall determine, based on the best available information, whether a significant probability exists that a drain tile is present.

- B. This determination may be rebutted by:
 - i. a letter from an adjacent upstream landowner whose land may be served by a private tile crossing the subject site to the effect that they have no concern regarding the private tile;
 - ii. a letter from the Champaign County Soil and Water Conservation District to the effect that there is a low probability of a tile serving other lands on the subject site; or
 - iii. a letter from a drainage district having jurisdiction over upstream lands that there is a low probability of a drainage district tile serving other lands on the subject site.
- C. If the Zoning Administrator's decision is not successfully rebutted by the means specified in Paragraph B, the applicant must conduct a subsurface investigation in the manner described in Subsection 22.30.300.

22.30.300 Subsurface Investigations to Locate Drain Tiles

- A. A subsurface investigation is required in the BUILDABLE AREA or area of proposed CONSTRUCTION when the Zoning Administrator determines that a significant probability exists of a drain tile being present.
- B. Subsurface investigations must be done in consultation with the Champaign County Soil and Water Conservation District.
- C. Acceptable methods of subsurface investigation for drain tiles include:
 - i. the use of ground probes;
 - ii. excavation; and
 - iii. methods recommended by the Champaign County Soil and Water Conservation District.
- D. A subsurface investigation must be conducted in the manner and to a depth below ground recommended by the Champaign County Soil and Water Conservation District.
- E. The applicant must provide written notice to each upstream landowner whose land may be served by a tile crossing the subject site one week prior to starting the investigation and provide copies to the Zoning Administrator.
- F. If no drain tile is encountered in the investigation, no further action is required unless a tile is encountered in the course of CONSTRUCTION.

- G. If a drain tile is encountered in the investigation, the course of the tile across the subject site must be established by additional investigation and the proposed CONSTRUCTION and the site plan submitted with the Zoning Use Permit application must be modified to avoid the drain tile, except that the drain tile may be rerouted in conformance with the requirements of Subsection 22.30.800 so as to avoid the minimum BUILDABLE AREA.

22.30.400 Drain Tile Setback

A Drain Tile Setback extends outward a distance of 25 feet from the centerline of a drain tile.

22.30.500 Actions Prohibited in a Drain Tile Setback

- A. The BUILDABLE AREA of a LOT, if possible.
- B. CONSTRUCTION, excavation, or any development or USE that requires a Zoning Use Permit is not allowed in a Drain Tile Setback, if possible, except as provided in Subsection 22.30.600.

22.30.600 Actions Allowed Subject to Restrictions within a Drain Tile Setback

- A. Driveways may be constructed within a Drain Tile Setback if:
 - i. the driveway must be constructed there to provide ACCESS to the only potential minimum BUILDABLE AREA on the LOT; and
 - ii. the drain tile located under the driveway is replaced with ductile iron or reinforced concrete pipe.
- B. No surface drainage, including a downspout, may discharge into an existing drain tile without authorization from a party specified in Paragraph 22.30.200(B).

22.30.700 Encountering a Drain Tile During CONSTRUCTION

If a drain tile is encountered during CONSTRUCTION, the following requirements apply:

- A. The applicant must:
 - i. notify the Zoning Administrator within 48 hours, or on the next business day; and
 - ii. submit documentation that includes the location of the drain tile mapped in compliance with the requirements of Paragraphs 22.30.300(B), (C) and (D).

- B. The following actions are required of the applicant:
1. Modify CONSTRUCTION to avoid further disturbance of the drain tile, with the following exceptions:
 - a. Wherever driveways or pavement are proposed to be located over the drain tile, such driveways or pavement may be constructed provided that the drain tile in those locations is replaced with ductile iron pipe or reinforced concrete pipe.
 - b. The tile may be rerouted in conformance with the requirements of Subsection 22.30.800 so as to avoid the minimum BUILDABLE AREA.
 2. Revise the site plan submitted with the Zoning Use Permit application to reflect the disposition of the drain tile.
 3. Repair any damaged portions of the drain tile with similar conduit that is sound. If the repaired section of the drain tile is not to be covered by pavement, the repaired section of the drain tile may be non-perforated conduit. If the repaired section of drain tile is to be covered by pavement, the repaired section of drain tile must be made of ductile iron pipe or reinforced concrete pipe.
 4. Any repaired or replaced drain tile must be inspected by the Zoning Officer prior to authorization of backfilling, except that any drainage district drain tile that is repaired or replaced must be inspected as required by the drainage district. Written acceptance by the drainage district must be received and copies must be provided to the Zoning Officer prior to authorization for backfilling.
 5. Backfilling of the repaired drain tile may not occur until the Zoning Officer has authorized such backfill in writing.

If a drain tile is rerouted, the rerouting must comply with the requirements of the *Champaign County Stormwater Management Policy* and compliance must be certified by an Illinois Professional Engineer.

22.30.900 LOTS Exempt from Drain Tile Setback Requirements

- A. LOTS created prior to [effective date] that do not contain a minimum BUILDABLE AREA outside of the limits of a Drain Tile Setback are exempt from the Section 22.30 requirements.
- B. LOTS on which BUILDINGS or STRUCTURES were lawfully

constructed or on which a USE was lawfully established within the limits of a Drain Tile Setback prior to [effective date] are exempt from Section 22.30 requirements.

16. Add the following definitions in Chapter 48:

BUILDING AREA: The total area taken on a horizontal plane at the largest floor level of the principal BUILDING and all accessory BUILDINGS on the same LOT exclusive of uncovered porches, terraces, steps, or awnings, marquees, and non-permanent CANOPIES and planters.

ORDINARY HIGH WATER ELEVATION: An elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape and that is commonly where the natural vegetation changes from predominately aquatic to predominately terrestrial. For a stream, the 'ordinary high water elevation' is the top of the bank of the channel.

TOP OF BANK SLOPE: The top of the slope of a stream bank that is above the ORDINARY HIGH WATER ELEVATION and the point at which the bank slope becomes less steep than one vertical unit per two horizontal units.

ATTACHMENT G

November 17, 2006

Text adding Part G

(Part G adds the Public Resource Buffer)

1. Amend Chapter 3, Land Use Authorization, to add the following item to paragraph 3.20.300B. as follows and renumber accordingly:

- v. Public Resource Area Buffer requirements of Chapter 21;

2. Amend Chapter 3, Land Use Authorization, to add the following item to subsection 3.30.300 and renumber accordingly:

- iii. the tower or OFF-PREMISES SIGN is not located within a Public Resource Area Buffer;

3. Amend Chapter 7, Conditions: Conditional Uses, to add the following to subparagraph 7.20.300C.4.:

- 4. This USE may not be located in a Public Resource Area Buffer.

4. Amend Chapter 8, Standard Conditions: Special Uses, to add the following to subparagraph 8.20.300B.3.:

- 3. This USE may not be located within a Public Resource Area Buffer.

5. Amend Chapter 8, Standard Conditions: Special Uses, to add the following to subparagraph 8.20.570B.7.:

- 7. Paved areas; paddocks, exercise rings or similar confined areas; or manure STORAGE or management facilities may not be located in a Public Resource Area Buffer.

6. Amend Chapter 8, Standard Conditions: Special Uses, to add the following to subparagraph 8.20.570C.7.:

- 7. Paved areas; paddocks, exercise rings or similar confined areas; or manure STORAGE or management facilities may not be located in a Public Resource Area Buffer.

7. Amend Chapter 16, Buildings, Structures and Site Development, to add the following to paragraph 16.50.100A and renumber as required:

- v. a Public Resource Area Buffer, except as provided in Subsection 21.30.500;

8. Amend Chapter 21, Protection of Selected Environmental Resources, to add Section 21.30 as follows:

- 21.30 Public Resource Area Buffer

21.30.100 Definition of a Public Resource Area

A Public Resource Area is defined as:

- i. publicly owned land that has been set aside for public recreation, conservation, or research, but excluding public golf courses; public parks primarily devoted to athletic playing fields; or pedestrian, bicycle and multi-purpose trails; or
- ii. any privately owned area if it is permanently protected by means of a covenant or conveyance of development rights to a third party and the Illinois Nature Preserves Commission has dedicated it as an Illinois Nature Preserve, or registered it as an Illinois Land and Water Reserve.

21.30.200 Public Resource Area Buffer

A Public Resource Area Buffer of 250 feet in width extends outward from the edge of a Public Resource Area.

21.30.300 Actions Prohibited in a Public Resource Area Buffer

- A. CONSTRUCTION, excavation, fill or any development or USE that requires a Zoning Use Permit is not allowed in a Public Resource Area Buffer, except that exempted by Subsection 21.30.400.
- B. Outdoor lighting fixtures that direct light or glare onto an adjacent Public Resource Area are not allowed within the limits of a Public Resource Area Buffer. Any light fixture located within a Public Resource Area Buffer must be equipped with a luminaire equipped with full cutoff shield(s) and located a sufficient distance from the LOT LINE of a Public Resource Area to prevent, to the maximum degree possible, light spillover onto a Public Resource Area PROPERTY.

21.30.400 Actions Allowed Subject to Restrictions within a Public Resource Area

- A. CONSTRUCTION of a STREET, PRIVATE ACCESSWAY or private driveway is allowed in a Public Resource Area Buffer only if:
 - i. it is necessary to create LOTS authorized as a Conditional Use or to otherwise make economic USE of the PROPERTY; and
 - ii. it is located so as to affect the smallest possible area of a Public Resource Area Buffer.

21.30.500 LOTS or Portions of a LOT Exempt from Public Resource Area Buffer

- A. A LOT created prior to [effective date] that does not contain a minimum BUILDABLE AREA outside of a Public Resource Area Buffer is exempt from Section 21.30 requirements.
- B. LOTS on which BUILDINGS or STRUCTURES were lawfully constructed or on which a USE was lawfully established within the limits of a Public Resource Area Buffer prior to [effective date] are exempt from Section 21.30 requirements.
- C. If a STREET is situated between a LOT and a Public Resource Area, that portion of the LOT separated from a Public Resource Area by the STREET is exempt from Section 21.30 requirements.

ATTACHMENT I

November 17, 2006

Text adding Part I

(Part I adds the Stream Protection Buffer)

1. Amend Chapter 3, Land Use Authorization, to add the following item to paragraph 3.20.300B, and renumber as required:

- v. Stream Protection Buffer requirements of Chapter 21;

2. Amend Chapter 3, Land Use Authorization, to add the following items to subsection 3.30.300 modified, and renumber as required:

- ii. the leasehold for the tower or OFF-PREMISES SIGN is not included in the BUILDABLE AREA of the LOT;
- iii. the tower or OFF-PREMISES SIGN is not located within a Stream Protection Buffer;

3. Amend paragraph 4.50.100 C. Outdoor Storage and/ or Outdoor Operations to add the following and renumber as required:

- vi. Stream Protection Buffer; or

4. Amend Chapter 7, Conditions: Conditional Uses, to add subparagraph 7.20.200B.6. as follows:

- 6. No paved area is allowed within a Stream Protection Buffer.

5. Amend Chapter 7, Conditions: Conditional Uses, to add subparagraph 7.20.200C.8. as follows:

- 8. No paved area is allowed within a Stream Protection Buffer.

6. Amend Chapter 7, Conditions: Conditional Uses to add the following to subparagraph 7.20.300C.4.:

- 4. This USE may not be located in a Stream Protection Buffer.

7. Amend Chapter 7, Conditions: Conditional Uses, to add the following to paragraph 7.20.300D. and renumber as required:

- 2. No stockpiles may be located within a Stream Protection Buffer.

8. Amend Chapter 7, Conditions: Conditional Uses, to add the following subparagraph to paragraph 7.20.300D. and renumber as required:

- 3. No stockpiles may be located within a Stream Protection Buffer.

9. Amend Chapter 7, Conditions: Conditional Uses, to add subparagraph 7.20.550B.2. as follows:

2. Burial plots may not be located within a Stream Protection Buffer.

10. Amend Chapter 7, Conditions: Conditional Uses, to add subparagraph 7.20.570A.2. as follows:

2. No paved area may be located within a Stream Protection Buffer.

11. Amend Chapter 7, Conditions: Conditional Uses, to add subparagraph 7.20.570B. as follows:

- B. Bait Sales

No paved area may be located within a Stream Protection Buffer.

12. Amend Chapter 7, Conditions: Conditional Uses, to add subparagraph 7.20.570D.5. as follows:

5. No paved areas; paddocks or similar confined areas; or manure storage or manure management facilities may be located within a Stream Protection Buffer.

13. Amend Chapter 7, Conditions: Conditional Uses, to add paragraph 7.20.570E as follows:

- E. Seasonal Hunting or Fishing Lodge in the CR DISTRICT

No paved area may be located within a Stream Protection Buffer.

14. Amend Chapter 8, Standard Conditions: Special Uses, to add subparagraph 8.20.200A.7. as follows:

7. No paved area is permitted within a Stream Protection Buffer.

15. Amend Chapter 8, Standard Conditions: Special Uses, to add the following to subparagraph 8.20.200B.1. and renumber as required:

1. Processing facilities, loading facilities, vehicle STORAGE or parking may not be located within a Stream Protection Buffer.

16. Amend Chapter 8, Standard Conditions: Special Uses, to add the following to subparagraph 8.20.200B.2. and renumber as required:

2. No overburden stockpiles may be located within a Stream Protection Buffer.

17. Amend Chapter 8, Standard Conditions: Special Uses, to add new paragraph 8.20.200C as follows:

- C. Mineral Extraction, Quarrying, Topsoil Removal in the I-2 DISTRICT
 - 1. Processing facilities, loading facilities, vehicle STORAGE or parking may not be located within a Stream Protection Buffer.
 - 2. No overburden stockpiles may be located within a Stream Protection Buffer.

18. Amend Chapter 8, Standard Conditions: Special Uses, to add the following to paragraph 8.20.300B.:

- 3. This USE may not be located within a Stream Protection Buffer.

19. Amend Chapter 8, Standard Conditions: Special Uses, to add a new subparagraph 8.20.550A.2. and renumber the paragraphs as required:

- 2. Burial plots may not be located within a Stream Protection Buffer.

20. Amend Chapter 8, Standard Conditions: Special Uses, to add a new subparagraph 8.20.550B.2. and renumber the paragraphs as required:

- 2. Burial plots may not be located within a Stream Protection Buffer.

21. Amend Chapter 8, Standard Conditions: Special Uses, to add a new item 8.20.550F.2.a.iv. as follows and renumber as required:

- iv. within a Stream Protection Buffer.

22. Amend Chapter 8, Standard Conditions: Special Uses, to add the following to paragraph 8.20.570 B.:

- 7. Paved areas; paddocks, exercise rings or similar confined areas; or manure STORAGE or management facilities may not be located in a Stream Protection Buffer.

23. Amend Chapter 8, Standard Conditions: Special Uses, to add the following to paragraph 8.20.570 C.:

- 7. Paved areas; paddocks, exercise rings or similar confined areas; or manure STORAGE or management facilities may not be located in a Stream Protection Buffer.

24. Amend Chapter 15, Lots, to add a new section 15.40, Buildable Area, to read as follows, and renumber subsequent sections as required:

15.40 Buildable Area

15.40.100 Designation of BUILDABLE AREA

- A. A BUILDABLE AREA meeting the requirements of this Section must be designated on a Zoning Use Permit.
- B. No CONSTRUCTION requiring a Zoning Use Permit may occur outside the designated BUILDABLE AREA except for a driveway if:
 - i. the driveway must be constructed there to provide ACCESS to the only potential minimum BUILDABLE AREA on the LOT; and
 - ii. the driveway is constructed in compliance with Paragraph 22.20.400(A) and Paragraph 22.30.400(C), whichever applies.

15.40.200 Minimum BUILDABLE AREA

- A. In the CR, AG and AG-2 Districts, the minimum BUILDABLE AREA is 30,000 square feet in area with a minimum average width of 150 feet.
- B. In all other DISTRICTS the minimum BUILDABLE AREA is equal to the 75 percent of the minimum LOT AREA specified in Section 15.30 with a minimum average width equal to 75 percent of the AVERAGE LOT WIDTH specified in Section 15.30.

15.40.300 LOTS Exempt from BUILDABLE AREA Requirements

BUILDABLE AREA requirements are intended to apply to all LOTS created after [effective date]. A LOT is exempt from the requirements of this Section if it was created by a written instrument executed prior to [effective date] conveying title or conveying the right to use or occupy the LOT separately than any adjacent land.

15.40.400 BUILDABLE AREA Characteristics

- A. A BUILDABLE AREA may not include:
 - i. a STREET RIGHT-OF-WAY, an easement of ACCESS, or an ACCESS STRIP;
 - ii. a drainageway easement;
 - iii. a pipeline easement (excluding a speculative pipeline easement covering an entire tract of land, also known as a blanket pipeline easement);
 - iv. an area of open water; or
 - v. any part of a Stream Protection Buffer as provided in Section 21.20.

- B. A BUILDABLE AREA may not be located;
 - i. within a 100-year floodplain if possible;
 - ii. within 25 feet of a drain tile if possible;
 - iii. within a Drainageway Setback; or
 - iv. within a runway primary surface or runway clear zone.

- C. A BUILDABLE AREA may not include areas of the following soils identified in the Champaign County Soil Survey:
 - i. No. 3473A, Rossburg Silt Loam;
 - ii. No. 3302A, Ambraw Silty Clay Loam;
 - iii. No. 330A, Peotone Silty Clay Loam; and
 - iv. No. 3107A, Sawmill Silty Clay Loam.

- D. The BUILDABLE AREA must have ACCESS over dry land meeting the requirements of Section 15.50.

25. Amend the new section 15.40 Buildable Area, by adding the following new paragraph and renumbering as required:

- E. If possible, a BUILDABLE AREA must have ACCESS to a STREET or PRIVATE ACCESSWAY that does not cross a Stream Protection Buffer.

26. Amend the new section 15.40 Buildable Area by adding new item v. to paragraph 15.40.400A. as follows and reletter as required:

- v. any part of a Stream Protection Buffer as provided in Section 21.20.

27. Amend Chapter 16, Buildings, Structures and Site Development, to add a new item ii to paragraph 16.50.100A. and reletter as required:

- v. a Stream Protection Buffer, as provided in Paragraph 21.20.300(A);

28. Add paragraph 16.50.100 B as follows:

- B. No BUILDING, STRUCTURE or site development that requires a Zoning Use Permit may be placed outside a required BUILDABLE AREA, except as provided in Section 15.40.

29. Add Chapter 21, Protection of Selected Environmental Resources, and new section 21.10 and section 21.20 as follows:

21.10 General Provisions

21.10.100 Purpose

A. These regulations are intended to minimize the impacts of development on:

- i. natural communities located primarily within the CR District that, although altered in character, are important as habitats for plant, animal or aquatic life, for the study of natural, historical, or scientific features or for the enjoyment of natural features; and
- ii. Best Prime Farmland, defined as land having a Land Evaluation score of 85 or higher based on the *Champaign County Land Evaluation and Site Assessment System*.

21.10.200 Regulations Cumulative

The areas described in this Chapter will often overlap with one another. The most restrictive regulation will govern.

21.20 Stream Protection Buffer

21.20.100 Location of a Stream Protection Buffer

- A. A Stream Protection Buffer is created in the CR District on land meeting the criteria contained in Paragraph B.
- B. A Stream Protection Buffer includes the contiguous area of a PARCEL or LOT that as of [effective date] meets all the following criteria:
 - i. The area falls within 150 feet of the centerline of a non-intermittent river, stream, or tributary.
 - ii. The area is not located in a drainage district.
 - iii. At least 50 percent of the area is covered by tree canopies, as indicated on Year 2005 Champaign County GIS Consortium digital ortho photography.

21.20.200 Actions Prohibited in a Stream Protection Buffer

- A. CONSTRUCTION, excavation, fill or any development or USE that requires a Zoning Use Permit is not allowed within the limits of a 100-year floodplain located in a Stream Protection Buffer, except that exempted by Subsection 21.20.300.
- B. Removal of MATURE TREES
 1. A MATURE TREE is defined as a tree that meets the following criteria:

- i. the tree has a trunk diameter of 6 inches or more as measured 4-1/2 feet above the ground or from the base of the trunk; and
 - ii. the tree is alive, healthy, damaged, diseased, dead, upright, or leaning.
2. The removal of more than a total of 3 MATURE TREES from within the limits of a Stream Protection Buffer on a PARCEL or LOT without a Tree Removal Permit issued by the Zoning Administrator is prohibited, with the following exceptions:
- a. If any MATURE TREE poses an immediate safety hazard, it may be removed without a Tree Removal Permit issued by the Zoning Administrator. In that event, a Tree Removal Permit must be applied for within the next 2 business days after the removal of the MATURE TREE. Refer to Paragraph 21.20.300(B) for Tree Removal Permit requirements.
 - b. The removal of a MATURE TREE that has naturally fallen within the limits of the Stream Protection Buffer is allowable without a Tree Removal Permit issued by the Zoning Administrator.

21.20.300 Actions Allowed Subject to Restrictions within a Stream Protection Buffer

- A. CONSTRUCTION of a STREET, PRIVATE ACCESSWAY or private driveway is allowed in a Stream Protection Buffer only if:
- i. it is necessary to create LOTS authorized as a Conditional Use or to otherwise make economic USE of the PROPERTY;
 - ii. it is located so as to affect the smallest possible area of a Stream Protection Buffer;
 - iii. an Erosion and Sedimentation Control Plan, as specified in the *Champaign County Stormwater Management Policy*, is developed and implemented; and
 - iv. the requirements of State or Federal Regulations are met.
- B. Removal of MATURE TREES
1. A Tree Removal Permit issued by the Zoning Administrator is required prior to the removal of a MATURE TREE located within a Stream Protection Buffer on a PARCEL or LOT, with exceptions as indicated in Subparagraph 21.20.200(B)(2):

- i. once a total of 3 MATURE TREES have been removed from a Stream Protection Buffer on the subject PARCEL or LOT since [effective date]; or
 - ii. in the event that the landowner or agent is unaware of the total number of MATURE TREES removed within a Stream Protection Buffer on the subject PARCEL or LOT since [effective date].
2. The Zoning Administrator shall issue a Tree Removal Permit to allow the removal of additional MATURE TREES provided that the proposed MATURE TREE removal:
 - i. would result in a reduction of no more than a total of 10 percent of the tree canopy in the Stream Protection Buffer on a LOT or PARCEL from Year 2005 Champaign County GIS Consortium digital ortho photography; or
 - ii. is requested for removal of MATURE TREE(S) infected with a wilt disease (for example, Dutch Elm disease; verticillium wilt; pine wilt; or oak wilt).
3. Applications for a Tree Removal Permit must meet the procedural requirements of Subsection 29.20.200.

C. Replacement of SURFACE VEGETATION

1. SURFACE VEGETATION is defined as all groundcover, plants, shrubs or trees located within the limits of a Stream Protection Buffer other than MATURE TREES.
2. SURFACE VEGETATION must remain undisturbed, with the following exceptions:
 - a. The removal of SURFACE VEGETATION is allowed if such removal is incidental to the creation of footpaths or incidental to other activities allowed within a Stream Protection Buffer as indicated in this Subsection.
 - b. The removal of SURFACE VEGETATION indicated on the 'List of Invasive Exotic Species and Noxious Weeds' is allowed. This list is available from the Zoning Administrator and it includes:
 - i. 'Noxious Weeds' identified by the Illinois Department of Agriculture.
 - ii. 'Exotic Weeds' identified by the Illinois Department of Natural Resources; and
 - iii. 'Invasive Exotic Plants that Pose a Severe Threat to Native Plant Communities' identified by the Illinois

Department of Natural Resources Exotic Weed
Ranking Committee.

- c. The removal of SURFACE VEGETATION is allowed if it is diseased.
3. SURFACE VEGETATION to be newly established must meet both of the following conditions:
- a. SURFACE VEGETATION must be a native plant or tree species documented as existing in the 'Headwaters Area' as indicated in the 'List of Native Plant Species Known from the Headwaters Assessment Area'. This list is available from the Zoning Administrator and is excerpted from Appendices 1 and 2 of the Illinois Department of Natural Resources Headwaters Area Assessment, Volume 3: Living Resources. Illinois Department of Natural Resources, Springfield, IL, 1997.
 - b. SURFACE VEGETATION must not be a plant or tree species indicated on the 'List of Invasive Exotic Species and Noxious Weeds'.
- D. Piped discharge of stormwater is allowed in a Stream Protection Buffer if:
- i. it is required to prevent erosion;
 - ii. the location of an outlet is limited to within a 5 foot width nearest the outer edge of the Stream Protection Buffer or to within a 5 foot width nearest the outer edge of a BUILDABLE AREA within the Stream Protection Buffer;
 - iii. an Erosion and Sedimentation Control Plan, as specified in the *Champaign County Stormwater Management Policy*, is developed and implemented; and
 - iv. the requirements of State or Federal Regulations are met.
- E. Stabilization or repair of a drainageway to preserve its function or prevent erosion is allowed in a Stream Protection Buffer.
- F. CONSTRUCTION related to restoration of the natural functions or wildlife habitat of the protected stream or tributary including the restoration or CONSTRUCTION of wetlands is allowed in a Stream Protection Buffer.

- 21.20.400 LOTS Exempt from Stream Protection Buffer Requirements
- A. LOTS created prior to [effective date] that do not contain a minimum BUILDABLE AREA outside of the limits of a Stream Protection Buffer are exempt from Section 21.20 requirements.
 - B. LOTS on which BUILDINGS or STRUCTURES were lawfully constructed or on which a USE was lawfully established within the limits of a Stream Protection Buffer prior to [effective date] are exempt from Section 21.20 requirements.

ATTACHMENT J

November 17, 2006

Text of Part J

(Part J replaces the Rural Residential Overlay Zoning District with the Rural Planned Development District)

1. Add new item i. to subparagraph 13.10.100 A.2. and renumber as required:

- i. Rural Planned Development District

2. Amend subparagraph 13.10.100 C. to read as follows:

- C. Specific zoning standards and procedural requirements for each of the types of Planned Development District noted in Subparagraph 2 above are found in the following individual Chapters of this Ordinance:

PLANNED DEVELOPMENT DISTRICT	CHAPTER CONTAINING SPECIFIC ZONING STANDARDS AND PROCEDURAL REQUIREMENTS
Rural Planned Development District	Chapter 37
Residential Planned Development District	Chapter 38
Manufactured Home Park District	Chapter 39

3. Amend paragraph 15.20.400 to read as follows:

15.20.400 Creation of Additional LOTS for Residential USE

LOTS in addition to those allowed as indicated in Subsection 15.20.200 and exempt from the limit on number, as indicated in Subsection 15.20.300, may be created only if the County Board agrees to establish a Rural Planned Development.

4. Amend section 21.40 Resource Reserve to read as follows:

21.40 Resource Reserve

21.40.100 General Provisions

- A. A Resource Reserve may be created by a person proposing creation of a Planned Development District or requesting Special Use authorization.
- B. Resource Reserves are created by the Planned Development District, Special Use or County Board Special Use authorization in which they are proposed. Once approved, a Resource Reserve will be indicated on the Zoning Map.
- C. A Resource Reserve may not be put to a non-exempt USE, developed or built upon.

21.40.100 cont:

- D. A Resource Reserve may be of 2 types: Agricultural or Conservation.
- E. No land will qualify as a Resource Reserve unless it meets the requirements of this Section.
- F. A Resource Reserve must meet the minimum LOT ACCESS regulations of Section 15.50.
- G. A Resource Reserve may be amended or abolished only by means of a resolution passed by the County Board.

21.40.200 Agricultural Resource Reserve

- A. A PARCEL proposed as an Agricultural Resource Reserve must be comprised of Best Prime Farmland, defined as land having a Land Evaluation score of 85 or higher based on the *Champaign County Land Evaluation and Site Assessment System*.
- B. An Agricultural Resource Reserve must be composed of a PARCEL or PARCELS of such size and shape that can be farmed with reasonable efficiency.
- C. ACCESS to an Agricultural Resource Reserve must be located at a point where it is practical for farm equipment to ACCESS the site safely. The ACCESS may not be from an interior STREET in a residential SUBDIVISION.

21.40.300 Conservation Resource Reserve

- A. Except as provided in Subsection 37.60.200, that portion of one or more LOTS proposed as a Conservation Resource Reserve must meet one of the following conditions:
 - 1. At least 90 percent of the area of the Conservation Resource Reserve must be comprised of land containing riparian vegetation, woodland vegetation, prairies, meadows or grassland pastures.
 - 2. The Conservation Resource Reserve must include at least 60 percent of the area of the subject LOT or LOTS.
- B. A Conservation Resource Reserve must be located and configured to preserve the largest and widest area of existing riparian, prairie, meadow, pasture, or woodland areas possible.

- C. The Conservation Resource Reserve must preserve connectivity of any existing riparian, pasture, meadow, or woodland vegetation on adjacent tracts, including tracts separated by streams, STREETS, or railroad RIGHT-OF-WAYS.
- D. If a Natural Area Impact Assessment has been prepared for the site, the Conservation Resource Reserve must contain the highest quality natural areas identified in that report.

5. Amend Chapter 37 comprehensively by deleting the Rural Residential Overlay Requirements and replacing with the Rural Planned Development District requirements as follows:

37 Rural Planned Development

37.10 Purpose

If approved by the County Board, a Rural Planned Development allows limited development on land in the rural areas of the County.

37.20 Authorized Uses

The following USES are authorized within a Rural Planned Development:

- i. SINGLE FAMILY DWELLINGS and their accessory USES; and
- ii. USES authorized in the DISTRICT in which the Rural Planned Development is proposed, in the manner indicated in Chapter 6.

37.30 Location

37.30.100 Authorized Districts

A Rural Planned Development may be created only from land located in the AG, AG-2, or CR Districts.

37.30.200 Prohibited Locations

No part of a Rural Planned Development, except for a Resource Reserve or ACCESS to a Resource Reserve, may be located on a tract of Best Prime Farmland. Best Prime Farmland is defined as land with a Land Evaluation score of 85 or more based on the *Champaign County Land Evaluation and Site Assessment System*.

37.40 Minimum Area

37.40.100 Defining Minimum Area of Rural Planned Development

- A. A Rural Planned Development must include the entire PARENT TRACT.
- B. Two or more landowners may jointly propose a Rural Planned Development that encompasses more than one tract of land, provided that the entire PARENT TRACT of each applicant is included as part of the Rural Planned Development, except if an applicant is the OWNER of a sending tract from which potential DWELLING numbers are proposed to be transferred in accordance with Section 37.60.
- C. A Rural Planned Development must contain a contiguous area of at least 20 acres and a minimum of 4 LOTS.

37.50 Maximum Intensity of Development

The maximum potential number of DWELLINGS in a Rural Planned Development is based on the characteristics of the PARENT TRACT and the area to be developed. The actual number of DWELLINGS may be less than the maximum potential number and is subject to the approval of the County Board.

37.50.100 Limits on Development Intensity

- A. The maximum potential number of DWELLINGS in a Rural Planned Development is one DWELLING UNIT per 10 acres of gross site area, except that the number of DWELLINGS may be increased to no more than one DWELLING UNIT per 5 acres of gross site area in accordance with Section 37.60.
- B. The number of DWELLINGS in a Rural Planned Development may not exceed a number that would generate an average daily traffic volume in excess of the capacity of the existing STREET providing ACCESS to the LOTS. If ACCESS is provided from 2 or more STREETS, the capacity of each STREET is determined separately.

37.50.200 Additional Limitations on Development

- A. LOTS must be clustered so that the developed area occupies the smallest possible area of the PARENT TRACT.
- B. A Rural Planned Development must minimize the extent of intrusion of BUILDABLE AREAS on LOTS into areas of well-developed woodland vegetation, sensitive riparian areas, pastures, prairies, or meadow areas.

37.60 Transfer of Potential Dwelling Numbers

37.60.100 General Requirements for Transfer

- A. The potential number of DWELLINGS allowed in a Rural Planned Development may be increased to no more than one DWELLING UNIT per 5 acres of gross site area if:
 - i. a corresponding reduction is made on another tract; and
 - ii. both tracts meet all the requirements of this Section.
- B. The use of transferred potential DWELLINGS is not guaranteed and is subject to approval of the County Board.
- C. The OWNERS of both the sending and receiving tracts must be parties to the application to create a Rural Planned Development District.
- D. If potential DWELLINGS are proposed to be transferred to create a Rural Planned Development and fewer LOTS are approved by the County Board, the unused potential DWELLINGS will be returned to the sending tract and the required Resource Reserve reduced in area accordingly.

37.60.200 Sending Tract

- A. Potential DWELLINGS may be transferred from that part of a tract comprised of an area of riparian or wooded vegetation, a prairie, meadow or pasture.
- B. For each potential dwelling transferred, 5 acres on the sending tract containing an area of riparian or wooded vegetation, a prairie, meadow or pasture must be included in a designated Conservation Resource Reserve meeting the requirements of Section 21.40.
- C. Prior to the recording of the final plat for an approved Rural Planned Development, the OWNER of record of the Sending Tract (the PARCEL from which the development rights were transferred) must file with the Champaign County Recorder's Office a 'Declaration of Zoning Restriction', a document that describes the County zoning restriction limiting the development rights on the Sending Tract.

37.60.300 Receiving Tract

- A. Potential DWELLINGS may be transferred to a PARENT TRACT in order to create additional LOTS in a Rural Planned Development, provided that no LOTS are located on a portion of the PARENT TRACT

that includes an area of riparian or wooded vegetation, a prairie, meadow or pasture.

- B. The receiving tract must be located within 2 miles of the sending tract.
- C. ACCESS to the receiving tract must be from a STREET with a capacity no less than that of the STREET or STREETS providing ACCESS to the sending tract.

37.70 Modification of Conventional Regulations

37.70.100 LOT Size

Within a Rural Planned Development District, the minimum LOT size may be reduced to 30,000 square feet if:

- i. at least 75 percent of the site is designated as a Resource Reserve that meets the requirements of Section 21.40; and
- ii. the site is served by a connected PUBLIC WATER SUPPLY SYSTEM.

37.70.200 AVERAGE LOT WIDTH

Within a Rural Planned Development District, the minimum AVERAGE LOT WIDTH may be reduced to 150 feet if:

- i. the reduction would result in lesser intrusion on an area of riparian or wooded vegetation, a prairie, meadow or pasture; and
- ii. a Resource Reserve is designated that meets the requirements of Section 21.40.

37.70.300 LOT ACCESS

A Rural Planned Development District must minimize the number of LOTS that front on an existing STREET that was not created by a platted SUBDIVISION.

37.80 Review Procedure for Rural Planned Development

37.80.100 General Provisions

- A. A Rural Planned Development is a Planned Development District as described in Chapter 13.
- B. A Rural Planned Development must comply with other provisions of this Ordinance except for those provisions that may be superseded in this Chapter.

37.80.200 Three-Stage Review Process

The review process for a Rural Planned Development consists of 3 stages:

- i. Pre-Application Conference and Application;
- ii. Rezoning Approval; and
- iii. Special Use Approval.

37.80.300 Sequence of Stages

- A. The Pre-Application Conference and Application stage must occur prior to the Rezoning Approval and Special Use Approval stages.
- B. The Rezoning Approval and Special Use Approval stages may occur either sequentially or concurrently.
 1. If considered sequentially, the request for Rezoning Approval must be considered by the ZBA and decided upon by the County Board prior to and separately from the request for Special Use Approval.
 2. If considered concurrently, the ZBA must delay its recommendation or decision regarding a Special Use Approval request until such time that the County Board makes a decision regarding the Rezoning Approval request.

37.80.400 Effect of Rezoning Approval

- A. Rezoning Approval of a Rural Planned Development by the County Board represents its determination that the site is appropriate for the proposed development, and constitutes approval of:
 - i. the USES proposed on the site;
 - ii. the maximum number of DWELLING UNITS;
 - iii. the maximum BUILDING AREA of non-residential BUILDINGS; and
 - iv. the general arrangement of the site plan.
- B. The Rezoning Approval of a Rural Planned Development confers the right to submit an application for Special Use Approval within 2 years subject to the limits specified in the adopting ordinance. This right runs with the land and may be assigned to another party but may not be divided.
- C. Rezoning Approval of a Rural Planned Development application does not obligate the County or a municipality having jurisdiction to approve a preliminary plat of SUBDIVISION.
- D. Rezoning Approval of a Rural Planned Development expires after 2 years if an application for Special Use Approval has not been submitted

to the County Board. The zoning classification will revert automatically to the previous classification unless the County Board authorizes an extension by resolution. The County Board may not extend the deadline for more than one year.

37.80.500 Effect and Limitations of Special Use Approval

- A. Special Use Approval of a Rural Planned Development by the ZBA represents its determination that the site plan complies with the specific standards and regulations required in this Ordinance.
- B. The Special Use Approval of a Rural Planned Development confers the right to submit an application for Plat Approval within one year, subject to the limits specified in the adopting ordinance. This right runs with the land and may be assigned to another party but may not be divided.
- C. Special Use Approval of a Rural Planned Development is equivalent to Preliminary Subdivision Plat Approval and the applicant may apply for Engineering Plan and Final Plat Approval under the *Champaign County Subdivision Regulations*. Special Use Approval does not obligate any municipality to alter its plat approval procedures or to deem the plan to be equivalent to a preliminary plat.
- D. Special Use Approval of a Rural Planned Development application does not obligate the County or a municipality having jurisdiction to approve a Engineering Plans or a Final Plat of Subdivision.
- E. Special Use Approval of a Rural Planned Development expires after one year if an application for Final Plat Approval has not been submitted to the government having SUBDIVISION jurisdiction.

37.80.600 Platting Responsibility

- A. Nothing in this Chapter relieves the landowner of the responsibility of platting a Rural Planned Development under the SUBDIVISION regulations of the government having jurisdiction.
- B. A Rural Planned Development is deemed to be a project with significant development impact. Platting is required even if the LOTS would otherwise be exempted by the *Illinois Plat Act*.

37.90 Rezoning Approval

37.90.100 Additional Application Requirements

At time of Rezoning Approval application, the following items must be submitted. Additional information may be submitted in an electronic format if approved by the Zoning Administrator.

- A. An Open Title Commitment or a Title Policy, prepared not more than 12 months previous, for each tract comprising the proposed Rural Planned Development.

- B. A physical feature map of the site and surrounding area within 200 feet at a scale of at least one inch equals 200 feet and an 11 by 17 inch reduction thereof, showing:
 - i. the site PROPERTY lines;
 - ii. surrounding STREETS and STREET pavement types and widths;
 - iii. topographic contours at an interval not less than 5 feet;
 - iv. depiction of the minor watershed boundaries and discharge points of surface drainage on the site perimeter;
 - v. land cover;
 - vi. water bodies and drainage features; and
 - vii. Special Flood Hazard Area boundaries based on the best available estimate of the Base Flood Elevation.

- C. A cultural feature map of the site and surrounding area within 200 feet at a scale of at least one inch equals 200 feet and an 11 by 17 inch reduction thereof, showing:
 - i. the site PROPERTY lines;
 - ii. surrounding STREETS;
 - iii. exiting easements and RIGHTS-OF-WAY;
 - iv. existing utilities on or adjacent to the site;
 - v. farm drainage tiles on or adjacent to the site;
 - vi. existing water wells or on-site wastewater systems on the site;
 - vii. surrounding land USES; and
 - viii. existing zoning of surrounding PROPERTY.

- D. A sketch site plan of the proposed development and surrounding area within 200 feet at a scale of at least one inch equals 100 feet and an 11 by 17 inch reduction thereof, showing:
 - i. the location of all PROPERTY lines;
 - ii. existing STREETS, SIDEWALKS, or other improvements;
 - iii. existing STRUCTURES with an indication of those which will be removed;
 - iv. the area to be put to each USE, and each type of principal STRUCTURE;
 - v. proposed STREETS, parking areas, drainage improvements or other improvements to be owned in common or dedicated to the public;

- vi. areas to be permanently set aside for conservation, AGRICULTURE or common USE;
 - vii. proposed buffering or screening of the tract perimeter; and
 - viii. and any other significant physical features identified in the pre-application conference.
- E. Quantitative data indicating the following:
- i. the total number of DWELLING UNITS;
 - ii. total number and approximate BUILDING AREA of all non-residential BUILDINGS, if applicable;
 - iii. approximate LOT COVERAGE of BUILDINGS and STRUCTURES;
 - iv. gross and net LOT AREA;
 - v. approximate gross and net residential densities; and
 - vi. total area to be permanently set aside for conservation, AGRICULTURE or common USE provided in the tract, if applicable; and
 - vii. approximate impervious area.
- F. A copy of the Champaign County Soil and Water Conservation District *Natural Resource Report*.
- G. A Natural Area Impact Assessment, if required based on the provisions of Section 21.60.
- H. A copy of the *Agency Action Report* from the Endangered Species Program of the Illinois Department of Natural Resources.
- I. A copy of the agency response from the Illinois State Historic Preservation Agency if any part of the land proposed for development is located within a High Probability Area as defined in 20 ILES 3420/3.
- J. If the proposed site is not served by public water supply and is located in the Limited Groundwater Availability Area, a letter from the Illinois State Water Survey that assesses the likelihood of successfully finishing onsite water wells sufficient to serve the proposed development.
- K. A Site Drainage System Report containing the following information:
- 1. A written report by an Illinois Licensed Professional Engineer of the proposed surface drainage system describing, in general:
 - i. the average ground slope (maximum vertical relief divided by the maximum straight line horizontal distance) of the proposed site or the actual ground slope;
 - ii. any pending of storm water that occurs on the site; and
 - iii. the outlet condition of the proposed site.

2. The report must explicitly address the impacts and mitigation of discharges from the proposed development from on-site wastewater disposal systems, sump pumps and similar sources.
3. The report must explain how excess storm water will be conveyed through and from the site to a point downstream at which it enters a stream or designated drainage ditch (not just a typical road ditch). It must delineate the course of such drainage in sufficient detail to permit identification of the downstream properties over which the drainage passes and must explain the impacts on those downstream PROPERTIES.

37.90.200 Review Criteria

- The following review criteria may be considered during Rezoning Approval:
- i. effects on nearby farmland and farm OPERATIONS;
 - ii. effects of nearby farm OPERATIONS on the proposed residential development;
 - iii. the Land Evaluation and Site Assessment score of the subject site based on the *Champaign County Land Evaluation and Site Assessment System*;
 - iv. effects on drainage both upstream and downstream including road drainage facilities;
 - v. the suitability of the site for onsite subsurface soil absorption or surface discharge wastewater systems;
 - vi. the availability of water supply to the site;
 - vii. the availability of emergency services to the site;
 - viii. the flood hazard status of the site; and
 - ix. the amount of land to be converted from agricultural USES versus the number of DWELLING UNITS to be accommodated.
 - x. the topography and drainage characteristics of the site;
 - xi. the extent to which STREETS, public services and utilities serving the site are adequate to support the proposed use without improvement given prevailing traffic and other demands;
 - xii. the presence of avoidable natural or artificial hazards;
 - xiii. the extent to which the development would impose a negative fiscal impact on a unit of government or diminish the services available to other PROPERTIES;
 - xiv. the potential impact of the proposed development on the environment, natural and scenic resources, and historic and archeological resources, and public parks and preserves;
 - xv. the extent to which the proposed development is compatible with an applicable municipal comprehensive plan or other applicable plans and policies; and
 - xvi. whether all reasonable effort has been made in conducting the site investigations, Natural Area Impact Assessment and other supporting

studies to determine the existence of sensitive and valuable natural, historic and cultural features, natural processes, and wildlife.

37.90.300 Required Findings

If recommending that a Rezoning Approval for a Rural Planned Development be adopted, the ZBA shall recommend to the County Board the following findings of fact to uphold their determination regarding the requested Rezoning Approval:

1. The physical characteristics of the site are well-suited for the Rural Planned Development.
2. The infrastructure serving the site is adequate to meet the traffic, drainage and utility demands of the Rural Planned Development without creating a significant fiscal burden on a local taxing body.
3. The public services available to the site are adequate to meet the service demands of the Rural Planned Development without creating a significant fiscal burden on a local taxing body.
4. The Rural Planned Development can be made compatible with surrounding land USES by proper site planning.
5. The Rural Planned Development is an efficient use of farmland.
6. All reasonable efforts have been made to determine whether especially sensitive or valuable natural or cultural features are present on the site or in the surrounding area.
7. The Rural Planned Development, with proper site planning, will not create an unacceptable disturbance to:
 - i. areas of well-developed woodland vegetation, sensitive riparian areas, pastures, or meadows;
 - ii. wildlife;
 - iii. historic or archeological sites; or
 - iv. public resources.

37.100 Special Use Approval

37.100.100 Additional Application Requirements

At time of Special Use Approval application, the following additional information must be submitted. Additional information may be submitted in an electronic format if approved by the Zoning Administrator.

- A. A detailed site plan of the proposed development and surrounding area within 200 feet at a scale of at least one inch equals 100 feet and an 11 by 17 inch reduction thereof, showing all information required in Paragraphs B through E of Subsection 37.90.100.
- B. For a development where more than one principal STRUCTURE is located on a LOT, whether platted as a SUBDIVISION or not, the following additional information must be shown on the site plan required in Paragraph A:
 - i. all BUILDINGS, STRUCTURES and other improvements;
 - ii. common OPEN SPACES;
 - iii. off-STREET parking and loading facilities and number of PARKING SPACES and LOADING BERTHS.
 - iv. SIDEWALKS, bike paths and multi-purpose paths;
 - v. illuminated areas;
 - vi. the use of OPEN SPACES; and
 - vii. screening or buffering.

37.100.200 Performance Standards

The following performance standards may be considered during the Special Use Approval:

- A. ACCESS to the development is safe and facilitates ACCESS by emergency vehicles and utility maintenance vehicles.
- B. The location and design of ACCESS to the development ensures safe and efficient traffic circulation in the vicinity.
- C. The design and location of interior STREETS ensures safe and efficient traffic circulation within the development.
- D. LOTS and BUILDINGS are located, designed, arranged and constructed to:
 - i. prevent conflagration;
 - ii. provide safe egress for occupants;
 - iii. facilitate safe ACCESS for fire fighting; and
 - iv. avoid exposure to natural and man-made hazards.
- E. The impact on surface water and groundwater quality is no greater than that of development of the same intensity under the regulations otherwise applicable in the DISTRICT where the site is located.
- F. Existing areas of well-developed woodland vegetation, sensitive riparian areas, pastures, prairies, or meadows are preserved as much as reasonably possible in large contiguous tracts; meaningful connections

between such areas are retained; special protection is provided to endangered species as may be present; and, based on the results of a Natural Area Impact Assessment as may be required, important and valuable natural plant communities and habitat areas are not unreasonably disturbed.

- G. Significant historic and archeological resources are identified and protected from unreasonable disturbance.
- H. Provision is made for providing water supply for firefighting.
- I. Storm water drainage and detention is designed so that:
 - i. developed areas of the site are well drained;
 - ii. surface and surface drainage of adjacent PROPERTIES is not impaired;
 - iii. no harm is caused to PROPERTIES down gradient from the site; and
 - iv. drain tiles are protected.
- J. Water supply is adequate for the proposed USE and poses no significant potential for disrupting water supply on adjacent PROPERTIES.
- K. The site prevents encroachment on or harm to adjacent farmland.

37.100.300 Required Findings

If granting a Special Use Approval request, the ZBA shall make the following preponderantly affirmative findings of fact; or if recommending that a Special Use Approval request be adopted by the County Board, the ZBA shall forward to the County Board the following findings of fact to uphold their determination regarding the requested Special Use Approval:

- A. The site plan incorporates all reasonable measures to ensure compatibility with surrounding AGRICULTURE and other land USES.
- B. The site plan incorporates all reasonable measures to minimize impacts on historical and cultural resources and impacts on public resources.
- C. The site plan incorporates all reasonable measures to minimize exposure to natural or man-made hazards.
- D. The site plan substantially meets all applicable performance standards of Subsection 37.100.200.

37.110 Amending Approved Site Plan of a Rural Planned Development

- A. Subsequent to ZBA and County Board review and approval, no changes may be made to the approved site plan for a Rural Planned Development except as indicated in Paragraphs B, C, or D below.
- B. Minor changes in the location, siting and the HEIGHT of BUILDINGS and STRUCTURES may be authorized only by ZBA approval of a Special Use request, if required by engineering or other circumstances not foreseen at the time the site plan was approved. No change authorized as a Special Use may cause any of the following:
 - i. a change in the USE or character of the development;
 - ii. an increase in overall coverage of BUILDINGS and STRUCTURES;
 - iii. an increase in the intensity of USE;
 - iv. an increase in the problems of traffic circulation and public utilities;
 - v. a reduction in approved OPEN SPACE;
 - vi. a reduction of off-STREET PARKING SPACES and LOADING BERTHS;
 - vii. a reduction in required pavement widths.
- C. All other changes in USES, or rearrangements of LOTS, BLOCKS, and BUILDING tracts, or any changes in the provision of common OPEN SPACES, and any changes other than listed above, provided that the total LOT AREA of the Rural Planned Development is not increased, may be authorized only as a County Board Special Use.
 - 1. In the event that such a County Board Special Use is requested, the ZBA shall make the following additional finding: ‘The requested change is required due to changes in conditions that have occurred since the final site plan was approved and/or by changes in County policy.’
 - 2. Any changes to the approved site plan that are authorized by a County Board Special Use must be recorded by the petitioner in accordance with the procedure established for the recording of final site plan documents.
- D. Any change which includes an increase in total LOT AREA of a Rural Planned Development may be authorized only in accordance with review procedures established for a Rural Planned Development as outlined in Section 37.80.

ATTACHMENT K

November 17, 2006

Text adding Part K

(Part K adds requirements for Environmental Performance Standards and Natural Area Impact Assessment to the CR District)

1. Amend Chapter 21, Protection of Selected Environmental Resources, to add section 21.10 as follows:

21.10 General Provisions

21.10.100 Purpose

- A. These regulations are intended to minimize the impacts of development on:
 - i. natural communities located primarily within the CR District that, although altered in character, are important as habitats for plant, animal or aquatic life, for the study of natural, historical, or scientific features or for the enjoyment of natural features; and
 - ii. Best Prime Farmland, defined as land having a Land Evaluation score of 85 or higher based on the *Champaign County Land Evaluation and Site Assessment System*.

2. Amend Chapter 21, Protection of Selected Environmental Resources, to add new paragraph 21.40.300D. as follows:

- D. If a Natural Area Impact Assessment has been prepared for the site, the Conservation Resource Reserve must contain the highest quality natural areas identified in that report.

3. Amend Chapter 21, Protection of Selected Environmental Resources, to add new section 21.50 as follows:

21.50 Performance Standards for Development in the CR District

21.50.100 Applicability

The performance standards of this Section apply to the following projects proposed in the CR District that are subject to discretionary approval by the ZBA or County Board:

- i. Special Use;
- ii. County Board Special Uses; and
- iii. Planned Development Districts.
- iv. Overlay Districts

21.50.200 Preserve Large Contiguous Areas

- A. Areas of well-developed woodland vegetation, sensitive riparian areas, pastures, prairies, or meadow areas must be preserved or re-established to the greatest extent possible in large contiguous areas. The Zoning Administrator shall refer to Year 2005 Champaign County GIS Consortium digital ortho photography as a source of information regarding the existence of areas of well-developed woodland vegetation, sensitive riparian areas, pastures, prairies, or meadow areas.
- B. The site plan must incorporate all reasonable measures to minimize the impacts of development on natural systems.

21.50.300 Maintain Meaningful Connections

The following performance standards apply to developments in areas of well-developed woodland vegetation, sensitive riparian areas, pastures, prairies, or meadow areas existing as of the date of the Year 2005 Champaign County GIS Consortium digital ortho photography. The Zoning Administrator shall refer to Year 2005 Champaign County GIS Consortium digital ortho photography as a source of information regarding the existence of such areas.

- A. Habitats for plant, animal or aquatic wildlife must be affirmatively linked by:
 - i. identifying and conserving existing wildlife habitat corridors where possible; and
 - ii. restoring, or establishing and maintaining meaningful connections between plant, animal or aquatic life habitat areas where possible.
- B. Where a vegetative connection between areas is proposed to be disturbed by a development, the distance of the broken connection between such resources must be minimized, and the vegetative connection must be reestablished in kind where possible.
- C. The number of STREETS, PRIVATE ACCESSWAYS and private driveways proposed must be minimized. Proposed STREETS, PRIVATE ACCESSWAYS and private drives must be located away from potential wildlife movement corridors if possible.
- D. The USE of fences must be minimized. Where the USE of a barrier is unavoidable, deciduous or evergreen plants must be utilized as barriers that are more permeable to wildlife species movement.

21.50.400 Endangered Species

Recommendations provided by the Illinois Department of Natural Resources in an Agency Action Report must be incorporated if a development is proposed on a site containing:

- i. an endangered or threatened species; or
- ii. an area of land registered under the *Illinois Natural Areas Preservation Act* (525 ILCS 30) or identified in the *Illinois Natural Areas Inventory*.

4. Amend Chapter 21, Protection of Selected Environmental Resources, to add a new section 21.60 as follows:

21.60 Natural Area Impact Assessment (NAIA)

21.60.100 When a NAIA is Required

- A. A NAIA is required in the event that an Overlay District, Planned Development District, Special Use, or a County Board Special Use is requested on a site that meets both of the following conditions:
1. The site of the proposed development is located in the CR District.
 2. The site of the proposed development contains well-developed woodland vegetation, sensitive riparian areas, pastures, prairies, or meadow areas (or formerly contained such areas as determined by the Zoning Administrator from Year 2005 Champaign County GIS Consortium digital ortho photography) and a significant portion of such area, as determined by the Zoning Administrator, is proposed to be impacted by the proposed development.

21.60.200 General Provisions

- A. The NAIA is used to determine the probable harm that will occur to an area containing, or formerly containing as of the date of the Year 2005 Champaign County GIS Consortium digital ortho photography, well-developed woodland vegetation, sensitive riparian areas, pastures, prairies, or meadow areas as a result of a request for a Special Use, County Board Special Use or a Rezoning Approval for a Planned Development District.

- B. The NAIA is intended to contain the following information.
1. Identify and describe the natural communities that are located on a site containing, or formerly containing as of the date of the Year 2005 Champaign County GIS Consortium digital ortho photography, well-developed woodland vegetation, sensitive riparian areas, pastures, prairies, or meadow areas, and the wildlife that is likely to use all or a portion of these areas on the subject site.
 2. Evaluate the quality and significance of the existing or remaining natural communities that are likely to be disturbed and the reasonably foreseeable change in the quality and significance of those natural communities caused by the disturbance.
 3. Evaluate the quality and significance of the existing or remaining natural communities, if any, that are proposed to be included in a Conservation Resource Reserve or otherwise protected from disturbance, and any reasonably foreseeable change in the quality and significance of those natural communities.
 4. Recommend a strategy regarding the restoration or enhancement of those natural communities that may have been disturbed since the date of the Year 2005 Champaign County GIS Consortium digital ortho photography, taking into consideration the performance standards indicated in Section 21.50.

21.60.300 Persons Qualified to Prepare a NAIA

- A. The NAIA is to be prepared using scientific methods and professional scientific judgment where appropriate and necessary. The NAIA must be prepared by or under the direction of a qualified natural area scientist.
- B. A qualified natural area scientist is a professional scientist who meets one of the following 2 conditions:
- i. has a post graduate degree in botany, plant biology, plant ecology, or some other very closely related plant science and 2 years of professional experience in field identification of native and non-native midwestern plant species and analysis of natural communities that consist of such plants; or

- ii. has an undergraduate degree in botany, plant biology, plant ecology, or some other very closely related plant science and 5 years of professional experience in field identification of native and non-native midwestern plant species and analysis of natural communities that consist of such plants.
- C. The County reserves the right to have the NAIA reviewed by a qualified natural area scientist and to have that qualified natural area scientist present testimony at public hearings if necessary, at the developer's expense.

21.60.400 Acceptable Methods

- A. In addition to generally accepted scientific techniques and methods, the data for an NAIA must be gathered and analyzed using the techniques and methods described in:
- i. *Illinois Natural Areas Inventory Technical Report*, Illinois Department of Conservation, November 1978, which is hereafter referred to as the *INAI Technical Report*;
 - ii. Floristic Quality Assessment for Vegetation in Illinois, A Method for Assessing Vegetation Integrity by John B. Taft, Gerould S. Wilhelm, Douglas M. Ladd, and Linda A. Masters, *Erigenia*, Number 15, November 1997, which is hereafter referred to as Taft *et al.*;
- B. The NAIA must be based on vegetation sampling as described for the "Final Field Survey" in the *INAI Technical Report*.
- C. Additional Requirements
1. Sampling must be conducted between early June and late August on the LOT described in the application for zoning approval.
 2. Only those portions of the LOT that contain well-developed woodland vegetation, sensitive riparian areas, pastures, prairies, or meadow areas need to be sampled and analyzed in the NAIA. All comparisons of quality and significance will be limited to only those portions of the LOT that are sampled.
 3. An initial ground survey is recommended, but not required, to enable the applicant to minimize disturbance to the highest quality or most significant areas of well-developed woodland vegetation, sensitive riparian areas, pastures, prairies, or meadow areas on the LOT in the layout and design of the development.

4. Final field sampling must be stratified according to the natural communities that appear to be present unless good scientific practice allows otherwise.
5. Final field sampling must also be stratified according to the subareas on the proposed site plan and the different amounts or intensities of mowing, cutting, trimming, removal, relocation, degradation, or destruction of vegetation that are proposed or can be reasonably anticipated due to CONSTRUCTION, USE, or landscape management that will effect different parts of the existing areas of well-developed woodland vegetation, sensitive riparian areas, pastures, prairies or meadows on the LOT. All analysis of data must also reflect these same differences in subareas.
6. The results of any previous Illinois Natural Area Inventory, if any, for the site must also be reported.
7. Sampling of other biota is not required, but when areas of well-developed woodland vegetation, sensitive riparian areas, pastures, prairies or meadows which are suspected or known to be of high quality are proposed to be disturbed, applicants are encouraged to contact scientists in any relevant field as early as possible to ensure consideration of any unique or specific concerns that may apply and that can be noted on field surveys.

21.60.500 Required Content

- A. All information in the NAIA must be reported by subarea according to the different amounts or intensities of mowing, cutting, trimming, removal, relocation, degradation, or destruction of vegetation that is specifically proposed or that can be reasonably anticipated on different parts of the LOT due to CONSTRUCTION, USE, or landscape management.
- B. The NAIA must include the following specific items as described in the *INAI Technical Report*:
 - i. species lists;
 - ii. vegetation types;
 - iii. natural area significant features, exceptional features, and notable features;
 - iv. natural community classification;
 - v. rarity index;
 - vi. diversity index;
 - vii. natural community quality and acreage and discussion;
 - viii. total acreage;
 - ix. history of prior disturbance;

- x. sampling forms;
 - xi. field notes; and
 - xii. maps indicating areas to be disturbed and areas to remain undisturbed, and all significant, exceptional, or notable features.
- C. The NAIA must include the following specific items as described in Taft *et al.* (cited in Subsection 21.60.400):
- i. Floristic Quality Index for all plant species observed and only for observed native species;
 - ii. mean coefficient of conservatism for all plant species observed and for only native species observed;
 - iii. guild diversity;
 - iv. proportion of adventive taxa;
 - v. wetness characteristics for all plant species observed and only for native species observed;
 - vi. species richness for all plant species observed and only for native species observed;
 - vii. physiognomic characteristics; and
 - viii. rare species.
- D. The NAIA must include an evaluation of the known and anticipated effects of any mowing, cutting, trimming, removal, relocation, degradation, or destruction of vegetation that may have occurred since the date of the Year 2005 Champaign County GIS Consortium digital ortho photography or that are related to any proposed CONSTRUCTION, USE, or landscape management or that can be reasonably anticipated. This evaluation must explicitly address the concerns listed in Subsection 21.60.200.

5. Amend Chapter 35, Special Uses, to add a new paragraph 35.20.200D. as follows:

- D. A Natural Area Impact Assessment, as described in Section 21.60 if any part of the site proposed for development in the CR District includes a significant area of riparian vegetation, woodland vegetation, prairies, meadows or grassland pastures that may be impacted by the proposed Special Use or County Board Special Use.

6. Amend Chapter 35, Special Uses, to add a new paragraph 35.20.300B as follows and reletter subsection 35.20.300 as required:

- B. If the Special Use or County Board Special Use is proposed in the CR District, the ZBA shall make a finding that the proposed Special Use or County Board Special Use is substantially consistent with the performance standards for development in the CR District indicated in Section 21.50.

7. Amend Chapter 37, Rural Planned Development, to add a new paragraph 37.90.100G as follows and reletter subsection 37.90.100 as required:

- G. A Natural Area Impact Assessment, if required based on the provisions of Section 21.60.

8. Amend Chapter 37, Rural Planned Development, to add a new item xvi to subsection 37.90.200 as follows:

- xvi. whether all reasonable effort has been made in conducting the site investigations, Natural Area Impact Assessment and other supporting studies to determine the existence of sensitive and valuable natural, historic and cultural features, natural processes, and wildlife.

9. Amend Chapter 37, Rural Planned Development, to add a new item 6 of subsection 37.90.300 as follows and renumber as required:

- 6. All reasonable efforts have been made to determine whether especially sensitive or valuable natural or cultural features are present on the site or in the surrounding area.

10. Amend Chapter 37, Rural Planned Development, to add a new paragraph 37.100.200F as follows, and renumber subsection 37.100.200 as required:

- F. Existing areas of well-developed woodland vegetation, sensitive riparian areas, pastures, prairies, or meadows are preserved as much as reasonably possible in large contiguous tracts; meaningful connections between such areas are retained; special protection is provided to endangered species as may be present; and, based on the results of a Natural Area Impact Assessment as may be required, important and valuable natural plant communities and habitat areas are not unreasonably disturbed.

EXISTING ZONING ORDINANCE

amended with **PARTS A, B, C, L & M**

PART A.....Revise nature & intent of the rural districts

PART B.....Modify Table of Authorized Uses

PART C.....Revise certain Special Use standard conditions

PART L.....Make miscellaneous changes regarding zoning procedures

PART M.....Change format & add new techniques & clarifying language

1 Title, Authority and Purpose

1.10 Title

This Ordinance may be cited as the *Champaign County Zoning Ordinance*.

1.20 Authority

This Ordinance is adopted under the authority granted to the Champaign County Board by the *Illinois Counties Code (55 ILCS 5/5-12001 et seq.)*.

1.30 Purpose

The County Board has adopted this Ordinance in order to:

- i. secure adequate light, pure air, and safety from fire and other dangers for all STRUCTURES and USES of land;
- ii. conserve the value of land, BUILDINGS, and STRUCTURES throughout the County;
- iii. lessen and avoid congestion in the public STREETS;
- iv. lessen and avoid hazards to persons and damage to PROPERTY resulting from the accumulation of runoff of storm or flood waters;
- v. promote the public health, safety, comfort, morals, and general welfare;
- vi. minimize the conversion of prime farmland to non-agricultural USE and preserve farming as a livelihood and way of life;
- vii. minimize disturbance of natural areas, wildlife habitat and natural processes on the land;
- viii. preserve historic, archeological, scenic and public resources of the County;
- ix. prevent the pollution of surface and groundwater;
- x. preserve and protect the rights of all County citizens with respect to the USE of PROPERTY under the State Constitution and United States Constitution;
- xi. provide for careful and deliberate exercise of discretion in making decisions; and
- xii. implement the adopted plans and policies of the County Board.

2 Scope of Regulations

2.10 Jurisdiction

2.10.100 Geographic Jurisdiction

The jurisdiction of this Ordinance extends throughout the unincorporated territory of the County and within the corporate limits of those municipalities that have not adopted zoning ordinances. This Ordinance will also govern land within a disincorporated municipality and land that is later disconnected from a ZONED MUNICIPALITY.

2.10.200 Jurisdiction with Respect to Authority

- A. The jurisdiction of this Ordinance does not extend to PROPERTY owned or controlled by the government of the United States or the State of Illinois and used for a public purpose. Private activity conducted on land owned by the federal government or State of Illinois is subject to the requirements of this Ordinance.
- B. This Ordinance does govern PROPERTY owned or controlled by units of local government in unincorporated areas of the County, except that specifically exempted.

2.20 Period of Effectiveness

2.20.100 Effective Date

This Ordinance became effective on October 10, 1973. It has been amended from time to time. The effective date of each amendment is the date of its adoption.

2.20.200 Effective Period

The *Champaign County Zoning Ordinance* remains in effect, as modified by amendments, until further amended or repealed by the County Board.

2.20.300 Land Added to County Jurisdiction

The Ordinance is effective with respect to land that is added to its jurisdiction as of the date the change in jurisdiction becomes effective.

2.30 Actions Regulated, Prohibited and Required

2.30.100 Actions Regulated

The following actions are regulated by this Ordinance:

- i. the establishment or change of a USE of land;
- ii. the conduct of businesses and other USES of land;
- iii. the designation of LOTS for separate USE or development;
- iv. the development of a LOT including grading, filling, drainage and other improvements;
- v. the CONSTRUCTION of BUILDINGS and other STRUCTURES and additions and ALTERATIONS to them;
- vi. the administration and enforcement of this Ordinance; and
- vii. the conduct of administrative proceedings relating to this Ordinance.

2.30.200 Prohibited Actions

- A. No person may, except in conformance with this Ordinance:
 - i. create or ALTER a LOT;
 - ii. establish, conduct or change a USE of a PREMISES;
 - iii. clear, grade, fill or otherwise develop a LOT;
 - iv. or construct, add to, or ALTER a STRUCTURE.
- B. No person may knowingly submit false information or misrepresent facts in any application, document or testimony submitted as part of any application or proceeding governed by this Ordinance.
- C. No person may require, or knowingly permit, an employee or agent to take an action prohibited by this Ordinance.

2.30.300 Required Performance

A person undertaking an action governed by this Ordinance must follow the procedures of this Ordinance with regard to:

- i. obtaining approvals, permits or certificates;
- ii. paying fees;
- iii. submitting information;
- iv. providing financial guarantees;
- v. allowing inspections;
- vi. complying with lawful orders of the Zoning Administrator; and
- vii. complying with all other required procedures.

2.40 Conflicting Regulations

Where any provisions of this Ordinance conflict, the more restrictive governs.

2.50 Exemptions

2.50.100 AGRICULTURE

- A. AGRICULTURE, including BUILDINGS and STRUCTURES used for agricultural purposes, is exempt from the provisions of this Ordinance except that BUILDINGS and STRUCTURES must conform to required setbacks from STREETS.
- B. When AGRICULTURE is the principal USE of a LOT, a USE or STRUCTURE that is accessory to the agricultural USE is exempt from the provisions of this Ordinance except in the following cases:
1. An accessory DWELLING must be located on a LOT meeting minimum LOT AREA requirements; and
 2. A business USE, including a RURAL HOME OCCUPATION, is not exempt if it does not meet the definition of AGRICULTURE.
- C. When land or a STRUCTURE ceases to be used for agricultural purposes, any later USE, LOT creation, development or CONSTRUCTION must comply with the requirements of this Ordinance.

2.50.200 Pollution Control Facilities

A USE that constitutes a pollution control facility for which local siting approval is required by Section 39.2 of the *Illinois Environmental Protection Act* (415 ILCS 5/39.2) is exempt from the requirements of this Ordinance.

2.50.300 Public Utilities

Poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distribution equipment are exempt if the facilities are:

- i. owned or operated by a public utility as defined in the *Public Utilities Act* (220 ILCS 5/1-101 *et seq.*), if the public utility is subject to the *Messages Tax Act*, the *Gas Revenue Tax Act*, or the *Public Utilities Revenue Act*; or
- ii. located on a RIGHT-OF-WAY and used for railroad purposes.

2.50.400 STREET CONSTRUCTION

STREETS or temporary STRUCTURES incidental to their CONSTRUCTION, maintenance or improvement are exempt from this Ordinance. A temporary STRUCTURE that is not removed at the completion of the CONSTRUCTION must comply with the requirements of this Ordinance.

2.50.500 TEMPORARY USE of Land Incidental to CONSTRUCTION

The TEMPORARY USE of land to install, maintain and operate facilities used by contractors in the ordinary course of CONSTRUCTION is exempt except that:

- i. the facilities may not be located less than 1,000 feet from a BUILDING

- used as a DWELLING; and
- ii. the period of the TEMPORARY USE may not exceed the duration of the CONSTRUCTION contract.

2.60 Established Uses and Existing Structures

2.60.100 USES Established or STRUCTURES Existing On or Before Effective Date of Jurisdiction

This Ordinance does not require a Zoning Use Permit or change in the CONSTRUCTION or designated USE of an existing STRUCTURE if its CONSTRUCTION lawfully began, or if a lawful zoning permit was issued for it by a ZONED MUNICIPALITY prior to:

- i. the effective date of this Ordinance or later amendment to this Ordinance; or
- ii. the date the land comes under the jurisdiction of this Ordinance.

2.60.200 STRUCTURES, USES or LOTS Established After Effective Date of Ordinance

A. This Ordinance applies to all STRUCTURES, USES, LOTS, and tracts of land created or established after:

- i. the effective date of this Ordinance, or a later amendment to this Ordinance; or
- ii. the date the land comes under the jurisdiction of this Ordinance.

B. This Ordinance does not require any change in the STRUCTURES, USES, LOTS, and/or tracts of land lawfully existing on the effective date of this Ordinance except as expressly specified hereinafter.

2.70 Non-Interference

2.70.100 Previous Agreements and Regulations

A. This Ordinance is not intended to interfere with, abrogate or annul any easements, restrictions, covenants, or other agreements. It does not interfere with, abrogate or annul any ordinances except those it expressly repeals.

B. No private agreements of any kind relieves any person of the obligation to comply with this Ordinance.

2.70.200 Previous Regulations and Permits

Rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, remain in full force and effect, but this Ordinance does control where it imposes a greater restriction.

2.80 Severability

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2.80.100 Severability of Provisions

If any court of competent jurisdiction declares any part of this Ordinance to be invalid, no other provision of this Ordinance will be affected unless it is specifically included in the ruling.

2.80.200 Application of Provisions

If any court of competent jurisdiction declares invalid the application of any provision of this Ordinance to a particular PROPERTY or STRUCTURE, no other application of the provision will be affected unless it is specifically included in the ruling.

3 Land Use Authorization

3.10 Regulation of Land Use

This Ordinance regulates the USE of land on each LOT.

3.20 Principal Use

3.20.100 Determination of Principal USE

- A. The principal USE of a LOT is the USE that has the greatest overall impact.
- B. Each principal USE is assigned to a pre-defined type listed in the 'Table of Authorized Principal Uses by District' in Chapter 6. In the event of any uncertainty, the Zoning Administrator shall determine which USE is the principal USE and shall assign it to a listed type.

3.20.200 A Principal USE Must Be Specifically Authorized

A principal USE is permitted only in the DISTRICTS and in the manner authorized in the 'Table of Authorized Principal Uses by District' in Chapter 6. A principal USE that is not specifically authorized in a DISTRICT is prohibited in that DISTRICT.

3.20.300 Ways that a Principal USE is Authorized

- A. In a given DISTRICT, a principal USE is authorized in one of the ways listed in this Subsection.
- B. A principal USE may be permitted by right provided that all applicable requirements of this Ordinance are met, including:
 - i. LOT requirements of Chapter 15;
 - ii. BUILDING, STRUCTURES and site development regulations of Chapter 16;
 - iii. Parking, loading and driveway requirements of Chapter 18;
 - iv. SIGN requirements of Chapter 19;
 - v. Zoning Use Permit and Zoning Compliance Certificate procedures in Chapters 29 and 30, respectively.
- C. A principal USE may be authorized as a Conditional Use provided that all applicable requirements of this Ordinance are met, including:
 - i. all requirements listed in Paragraph B above; and
 - ii. the conditions imposed by Chapter 7.
- D. A principal USE may be authorized as a Special Use if the ZBA approves an applicant's request for a Special Use. A Special Use is allowed only in the

form and manner specifically requested and is subject to:

- i. all requirements listed in Paragraph B above;
- ii. Standard Conditions imposed in Chapter 8 unless those Standard Conditions are waived by the ZBA;
- iii. any Special Conditions imposed by the ZBA as provided in Chapter 35; and
- iv. public hearing and review procedures in Chapter 32 and the procedures specific to Special Use requests in Chapter 35.

E. A principal USE may be authorized as a County Board Special Use if the County Board approves an applicant's request for a County Board Special Use. A County Board Special Use is allowed only in the form and manner specifically requested and subject to:

- i. the same requirements listed in Paragraph D above; and
- ii. any Special Conditions imposed by the County Board as provided in Chapter 35.

3.20.400 Principal USE of a LOT

- A. Each principal USE must be located on a LOT of its own except as permitted in Section 3.30.
- B. Each LOT is considered to have a single principal USE except as provided in Section 3.30.
- C. Any other USE on the LOT is a separate principal USE unless it qualifies as an accessory USE to the principal USE as provided in Section 4.10 or is exempted by Section 2.50.

3.30 Multiple Uses on a Single Lot

An additional USE or USES may be allowed on a LOT in addition to the principal USE under the following conditions.

3.30.100 Exempt USE

A USE exempt by Section 2.50 is allowed on a LOT in addition to any principal USE.

3.30.200 Accessory USE

A USE meeting the requirements of Section 4.10 is allowed in addition to a principle USE.

3.30.300 Towers and SIGNS

One tower or OFF-PREMISES SIGN may be allowed, in the manner specified in Chapter 6, in addition to another principal USE if:

- i. it complies with all the requirements of this Ordinance;
- ii. the leasehold for the tower or OFF-PREMISES SIGN does not include: in the CR, AG and AG-2 DISTRICTS, a minimum buildable area on the LOT of 30,000 square feet with a minimum average width of 150 feet; and in all other DISTRICTS, a minimum buildable area equal to 75 percent of the minimum LOT AREA specified in Section 15.30 with a minimum average width equal to 75 percent of the AVERAGE LOT WIDTH specified in Section 15.30;
- iii. the LOT is not located in a residential DISTRICT;
- iv. the LOT is not located in a platted SUBDIVISION in the CR, AG or AG-2 Districts; and
- v. the leasehold complies with an applicable municipal SUBDIVISION regulation.

3.30.400 TEMPORARY USE

- A. A TEMPORARY USE may be allowed on a LOT in addition to the principal USE where permitted by Chapter 6.
- B. A TEMPORARY USE is allowed only for specific purposes such as, but not limited to:
 - i. showing of animals and displays of their performance in both formal and informal competition;
 - ii. carnivals;
 - iii. circuses;
 - iv. expositions;
 - v. farm shows;
 - vi. tractor pulls;
 - vii. flea markets; and
 - viii. festivals observing cultural events and entertainment programs including music festivals, religious tent meetings and tent theaters.
- C. A single TEMPORARY USE or multiple TEMPORARY USES may not exceed a total of 5 days within any 3-month period.

3.30.500 Combination Principal USES

- A. More than one principal USE may be allowed on a LOT as part of a combination principal USE if all of the following conditions are met:
 1. The component USES must be functionally related and incidental to one another.
 2. The component USES are part of a single enterprise or institution

under common management.

3. Each separate component USE must be allowed in some manner in the DISTRICT.
 4. A DWELLING is not allowed as a part of a combination principal USE.
- B. A combination principal USE may be allowed only in the manner specified in Chapter 6 for the most restricted component USE.

3.30.600 Multiple Principal USES

- A. More than one principal USE not meeting the requirements for a combination principal USE of Subsection 3.30.500 may be allowed on a LOT as provided in this Subsection.
- B. In the CR and AG Districts, a second principal USE may be allowed in a second principal STRUCTURE on a single LOT if:
- i. the LOT is under common management;
 - ii. the second principal USE is a RE-USE OF EXISTING RURAL STRUCTURE and meets Subsection 7.99.200 requirements; and
 - iii. approval is obtained in the manner specified in Chapter 6.
- C. Multiple principal USES may be allowed in the AG-2 District and in the business and industrial DISTRICTS if:
- i. the USES are located in a single principal STRUCTURE;
 - ii. the LOT is under common management;
 - iii. the USES are permitted in some manner in the DISTRICT; and
 - iv. approval is obtained in the manner specified in Chapter 6 for the most restricted USE.
- D. Multiple principal USES may be allowed in the AG-2 District, and in the business and industrial DISTRICTS in more than one principal STRUCTURE as a Special Use.
- E. Multiple principal USES are not allowed on a LOT in the R-1, R-2, or R-3 Districts.
- F. In the R-4 District, more than one principal USE may be allowed in more than one principal STRUCTURE on a single LOT in the manner provided in Chapter 6.

4 Accessory Uses

4.10 Accessory Uses Generally

4.10.100 Authorized Accessory USES

The OWNER of a principal USE on a LOT may establish one or more USES that are accessory to the principal USE as provided in this Chapter.

4.10.200 Determination of Accessory USE Status

- A. A USE is considered accessory to a principal USE if it is customarily incidental to the principal USE and subordinate to it.
- B. A USE is incidental to a principal USE if:
 - i. it is functionally related to the principal USE; and
 - ii. it is necessary or convenient for the functioning of the principal USE.
- C. The incidental relationship of an accessory USE to a principal USE is customary if:
 - i. it is a longstanding common practice;
 - ii. it is analogous to that of a similar accessory USE; or
 - iii. it is a logical extension of a longstanding common practice.
- D. A USE is subordinate to a principal USE if it meets the following requirements.
 1. An accessory USE must be less imposing, overall, than the principal USE with respect to the items listed in Subparagraph 3.
 2. An accessory USE may not alter the basic character of the principal USE.
 3. The Zoning Administrator shall determine whether one USE is subordinate to another. In making that determination, the Zoning Administrator shall consider the character of each USE and the STRUCTURES or site modifications associated with it with respect to:
 - i. area occupied;
 - ii. size and bulk of associated STRUCTURES;
 - iii. noise, vibration, dust, fumes, odor, glare or other nuisance impacts;
 - iv. sanitary and solid waste generation;
 - v. presence of hazardous materials and hazardous wastes,
 - vi. impervious area;
 - vii. electric, gas, water, sewer and other utility demands;
 - viii. police, fire, ambulance, and other service demands; and
 - ix. AUTOMOBILE and truck traffic generation.

4.10.300 Accessory USE Must Follow Principal USE

An accessory USE may not be established before the principal USE.

4.10.400 STRUCTURES and Site Modifications Associated with an Accessory USE

A STRUCTURE or site modification associated with an accessory USE must meet all applicable requirements of this Ordinance.

4.20 Neighborhood Home Occupation**4.20.100 Where Allowed**

A NEIGHBORHOOD HOME OCCUPATION may be conducted in any DISTRICT as an accessory USE to a lawful DWELLING UNIT provided that all requirements of this Section and all applicable regulations of this Ordinance are met.

4.20.200 Limitations and Conditions

- A. Except for FAMILY members who reside there, no more than one employee who is not a FAMILY member may be present on the PREMISES. A non-FAMILY member employee may be present only between 8:00 a.m. and 6:00 p.m.
- B. All business activities must be conducted entirely indoors, in the DWELLING or in one accessory BUILDING. A DWELLING or accessory BUILDING may not be modified except to provide required ACCESS to the disabled. No DISPLAY or activity may be conducted that would indicate from the exterior that a PREMISES is being used for any purpose other than a DWELLING.
- C. A SIGN may be displayed if it is no more than 2 square feet in area.
- D. STORAGE of volatile liquids, flammable gases, hazardous materials, or explosives is prohibited except those kept for normal household use in typical household quantities.
- E. No more than three patrons, clients, congregants, or similar persons may be present on the PREMISES at one time, except as follows:
 - 1. Up to 12 children may be present in day care homes.
 - 2. Up to 12 clients, patients or other congregants may be present for religious services, group counseling, or similar purposes not more than 3 times in any 7-day period nor more than twice in one day.

3. Up to 12 patrons may be present at sales parties, open houses or similar events not more than once in any 30-day period.
 4. Up to 8 guests may be present at one time in a bed and breakfast establishment in no more than 4 guest rooms.
- F. Patrons, clients, or other congregants may be present on the PREMISES only between 9:00 a.m. and 10:00 p.m. except that day care recipients may be present as early as 6:30 a.m.
- G. A NEIGHBORHOOD HOME OCCUPATION may not create odor, dust, noise, gas, smoke, or vibration discernable at the PROPERTY line except that of a nature, quantity, intensity, duration, and time of occurrence customarily associated with the exclusive residential USE of a similar DWELLING.
- H. Deliveries by truck may not exceed an average of one per week and a maximum of 2 in any one week. Deliveries by semi-trailer trucks are prohibited.
- I. No more than one commercial vehicle less than or equal to 36,000 pounds gross vehicle weight and no more than 25 feet in length may be parked on LOTS located in a residential DISTRICT as part of a NEIGHBORHOOD HOME OCCUPATION.

4.20.300 Prohibited NEIGHBORHOOD HOME OCCUPATIONS

- A. The business activities listed in this Paragraph are prohibited as a NEIGHBORHOOD HOME OCCUPATION.
1. Repair, painting, maintenance, washing and detailing of vehicles;
 2. Salvage, recycling and solid waste hauling or parking or STORAGE or a vehicle or equipment used for those purposes;
 3. Sale of an article that is not produced on the PREMISES, except:
 - i. sales incidental to providing a service;
 - ii. sales made in parties as provided in Subsection 4.20.200; and
 - iii. sales of guns and ammunition if a Gun Dealers License is obtained from the Federal Bureau of Alcohol, Tobacco and Firearms and sales are made by appointment only.
- B. Outdoor STORAGE or DISPLAYS are prohibited

4.20.400 Registration Required

A NEIGHBORHOOD HOME OCCUPATION must be registered with the County Department of Planning and Zoning.

4.30 Rural Home Occupation

4.30.100 Where Allowed

- A. A RURAL HOME OCCUPATION may be established in the CR, AG, AG-2 and B-1 Districts as an accessory USE to a lawful DWELLING UNIT provided that all requirements of this Section and all applicable regulations of this Ordinance are met.
- B. A RURAL HOME OCCUPATION may not be located:
 - i. on a LOT fronting on a STREET that is located within a residential SUBDIVISION; or
 - ii. within 500 feet of a residential DISTRICT.

4.30.200 Limitations and Conditions

- A. A non-FAMILY employee is allowed subject to the following limitations.
 - 1. On LOTS smaller than 5 acres, no more than one employee may be present on the PREMISES and no more than one additional employee may report to the site for work performed off the PREMISES.
 - 2. On LOTS 5 acres or larger, no more than 2 employees may be present on the PREMISES and no more than 3 additional employees may report to the site for work performed off the PREMISES.
- B. A change to the exterior of a DWELLING or accessory BUILDING is prohibited if it would indicate that the BUILDING is being used for any purpose other than that of a residence or farm BUILDING.
- C. No more than one SIGN may be displayed. The SIGN must:
 - i. be no more than 25 square feet in area; and
 - ii. meet the applicable requirements of Chapter 19.
- D. A RURAL HOME OCCUPATION may include non-farm, Second Division vehicles, as defined by the *Illinois Vehicle Code*, subject to the following limitations.
 - 1. No more than 3 self-propelled vehicles over 8,000 pounds gross vehicle weight are allowed.
 - 2. Excluding patron or employee personal vehicles, no more than 10 vehicles in total are allowed including:
 - i. self-propelled vehicles over 8,000 pounds gross vehicle weight;
 - ii. self-propelled vehicles of not more than 8,000 pounds gross

Champaign County Zoning Ordinance
Chapter 4. Accessory Uses

- vehicle weight;
 - iii. trailers; and
 - iv. off-road vehicles.
 - 3. A Second Division vehicle may not be stored outdoors except if it is parked:
 - i. no less than 50 feet from any LOT LINE; and
 - ii. no less than 100 feet from any off-site existing DWELLING conforming as to USE.
 - E. A RURAL HOME OCCUPATION may not create odor, dust, noise, gas, smoke, or vibration discernable at the PROPERTY line except that of a nature, quantity, intensity, duration, and time of occurrence customarily associated with AGRICULTURE.
 - F. STORAGE of volatile liquid, flammable gases, hazardous material or explosives is prohibited except those kept for customary agricultural purposes in quantities and concentrations customarily found on farms.
 - G. Off-street PARKING SPACES and LOADING BERTHS must meet the requirements of Chapter 18.
 - H. An outdoor sales DISPLAY is allowed if it:
 - i. is limited to items produced on-site;
 - ii. occupies an area no larger than 500 square feet; and
 - iii. is located in a required setback, SIDE YARD, or rear yard.
 - I. Outdoor STORAGE must be located in a SIDE YARD or REAR YARD and screened as provided in Section 4.40.
 - J. The following activities are prohibited outdoors:
 - i. repair, painting, maintenance, washing and detailing of vehicles;
 - ii. STORAGE of an unlicensed vehicle;
 - iii. STORAGE of more than 2 licensed vehicles that are awaiting service or repair; or
 - iv. STORAGE of a vehicle, equipment or container used for solid waste hauling.
- 4.30.300 Prohibited RURAL HOME OCCUPATIONS
- A. A RURAL HOME OCCUPATION may not include STORAGE or OPERATIONS related to salvage or recycling of any kind.
 - B. Retail sale of articles not produced on the site is prohibited except;
 - i. grain seed sales, or
 - ii. sales that are incidental to the provision of a service.

4.30.400 Permit Required

A Zoning Use Permit must be obtained before a RURAL HOME OCCUPATION is established.

4.40 Outdoor Storage and/or Outdoor Operations

4.40.100 General Provisions

- A. Outdoor STORAGE and/or OPERATIONS are allowed in all DISTRICTS only as accessory USES unless authorized as a principal USE in Chapter 6.
- B. Outdoor STORAGE and/or OPERATIONS are allowed in any YARD if set back from the LOT LINES by the minimum distance specified for accessory STRUCTURES in Section 16.60.
- C. Outdoor STORAGE may not be located in a:
 - i. minimum required setback from a STREET;
 - ii. required off-street PARKING SPACE or LOADING BERTH
 - iii. location that would obstruct ACCESS to a PARKING SPACE or LOADING BERTH;
 - iv. required visibility triangle; or
 - v. location that would interfere with any stormwater detention or drainage facility.
- D. Outdoor STORAGE and/or outdoor OPERATIONS for all HOME OCCUPATIONS must meet the requirements of Sections 4.20 and 4.30.

4.40.200 Screening Required

A Type D Screen as described in Section 16.80 must obscure or conceal the part of a YARD used for outdoor STORAGE and/or outdoor OPERATIONS in the following circumstances:

1. The part of the YARD used for outdoor STORAGE and/or outdoor OPERATIONS is visible from and located within 1,000 feet of any point within the BUILDING RESTRICTION LINE of:
 - i. a LOT located in any residential DISTRICT; or
 - ii. a LOT occupied by: a DWELLING conforming as to USE; a SCHOOL, PLACE OF WORSHIP; a public park or recreational facility; a public library, museum, or gallery; public fairgrounds; a NURSING HOME or HOSPITAL; or a recreational business USE with outdoor facilities.
2. The part of the YARD used for outdoor STORAGE and/or outdoor OPERATIONS is visible from and located within 1,000 feet of an urban arterial STREET or a major STREET.

Champaign County Zoning Ordinance
Chapter 4. Accessory Uses

4.40.300 SCREEN Standards

SCREENS must comply with the requirements of Section 16.80.

4.50 Miscellaneous Accessory Uses

4.50.100 ULTRALIGHT LANDING AREA

- A. An ULTRALIGHT LANDING AREA may be established as an accessory USE only in the AG or AG-2 Districts on a LOT of one acre or larger.
- B. Only ULTRALIGHT AIRCRAFT may operate from an ULTRALIGHT LANDING AREA.
- C. Only the OWNER/operator of the principal USE may permanently base ULTRALIGHT AIRCRAFT at an ULTRALIGHT LANDING AREA. USE of the ULTRALIGHT LANDING AREA is limited to the OWNER/operator of the principal USE or an invited guest at no charge.

5 Nonconforming Uses

5.10 General Provisions Regarding Nonconforming Uses

5.10.100 Intent

The intent of this Ordinance is to allow NONCONFORMING USES of land and NONCONFORMING USES of STRUCTURES to continue until they are removed but not to encourage their survival. In the DISTRICTS where they are located, NONCONFORMING USES are incompatible with permitted USES of land and STRUCTURES.

5.10.200 Continuing a NONCONFORMING USE of Land

If, on the effective date of adoption or amendment of this Ordinance, a lawful USE of land exists that is no longer allowed under the regulations as adopted or amended, such USE may be continued as long as it remains otherwise lawful subject to the provisions of this Chapter.

5.10.300 Changing a NONCONFORMING USE to Another NONCONFORMING USE

A NONCONFORMING USE of land may not be changed to another USE that is not permitted in the DISTRICT except as provided in Subsection 5.30.400.

5.10.400 Status of USE with Off-Street Parking or Loading Nonconformity

A USE of land is not considered nonconforming because of failure to provide required off-street PARKING SPACES or LOADING BERTHS and has all the rights of a conforming USE if:

- i. the number or size of off-street PARKING SPACES or LOADING BERTHS is not further reduced; and
- ii. the off-street PARKING SPACES and LOADING BERTHS met all requirements applicable when the USE was established.

5.20 Changing a Nonconforming Use of Land

5.20.100 Prohibited Actions

NONCONFORMING USES of land, PREMISES, STRUCTURES or accessory STRUCTURES may not be enlarged, expanded, or extended except as specifically permitted in this Ordinance. The existence of a nonconforming condition may not be used as grounds for adding other STRUCTURES or USES prohibited elsewhere in the same DISTRICT.

5.20.200 Expanding or Increasing a NONCONFORMING USE of Land

- A. A NONCONFORMING USE of land may not be enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance except as provided below.
- B. A nonconforming SINGLE FAMILY DWELLING may be expanded:
 - i. by an addition of no more than 200 square feet to the principal STRUCTURE; and
 - ii. by CONSTRUCTION of no more than one new accessory BUILDING or addition to an existing accessory BUILDING provided that the total area of such accessory BUILDING is not more than 650 square feet.
- C. A nonresidential NONCONFORMING USE allowed by right in the R-1 District, and not otherwise authorized by Special Use, may be expanded by no more than 25 percent of BUILDING AREA, HEIGHT, LOT COVERAGE, and off-STREET parking and loading area if a Variance is granted by the ZBA in accordance with Chapter 34.

5.20.300 Moving a NONCONFORMING USE of Land

A NONCONFORMING USE of land may not be moved in whole or in part to any other portion of the LOT that it occupied on the effective date of adoption or amendment of this Ordinance.

5.20.400 Ceasing a NONCONFORMING USE of Land

If a NONCONFORMING USE of land ceases for any reason for a period of more than 180 consecutive days, subsequent USE of the land must conform to the regulations of this Ordinance. If, as may be determined by the Zoning Administrator, an OWNER has actively tried to continue or reestablish such NONCONFORMING USE, then that NONCONFORMING USE will not be considered as ceased.

5.30 Nonconforming Use of a Structure

5.30.100 Continuing a NONCONFORMING USE of a STRUCTURE

If, on the effective date of adoption or amendment of this Ordinance, a lawful USE of a STRUCTURE or of a PREMISES exists that is not allowed under the Ordinance as adopted or amended, the USE may be continued as long as it remains otherwise lawful subject to the provisions of this Section.

5.30.200 Altering a STRUCTURE Devoted to a NONCONFORMING USE

An existing STRUCTURE devoted to a USE that is not authorized in the DISTRICT in which it is located may not be enlarged, extended, constructed, reconstructed, moved, or ALTERED except in changing the USE of the

STRUCTURE to an authorized USE.

5.30.300 Extending a NONCONFORMING USE of a STRUCTURE

A NONCONFORMING USE may be extended throughout any parts of a BUILDING or STRUCTURE which were evidently arranged or designed for the USE on the effective date of adoption or amendment of this Ordinance, but the USE may not be extended to occupy land outside of the STRUCTURE.

5.30.400 Changing from One NONCONFORMING USE to Another NONCONFORMING USE

- A. A change in NONCONFORMING USE is a Major Variance and will not be permitted except as provided in Chapter 34.
- B. If no structural alteration is made, a NONCONFORMING USE of a STRUCTURE may be changed to another NONCONFORMING USE if the ZBA finds that the proposed NONCONFORMING USE is equally appropriate to the DISTRICT as the existing NONCONFORMING USE as provided in Paragraph 34.40.200(C).

5.30.500 Replacing a NONCONFORMING USE with a Permitted USE

If a NONCONFORMING USE of a STRUCTURE is replaced by an authorized USE, the USE of the STRUCTURE from that time on must conform to the regulations and standards of the DISTRICT in which it is located. The previous NONCONFORMING USE may not be resumed.

5.30.600 Ceasing a NONCONFORMING USE of a STRUCTURE or PREMISES

If a NONCONFORMING USE of a STRUCTURE ceases for a period of 180 consecutive days, or for 540 days during any 1,095-day period, a subsequent USE of the STRUCTURE or the PREMISES must conform to the regulations and standards of the DISTRICT in which it is located. If, as may be determined by the Zoning Administrator, an OWNER has actively tried to continue or reestablish such NONCONFORMING USE, then that NONCONFORMING USE will not be considered as ceased.

5.30.700 Destruction of a STRUCTURE or PREMISES Devoted to a NONCONFORMING USE

If a STRUCTURE devoted to a NONCONFORMING USE is removed or destroyed, subsequent USE of the land must conform to the regulations and standards of the DISTRICT in which it is located.

5.30.800 Repairs or Maintenance of a STRUCTURE Devoted to a NONCONFORMING

USE

- A. The NONCONFORMING USE to which a STRUCTURE is devoted in whole or in part may be suspended for a period of 365 consecutive days during the course of ordinary repairs. Ordinary repairs include the repair or replacement of non-bearing walls, fixtures, wiring, or plumbing provided that the cumulative total value of the repairs is less than 10 percent of the current replacement value of the STRUCTURE. Ordinary repairs may not increase the volume of the BUILDING or the size of the STRUCTURE.

- B. Nothing in this Ordinance prevents strengthening or restoring to a safe condition a STRUCTURE or part of a STRUCTURE that is declared to be unsafe by any official charged with protecting the public safety, upon order of the official.

6 Authorized Uses by District


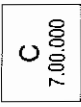
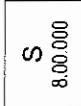
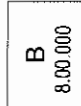
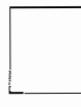
6.10 Uses Authorized as a Special Use or County Board Special Use

A USE authorized as either a Special Use or County Board Special Use also may be identified as a NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT by the ZBA. In that event, the additional requirements of Section 8.30 and Subsection 35.50.200 will be applicable.

6.20 Table of Authorized Uses by District

USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
6.20.100 Residential USES															
BOARDING HOUSE						S									
Dormitory															
DWELLING, SINGLE FAMILY	C 7.20.100 (A)	C 7.20.100 (A)	C 7.20.100 (A)										C 7.20.100 (B)		
DWELLING, TWO-FAMILY				S	S										
DWELLING, MULTI-FAMILY															
Fraternity, Sorority, Or Student Cooperative															
Home for the Aged															
HOTEL with 15 or fewer LODGING UNITS	S 8.20.100 (A)	S 8.20.100 (A)	S 8.20.100 (A)							S 8.20.100 (A)			S 8.20.100 (A)		
HOTEL with over 15 LODGING UNITS			S												

KEY:

	Authorized By Right	 C	Authorized as a Conditional Use subject to Condition(s) listed in Chapter 7	 S	8.00.000	Authorized as a Special Use subject to Standard Condition(s) listed in Chapter 8	 B	8.00.000	Authorized as a County Board Special Use subject to Standard Condition(s) listed in Chapter 8		Prohibited
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Champaign County Zoning Ordinance
Chapter 6. Authorized Uses by District

USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
MANUFACTURED HOME IN MANUFACTURED HOME PARK															
NURSING HOME			S												
TRAVEL TRAILER CAMP			S												
6.20.200 Resource Production and Agricultural USES															
AGRICULTURE															
Commercial Greenhouse			C 7,20,200 (A)												
Garden Shop			C 7,20,200 (A)												
Major RURAL SPECIALTY BUSINESS	S 8,20,200 (A)	S 8,20,200 (A)	C 7,20,200 (B) 8,20,200 (A)												
Minor RURAL SPECIALTY BUSINESS	C 7,20,200 (C)	C 7,20,200 (C)													
Mineral Extraction, Quarrying, Topsoil Removal & allied activities	S 8,20,200 (B)	S 8,20,200 (B)	S 8,20,200 (B)												S
Produce Sales Stand	C 7,20,200 (D)	C 7,20,200 (D)													

KEY:



Authorized By Right

C
7,00,000

Authorized as a Conditional Use subject to Condition(s) listed in Chapter 7

S
8,00,000

Authorized as a Special Use subject to Standard Condition(s) listed in Chapter 8

B
8,00,000






Authorized as a County Board Special Use subject to Standard Condition(s) listed in Chapter 8

Prohibited

Champaign County Zoning Ordinance
Chapter 6. Authorized Uses by District

USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Retail Nursery			C 7,20,200 (A)												
6.20.300 Public & Quasi-Public Facilities															
Adaptive Re-Use of Government BUILDINGS for certain USES permitted By Right				S 8,20,300 (A)	S 8,20,300 (A)	S 8,20,300 (A)	S 8,20,300 (A)	S 8,20,300 (A)	S 8,20,300 (A)	S 8,20,300 (A)			S 8,20,300 (A)		
Antenna & Supporting STRUCTURES of Telecommunications Carrier or AM Broadcast Station	C 7,20,300 (A)	C 7,20,300 (A)	C 7,20,300 (A)	C 7,20,300 (A)	C 7,20,300 (A)	C 7,20,300 (A)	C 7,20,300 (A)	C 7,20,300 (A)	C 7,20,300 (A)	C 7,20,300 (A)	C 7,20,300 (A)	C 7,20,300 (A)	C 7,20,300 (A)	C 7,20,300 (A)	C 7,20,300 (A)
Antenna or tower not more than 100 feet in HEIGHT other than that of Telecommunications Carrier or AM Broadcast Station	C 7,20,300 (B)	C 7,20,300 (B)	C 7,20,300 (B)	C 7,20,300 (B)	C 7,20,300 (B)	C 7,20,300 (B)	C 7,20,300 (B)	C 7,20,300 (B)	C 7,20,300 (B)	C 7,20,300 (B)	C 7,20,300 (B)	C 7,20,300 (B)	C 7,20,300 (B)	C 7,20,300 (B)	C 7,20,300 (B)
Antenna or Tower over 100 feet in HEIGHT other than that of Telecommunications Carrier or AM Broadcast Station		S	S						S		S	S	S	S	S
Electrical Substation	S 8,20,300 (B)	C 7,20,300 (C) 8,20,300 (B)	C 7,20,300 (C) 8,20,300 (B)	S 8,20,300 (B)	S 8,20,300 (B)	S 8,20,300 (B)	S 8,20,300 (B)	S 8,20,300 (B)	S 8,20,300 (B)	S 8,20,300 (B)	S 8,20,300 (B)	S 8,20,300 (B)	S 8,20,300 (B)	S 8,20,300 (B)	S 8,20,300 (B)
Elementary, Junior High or High SCHOOL		S	S												
Fairground			S											S	S
Gallery				S	S	S									
GOVERNMENT BUILDING	S	S	S	S	S	S									

KEY:

	Authorized By Right		C 7,00,000	Authorized as a Conditional Use subject to Condition(s) listed in Chapter 7		S 8,00,000	Authorized as a Special Use subject to Standard Condition(s) listed in Chapter 8		B 8,00,000	Authorized as a County Board Special Use subject to Standard Condition(s) listed in Chapter 8			Prohibited
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Champaign County Zoning Ordinance
Chapter 6. Authorized Uses by District

USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Highway Maintenance Garage	C 7.20.300 (D)	C 7.20.300 (D)	C 7.20.300 (D)						C 7.20.300 (D)						
HOSPITAL						S	S	S				S	S		
Institution of Educational, Philanthropic or Elesomynary Nature															
Library or Museum			S	S	S	S									
Nature Preserve															
Park without Athletic Facilities		S							S						
Park with Athletic Facilities	C 7.20.300 (E)	S	C 7.20.300 (E)						S						
Penal or Correctional Institution			S 8.20.300 (C)												
PLACE OF WORSHIP		S	S												
Police Station or Fire Station		S	S	S	S	S									
Public Indoor Recreation Facility	S		S						S						
Public Park or Recreation Facility															
Sewage Disposal Plant - Lagoon	B 8.20.300 (D)	B 8.20.300 (D)	B 8.20.300 (D)												S 8.20.300 (E)
Telephone Exchange				S	S	S	S	S							

KEY:

 Authorized By Right

C
7.00.000
Authorized as a Conditional Use subject to Condition(s) listed in Chapter 7

S
8.00.000
Authorized as a Special Use subject to Standard Condition(s) listed in Chapter 8

B
8.00.000
Authorized as a County Board Special Use subject to Standard Condition(s) listed in Chapter 8

 Prohibited

Champaign County Zoning Ordinance
Chapter 6. Authorized Uses by District

USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Water Treatment Plant			S											S	S
6.20.400 Transportation USES															
AIRPORT			B											S	S
AIRPORT, RESIDENTIAL		S	S												
HELIPORT or HELISTOP			B						S					S	S
HELIPORT-RESTRICTED LANDING AREA		S	S						S	S				S	S
Motor Bus Station										S					
PARKING GARAGE or LOT															
Railroad YARD & Freight Terminal			S												
Railway Station															
RESTRICTED LANDING AREA	S	S	S											S	S
Truck Terminal			S						S						
6.20.510 Business USES: AGRICULTURE															
Farm Chemical & Fertilizer Sales & Service		S	S												
Farm Equipment Sales & Service		C	7.20.510 (A)												
Feed Mill		S	S												

KEY:



Authorized By Right

C
7.00.000

Authorized as a Conditional Use subject to Condition(s) listed in Chapter 7

S
8.00.000

Authorized as a Special Use subject to Standard Condition(s) listed in Chapter 8

B
8.00.000

Authorized as a County Board Special Use subject to Standard Condition(s) listed in Chapter 8

Prohibited

Champaign County Zoning Ordinance
Chapter 6. Authorized Uses by District

USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Grain Storage Elevator & Bins		C 7.20.510 (B)	S												
Livestock Sales Facility & Stockyards		S	S						S						
Slaughter House														S	
6.20.520 Business USES: AUTOMOBILE Sales & Services															
Automotive Accessories (new)										S					
AUTOMOBILE or Trailer Sales Area (open LOT)															
AUTOMOBILE, Truck, Trailer & Boat Sales Room (all indoors)															
AUTOMOBILE Washing Facility															
Gasoline Service Station										S					
MAJOR AUTOMOBILE REPAIR (all indoors)															
MINOR AUTOMOBILE REPAIR (all indoors)										S					
Salvage Yard (Junkyard)															
6.20.530 Business USES: Business, Private, Educational, & Financial Services															
Artist Studio	C 7.20.530 (A)	C 7.20.530 (A)												S	
Bank or Savings & Loan Association															

KEY:



Authorized By Right

C
7.00.000

Authorized as a Conditional Use subject to Condition(s) listed in Chapter 7

S
8.00.000

Authorized as a Special Use subject to Standard Condition(s) listed in Chapter 8

B
8.00.000

Authorized as a County Board Special Use subject to Standard Condition(s) listed in Chapter 8

Prohibited

Champaign County Zoning Ordinance
Chapter 6. Authorized Uses by District

USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Business Office														C 7.20.530 (B)	
Insurance or Real Estate Office															
Professional Office															
Private Kindergarten or Day Care Facility				S	S	S	S	S							
Vocational, Trade or Business SCHOOL															
6.20.540 Business USES: Food Sales & Service															
Bakery (less than 2,500 square feet)															
Bakery (2,500 square feet or larger)											S				
Cold Storage Locker for Individual Use															
Confectionery Store															
Dairy Store															
Delicatessen															
Drive-In Restaurant															
Meat & Fish Market															
Restaurant (indoor service only)										S					
Retail Liquor Store															
Supermarket or Grocery Store															

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Condition(s) listed in Chapter 7
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Standard Condition(s) listed in Chapter 8
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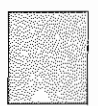
 Authorized as a County Board Special
Use subject to Standard Condition(s)
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Champaign County Zoning Ordinance
Chapter 6. Authorized Uses by District

USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Tavern or Night Club															
Wholesale Produce Terminal															
6.20.550 Business USES: Miscellaneous															
Animal Training Facility		S	S												
Auction House (non-animal)															
Aviation Sales, Service or Storage			S												
Cemetery	S 8.20.550 (A)	C 7.20.550 (A) 8.20.550 (A)	C 7.20.550 (A) 8.20.550 (A)	C 7.20.550 (A)											
Cemetery, Pet	C 7.20.550 (B) 8.20.550 (B)		C 7.20.550 (B) 8.20.550 (B)	C 7.20.550 (B)											
Christmas Tree Sales Lot															
Commercial Breeding Facility															
CONTRACTORS FACILITY With No Outdoor STORAGE or Outdoor OPERATIONS		C 7.20.550 (C)	C 7.20.550 (C)												
CONTRACTORS FACILITY With Outdoor STORAGE and/or Outdoor OPERATIONS		C 7.20.550 (D)	C 7.20.550 (D)	C 7.20.550 (D)					C 7.20.550 (D)			S 8.20.550 (C)			

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Champaign County Zoning Ordinance
Chapter 6. Authorized Uses by District

USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Crematorium			S 8,20,550 (D)												
KENNEL	C 7,20,550 (E) 8,20,550 (E)	C 7,20,550 (E) 8,20,550 (E)	C 7,20,550 (E) 8,20,550 (E)						C 7,20,550 (E) 8,20,550 (E)			S 8,20,550 (E)			
LANDSCAPE WASTE PROCESSING FACILITY			S 8,20,550 (E)												S 8,20,550 (E)
Long-Term Vehicle Storage	C 7,20,550 (E)	C 7,20,550 (E)	C 7,20,550 (E)						C 7,20,550 (E)						
Radio or Television Station											S			S	
Recycling of non-hazardous materials (all storage & processing indoors)												S			
SELF-STORAGE WAREHOUSE not providing heat & utilities to individual units	C 7,20,550 (G)	C 7,20,550 (G)	C 7,20,550 (G)								S		S		
SELF-STORAGE WAREHOUSE providing heat & utilities to individual units									S		S		S		
SEXUALLY ORIENTED BUSINESS												C 7,20,550 (H)			
Telegraph Office															

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Champaign County Zoning Ordinance
Chapter 6. Authorized Uses by District

USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
TEMPORARY USE	C 7.20.550 (I)	C 7.20.550 (I)	C 7.20.550 (I)	C 7.20.550 (I)					C 7.20.550 (I)	C 7.20.550 (I)	C 7.20.550 (I)	C 7.20.550 (I)	C 7.20.550 (I)	C 7.20.550 (I)	C 7.20.550 (I)
Veterinary HOSPITAL	C 7.20.550 (J) 8.20.550 (G)	C 7.20.550 (J) 7.20.200 (J)							C 7.20.550 (J)		S 8.20.550 (G)	C 7.20.550 (K) 8.20.550 (G)	S 8.20.550 (G)		
WAREHOUSE											S				
Wholesale Business															
6.20.560 Business USES: PERSONAL SERVICES															
Barber Shop															
Beauty Shop															
Clothing Repair & STORAGE															
Diaper Service ESTABLISHMENT															
Dressmaking Shop															
Dry-Cleaning ESTABLISHMENT															
Laundry and/or Dry-Cleaning Pick-Up															
Medical or Dental CLINIC															
Millinery Shop															

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Champaign County Zoning Ordinance
Chapter 6. Authorized Uses by District

USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Mortuary or Funeral Home			S 8.20.560 (A)				S								
Reducing Salon															
Self-Service Laundry															
Shoe Repair Shop															
Tailor & Pressing Shop															
6.20.570 Business USES: Recreational															
Amusement Park			S									S	S	S	S
Archery Range	C 7.20.570 (A)		C 7.20.570 (A)												
Bait Sales															
Billiard Room															
Bowling Alley															
CAMP or Picnic Area	S		S												
Commercial Fishing Lake	S														
Country Club Clubhouse	S		S												
Country Club or Golf Course	S														
Dancing Academy or Hall															

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Champaign County Zoning Ordinance
Chapter 6. Authorized Uses by District

USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Dog or Horse Racing Track			S												
Lodge or PRIVATE CLUB			C 7.20.570 (B)												
Motorized Vehicle Course, Track or Racing			B 8.20.570 (A)												
Outdoor Commercial Recreational Enterprise	S		S			S	S		S						
Private Indoor Recreational Development			S			S	S								
Resort or Organized CAMP	S		S												
Riding Stable	C 7.20.570 (C) 8.20.570 (B)	C 7.20.570 (C) 8.20.570 (B)	C 7.20.570 (C) 8.20.570 (B)	S 8.20.570 (C)					C 7.20.570 (C) 8.20.570 (B)						
Seasonal Hunting or Fishing Lodge		C 7.20.570 (E)	C 7.20.570 (E)												
Skeet, Trap or Rifle Range	S 8.20.570 (D)		S 8.20.570 (D)												
Stadium or Colliseum			S										S	S	S
Theater, Indoor															
Theater, Outdoor	S		S												

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Chapter 6. Authorized Uses by District

USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
6.20.580 BUSINESS USES: Retail Trade															
Antique Sales & Service			C 7.20.580 (A)												
Art Gallery			C 7.20.580 (B)												
Apparel Shop															
Bicycle Sales & Service															
BUILDING Material Sales (excluding concrete or asphalt mixing)															
Department Store															
Drugstore															
Electrical or Gas Appliance Sales & Service															
Florist															
Fuel Oil, Ice, Coal, Wood (sales only)															
Furniture Store-Office Equipment Sales															
Hardware Store															
Heating, Ventilating, Air Conditioning Sales & Service															
Jewelry Store															

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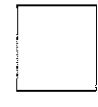
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Champaign County Zoning Ordinance
Chapter 6. Authorized Uses by District

USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Lawnmower Sales & Service															
Monument Sales (excluding stone cutting)															
Music Store															
Newsstand-Bookstore															
Pawn Shop															
Pet Store															
Photographic Studio & Equipment Sales & Service															
Shoe Store															
Sporting Good Sales & Service															
Stationary-Gift Shop-Art Supplies															
Stone Products (including stone cutting)			C 7.20.580 (C)												
Tobacconist															
Used Furniture Sales & Service															
Variety-Drygoods Store															
6.20.620 Industrial USES: Chemicals & Allied Products															
Bone Distillation & Glue Manufacturing															S

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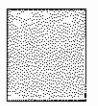
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Champaign County Zoning Ordinance
Chapter 6. Authorized Uses by District

USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Corrosive Acids, Chlorine, Caustic Soda & Potash Manufacturing & Bulk Storage															S
Cosmetics & Toiletries Manufacturing															
Drug Manufacturing															
Explosives & Incendiary Products Manufacturing & Storage															S
Fertilizer Manufacturing & Bulk Storage															S
Insecticide, Fungicide, Herbicide & Poisons Manufacturing & Bulk Storage															S
Paints, Varnishes, Lacquers, Enamels, Inks, Dyes, Gum & Wood Derivatives Manufacturing															S
Plastics, Synthetic Resins, Synthetic Rubber Manufacturing															S
Radioactive Materials Manufacturing & Refining															S
Soap, Detergent, Bleaching Agents & Cleaning Preparations Manufacturing															S
6.20.625 Industrial USES: Electric Power Generating Facilities															
Gas-Fired Peaker Plant		S	S						S					S	S
Steam Turbine or Combined Cycle Base Load Plant (coal, oil or gas fired)															S
Wind Turbine (more than 3)		B	B												S

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





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Champaign County Zoning Ordinance
Chapter 6. Authorized Uses by District

USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Wind Turbines (3 or fewer)		S	S						S					S	S
6.20.630 Industrial USES: Fabricated Metal Products															
Armaments Manufacturing (non-explosive)															
Electrical & Electronic Machinery, Equipment & Supplies Manufacturing															
Machinery (except electrical) Manufacturing															
Other Fabricated Metal Products, Including Containers, Tools, Hardware, Structural Metals Piping, Boilers & Furnaces, Machined Products, Metal Stamping, Wire Products & Coating & Engraving of Metal Products															
SMALL SCALE METAL FABRICATING SHOP			C 7.20.630 (A)						C 7.20.630 (A)						
6.20.635 Industrial USES: Food & Kindred Products															
Animal & Marine Fats & Oils Manufacturing & Packaging															S
Beverage (Alcoholic & Non-Alcoholic) Distilling, Manufacturing, Processing, & Bottling															
Canning & Preserving of Vegetables & Seafood															
Confectionery Products, Manufacturing & Packaging															
Dairy Products Manufacturing, Processing & Packaging															

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	Authorized By Right		Authorized as a Conditional Use subject to Condition(s) listed in Chapter 7		S	Authorized as a Special Use subject to Standard Condition(s) listed in Chapter 8		B	8,000,000		B	8,000,000	Authorized as a County Board Special Use subject to Standard Condition(s) listed in Chapter 8		Prohibited
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Champaign County Zoning Ordinance
Chapter 6. Authorized Uses by District

USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Grain Mill Products Manufacturing & Packaging															
Meat, Fish & Poultry Preparation & Packing															S
Other Food Preparations Manufacturing, Processing & Packaging															
Vegetable Fats & Oils Manufacturing & Packaging															
6.20.640 Industrial USES: Lumber & Wood Products															
Building Paper, Paper Containers & Similar Products Manufacturing															
Household & Office Furniture Manufacturing															
Paper & Pulp Manufacturing															
Sawmill, Planing Mill & Related Activities			S 8.20.640 (A)						C 7.20.640 (A)						
Wood Fabricating Shop			C 7.20.640 (B)						C 7.20.640 (B)						
6.20.650 Industrial USES: Miscellaneous Manufacturing & Industries															
Fuel Manufacturing - Ethanol															S 8.20.650 (A)
Jewelry, Costume Jewelry, Novelties, Silverware & Plated Ware Manufacturing & Processing															

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Champaign County Zoning Ordinance
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USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
LIGHT ASSEMBLY		C 7,20,650 (A)	C 7,20,650 (A)						C 7,20,650 (A)			S			
Musical Instruments & Allied Products Manufacturing															
Office & Artists Materials Manufacturing (Except Paints, Inks, Dyes & Similar Products)															
Signs & Advertising Display Manufacturing															
6.20.655 Industrial USES: Petroleum & Rubber Products															
Gasoline & Volatile Oils Storage Not More than 80,000 Gallons Aggregate Capacity			S 8,20,655 (A)						S 8,20,655 (A)		S 8,20,655 (A)			S 8,20,655 (B)	C 7,20,655 (A)
Gasoline & Volatile Oils Storage Greater than 80,000 But Not More than 175,000 Gallons Aggregate Capacity									S 8,20,655 (C)					S 8,20,655 (D)	C 7,20,655 (B)
Gasoline & Volatile Oils Storage Facilities More than 175,000 Gallons Aggregate Capacity															S 8,20,655 (E)
Linoleum & other Hard Surface Floor Coverings Manufacturing															S
Liquefied Petroleum Gases Storage									S 8,20,655 (F)		S 8,20,655 (F)			S 8,20,655 (F)	S 8,20,655 (F)
Paving & Roofing Materials Manufacturing															S
Petroleum Refining															S

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Champaign County Zoning Ordinance
Chapter 6. Authorized Uses by District

USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Rubber Products Manufacturing, Including the Reclamation of Rubber															S
6.20.660 Industrial USES: Primary Metal Manufacturing															
Foundries															S
Rolling, Drawing & Extrusion of Non-Ferrous Metals															S
Smelting & Refining of Non-Ferrous Metals															S
Steel Works, Blast Furnaces & the Rolling & Finishing of Ferrous Metals															S
Transportation Equipment Manufacturing															
6.20.665 Industrial USES: Printing, Publishing & Related Industries															
Bookbinding															
Motion Picture Production Studio															
Printing & Publishing Plants for Newspapers, Periodicals, Books, Stationery & Commercial Printing															
6.20.670 Industrial USES: Professional, Scientific & Controlling Devices															
Engineering, Laboratory, Scientific & Research Instruments, Manufacturing															
Mechanical Measuring & Controlling Instruments Manufacturing															
Optical Instruments & Lenses Manufacturing															

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Campaign County Zoning Ordinance
Chapter 6. Authorized Uses by District

USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Photographic Equipment & Supplies Manufacturing															
Surgical, Medical, Dental & Mortuary Instruments & Supplies Manufacturing															
Watches, Clocks & Clockwork -Operated Devices Manufacturing															
6.20.675 Industrial USES: Research, Development & Prototype Manufacturing Industries															
Non-Profit or Governmental Educational & Research Agencies															
Theoretical & Applied Research Development & Prototype Light Manufacturing of the following: Drugs, Chemicals, Food Products, Rubber & Petroleum Products, Light Weight Fabricated Metal Products, Electronic & Electrical Products, Physical & Aerospace Sciences, Wood & Wood Products, Non-Electrical Machinery, Textiles, Glass & Ceramic Products															
6.20.680 Industrial USES: Stone, Glass & Clay Products															
Abrasives, Asbestos & Miscellaneous Non-Metallic Products Manufacturing															
Concrete, Gypsum & Plaster Manufacturing															
Cut Stone & Stone Products Manufacturing															
Glass Products Manufacturing															
Hydraulic Cement Manufacturing															

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Chapter 6. Authorized Uses by District

USE CATEGORY	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Pottery & Related Products Manufacturing															
Structural Clay Products Manufacturing															
6.20.685 Industrial USES: Textile & Apparel															
Manufacturing & Processing Wearing Apparel & Related Finished Products Manufacturing															
Miscellaneous Finished Products Manufacturing including Home Products, Canvas Products, Decorative Textiles, Luggage, Umbrellas, & Similar Products															
Wool, Cotton, Silk & Man-Made Fiber Manufacturing															

6.30 Table of Authorized Miscellaneous Development or Construction by District

MISCELLANEOUS DEVELOPMENT or CONSTRUCTION	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Artificial lake of 1 or more acres	S	S	S	S	S	S	S	S							
Multiple Principal BUILDINGS on a Single LOT			S				C 7.30.500		S	S	S	S	S	S	S
Ponds, POOLS, or spas 2 feet or more in depth & less than 1 acre in area	C 7.30.600	C 7.30.600	C 7.30.600	C 7.30.600	C 7.30.600	C 7.30.600	C 7.30.600	C 7.30.600	C 7.30.600	C 7.30.600	C 7.30.600	C 7.30.600	C 7.30.600	C 7.30.600	C 7.30.600
OFF-PREMISES SIGN															

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Champaign County Zoning Ordinance
Chapter 6. Table of Authorized Uses by District

MISCELLANEOUS DEVELOPMENT or CONSTRUCTION	ZONING DISTRICTS														
	CR	AG	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
OFF-PREMISES SIGN along federal highways except interstate highways															
OFF-PREMISES SIGN beyond 660 feet of edge of RIGHT-OF-WAY of interstate highway		S	S												

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7 Conditions: Conditional Uses

7.10 Conditional Uses Generally

7.10.100 Compliance with All Conditions Required

- A. A USE authorized as a Conditional Use in Chapter 6 is authorized in the indicated DISTRICT by right only if it meets all the conditions specified in this Chapter.
- B. A Variance may be requested to waive compliance with any non-procedural requirement contained in the following conditions.

7.10.200 USE Status If All Conditions Are Not Met

If a USE does not meet one or more conditions, it is authorized in the indicated DISTRICT as a Special Use unless otherwise provided in this Chapter.

7.10.300 Other Regulations Apply

The conditions specified in this Chapter apply in addition to any other regulation imposed by this Ordinance. Compliance with these conditions does not lift the obligation to comply with any other provision of this Ordinance unless specifically provided in this Chapter.

7.20 Conditions for Authorized Conditional Uses

7.20.100 Residential USES

- A. DWELLING, SINGLE FAMILY in the CR, AG, or AG-2 DISTRICTS
 - 1. A SINGLE FAMILY DWELLING may be established only on LOTS meeting the requirements of Section 15.20.
 - 2. If the specified conditions are not met, this USE is not authorized by any other means.
- B. DWELLING, SINGLE FAMILY in the B-5 DISTRICT
 - 1. A SINGLE FAMILY DWELLING is authorized only in STRUCTURES existing prior to October 10, 1973 together with later additions not exceeding one-third of the floor area of the STRUCTURE as it existed on that date.
 - 2. If a STRUCTURE used for SINGLE FAMILY DWELLING purposes is destroyed by fire, accident, or act of God, it may not be reconstructed or repaired to occupy an area larger than authorized in

Subparagraph 1.

7.20.200 Resource Production and Agricultural USES

A. Garden Shop, Retail Nursery or Commercial Greenhouse

This USE may not be located within 500 feet of an existing DWELLING or residential DISTRICT.

B. Major RURAL SPECIALTY BUSINESS

1. ACCESS to the LOT must be from a STREET that:
 - i. is not located within a recorded SUBDIVISION;
 - ii. is paved with concrete or asphalt;
 - iii. has, at a minimum, a striped 2-lane cross section; and
 - iv. is a collector or major STREET, or other STREET maintained by the State of Illinois.
2. The total BUILDING AREA devoted to sales DISPLAY or recreational commercial USE may not exceed 5,000 square feet.
3. Outdoor entertainment requiring the use of sound amplification \ equipment is allowed not more often than 5 consecutive or non-consecutive days in any 3-month period and only if a Recreation & Entertainment License has been obtained as provided in *Champaign County Ordinance No. 55, Regulation of Business Offering Entertainment and/or Recreation*.
4. This USE may not be located within 500 feet of a residential DISTRICT.
5. Alcoholic beverages may be sold only if they are produced on the PREMISES.

C. Minor RURAL SPECIALTY BUSINESS

1. A Minor RURAL SPECIALTY BUSINESS must meet all of the requirements of this Subsection. If it does not, it constitutes a Major RURAL SPECIALTY BUSINESS and is authorized only where, and in the manner that, a Major RURAL SPECIALTY BUSINESS is authorized.
2. The total area of the site occupied by any part of the business not otherwise qualifying as AGRICULTURE may not exceed one acre.
3. The total sales DISPLAY area may not exceed 2,000 square feet, no more than half of which may be indoors.

4. No business may include a food service ESTABLISHMENT except food stores as defined by the *Champaign County Health Ordinance*.
5. The business may not ACCESS a STREET located within a recorded SUBDIVISION.
6. Alcoholic beverages not produced on the PREMISES may not be sold.
7. No outdoor entertainment requiring the use of sound amplification equipment is authorized unless a Zoning Use Permit for a TEMPORARY USE and Champaign County Recreation and Entertainment License has been obtained.

D. Produce Sales Stand

This USE is authorized only as a RE-USE OF EXISTING RURAL STRUCTURE and must meet all of the requirements of Subsection 7.30.750. If the specified conditions are not met this USE is not authorized by any other means.

7.20.300 Public and Quasi-Public Facilities

A. Antenna and Supporting STRUCTURE of a Telecommunications Carrier or AM Broadcast Station

The USE and STRUCTURE must comply with the requirements of the *Illinois Counties Code (55 ILCS 5/5-12001.1)*

B. Antenna Tower Not More Than 100 Feet in HEIGHT, Other Than That of a Telecommunications Carrier or AM Broadcast Station

1. The USE and STRUCTURE must not intrude on the approach or protection areas of an AIRPORT, RESTRICTED LANDING AREA, HELIPORT, or HELIPORT-RESTRICTED LANDING AREA and must meet all of the requirements of *Federal Aviation Administration Circulars, 150/5300-4b and 150/5390-2*.
2. The horizontal separation distance to the nearest BUILDABLE AREA of another LOT must be at least equal to the HEIGHT of the antenna tower.
3. A tower not meeting these conditions is not allowed by any other means.

C. Electrical Substation

1. This USE must be authorized as a Special Use if requested within the one and one-half mile extraterritorial jurisdiction of a municipality that has adopted a comprehensive plan.
2. This USE may not be located within 500 feet of a DWELLING or other occupied BUILDING.
3. An electrical substation must be screened with a Type D Screen in the same manner required for outdoor STORAGE in Subsection 4.50.200.

D. Highway Maintenance Garage

1. This USE may not be located within 500 feet of an existing DWELLING or residential DISTRICT.

E. Park With Athletic Facilities

1. The total area of the park may not exceed 1-1/2 acres.
2. Night lighting other than security lighting is not allowed.

7.20.510 Business USES: AGRICULTURE

A. Farm Equipment Sales and Service

This USE is authorized only as a RE-USE OF EXISTING RURAL STRUCTURE and must meet all of the requirements of Subsection 7.30.750. If the specified conditions are not met this USE is not authorized by any other means.

B. Grain STORAGE Elevator and Bins

1. This USE may not be located within 1,000 feet of a:
 - i. residential DISTRICT;
 - ii. residential BUILDING;
 - iii. SCHOOL;
 - iv. PLACE OF WORSHIP; or
 - v. park.
2. ACCESS to the LOT must be from a STREET that:
 - i. is paved with concrete or asphalt;
 - ii. has, at a minimum, a striped 2-lane cross section; and
 - iii. is a collector STREET, major STREET or other STREET maintained by the State of Illinois.

7.20.530 Business USES: Business, Private, Educational, and Financial Services

A. Artist Studio

This USE is permitted only as a RE-USE OF EXISTING RURAL STRUCTURE and must meet all of the requirements of Subsection 7.30.750. If the specified conditions are not met this USE is not authorized by any other means.

B. Business Office

1. A business office is authorized only within an industrial SUBDIVISION.
2. No more than 25 percent of the total authorized BUILDING AREA of the development may be occupied by a business office.

7.20.550 Business USES: Miscellaneous

A. Cemetery

1. Burial plots may not be located within 100 feet of a well used as a potable water supply.
2. A burial plot or any above-ground STRUCTURE where human remains are permanently deposited must be located no less than 80 feet from the centerline of a STREET and no less than 50 feet from a rear or side LOT LINE.

B. Pet Cemetery

1. Burial plots may not be located within 100 feet of a well used as a potable water supply.
2. A burial plot or any above-ground STRUCTURE where animal remains are permanently deposited must be located no less than 80 feet from the centerline of a STREET and no less than 50 feet from a rear or side LOT LINE.

C. Contractors Facilities With No Outdoor STORAGE or OPERATIONS

This USE is authorized only as a RE-USE OF EXISTING RURAL STRUCTURE and must meet all of the requirements of Subsection 7.30.750. If the specified conditions are not met, this USE is not authorized by any other means.

D. Contractors Facilities With Outdoor STORAGE or OPERATIONS

1. This USE is authorized only as a RE-USE OF EXISTING RURAL STRUCTURE and must meet all of the requirements of Subsection 7.30.750. If the specified conditions are not met, this USE is not authorized by any other means.
2. This USE must be authorized as a Special Use if requested within the one and one-half mile extraterritorial jurisdiction of a municipality that has adopted a comprehensive plan.
3. The principal USE must be located within the existing rural STRUCTURE and must not occur outdoors.

E. KENNEL

1. This USE may not be located within 1,000 feet of:
 - i. a residential DISTRICT;
 - ii. a DWELLING;
 - iii. a SCHOOL;
 - iv. a PLACE OF WORSHIP; or
 - v. a park.
2. This USE must be authorized as a Special Use if requested within the one and one-half mile extraterritorial jurisdiction of a municipality that has adopted a comprehensive plan.
3. Outdoor exercise or training areas must be enclosed by a wire mesh fence no less than 6 feet in HEIGHT.

F. Long-Term Vehicle STORAGE

1. This USE is authorized only as a RE-USE OF EXISTING RURAL STRUCTURE and must meet all of the requirements of Subsection 7.30.750. If the specified conditions are not met, this USE is not authorized by any other means.
2. This USE may not be located within 200 feet of:
 - i. a DWELLING on another LOT; or
 - ii. a residential DISTRICT.
3. A long-term vehicle storage facility may not share a driveway with a DWELLING on another LOT.
4. This USE must be authorized as a Special Use if requested within the one and one-half mile extraterritorial jurisdiction of a municipality that has adopted a comprehensive plan.

5. The principal USE must be located within the existing rural STRUCTURE and must not occur outdoors.

G. SELF-STORAGE WAREHOUSE Not Providing Heat or Utilities to Individual Units

1. This USE is authorized only as a RE-USE OF EXISTING RURAL STRUCTURE and must meet all of the requirements of Subsection 7.30.750. If the specified conditions are not met, this USE is not authorized by any other means.
2. This USE must be authorized as a Special Use if requested within the one and one-half mile extraterritorial jurisdiction of a municipality that has adopted a comprehensive plan.
3. This USE may not be located within 200 feet of:
 - i. a DWELLING on another LOT; or
 - ii. a residential DISTRICT.
4. This USE may not share a driveway with a DWELLING on another LOT.
5. The principal USE must be located within the existing rural STRUCTURE and must not occur outdoors.

H. SEXUALLY ORIENTED BUSINESS

The LOT containing a SEXUALLY ORIENTED BUSINESS may not be located within 1,000 feet of:

- i. a LOT containing another SEXUALLY ORIENTED BUSINESS;
- ii. a SCHOOL, park, PLACE OF WORSHIP, library; or
- iii. any residential DISTRICT.

I. TEMPORARY USE

1. A TEMPORARY USE must meet the requirements of Subsection 3.20.400.
2. The applicant must first obtain all other County and State licenses or permits required for the proposed USE.
3. This USE may not be located within 300 feet of a residential DISTRICT, except for PLACES OF WORSHIP which are authorized by right in residential DISTRICTS. This separation distance must be measured from a defined boundary provided by the applicant on a

LOT or tract of land to the nearest residential DISTRICT.

4. Off-street PARKING SPACES and LOADING BERTHS must be provided according to the provisions of Chapter 18.

J. Veterinary HOSPITAL in the CR, AG, AG-2 or B-1 DISTRICTS

1. This USE is authorized only as a RE-USE OF EXISTING RURAL STRUCTURE and must meet all of the requirements of Subsection 7.30.750.
2. This USE must be authorized as a Special Use if requested within the one and one-half mile extraterritorial jurisdiction of a municipality that has adopted a comprehensive plan.

K. Veterinary HOSPITAL in the B-4 DISTRICT

1. A veterinary HOSPITAL may not have outdoor exercise areas or animal runs.
2. No animal may be boarded except as incidental to providing veterinary care.
3. Animal waste may not be disposed of on site and must be removed weekly.

7.20.570 Business USES: Recreational

A. Archery Range

1. The USE may not be located within 1,000 feet of a DWELLING or other occupied BUILDING.

B. Lodge or PRIVATE CLUB

This USE is authorized only as a RE-USE OF EXISTING RURAL STRUCTURE and must meet all of the requirements of Subsection 7.30.750. If the specified conditions are not met, this USE is not authorized by any other means.

C. Riding Stable

1. No more than 10 horses may be kept for hire.
2. The riding stable must be located on a LOT of no less than 10 acres in LOT AREA.

3. The LOT must consist of no less than one acre for each horse kept on the PREMISES.
4. The impervious area of the LOT may not be more than 16 percent. For purposes of this condition, paddocks and other areas without permanent vegetative cover are considered impervious.

D. Seasonal Hunting or Fishing Lodge in the AG or AG-2 DISTRICTS

This USE is authorized only as a RE-USE OF EXISTING RURAL STRUCTURE and must meet all of the requirements of Subsection 7.30.750. If the specified conditions are not met, this USE is not authorized by any other means.

7.20.580 Business USES: Retail Trade

A. Antique Sales and Service

This USE is authorized only as a RE-USE OF EXISTING RURAL STRUCTURE and must meet the requirements of Subsection 7.30.750. If the specified conditions are not met, this USE is not authorized by any other means.

B. Art Gallery

This USE is authorized only as a RE-USE OF EXISTING RURAL STRUCTURE and must meet the requirements of Subsection 7.30.750. If the specified conditions are not met, this USE is not authorized by any other means.

C. Stone Products including Stone Cutting

This USE may not be located within 1,000 feet of a residential DISTRICT or a residential, INSTITUTIONAL or PUBLIC ASSEMBLY USE.

7.20.630 Industrial USES: Fabricated Metal Products

A. SMALL SCALE METAL FABRICATING SHOP

1. This USE is authorized only as a RE-USE OF EXISTING RURAL STRUCTURE and must meet all of the requirements of Subsection 7.30.750. If the specified conditions are not met, this USE is not authorized by any other means.

2. This USE must be authorized as a Special Use if requested within the

one and one-half mile extraterritorial jurisdiction of a municipality that has adopted a comprehensive plan.

3. The principal USE must be located within the existing rural STRUCTURE and must not occur outdoors.

7.20.640 Industrial USES: Lumber and Wood Products

A. Sawmill, Planing Mill and Related USES

1. This USE is authorized only as a RE-USE OF EXISTING RURAL STRUCTURE and must meet all of the requirements of Subsection 7.30.750. If the specified conditions are not met, this USE is not authorized by any other means.
2. This USE must be authorized as a Special Use if requested within the one and one-half mile extraterritorial jurisdiction of a municipality that has adopted a comprehensive plan.

B. Wood Fabricating Shop

1. This USE is authorized only as a RE-USE OF EXISTING RURAL STRUCTURE and must meet all of the requirements of Subsection 7.30.750. If the specified conditions are not met, this USE is not authorized by any other means.
2. This USE must be authorized as a Special Use if requested within the one and one-half mile extraterritorial jurisdiction of a municipality that has adopted a comprehensive plan.
3. This USE may not be located within 1,000 feet of a residential DISTRICT or a residential, INSTITUTIONAL or PUBLIC ASSEMBLY USE.

7.20.650 Industrial USES: Miscellaneous Manufacturing and Industries

A. LIGHT ASSEMBLY

1. This USE is authorized only as a RE-USE OF EXISTING RURAL STRUCTURE and must meet all of the requirements of Subsection 7.30.750. If the specified conditions are not met, this USE is not authorized by any other means.
2. This USE must be authorized as a Special Use if requested within the one and one-half mile extraterritorial jurisdiction of a municipality that has adopted a comprehensive plan.

- 7.20.655 Industrial USES: Petroleum and Rubber Products
- A. Gasoline and Volatile Oils Storage Not More than 80,000 Gallons Aggregate Capacity
1. The USE must conform to regulations set forth in the *Illinois Gasoline Storage Act* (430 ILCS 15/0.01 *et seq.*) and the *Illinois Rules for the Storage, Transportation, Sale and Use of Liquefied Petroleum Gas* (41 IL Administrative Code, Part 200)
 2. The USE may not be located less than 500 feet from any residential or business DISTRICT or any residential, INSTITUTIONAL or PUBLIC ASSEMBLY USE.
 3. If the specified conditions are not met, this USE is not authorized by any other means.
- B. Gasoline and Volatile Oils Storage Greater than 80,000 But Not More than 175,000 Gallons Aggregate Capacity
1. The USE must conform to regulations set forth in the *Illinois Gasoline Storage Act* (430 ILCS 15/0.01 *et seq.*) and the *Illinois Rules for the Storage, Transportation, Sale and Use of Liquefied Petroleum Gas* (41 IL Administrative Code, Part 200)
 2. The USE may not be located less than 500 feet from any residential or business DISTRICT or any residential, INSTITUTIONAL or PUBLIC ASSEMBLY USE.
 3. If the specified conditions are not met, this USE is not authorized by any other means.
- 7.30 Conditions for Miscellaneous Development and Construction Authorized as a Conditional Use**
- 7.30.500 Multiple Principal BUILDINGS on a Single LOT in the R-4 DISTRICT
- Multiple principal BUILDINGS to be used for residential or INSTITUTIONAL USE are authorized by right when the site plan is approved by a ZONED MUNICIPALITY having jurisdiction over the site by virtue of the site's location in the municipality's one and one-half mile extraterritorial jurisdiction.
- 7.30.600 Ponds, POOLS, or Spas 2 Feet or More in Depth and Less than 1 Acre in Area
- Section 16.110 requirements must be met.

- 7.30.750 RE-USE OF EXISTING RURAL STRUCTURE in the CR, AG, AG-2 or B-1 DISTRICTS
- A. Certain non-residential USES authorized as a Conditional Use in Chapter 6 are subject to the Condition that the USE is authorized only as a RE-USE OF EXISTING RURAL STRUCTURE. A RE-USE of EXISTING RURAL STRUCTURE must meet all requirements of this Subsection. If all requirements of this Subsection are not met, a RE-USE of EXISTING RURAL STRUCTURE may not be authorized as a Special Use.
 - B. The USE may occupy an unused STRUCTURE that existed in its present location on [effective date]. The USE is limited to the STRUCTURES it occupies and additions to an individual BUILDING comprising no more than 10 percent of the BUILDING AREA existing on [effective date].
 - C. In addition to the BUILDINGS, outdoor accessory USES may be extended to surrounding parts of the LOT not exceeding the larger of:
 - ii. one acre; or
 - iii. the area that appears as not tilled on both Champaign County Sidwell aerial photos dated 1972 or 1973 and the Year 2005 Champaign County GIS Consortium digital ortho photography.
 - D. The USE may not be located:
 - i. on a LOT that accesses a STREET located within a residential SUBDIVISION; or
 - ii. within 500 feet of a residential DISTRICT.
 - E. Total employment is limited to no more than 2 employees on the PREMISES and no more than 3 additional employees who report to the site for work performed off the PREMISES.
 - F. A single SIGN is authorized which must:
 - i. not exceed 25 square feet in area; and
 - ii. meet the applicable requirements of Chapter 19.
 - G. The USE may include non-farm, Second Division vehicles, as defined by the *Illinois Vehicle Code*, subject to the following limitations.
 - 1. No more than 3 self-propelled vehicles over 8,000 pounds gross vehicle weight are authorized.
 - 2. No more than 10 vehicles in total are authorized, excluding patron or employee personal vehicles, and including:
 - i. self-propelled vehicles over 8,000 pounds gross vehicle weight;
 - ii. self-propelled vehicles under 8,000 pounds gross vehicle weight;

- iii. trailers; and
 - iv. off-road vehicles.
3. A Second Division vehicle may not be stored outdoors except if it is parked:
- i. no less than 50 feet from any LOT LINE; and
 - ii. no less than 100 feet from any off-site existing DWELLING conforming as to USE.
- H. The USE may not create odor, dust, noise, gas, smoke, or vibration discernable at the PROPERTY line except that of a nature, quantity, intensity, duration, and time of occurrence customarily associated with AGRICULTURE.
- I. STORAGE of volatile liquid, flammable gases, hazardous material or explosives is prohibited except those kept for customary agricultural purposes in quantities and concentrations customarily found on farms.
- J. Outdoor sales DISPLAY is authorized if it:
- i. occupies an area no larger than 500 square feet; and
 - ii. is located in a required setback or in a SIDE YARD or REAR YARD.
- K. Outdoor STORAGE must be located in a SIDE YARD or REAR YARD and screened as provided in Section 4.50.
- L. The following activities are prohibited outdoors:
- i. repair, painting, maintenance, washing and detailing of AUTOMOBILES, trucks, or other vehicles;
 - ii. STORAGE of an unlicensed vehicle;
 - iii. STORAGE of more than 2 licensed vehicles that are awaiting service or repair; or
 - iv. STORAGE of a vehicle, equipment or container used for solid waste hauling.

8 Standard Conditions: Special Uses**8.10 Provisions Pertaining to Standard Conditions**

8.10.100 General Provisions

- A. Standard Conditions for specific Special Uses are listed in this Chapter. A Standard Condition is an additional procedure, requirement or greater restriction than those generally applicable or applicable in a DISTRICT. A Standard Condition has the same force, and is enforceable in the same way, as any other provision of this Ordinance.
- B. A Standard Condition is imposed automatically on the approval of a specific Special Use except if it is waived by the ZBA or the County Board.

8.10.200 Authorization to Waive Standard Condition

The ZBA or the County Board may waive a Standard Condition for a specific Special Use request if the requirements of Subsection 35.30.100 are met.

8.10.300 No Change to Other LOT Development Requirements

All other LOT development requirements for a Special Use or a County Board Special Use are the same as the applicable DISTRICT, except if otherwise provided in this Ordinance.

8.20 Standard Conditions for Authorized Special Uses and County Board Special Uses

8.20.100 Residential USES

- A. HOTEL with 15 or Fewer LODGING UNITS
1. If the site is not served by a PUBLIC SANITARY SEWER SYSTEM, a LOT AREA of 30,000 square feet is required for the first DWELLING or LODGING UNIT. An additional LOT AREA must be provided as recommended by the Champaign County Health Department, but no less than 10,000 square feet is required for each additional LODGING UNIT.
 2. A HOTEL may not be authorized by Special Use in an area subject to a duly adopted municipal comprehensive plan if, as of the date the Special Use application is filed, the HOTEL site is located:
 - i. in any area designated for residential or industrial USE in the municipal comprehensive plan,
 - ii. within one-half mile of any area designated for residential USE

- in such comprehensive plan except for LOTS designated for commercial USE or LOTS adjacent and contiguous to areas designated for commercial USE and fronting on a STREET designated as an arterial STREET in the municipal comprehensive plan; or
- iii. more than one mile from an interstate highway interchange measured from the intersection of the centerlines of the interstate highway and the intersecting STREET.
3. One accessory restaurant may be authorized. Unless otherwise authorized as of right in the DISTRICT, the restaurant must meet the following conditions:
- a. The restaurant may provide sit-down service only and may not offer take-out, drive-in or curbside service.
- b. The dining area (including all indoor and outdoor areas) may not:
- i. contain more than 4 seats per LODGING UNIT or 50 seats in total whichever is less; or
 - ii. exceed 100 square feet for each LODGING UNIT or 1,000 square feet in total area, whichever is less.
- c. The restaurant may not serve any alcohol except wine and beer with meals.
4. Retail sales may be authorized as an accessory USE if the accessory retail sales USE occupies no more than 20 square feet per LODGING UNIT.

8.20.200 Resource Production and Agricultural USES

A. Major RURAL SPECIALTY BUSINESS

1. A Major RURAL SPECIALTY BUSINESS in the CR or AG District must meet the conditions of this Subsection.
2. The total BUILDING AREA devoted to sales DISPLAY or recreational commercial USE may not exceed 5,000 square feet.
3. Outdoor entertainment requiring the use of sound amplification equipment is permitted not more often than 5 consecutive or non-consecutive days in any 3-month period and only if a Recreation & Entertainment License has been obtained as provided in Champaign County Ordinance No. 55, Regulation of Business Offering Entertainment and/or Recreation.
4. This USE may not be located within 500 feet of a residential

DISTRICT.

5. ACCESS from a STREET located within a recorded SUBDIVISION is not permitted.
6. Alcoholic beverages may be sold only if they are produced on the PREMISES.

B. Mineral Extraction, Quarrying, Topsoil Removal in the CR, AG or AG-2 DISTRICTS

1. This USE must be located no less than 100 feet from the LOT LINES of the PROPERTY.
2. A minimum LOT AREA of 2 acres is required.
3. A chain link fence or solid fence at a minimum HEIGHT of 6 feet is required. The specific area to be enclosed by required fencing shall be determined by the ZBA.

8.20.300 Public and Quasi-Public Facilities

A. Adaptive Re-Use of Government BUILDINGS for Certain USES Permitted By Right

1. Outdoor STORAGE of materials, machinery or heavy equipment is prohibited.
2. The outdoor overnight STORAGE of vehicles in the R-1, R-2, R-3 or R-4 DISTRICTS is prohibited.

B. Electrical Substation

1. This USE must be located no less than 500 feet from a DWELLING or other occupied BUILDING.
2. An electrical substation must be screened with a Type D Screen in the same manner required for outdoor STORAGE in Subsection 4.50.200.

C. Penal or Correctional Institution

The USE must be located no less than 500 feet from:

- i. a residential DISTRICT; or
- ii. a LOT containing a residential, INSTITUTIONAL, OR PUBLIC ASSEMBLY USE.

D. Sewage Disposal Plant or Lagoon in the CR, AG or AG-2 DISTRICTS

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1. A copy of any application for a required State permit must be submitted with the Special Use application.
2. All permits required by the State must be obtained before a Zoning Use Permit is issued.
3. This USE must be located no less than 100 feet from the LOT LINES of the PROPERTY.

E. Sewage Disposal Plant or Lagoon in the I-2 DISTRICT

1. A copy of any application for a required State permit must be submitted with the Special Use application.
2. All permits required by the State must be obtained before a Zoning Use Permit is issued.

8.20.550 Business USES: Miscellaneous

A. Cemetery

1. Burial plots must be located no less than 100 feet from a well used as a potable water supply.
2. A burial plot or any above-ground STRUCTURE where human remains are permanently deposited must be located no less than 80 feet from the centerline of a STREET and no less than 50 feet from a rear or side LOT LINE.

B. Cemetery, Pet

1. Burial plots must be located no less than 100 feet from a well used as a potable water supply.
2. A burial plot or any above-ground STRUCTURE where animal remains are permanently deposited must be located no less than 80 feet from the centerline of a STREET and no less than 50 feet from a rear or side LOT LINE.

C. Contractors Facilities With Outdoor STORAGE or OPERATIONS

Outdoor STORAGE as an accessory USE is allowed when all outdoor STORAGE is located in the REAR YARD and is completely screened by a Type D Screen.

D. Crematorium

This USE must be located no less than 500 feet from any residential DISTRICT or residential USE.

E. KENNEL

1. If a KENNEL is not fully enclosed and animals are kept temporarily or permanently outdoors, it must meet the following requirements.
 - a. Outdoor exercise or training areas must be enclosed by a wire mesh fence no less than 6 feet high.
 - b. Animal exercise or training areas must be located no less than 200 feet from a residential DISTRICT or a LOT occupied by a residential USE.
2. The Special Use application must include a plan for the STORAGE and disposal of animal waste and the site plan must show the location of waste STORAGE and disposal facilities.

F. LANDSCAPE WASTE PROCESSING FACILITY

1. The Zoning Administrator shall not issue a Zoning Use Permit for a LANDSCAPE WASTE PROCESSING FACILITY before the applicant has obtained all permits required by the Illinois Environmental Protection Agency. The applicant must submit copies of the State permit applications with the Special Use application.
2. The part of the site used for composting of the LANDSCAPE WASTE must meet the following conditions:
 - a. That part of the site may not be located:
 - i. less than 500 feet from any existing residence or residential DISTRICT;
 - ii. less than 200 feet from any potable water supply well; or
 - iii. within the boundary of the 100-year floodplain.
 - b. The design and OPERATION must control runoff from the site and ensure that any leachate that is generated on the site is collected and managed appropriately.
3. The Special Use application must contain specific proposals for dust, odor and noise control.

G. Veterinary HOSPITAL

1. If a veterinary HOSPITAL is not fully enclosed and animals are kept

temporarily or permanently outdoors, it must meet the following requirements.

- a. Outdoor exercise areas must be enclosed by a wire mesh fence no less than 6 feet in HEIGHT.
 - b. Animal exercise areas must be located no less than 200 feet from a residential DISTRICT or a LOT occupied by a residential USE.
2. The Special Use application must include a plan for the STORAGE and disposal of animal waste and the site plan must show the location of waste STORAGE and disposal facilities.

8.20.560 Business USES: Business USES: PERSONAL SERVICES

A. Mortuary or Funeral Home in the AG-2 DISTRICT

1. This USE must be located on the same LOT as a cemetery.
2. This USE and the cemetery located on the same LOT must be part of a single enterprise or institution under common management.
3. If the subject PROPERTY is not connected to a connected PUBLIC SANITARY SEWER SYSTEM, the application for a Special Use authorization must include a letter from the Champaign County Health Department certifying that, based on a review of information submitted by the petitioner, the proposed onsite wastewater treatment and disposal system would meet the requirements of the *Champaign County Health Ordinance*.

8.20.570 Business USES: Recreational

A. Motorized Vehicle Course, Track or Racing

This USE may not be located within 1,000 feet of a residential DISTRICT or a residential, INSTITUTIONAL or PUBLIC ASSEMBLY USE.

B. Riding Stable in the CR, AG, AG-2 or B-1 DISTRICTS

1. This USE must be located no less than 500 feet from a residential DISTRICT.
2. This USE must be located on a LOT no less than 10 acres in LOT AREA.
3. The LOT must consist of no less than one acre for each horse kept on the PREMISES.

4. The site plan must indicate the location and CONSTRUCTION of all fences.
5. The Special Use application must include a plan for the STORAGE and disposal of manure. The site plan must show the location of manure storage or disposal facilities and any areas on the LOT on which manure is to be spread.
6. The impervious area of the LOT must be no more than 16 percent. For purposes of this condition, paddocks and other areas without permanent vegetative cover are considered impervious.

C. Riding Stable in the R-1 DISTRICT

1. This USE must be located in a recorded SUBDIVISION or a PLANNED DEVELOPMENT DISTRICT.
2. This USE must be included as a part of an overall scheme of development which centers around the riding and keeping of horses.
3. No less than 75 percent of the horses boarded must be owned by residents of the SUBDIVISION or PLANNED DEVELOPMENT DISTRICT in which the riding stable is located.
4. The site plan must indicate the location and CONSTRUCTION of all fences.
5. The Special Use application must include a plan for the STORAGE and disposal of manure. The site plan must show the location of manure storage or disposal facilities and any areas on the LOT on which manure is to be spread.
6. The impervious area of the LOT must be no more than 16 percent. For purposes of this condition, paddocks and other areas without permanent vegetative cover are considered impervious.

D. Skeet, Trap or Rifle Range

This USE may not be located within 1,000 feet of a residential DISTRICT or a residential, INSTITUTIONAL or PUBLIC ASSEMBLY USE.

8.20.640 Industrial USES: Lumber and Wood Products

A. Sawmill, Planing Mill and Related Activities

This USE may not be located within 1,000 feet of a residential DISTRICT

or a residential, INSTITUTIONAL or PUBLIC ASSEMBLY USE.

8.20.650 Industrial USES: Miscellaneous Manufacturing and Industries

A. Fuel Manufacturing - Ethanol

1. Only ethanol production facilities utilizing the dry mill process shall be permitted.
2. Thermal oxidizers or other similar technology to remove the volatile organic compounds (VOC's) to reduce odors must be installed.
3. The petitioner must provide a water study regarding the potential impacts of any proposed ethanol production facility on the Mahomet Aquifer, or other groundwater source if applicable, in terms of: adverse impacts to the aquifer; rate of draw down, including analysis of drawdown rate and the effect on shallow wells; capacity analysis; and seasonality impacts. The water study must be based on the following:
 - a. A review of relevant well records, hydrogeologic reports and other pertinent correspondence;
 - b. A determination of existing ground water levels in neighboring wells provided that ACCESS is permitted by the well OWNER;
 - c. Exploratory test hole drilling and geophysical exploration as required including possible geophysical logging of test holes;
 - d. If adequate aquifer hydraulic property information is not otherwise available, test data must be provided from a test well, monitoring well and other observation wells, or other appropriate existing wells, sufficient to serve as the basis for estimating a distance-drawdown relationship; and
 - e. An estimate of the distance-drawdown relationship.

Such water study must be performed by either an Illinois Licensed Geologist or an Illinois Licensed Professional Engineer. No Special Use for an ethanol facility shall be approved unless said water study determines no significant adverse impact with mitigation measures on the Mahomet Aquifer or other groundwater source. The County reserves the right to have the report reviewed by a similarly competent Illinois Licensed Geologist or an Illinois Licensed Professional Engineer.

2. When the ethanol fuel manufacturing plant is not proposed to be

connected to a PUBLIC SANITARY SEWER SYSTEM, sufficient information must be provided in the Special Use application to prove that an adequate drainage outlet is available for all anticipated discharges to surface waters.

3. The petitioner must provide a traffic impact analysis performed by an Illinois Licensed Professional Engineer who is prequalified for traffic studies by the Illinois Department of Transportation. The petitioner will be required to make the necessary improvements identified by the traffic impact analysis.
4. The petitioner must file the following items with the Zoning Administrator:
 - a. Emergency Action Plan which meets the Occupational Safety and Health Administration standards with written approval from the responding service providers.
 - b. Sewer Connection Permit from the sanitary district and any required Connection Permit from Illinois Environmental Protection Agency if the manufacturing facility discharges into a PUBLIC SANITARY SEWER SYSTEM.
 - c. Certificate of Compliance or Letter of Approval as a result of the application under the Clean Water Act.
 - d. Air Permit issued by the Illinois Environmental Protection Agency.
5. The petitioner must provide a letter from an Illinois Licensed Professional Engineer indicating that based on the proposed design the factory is not expected to violate the Illinois Noise Statute. Post CONSTRUCTION, the petitioner must place on file a letter from an Illinois Licensed Professional Engineer indicating that while operating the plant does not violate the Illinois Noise Statute.

8.20.655 Industrial USES: Petroleum and Rubber Products

- A. Gasoline and Volatile Oils Storage Not More than 80,000 Gallons Aggregate Capacity in the AG-2, B-1 or B-3 DISTRICTS
 1. The Zoning Administrator shall not issue a Zoning Use Permit before the applicant obtains a State Permit showing conformance to the *Illinois Gasoline Storage Act* (430 ILCS 15/0.01 *et seq.*) and *Illinois Rules for the Storage, Transportation and Use of Liquefied Petroleum Gases* (41 Ill. Admin Code, Part 200).

2. This USE may not be located less than 500 feet from any residential DISTRICT or any residential, INSTITUTIONAL or PUBLIC ASSEMBLY USE.
- B. Gasoline and Volatile Oils Storage Not More than 80,000 Gallons Aggregate Capacity in the I-1 DISTRICT
1. The Zoning Administrator shall not issue a Zoning Use Permit before the applicant obtains a State Permit showing conformance to the *Illinois Gasoline Storage Act* (430 ILCS 15/0.01 *et seq.*) and *Illinois Rules for the Storage, Transportation and Use of Liquefied Petroleum Gases* (41 Ill. Admin Code, Part 200).
 2. This USE may not be located less than 500 feet from any residential or business DISTRICT or any residential, INSTITUTIONAL or PUBLIC ASSEMBLY USE.
- C. Gasoline and Volatile Oils Storage Greater than 80,000 But Not More than 175,000 Gallons Aggregate Capacity in the B-1 DISTRICT
1. The Zoning Administrator shall not issue a Zoning Use Permit before the applicant obtains a State Permit showing conformance to the *Illinois Gasoline Storage Act* (430 ILCS 15/0.01 *et seq.*) and *Illinois Rules for the Storage, Transportation and Use of Liquefied Petroleum Gases* (41 Ill. Admin Code, Part 200).
 2. This USE may not be located less than 500 feet from any residential DISTRICT or any residential, INSTITUTIONAL or PUBLIC ASSEMBLY USE.
- D. Gasoline and Volatile Oils Storage Greater than 80,000 But Not More than 175,000 Gallons Aggregate Capacity in the I-1 DISTRICT
1. The Zoning Administrator shall not issue a Zoning Use Permit before the applicant obtains a State Permit showing conformance to the *Illinois Gasoline Storage Act* (430 ILCS 15/0.01 *et seq.*) and *Illinois Rules for the Storage, Transportation and Use of Liquefied Petroleum Gases* (41 Ill. Admin Code, Part 200).
 2. This USE may not be located less than 500 feet from any residential or business DISTRICT or any residential, INSTITUTIONAL or PUBLIC ASSEMBLY USE.
- E. Gasoline and Volatile Oils Storage Facilities More than 175,000 Gallons Aggregate Capacity
1. The Zoning Administrator may not issue a Zoning Use Permit before

the applicant obtains a State Permit showing conformance to the *Illinois Gasoline Storage Act* (430 ILCS 15/0.01 *et seq.*) and *Illinois Rules for the Storage, Transportation and Use of Liquefied Petroleum Gases* (41 Ill. Admin Code, Part 200).

2. This USE may not be located less than 500 feet from any residential or business DISTRICT or any residential, INSTITUTIONAL or PUBLIC ASSEMBLY USE.

F. Liquefied Petroleum Gases Storage

1. The Zoning Administrator shall not issue a Zoning Use Permit before the applicant obtains a State permit showing conformance to the *Illinois Rules for the Storage, Transportation and Use of Liquefied Petroleum Gases* (41 Ill. Admin Code, Part 200) and the *Illinois Gasoline Storage Act* (430 ILCS 15/0.01 *et seq.*).
2. This USE may not be located less than 500 feet from any residential DISTRICT or any residential, INSTITUTIONAL or PUBLIC ASSEMBLY USE.

8.30

Standard Conditions for Non-Adaptable Structure or Non-Adaptable Site Development

- A. If the ZBA finds that a proposed STRUCTURE is a NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT or that a proposed site development is a NON-ADAPTABLE SITE DEVELOPMENT, the landowner must enter into a reclamation agreement with the County in the form required by Paragraph D.
- B. The Zoning Administrator may not issue a Zoning Use Permit for a NON-ADAPTABLE STRUCTURE or a NON-ADAPTABLE SITE DEVELOPMENT before the landowner:
 - i. records a covenant incorporating the provisions of the Reclamation Agreement on the deed to the subject LOT; and
 - ii. provides the County with a Letter of Credit as required in Paragraph E.
- C. The Special Use applicant must submit separate cost estimates for completion of each item listed in Subparagraph D(2). Each cost estimate must be prepared by an Illinois Licensed Professional Engineer.
- D. The Reclamation Agreement must include the following provisions:
 1. The Reclamation Agreement must be binding upon all successors of title to the land.
 2. The agreement must provide for:

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- i. removal of above-ground portion of any STRUCTURE on the subject site;
 - ii. site grading;
 - iii. interim soil erosion control; and
 - iv. below-ground restoration, including final grading and surface treatment.
 3. The Reclamation Agreement must provide for maintenance of a Letter of Credit meeting the requirements of Paragraph E.
- E. The Reclamation Agreement must include an irrevocable Letter of Credit in the amount of 150 percent of the cost estimate described in Paragraph C. The Letter of Credit, or a successor Letter of Credit must remain in effect and available to the County for an indefinite term.
- F. If the PROPERTY subject to the Letter of Credit required in Paragraph E is transferred to another person, the new OWNER must submit a new Reclamation Agreement and an irrevocable Letter of Credit of the same or greater value to the Zoning Administrator. The Letter of Credit must be provided before legal transfer of title. Once the new OWNER of record has done so, the Letter of Credit posted by the previous OWNER will be released, and the previous OWNER will be released from any further obligations under the Reclamation Agreement

9 Zoning Districts and Map

9.10 County Divided into Districts

This Ordinance divides the County into DISTRICTS as shown on the Zoning Map which is a part of this Ordinance.

9.20 Official Zoning Map

9.20.100 Identification of Zoning Map

The Zoning Map shall be identified by the signature of the Chairperson of the County Board, attested by the County Clerk, and shall bear the effective date of this Ordinance.

9.20.200 Changes to Zoning Map

- A. DISTRICT boundaries portrayed on the Zoning Map change from time to time due to annexation, disannexation, dis-incorporation or by amendment. Any such amendment, upon adoption, shall be added to the Zoning Map. Upon receipt of a certified copy of the ordinance, resolution or other instrument effecting a change in the Zoning Map, the Zoning Administrator shall promptly change the Zoning Map to reflect the changes.
- B. If, in accordance with the provisions of this Ordinance and the *Illinois County Code* (55 ILCS 5/5-12001 *et seq.*), the County Board amends the Zoning Map, the amending ordinance shall provide that such changes not become effective until they have been duly entered on the Zoning Map.
- C. No changes of any nature may be made to the depiction of DISTRICTS on the Zoning Map except in conformity with the procedures set forth in this Ordinance.
- D. The Zoning Administrator may add or correct factual information regarding municipal corporate limits, natural or cultural features or the non-zoning status of land. The Zoning Administrator may add information regarding Variances, Special Uses, County Board Special Uses, nonconformities or other matters for informational purposes.

9.20.300 Authority of Zoning Map

Regardless of the existence of purported copies of the Zoning Map which may from time to time be made or published, the Zoning Map which shall be located in the office of the Zoning Administrator shall be the final authority as to the current

zoning status of land and water areas and STRUCTURES in the County.

9.20.400 Replacement of Zoning Map

- A. In the event that the Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes, the County Board may by ordinance adopt a new Zoning Map which shall supersede the prior Zoning Map. The new Zoning Map shall correct drafting or other errors or omissions to the prior Zoning Map, but no such corrections shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof.
- B. The new Zoning Map shall be identified by the signature of the Chairperson of the County Board, attested by the County Clerk, and shall bear the effective date of the old Zoning Map and the effective date of the new Zoning Map.

9.30 Rules for Interpretation of Boundaries Shown on Zoning Map

Where uncertainty exists as to the boundaries of DISTRICTS as shown on the Zoning Map, the Zoning Administrator may interpret boundaries of DISTRICTS using the rules contained in this Section.

9.30.100 DISTRICT Boundaries

- A. DISTRICT boundaries indicated as approximately following the centerlines of STREETS or ALLEYS shall be construed to follow such centerlines.
- B. DISTRICT boundaries indicated as approximately following recorded LOT LINES shall be construed as following such LOT LINES.
- C. DISTRICT boundaries indicated as approximately following municipal corporate limits shall be construed as following such municipal corporate limits.
- D. DISTRICT boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. DISTRICT boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- F. DISTRICT boundaries indicated as parallel to or extensions of features

indicated in Paragraphs A through E shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

9.30.200 **Physical and Cultural Features**

The ZBA shall interpret the DISTRICT boundaries where physical or cultural features existing on the ground are:

- i. at variance with those shown on the Zoning Map; or
- ii. in other circumstances, are not covered by Paragraphs 9.30.100(A) through 9.30.100(F).

9.40 Disconnected Territory

All territory which may be disconnected from any incorporated area within the County shall be considered to be zoned in a manner most closely conforming to the zoning of the DISTRICT of the municipality in which the territory was located prior to disconnection unless otherwise specified in a disconnection agreement. The translation table, if one exists, of the municipal zoning ordinance shall determine which County DISTRICT most closely conforms to the prior municipal DISTRICT, otherwise the Zoning Administrator shall determine in which County DISTRICT the territory shall be classified.

10 Rural Districts

10.10 CR Conservation-Recreation District

10.10.100 Nature and Intent

The CR District is intended to minimize disturbance and destruction of wildlife habitat, natural functions and scenic values of the remaining natural areas in the County. The DISTRICT is designed to protect endangered species in both terrestrial and aquatic habitats and protect water quality in the County's streams and rivers. It is also intended to prevent development in areas subject to flooding. The DISTRICT is intended to accommodate limited residential and commercial USES and recreational USES that require or are best suited to a natural setting.

10.10.200 Lands Included

The DISTRICT is generally located along the major stream networks of the County, and generally contains and corresponds to wooded or riparian areas situated along the major stream networks.

10.10.300 USES Accommodated

- A. The DISTRICT allows very limited residential USE to permit landowners to derive supplementary income or provide for FAMILY members by creating a few BUILDING LOTS. Significant residential development may occur in areas zoned CR only where the County Board agrees to create a Rural Residential Overlay District.
- B. The DISTRICT accommodates a limited range of other USES that have limited environmental impacts and:
 - i. are oriented to a location with natural amenities; or
 - ii. require locations in stream side areas.

10.10.400 Other Considerations

The DISTRICT is intended to allow only a very limited degree of development and to ensure that it is distributed so that it minimizes impacts on natural areas and does not exceed the capacity of a rural infrastructure. The intensity of development is controlled by limiting the number of residential LOTS that can be created from individual existing tracts of land.

10.20 AG Agriculture District

10.20.100 Nature and Intent

- A. The AG District is intended to reserve for farming the areas of the County where soil and topographic conditions are best adapted to the pursuit of AGRICULTURE. It is designed to prevent a mixture of non-farm and agricultural USES which would contribute to the premature termination of AGRICULTURE as a livelihood and a way of life.
- B. The DISTRICT is intended to minimize the destruction of prime farmland soils by preventing significant development which should only occur at urban densities on land served by PUBLIC SANITARY SEWER SYSTEMS in areas contiguous to existing urbanized areas.
- C. The DISTRICT is intended to accommodate and protect AGRICULTURE from the effects of non-agricultural development and from private nuisance actions arising from the side effects of agricultural practices.

10.20.200 Lands Included

- A. The AG District includes a large majority of the unincorporated territory extending outward from the periphery of built-up and incorporated areas. It generally excludes the riparian and other natural areas, sites that have already been developed and areas within municipal extraterritorial jurisdictions that are planned for non-residential USES.
- B. Lands in the DISTRICT are of varying agricultural productivity but the preponderance of County soils are prime farmland. The distribution of less productive soils does not lend itself to mapping a separate DISTRICT.
- C. The DISTRICT is intended to include lands that are not served by a PUBLIC SANITARY SEWER SYSTEM.

10.20.300 USES Accommodated

- A. The DISTRICT generally allows very limited residential USE to permit the OWNERS of farmland to derive supplementary income or provide for FAMILY members by creating a limited number of residential LOTS as indicated in Section 15.20. Significant residential development may occur in the areas zoned AG only where the County Board agrees to create a Rural Residential Overlay District.
- B. The DISTRICT accommodates a limited range of other USES that have limited impacts if they:
 - i. support agricultural USES;
 - ii. require a rural location; or
 - iii. do not take prime farmland out of production.

10.20.400 Other Considerations

The DISTRICT is intended to allow only a very limited degree of non-farm development and to ensure that it is distributed so that it does not exceed the capacity of rural infrastructure. The intensity of development is controlled by limiting the number of residential LOTS that can be created from individual existing tracts of land.

10.30 AG-2 Agriculture District

10.30.100 Nature and Intent

- A. Like the AG District, the AG-2 District is intended to reserve for farming the areas of the County where soil and topographic conditions are best adapted to the pursuit of AGRICULTURE. It is designed to prevent a mixture of non-farm and agricultural USES which would contribute to the premature termination of AGRICULTURE as a livelihood and a way of life.
- B. The DISTRICT is intended to minimize the destruction of prime farmland soils by preventing significant development which should only occur at urban densities on land served by PUBLIC SANITARY SEWER SYSTEMS in areas contiguous to existing urbanized areas.
- C. The DISTRICT is intended to accommodate and protect AGRICULTURE from the effects of non-agricultural development and from private nuisance actions arising from the side effects of agricultural practices.

10.30.200 Lands Included

The AG-2 District is generally situated around the perimeter of the ZONED MUNICIPALITIES and some villages in the County. The DISTRICT was formed at the time of adoption of the Ordinance on October 10, 1973 and since that time the larger municipalities and villages have annexed a significant amount of land zoned AG-2.

10.30.300 USES Accommodated

- A. The DISTRICT generally allows very limited residential USE to permit the OWNERS of farmland to derive supplementary income or provide for FAMILY members by creating a limited number of residential LOTS as indicated in Section 15.20. Significant residential development may occur in the areas zoned AG-2 only where the County Board agrees to create a Rural Residential Overlay District.
- B. The DISTRICT accommodates a limited range of non-residential land use that allows development opportunities for landowners, including:

- i. business USES that are appropriate in both an agricultural and business or industrial setting; and
- ii. business USES that do not represent substantial investments and which could be readily converted to other USES.

10.30.400 Other Considerations

The DISTRICT is intended to allow only a very limited degree of non-farm development and to ensure that it is distributed so that it does not exceed the capacity of rural infrastructure. The intensity of development is controlled by limiting the number of residential LOTS that can be created from individual existing tracts of land.

10.40 B-1 Rural Trade Center District

10.40.100 Nature and Intent

The B-1 District is intended to provide areas for agricultural related business services to rural residents in areas already in this DISTRICT.

10.40.200 Lands Included

- A. The DISTRICT is considered to be obsolete. It is retained to ensure the status of existing USES in the DISTRICT. The DISTRICT is intended to extend only to the areas already zoned to this classification.
- B. The DISTRICT is not intended to be applied to any areas not already zoned B-1.

10.40.300 USES Accommodated

- A. The DISTRICT provides for the continuation of existing USES and a limited array of USES that can make use of existing facilities.
- B. The USES permitted in the DISTRICT are USES that can be accommodated in the AG or AG-2 Districts subject to authorization as a Conditional Use or Special Use. Expansion of existing USES beyond the current boundaries of the B-1 District is intended to be accommodated in the adjacent DISTRICTS by the means specified in this Ordinance for those DISTRICTS.

11 Residential Districts

11.10 R-1 Single Family Residence District

11.10.100 Nature and Intent

The R-1 District is intended to provide areas for detached SINGLE FAMILY DWELLINGS, set on LOTS and is intended for application in mainly non-urban and developing areas where community facilities can be made readily available.

11.10.200 Lands Included [Reserved]

11.10.300 USES Accommodated [Reserved]

11.10.400 Other Considerations [Reserved]

11.20 R-2 Single Family Residence District

11.20.100 Nature and Intent

The R-2 District is intended to provide areas for detached SINGLE FAMILY DWELLINGS, set on medium-sized LOTS and is intended for application within or adjoining developed areas where community facilities exist.

11.20.200 Lands Included [Reserved]

11.20.300 USES Accommodated [Reserved]

11.20.400 Other Considerations [Reserved]

11.30 R-3 Two-Family Residence District

11.30.100 Nature and Intent

The R-3 District is intended to provide areas for SINGLE FAMILY DWELLINGS and TWO-FAMILY DWELLINGS, set on medium-sized LOTS and is intended for application within or adjoining developed areas where community facilities exist.

11.30.200 Lands Included [Reserved]

11.30.300 USES Accommodated [Reserved]

11.30.400 Other Considerations [Reserved]

11.40 R-4 Multiple Family Residence District

11.40.100 Nature and Intent

The R-4 District is intended to provide areas for SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS and MULTI-FAMILY DWELLINGS set in a medium density housing environment.

11.40.200 Lands Included [Reserved]

11.40.300 USES Accommodated [Reserved]

11.40.400 Other Considerations [Reserved]

11.50 R-5 Manufactured Home Park District

11.50.100 Nature and Intent

The R-5 District is intended to accommodate MANUFACTURED HOME PARKS and their associated USES in a medium density housing environment.

11.50.200 Lands Included [Reserved]

11.50.300 USES Accommodated [Reserved]

11.50.400 Other Considerations [Reserved]

12 Business and Industrial Districts

12.10 B-2 Neighborhood Business District

12.10.100 Nature and Intent

The B-2 District is intended to provide areas for the convenience of adjacent residential areas, and to permit only such USES as are necessary to satisfy limited basic shopping needs which occur daily or frequently.

12.10.200 Lands Included [Reserved]

12.10.300 USES Accommodated [Reserved]

12.10.400 Other Considerations [Reserved]

12.20 B-3 Highway Business District

12.20.100 Nature and Intent

The B-3 District is intended to provide areas for commercial ESTABLISHMENTS which primarily serve the needs of motorists and are intended for application only adjacent to major thoroughfares in the County.

12.20.200 Lands Included [Reserved]

12.20.300 USES Accommodated [Reserved]

12.20.400 Other Considerations [Reserved]

12.30 B-4 General Business District

12.30.100 Nature and Intent

The B-4 District is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the County.

12.30.200 Lands Included [Reserved]

12.30.300 USES Accommodated [Reserved]

12.30.400 Other Considerations [Reserved]

12.40 B-5 Central Business District

12.40.100 Nature and Intent

The B-5 District is intended to provide for needs of a larger consumer population than served by the B-2 District and is located generally in the business DISTRICTS of the unzoned municipalities in the County.

12.40.200 Lands Included [Reserved]

12.40.300 USES Accommodated [Reserved]

12.40.400 Other Considerations [Reserved]

12.50 I-1 Light Industry District

12.50.100 Nature and Intent

The I-1 District is established to provide for STORAGE and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.

12.50.200 Lands Included [Reserved]

12.50.300 USES Accommodated [Reserved]

12.50.400 Other Considerations [Reserved]

12.60 I-2 Heavy Industry District

12.60.100 Nature and Intent

The I-2 District is established to accommodate those manufacturing USES that have moderate environmental effects and are located in areas relatively remote from residential and prime retail development.

12.60.200 Lands Included [Reserved]

12.60.300 USES Accommodated [Reserved]

12.60.400 Other Considerations [Reserved]

13 Special Districts

13.10 Planned Development Districts

13.10.100 Nature and Intent

- A. This Ordinance establishes a mechanism for creating a special DISTRICT, generally referred to as a Planned Development District, for special purposes in certain areas. A Planned Development District is an area for which a unitary site plan has been prepared, establishing, among other things, standards such as: authorized land USES; accessory USES; housing densities; land coverage; STREETS; BUILDING HEIGHTS; OPEN SPACE allocations; onsite circulation for both pedestrians and AUTOMOBILES; parking setbacks; BUILDING spacings; landscape relationships with adjoining areas; and architectural treatment.
- B. This Ordinance allows for the following types of Planned Development Districts:
 - i. Residential Planned Development District; and
 - ii. Manufactured Home Park District.
- C. Specific zoning standards and procedural requirements for each of the types of Planned Development District noted in Subparagraph 2 above are found in the following individual Chapters of this Ordinance:

PLANNED DEVELOPMENT DISTRICT	CHAPTER CONTAINING SPECIFIC ZONING STANDARDS AND PROCEDURAL REQUIREMENTS
Residential Planned Development District	Chapter 38
Manufactured Home Park District	Chapter 39

- D. Planned Development Districts give the County Board the discretion to:
 - i. apply regulations flexibly while conducting a public review to ensure that the public health, safety and welfare are protected;
 - ii. consider important site features on the basis of information that would be prohibitively expensive to map County-wide or otherwise determine in advance but that can be obtained economically in a site-specific review process; and
 - iii. conduct a careful review of a development proposal while controlling the site investigation, design and engineering costs of the applicant.
- E. The intent of providing additional flexibility is to:
 - i. allow innovative designs;

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- ii. encourage higher development densities to minimize the conversion of prime farmland and disturbance of natural areas;
- iii. provide for site-specific reviews and careful site design to minimize the disturbance of natural areas, historic and archeological resources, and scenic areas;
- iv. allow for a determination of the suitability of a site the for a proposed USE before substantial investment in site design or engineering has been made;
- v. determine the adequacy of infrastructure and public services for a proposed development before substantial investment in site design or engineering has been made;
- vi. review site design to minimize potential conflicts with AGRICULTURE;
- vii. assure development is compatible with existing adjacent land USES; and
- viii. promote high quality design that enhances everyday life, takes full advantage of landscape features and contributes to higher aesthetic standards.

13.10.200 Lands Included

Planned Development Districts are created upon application for a specific project on a specific site. They may be created only in the areas authorized in accordance with specific standards contained in the applicable Chapter listed in Subparagraph 13.10.100(A)(3). The County Board may agree to create a Planned Development District if it finds that the site is appropriate for the proposed development and the site plan meets applicable regulations and performance standards.

13.10.300 USES Accommodated

A Planned Development District accommodates only those USES specifically authorized in the applicable Chapter listed in Subparagraph 13.10.100(A)(3) to the extent that the County Board finds that the site is appropriate for the proposed development.

13.10.400 Other Considerations

A Planned Development District may be created only in accordance with the procedures specified in the applicable Chapter listed in Subparagraph 13.10.100(A)(3).

13.20 Overlay District

13.20.100 Nature and Intent

An Overlay District is defined as a special DISTRICT that modifies or

supplements the standards and requirements of an underlying DISTRICT. Those standards and requirements of the underlying DISTRICT that are not specifically modified by the terms of the Overlay District remain in full force and effect.

13.20.200 Other Considerations

- A. This Ordinance allows for the Rural Residential Overlay District.
- B. Specific zoning standards and procedural requirements for the Rural Residential Overlay District are found in Chapter 37 of this Ordinance.

15 Lots**15.10 General Requirements**

15.10.100 LOT Characteristics

- A. A newly created LOT must meet all applicable requirements of this Ordinance.
- B. An existing LOT may not be ALTERED by any action listed in Subsection 15.10.200 in such a way that it violates an applicable requirement of this Ordinance.

15.10.200 Creating LOTS

The following actions create a LOT but do not necessarily make it lawful unless all other requirements of law and applicable regulations of this Ordinance are met. A lot is created by:

- i. recording a plat of SUBDIVISION dividing an existing PARCEL;
- ii. recording a survey dividing an existing PARCEL;
- iii. conveying in any manner the right to USE or occupy a defined tract of land comprising less than the entire existing PARCEL;
- iv. conveying in any manner the title to a defined tract of land comprising less than the entire existing PARCEL;
- v. dividing a tenancy in common;
- vi. creating a leasehold on a defined tract of land comprising less than the entire existing PARCEL;
- vii. granting a mortgage to a defined tract of land comprising less than the entire existing PARCEL; or
- viii. describing a defined tract of land in a Zoning Use Permit if no conveyance is made of any interest in the real estate and all requirements of Section 15.10.300 are met.

15.10.300 Compliance with Other Regulations

- A. A LOT must be created in compliance with:
 - i. the *Illinois Plat Act* (765 ILCS 205/0.01 *et seq.*);
 - ii. the *Champaign County Subdivision Regulations* (Ord. No. 44, as amended); and
 - iii. the SUBDIVISION regulations of a municipality having jurisdiction.
- B. A LOT that does not comply with the requirements of Paragraph A may not be put to separate USE, built upon, or developed, except if:
 - i. the LOT conforms to all other applicable requirements, and
 - ii. creating the LOT did not violate any applicable municipal SUBDIVISION ordinance regulations in effect at the time it was created.

15.10.400 Exempt LOTS

- A. An outlot in a PLATTED SUBDIVISION is exempt if the outlot contains no STRUCTURES requiring a Zoning Use Permit under the terms of this Ordinance.
- B. A LOT is exempt if the USE on the LOT is exempt as provided in Section 2.60, except that a LOT used principally for AGRICULTURE which contains a DWELLING must meet the minimum LOT dimension requirements of Section 15.30.

15.20 Limits on Establishing Residential Uses in the CR, AG and AG-2 Districts

15.20.100 Limits Generally

- A. Only a limited number of LOTS required for residential USES may be created from a PARCEL existing as of January 1, 1998. New LOTS for residential USES may not be created from an outlot in a PLATTED SUBDIVISION or from a Remainder Lot.
- B.
 1. No CONSTRUCTION or USE that requires a Zoning Use Permit is authorized on a Remainder Lot.
 2. A Remainder Lot is that part of a PARCEL that remains after one or more LOTS have been created pursuant to Subsection 15.20.200, excluding that portion of a PARCEL which includes an existing, lawfully created residential USE.
- C. Subsection 15.20.200 specifies the total number of LOTS that may be created from a PARCEL existing as of January 1, 1998 for residential USE.
- D. When a PARCEL is divided between 2 or more OWNERS, the LOT creation rights specified in this Section belong to the first person to use them.
- E. When a PARCEL is enlarged by adding land from an adjacent PARCEL, any unused LOT creation rights from the added land will be assigned to the new larger PARCEL. These rights are assigned in proportion to the acreage of the added part as a percentage of the entire PARCEL from which it originated. When fractional rights result, the full right is assigned to the PARCEL with the largest fraction.
- F. Exemptions to the limit on number of LOTS that may be created for residential USE are listed in Subsection 15.20.300.

15.20.200 Maximum Number of LOTS that May be Created for Residential USE from a PARCEL in the CR, AG and AG-2 Districts

- A. The following may be permitted in the CR, AG, and AG-2 Districts without

the creation of a Rural Residential Overlay District:

1. The creation of any number of LOTS greater than 35 acres in area.
 2. CONSTRUCTION of the first 3 SINGLE FAMILY DWELLINGS on LOTS less than 35 acres in area created out of any PARCEL of land existing in the same dimensions and configurations as on January 1, 1998, provided, however that any such PARCEL that is greater than or equal to 25 acres in area and less than 50 acres may be divided into 4 LOTS for the CONSTRUCTION of SINGLE FAMILY DWELLINGS.
 3. No LOT that is 5 acres or less in area may be further divided.
 4. The creation of any number of LOTS contained in a SUBDIVISION having received preliminary plat approval prior to June 22, 1999 for which preliminary plat approval remains in effect.
- B. If AGRICULTURE is the principal USE of a LOT or PARCEL, a DWELLING that is accessory to the agricultural USE is not counted against the limits contained in this Section, as long as it remains accessory to an agricultural USE.

15.20.300 LOTS Exempt from Limits on Number

- A. A SINGLE FAMILY DWELLING may be established on a vacant LOT lawfully created prior to [effective date].
- B. A LOT used exclusively for non-residential purposes is exempt from the limits on number of this Section, but not from other requirements of this Ordinance. For purposes of this Subsection, a LOT which includes an accessory DWELLING to a non-residential USE in the CR, AG or AG-2 Districts is considered a residential USE and is not exempt.

15.20.400 Creation of Additional LOTS for Residential USE

LOTS in addition to those allowed as indicated in Subsection 15.20.200 and exempt from the limit on number, as indicated in Subsection 15.20.300, may be created only if the County Board agrees to establish a Rural Residential Overlay District.

15.30 Lot Dimensions

15.30.100 Maximum LOT AREA Limit for LOTS Created for Residential USE on PARCELS Containing Best Prime Farmland

- A. LOTS devoted to residential USE may not be larger than 3 acres if the LOT proposed to be created on a PARCEL has a Land Evaluation score of 85, based on the County's *Land Evaluation and Site Assessment System*.

- B. The following LOTS are exempt from the 3-acre maximum LOT AREA limit.
1. LOTS created for residential USE from a PARCEL less than 12 acres in area.
 2. LOTS created for residential USE that include an existing DWELLING that is part of an existing farmstead as of [effective date], if the LOT created to encompass the DWELLING and outbuildings does not exceed the area that appears as untilled on the Year 2005 Champaign County GIS Consortium digital ortho photography. A farmstead is that portion of a farm designated for a DWELLING that is accessory to AGRICULTURE and other STRUCTURES necessary to the farm's OPERATION. A farmstead includes contiguous paddocks and pastures, but excludes contiguous lands enrolled in a Conservation Reserve Program or Conservation Reserve Enhancement Program.
 3. LOTS that are part of a Rural Residential Overlay District.
 4. A Remainder Lot is exempt from the LOT AREA limit of 3 acres, but no CONSTRUCTION or USE that requires a Zoning Use Permit is permitted.

15.30.200 Minimum LOT Dimensions Generally

- A. Minimum LOT dimension requirements are determined based on whether or not a LOT is served by a PUBLIC SANITARY SEWER SYSTEM or a PUBLIC WATER SUPPLY SYSTEM. Subsection 15.30.300 contains a 2-part table that sets out minimum dimensions for LOTS with and without a connection to a PUBLIC SANITARY SEWER SYSTEM. Table 15.30.300(A) specifies minimum dimensions for LOTS with a public sewer connection and Table 15.30.300(B) specifies minimum dimensions for LOTS without a public sewer connection.
- B. These regulations have been amended from time to time. A LOT complies with this Section if it complied with the applicable regulations at the time it was created.
- C. A LOT may not have a LOT DEPTH less than 80 feet except in the B-5 District.

15.30.300 Schedule of Minimum LOT Dimension Requirements

- A. Minimum LOT Dimension Requirements for LOTS with a Connected PUBLIC SANITARY SEWER SYSTEM

Champaign County Zoning Ordinance
Chapter 15. Lots

LOT CREATION DATE	ZONING DISTRICT	MINIMUM LOT AREA ¹	AVERAGE LOT WIDTH	ADDITIONAL LOT AREA ¹ REQUIRED FOR AN ADDITIONAL DWELLING UNIT OR PRINCIPAL USE	
On or after [effective date]	CR, Conservation-Recreation AG, Agriculture	1 acre	200 feet	no requirement	
	AG-2, Agriculture	20,000	100 feet		
	R-1, Single Family Residence	9,000 square feet	80 feet		
	R-2, Single Family Residence	6,500 square feet	65 feet	no requirement	
	R-3, Single Family Residence				2,500 square feet
	R-4, Multiple Family Residence				2,000 square feet
	B-1, Rural Trade Center				
	B-2, Neighborhood Business B-3, Highway Business B-4, General Business				
	R-5 Manufactured Home Park	5 acres	200 feet	no requirement	
	B-5, Central Business	no requirement	no requirement		
	I-1, Light Industry	10,000 square feet	100 feet		
	I-2, Heavy Industry	20,000 square feet	150 feet		
	On or after 10/10/73 and prior to [effective date]	CR, Conservation-Recreation AG-1, Agriculture	1 acre	200 feet	no requirement
AG-2, Agriculture		20,000 square feet	100 feet		
Minimum LOT dimension requirements for all other DISTRICTS are as shown above in the "on or after [effective date]" portion of this table.					

Table 15.30.300(A) Note:

1. For purposes of this Subsection, the minimum one-acre LOT AREA calculation must exclude any LOT AREA:
 - i. occupied by a lake, pond, or stream, channel or other waterway; or
 - ii. lying within a STREET RIGHT-OF-WAY or an easement of ACCESS.

- B. Minimum LOT Dimension Requirements for LOTS Without a Connected PUBLIC SANITARY SEWER SYSTEM

Champaign County Zoning Ordinance
Chapter 15. Lots

LOT CREATION DATE	ZONING DISTRICT	MINIMUM LOT AREA ¹	AVERAGE LOT WIDTH	ADDITIONAL LOT AREA ¹ REQUIRED FOR AN ADDITIONAL DWELLING UNIT OR USE	
On or after [effective date]	CR, Conservation-Recreation AG, Agriculture	1 acre	200 feet	10,000 square feet	
	All other DISTRICTS:	with a connected PUBLIC WATER SUPPLY SYSTEM	20,000 square feet		100 feet
		without a connected PUBLIC WATER SUPPLY SYSTEM	30,000 square feet		150 feet
On or after 9/21/93 and prior to [effective date]	CR, Conservation-Recreation AG-1, Agriculture	1 acre	200 feet	10,000 square feet	
	All other DISTRICTS:	with a connected PUBLIC WATER SUPPLY SYSTEM	20,000 square feet		100 feet
		without a connected PUBLIC WATER SUPPLY SYSTEM	30,000 square feet		150 feet
On or after 10/10/73 and prior to 9/21/93	CR, Conservation-Recreation AG-1, Agriculture	1 acre	200 feet	7,000 square feet	
	All other DISTRICTS:	with a connected PUBLIC WATER SUPPLY SYSTEM	10,000 square feet		100 feet
		without a connected PUBLIC WATER SUPPLY SYSTEM	20,000 square feet		100 feet

Table 15.30.300(B) Note:

1. For purposes of this Subsection, the minimum one-acre LOT AREA calculation must exclude any LOT AREA:
 - i. occupied by a lake, pond, or stream, channel or other waterway; or
 - ii. lying within a STREET RIGHT-OF-WAY or an easement of ACCESS.

15.40 Lot Access

15.40.100 LOT ACCESS Requirements

- A. No STRUCTURE may be constructed or USE established on a LOT which does not meet the requirements of Paragraphs B and C of this Section.
- B. A LOT must ABUT and have ACCESS to:
 - i. a STREET RIGHT-OF-WAY for a distance of no less than 20 feet at a

- ii. point at which the LOT has the right of ACCESS to the STREET; or a PRIVATE ACCESSWAY providing ACCESS to a STREET provided that such PRIVATE ACCESSWAY meets the requirements of Paragraph C.

- C. A PRIVATE ACCESSWAY must:
 - i. be established by a recorded plat of SUBDIVISION;
 - ii. ABUT a STREET RIGHT-OF-WAY and provide ACCESS at a point at which it has the right of ACCESS; and
 - iii. conform to all of the standards required for STREETS in the *Champaign County Subdivision Regulations*, and be certified by an Illinois Licensed Professional Engineer to meet all required standards for STREETS and also any additional applicable municipal SUBDIVISION regulations as applied by the SUBDIVISION authority including any waivers.

15.50 Flag Lots

15.50.100 Where a FLAG LOT is Allowed

- A. A FLAG LOT may be created in the AG, AG-2, CR, R-1, R-2, R-3, R-4, and R-5 Districts.
- B. A FLAG LOT may not be created in a business or industrial DISTRICT except within a SUBDIVISION.
- C. A FLAG LOT may not be created within an existing SUBDIVISION except by resubdivision.

15.50.200 FLAG LOT Requirements

- A. A FLAG LOT must front upon a STREET.
- B. The LOT area of a FLAG LOT does not include the area of the ACCESS STRIP.
- C. The LOT DEPTH of a FLAG LOT does not include the ACCESS STRIP. It is measured from the midpoint of the line closest to the STREET on which the LOT fronts instead of the FRONT LOT LINE.

15.60.300 ACCESS STRIP Requirements

- A. An ACCESS STRIP must provide actual ACCESS to the LOT.
- B. An ACCESS STRIP must have a minimum width of 20 feet at all points.
- C. An ACCESS STRIPS must be wide enough and aligned to permit CONSTRUCTION of a driveway at least 10 feet wide with a minimum centerline curve radius of 50 feet.

- D. An ACCESS STRIP may not ABUT any other ACCESS STRIP at any point except in a SUBDIVISION.

15.60 Nonconforming Lots

15.60.100 NONCONFORMING LOTS Generally

- A. If the dimensions and configuration of an existing LOT are made unlawful by this Ordinance or amendment, the LOT may continue to exist as long as it remains otherwise lawful subject to the provisions of this Chapter.
- B. A LOT is considered a NONCONFORMING LOT only if:
- i. the creation of the LOT complied with the *Illinois Plat Act* and applicable County or municipal SUBDIVISION regulations; and
 - ii. the LOT was otherwise lawful at the time it was created.
- C. NONCONFORMING LOTS may be used in the same manner as conforming LOTS subject to the requirements of this Section.

15.60.200 Combining NONCONFORMING LOTS

Once 2 or more contiguous LOTS or combination of LOTS and portions of LOTS which individually do not meet any dimensional, geometric, LOT ACCESS or other standards are brought into common OWNERSHIP, the LOTS involved are considered to be a single LOT for the purpose of this Ordinance. No portion of said LOT which does not meet all the dimensional, geometric, LOT ACCESS and other standards established by this Ordinance may be used separately or conveyed to another OWNER.

15.60.300 Minimum Area of NONCONFORMING LOTS for SINGLE FAMILY DWELLINGS

- A. In any DISTRICT where SINGLE FAMILY DWELLINGS are permitted as a principal USE, a SINGLE FAMILY DWELLING and customary accessory BUILDINGS may be erected on any single LOT of record which was PLATTED and recorded prior to October 10, 1973 if that LOT meets all of the following conditions:
1. The LOT must have been in separate OWNERSHIP and not in continuous FRONTAGE with other LOTS in the same OWNERSHIP on October 10, 1973.
 2. The LOT must contain sufficient area and width to provide a lawful water supply and means of wastewater disposal.
 3. YARD dimensions and other requirements not involving area or width, or both, of such LOTS must conform to the requirements for the

DISTRICT in which said LOT is located.

4. Any LOT area devoted to permanent ponds and/or lakes must be excluded from calculations of total LOT AREA.
- B. These provisions apply even though such NONCONFORMING LOTS fail to meet the current dimensional, geometric, LOT ACCESS or other requirements in their respective DISTRICTS.

15.60.400 Minimum Area of NONCONFORMING LOTS for Multiple Principal STRUCTURES

- A. In any DISTRICT where:
- i. TWO-FAMILY DWELLINGS or MULTI-FAMILY DWELLINGS are authorized By Right or as a Conditional Use in Chapter 6; or
 - ii. more than one principal STRUCTURE or BUILDING is authorized as a Conditional Use, Special Use, County Board Special Use in Chapter 6,

any NONCONFORMING LOT of record which was not improved with such DWELLINGS, STRUCTURES or BUILDINGS on or before October 10, 1973 is not eligible for the location of:

- i. a TWO-FAMILY DWELLING or MULTI-FAMILY DWELLING; or
- ii. more than one principal STRUCTURE or principal BUILDING

for reasons of protecting the public health unless the LOT meets the following minimum LOT AREA requirements.

1. A LOT without a PUBLIC WATER SUPPLY SYSTEM and without a connected PUBLIC SANITARY SEWER SYSTEM may not be less than 20,000 square feet in area for the first DWELLING UNIT, principal STRUCTURE or principal BUILDING thereon, and must include an additional 7,000 square feet for each additional DWELLING UNIT, principal STRUCTURE or principal BUILDING placed thereon.
2. A LOT served by a private well and a PUBLIC SANITARY SEWER SYSTEM may not be less than 10,000 square feet in area for the first DWELLING UNIT, principal STRUCTURE or BUILDING placed thereon, and must include an additional 7,000 square feet for each additional DWELLING UNIT, principal STRUCTURE or principal BUILDING placed thereon.
3. A LOT served by a PUBLIC WATER SUPPLY SYSTEM and without a connected PUBLIC SANITARY SEWER SYSTEM may not be less than 10,000 square feet in area for the first DWELLING UNIT, principal STRUCTURE or principal BUILDING placed thereon, and must include an additional 7,000 square feet for each additional DWELLING UNIT, principal STRUCTURE or principal BUILDING placed thereon.

16 Buildings, Structures and Site Development

16.10 Purpose

This Chapter contains siting and bulk requirements for any BUILDING, STRUCTURE or site development which requires a Zoning Use Permit.

16.20 General Provisions

- A. The siting and bulk requirements of this Chapter apply in addition to all other requirements of this Ordinance. The most restrictive regulation will govern.
- B. In accordance with the requirement of Subsection 4.10.300, no accessory STRUCTURE may be constructed on a LOT prior to establishment of a principal USE on that LOT.

16.30 Minimum Standards for Dwellings

16.30.100 Prohibited as a DWELLING

A MOTOR VEHICLE, TRAVEL TRAILER or tent may not be used as a DWELLING.

16.30.200 MANUFACTURED HOME as a DWELLING

- A. All MANUFACTURED HOMES must have wheels and hitches removed and meet the requirements of the *National Manufactured Home Construction and Safety Standards* (24 CFR Part 3280) or the *Illinois Manufactured Housing & Mobile Structure Rules* (77 IL Administrative Code, Part 880) whichever applies, except:
 - i. a MANUFACTURED HOME in a MANUFACTURED HOME PARK;
 - ii. a MANUFACTURED HOME allowed as a temporary DWELLING during CONSTRUCTION of a permanent DWELLING pursuant to Section 29.50; or
 - iii. a MANUFACTURED HOME on the same LOT as an INSTITUTIONAL USE, commercial or industrial ESTABLISHMENT and used as a DWELLING for a caretaker, watchman or guard.
- B. A MANUFACTURED HOME may not be used as a DWELLING UNIT in any TWO-FAMILY or MULTI-FAMILY DWELLING unless the MANUFACTURED HOME is expressly designed for such purpose.
- C. A Certificate of Compliance may not be issued for occupancy of a MANUFACTURED HOME located outside a MANUFACTURED HOME PARK until a copy of the *Mobile Home Tiedown Installation Report*, if

required by the *Illinois Mobile Home Tiedown Rules and Regulations* (77 IL Administrative Code, Part 870), has been submitted.

16.40 Lot Coverage Allowance by District

LOT COVERAGE, defined as the amount of LOT AREA covered by a BUILDING or a roofed STRUCTURE, is limited as indicated in the following table.

ZONING DISTRICT	MAXIMUM LOT COVERAGE
CR, AG	20%
AG-2	25%
R-1, R-2, R-3	30%
B-2	35%
R-4, B-3, B-4	40%
B-1, I-1	50%
I-2	65%
B-5	100%
R-5	not applicable

16.50 Placement of Buildings, Structures and Site Development on a Lot

16.50.100 General Restrictions

- A. No BUILDING, STRUCTURE or site development that requires a Zoning Use Permit may be placed within:
- i. within any recorded drainage or utility easement that would interfere with the function of the easement; or
 - ii. within a corner visibility triangle or driveway visibility triangle unless in accordance with sight visibility requirements of Section 16.75.

16.50.200 ACCESS to a Principal USE

The principal USE on a LOT must have ACCESS to a STREET which:

- i. consists of solid ground passable to emergency vehicles;
- ii. is no less than 20 feet in width; and
- iii. is located entirely within the LOT LINES.

16.60 Yard and Open Space Requirements

16.60.100 General Requirements

- A. The YARD regulations of this Section apply to a LOT or a tract of land on which a STRUCTURE is located.
- B. YARDS must be kept unobstructed for their entire depth except as may be specified in this Section.
- C. No part of a YARD or OPEN SPACE required in connection with any STRUCTURE or USE as required by this Ordinance may be included as part of a YARD or open space similarly required for any other STRUCTURE or USE except as expressly specified hereinafter.

16.60.200 USES and STRUCTURES Allowed in YARDS

- A. AGRICULTURE may be carried on in any YARD.
- B. Flag poles, arbors, trellises, fences, light poles, hydrants, and other similar small unenclosed STRUCTURES projecting above the ground may be located in any required YARD but must be located:
 - i. a minimum distance of 10 feet from the centerline of an ALLEY or PRIVATE ACCESSWAY;
 - ii. a minimum distance of 3 feet from any LOT LINE ABUTTING an ALLEY or PRIVATE ACCESSWAY; and
 - iii. in accordance with sight visibility standards of Section 16.75.
- C. Private driveways, service drives, easements, SIDEWALKS, uncovered patios and utility-owned apparatus may be placed in any required YARD.

16.60.300 Schedule of YARD and SETBACK LINE Requirements by DISTRICT

The following table contains the general YARD and SETBACK LINE requirements for LOTS in each DISTRICT. Specific requirements and various exemptions from these general requirements are listed in Subsection 16.60.400.

Champaign County Zoning Ordinance
Chapter 16. Buildings, Structures and Site Development

ZONING DISTRICT	USE TYPE	MINIMUM SIDE YARD (FEET)	MINIMUM REAR YARD (FEET)	MINIMUM FRONT YARD ABUTTING STREET ^{1,5} (FEET)			MINIMUM DISTANCE BETWEEN SETBACK LINE AND STREET CENTERLINE ^{1,2,5} (FEET)		
				Major	Collector	Minor	Major	Collector	Minor
CR	Principal	15	25	35	30	25	85	75	55
	Accessory	10	10						
AG	Principal	15	25	35	30	25	85	75	55
	Accessory	10	10						
AG-2	Principal	10	20	35	30	25	85	75	55
	Accessory	10	10						
R-1	Principal	10 ⁽³⁾	20	35	30	25	85	75	55
	Accessory	5 ⁽³⁾	5						
R-2	Principal	10 ⁽³⁾	20	35	30	25	85	75	55
	Accessory	5 ⁽³⁾	5						
R-3	Principal	5	20	35	30	25	85	75	55
	Accessory	5	5						
R-4	Principal	5 ⁽⁴⁾	15	35	30	25	85	75	55
	Accessory	5 ⁽⁴⁾	5						
R-5	STRUCTURE placement and site development regulations indicated in Section 39.40								
B-1	Principal	10	20	35	30	25	85	75	55
	Accessory	10	15						
B-2	Principal	10	20	35	30	25	85	75	55
	Accessory	10	15						
B-3	Principal	5	20	35	30	25	85	75	55
	Accessory	5	15						
B-4	Principal	10	20	35	30	25	85	75	55
	Accessory	10	15						
I-1	Principal	10	20	35	30	25	85	75	55
	Accessory	10	15						
I-2	Principal	20	30	35	30	25	85	75	55
	Accessory	20	30						

Table 16.60.300 Notes:

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1. Refer to Paragraph 16.60.400(A) for required FRONT LOT LINE setback if a LOT is located on a BLOCK where 25 percent or more of the LOTS are occupied by an existing principal STRUCTURE constructed prior to the effective date of this Ordinance and the BLOCK does not ABUT a federal or state highway.
2. No setback is required from the centerline of an interstate highway.
3. Refer to Paragraph 16.60.400(F) for SIDE YARD requirement if a LOT is located within the one and one-half mile extraterritorial jurisdiction of a home-ruled ZONED MUNICIPALITY.
4. Refer to Paragraph 16.60.400(G) for additional BUILDING location requirements.
5. BUILDINGS or STRUCTURES lawfully existing prior to [effective date] are not considered as NONCONFORMING if they meet the relevant previous County zoning requirement regarding the minimum distance between the SETBACK LINE and STREET centerline.

16.60.400 Supplemental YARD and Setback Requirements

- A. FRONT LOT LINE Setback for Certain Vacant Remaining LOTS on a BLOCK

On remaining vacant LOTS of a BLOCK, the required setback from the FRONT LOT LINE is equal to the average FRONT LOT LINE setback of existing principal STRUCTURES on the BLOCK provided that:

- i. 25 percent or more of the LOTS within the BLOCK are occupied by a principal STRUCTURE constructed prior to the effective date of this Ordinance;
- ii. the BLOCK does not ABUT a STREET that is a federal or state highway; and
- iii. a STRUCTURE will not intrude on a STREET visibility triangle or driveway visibility triangle as described in Section 16.75.

- B. SIDE YARD of Irregularly Shaped LOT or LOT on which STRUCTURE is Not Parallel to Side LOT LINE

When the side wall of a BUILDING or the nearest line of a STRUCTURE is not parallel to a side LOT LINE, or when a SIDE YARD is irregularly shaped (not rectangular), the average SIDE YARD width may be considered the required minimum SIDE YARD width, provided that:

- i. the SIDE YARD at any point is not narrower than 5 feet; and
- ii. the average SIDE YARD width is equal to the greater of either: 5 feet or one-half the SIDE YARD width required in Subsection 16.60.300.

C. REAR YARD of Irregularly Shaped LOT

The REAR YARD of an irregularly shaped LOT (not rectangular) must meet both of the following conditions.

1. The required average depth of the REAR YARD may not be less than the minimum SIDE YARD for the DISTRICT as required by Subsection 16.60.300.
2. The total area of the REAR YARD may not be less than indicated in the following table:

ZONING DISTRICT	REAR YARD AREA (SQUARE FEET)
CR, AG	5,000
AG-2, B-1	4,000
R-1	1,600
R-2, R-3, R-4, B-2, B-3, B-4	1,300
R-5	Refer to Section 39.40
B-5	not applicable
I-1	2,000
I-2	4,500

D. YARDS of a FLAG LOT

YARDS of a FLAG LOT must meet the minimum YARD requirements of a LOT in the DISTRICT as indicated in Subsection 16.60.300 except that a YARD ABUTTING a LOT LINE may not be less than the greatest required YARD ABUTTING that LOT LINE on an adjacent LOT.

E. YARD Requirements for a Single NONCONFORMING LOT of Record

1. The FRONT YARD and REAR YARD regulations and standards of the DISTRICT in which such LOT is located applies.
2. A single NONCONFORMING LOT of record must meet the following SIDE YARD requirements:
 - a. On a LOT with a width of 50 feet or more, the minimum SIDE YARD is that required by the regulations and standards of the DISTRICT in which such LOT is located.

- b. On a LOT less than 50 feet but not less than 27 feet in width, the minimum SIDE YARD equals 10 percent of the LOT width.
 - c. The width of a STRUCTURE located on a LOT 27 feet in width but not less than 20 feet in width must have a width of not exceeding 90 percent of the LOT width. On such LOT, only one SIDE YARD need be provided, equaling in width the difference between the LOT width and the maximum allowed width of the STRUCTURE. No other SIDE YARD need be provided. The wall of any BUILDING facing the side of the LOT on which no SIDE YARD is required must be without openings and must not be constructed as a common wall.
- F. SIDE YARD in R-1 or R-2 District for LOTS within One and One-Half Mile Extraterritorial Jurisdiction of a Home-Ruled ZONED MUNICIPALITY
1. Within the one and one-half mile extraterritorial jurisdiction of a home-ruled ZONED MUNICIPALITY, the required SIDE YARD for a LOT in the R-1 or R-2 Districts is equal to the required SIDE YARD of the comparable municipal zoning DISTRICT in effect on January 1, 2004 as established by the translation table of the municipal ordinance. If the municipal ordinance does not contain a translation table, the Zoning Administrator shall designate the most comparable DISTRICT. In no case, however, must the minimum SIDE YARD exceed 10 feet.
 2. Where a LOT falls within the one and one-half mile extraterritorial jurisdiction of more than one home-ruled ZONED MUNICIPALITY, the required SIDE YARD is equal to that of the closest such municipality unless the LOT falls within the extraterritorial jurisdiction of a home-ruled ZONED MUNICIPALITY to which the LOT is subject to annexation pursuant to an annexation agreement or intergovernmental agreement establishing annexation area boundaries in which case such annexing municipality's SIDE YARD requirements apply.
- G. Placement of BUILDINGS and Required OPEN SPACE on LOTS in R-4 District
1. In the R-4 District, the minimum separation distance between adjacent BUILDINGS is determined based on characteristics of each BUILDING such as the number of stories and the gross ground floor area. Where adjacent BUILDINGS are of different types, the greater separation distance applies.
 2. The minimum separation distance between BUILDINGS that are 2 stories or less in HEIGHT and no more than 3,000 square feet in gross ground floor area is 10 feet.
 3. The minimum separation distance between BUILDINGS over 2 stories

in HEIGHT or over 3,000 square feet in gross ground floor area is 20 feet.

4. The minimum depth of the OPEN SPACE is measured at the closest point between any 2 BUILDINGS including any projecting eave, canopy, balcony, awning or other similar projection.
5. At least 3 perimeter walls of each BUILDING and all exterior doors in each BUILDING must be located within 200 feet of a STREET.
6. All BUILDINGS exceeding 30 feet in HEIGHT or 3 stories must be located within 50 feet of a STREET.

H. YARD of LOT in Business or Industrial DISTRICT that Abuts a Residential DISTRICT

If a LOT in a business or industrial DISTRICT abuts a residential DISTRICT, the minimum required YARD of that LOT in the business or industrial DISTRICT is equal to the larger of:

- i. the YARD required for the LOT in the business or industrial DISTRICT as required in Subsection 16.60.300; or
- ii. the required YARD of a LOT in the ABUTTING residential DISTRICT.

I. SIDE or REAR YARD of a LOT in Business or Industrial DISTRICT ABUTTING a Railroad Siding

No SIDE or REAR YARD is required where a STRUCTURE abuts a railroad siding, if such siding is used in the day-to-day OPERATION of an industrial USE.

16.70 Building and Structure Height Restrictions

16.70.100 STRUCTURES Exempt from HEIGHT Restrictions

A. Antenna Tower and Supporting STRUCTURES of a Telecommunications Carrier

The HEIGHT regulations of this Section do not apply to telecommunication carrier antenna towers or supporting STRUCTURES of a telecommunications carrier. As indicated in Section 6.30, these are authorized only as a Conditional Use provided that the Subsection 7.30.100 condition is met.

B. Other Mechanical STRUCTURES Less than 100 Feet in HEIGHT

The HEIGHT regulations of this Section do not apply to towers, spires, belfries, chimneys, ventilators, skylights, water tanks, utility poles and power lines, silos, and other necessary mechanical appurtenances of 100 feet or less in HEIGHT if those STRUCTURES conform to:

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- i. the conditions of Subsections 7.30.110 as may be applicable; and
- ii. regulations and standards of the Federal Communications Commission, the Federal Aviation Administration, and other public authorities having jurisdiction.

16.70.200 Schedule of HEIGHT Restrictions by DISTRICT

ZONING DISTRICT	TYPE OF BUILDING	MAXIMUM HEIGHT OF BUILDING (FEET)		MAXIMUM NUMBER OF STORIES
		LOT AREA LESS THAN 1 ACRE	LOT AREA EQUAL TO OR MORE THAN 1 ACRE	
CR	Principal or Accessory to Non-Residential USE	35	35	no requirement
	Accessory to Residence	15	24	
AG	Principal or Accessory to Non-Residential USE	50	50	no requirement
	Accessory to Residence	15	24	
AG-2	Principal or Accessory to Non-Residential USE	50	50	2-1/2
	Accessory to Residence	15	24	
R-1	Principal or Accessory to Non-Residential USE	35	35	2-1/2
	Accessory to Residence	15	24	
R-2	Principal or Accessory to Non-Residential USE	35	35	2-1/2
	Accessory to Residence	15	24	
R-3	Principal or Accessory to Non-Residential USE	35	35	2-1/2
	Accessory to Residence	15	24	
R-4	Principal or Accessory to Non-Residential USE	50	50	no requirement
	Accessory	15	24	
B-1	Principal or Accessory to Non-Residential USE	50	50	no requirement
	Accessory	15	24	
B-2	Principal or Accessory to Non-Residential USE	35	35	2-1/2
	Accessory to Residential USE	15	24	

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ZONING DISTRICT	TYPE OF BUILDING	MAXIMUM HEIGHT OF BUILDING (FEET)		MAXIMUM NUMBER OF STORIES
		LOT AREA LESS THAN 1 ACRE	LOT AREA EQUAL TO OR MORE THAN 1 ACRE	
B-3	Principal or Accessory to Non-Residential USE	40	40	2-1/2
	Accessory to Residential USE	15	24	
B-4	Principal or Accessory to Non-Residential USE	35	35	2-1/2
	Accessory to Residential USE	15	24	
B-5	Principal or Accessory to Non-Residential USE	35	35	2-1/2
	Accessory to Residential USE	15	24	
I-1	Principal or Accessory to Non-Residential USE	75	75	no requirement
	Accessory to Residential USE	15	24	
I-2	Principal or Accessory to Non-Residential USE	150	150	no requirement
	Accessory to Residential USE	15	24	

16.70.300 Supplemental HEIGHT Restrictions

A. HEIGHT Restriction within Approach Slope or Transition Slope for Existing AIRPORT or HELIPORT Facility

A BUILDING or STRUCTURE may not be erected and vegetation may not be maintained if it would intrude on the approach or protection areas of an AIRPORT, RESTRICTED LANDING AREA or HELIPORT as described in *Federal Aviation Administration Circulars, 150/5300-4b and 150/5390-2*.

B. Pre-Existing Towers

1. Where a tower (including antennas) over 100 feet in HEIGHT exists on the effective date of this Ordinance and it is classified as a Special Use in the DISTRICT in which it is located, it is considered to be a lawful USE.
2. As such a lawful USE, a tower may be reconstructed in the event of destruction or expanded without obtaining a new Special Use approval if it meets all of the following conditions.
 - a. The tower is increased to no greater a HEIGHT than either 10 percent of its existing HEIGHT or 25 feet.

- b. The tower is not relocated to any portion of the LOT or tract of land more than 100 feet from the base of the existing tower.
 - c. The tower conforms to the minimum required setback from STREET centerline and all YARD requirements for a principal STRUCTURE in the DISTRICT in which it is located.
3. In the event of destruction of such lawful tower, a temporary tower (including antenna) may be constructed in accordance with the provisions of Section 29.60.

16.75 Sight-Line Visibility Requirements

16.75.100 Sight-Line Visibility Standards for Corner LOTS

- A. Nothing may be constructed, placed, or allowed to grow where it would obstruct vision between the HEIGHT of 2-1/2 feet and 6 feet above the centerline GRADES of intersecting STREETS in a STREET visibility triangle. The STREET visibility triangle is an area bounded by the RIGHT-OF-WAY lines and a straight line joining points along said STREET RIGHT-OF-WAY lines 50 feet from the point of intersection.
- B. Trees within a STREET visibility triangle must be trimmed so that the lower foliage line is maintained at least 6 feet above the crown of the adjoining pavement.
- C. Fences within a STREET visibility triangle must consist of a chain link, wire mesh, or split rail type fence, or other design which does not materially impede vision in the visibility triangle.

16.75.200 Sight-Line Visibility Standards for Driveways

- A. Nothing may be constructed, placed, or allowed to grow where it would obstruct vision in the driveway visibility triangle. The driveway visibility triangle is an area at each side of a driveway where it meets the LOT LINE. It is bounded by the LOT LINE, the side of the driveway, and a straight line joining points on the LOT LINE and the edge of the driveway 15 feet from the point where they meet.
- B. Trees within a driveway visibility triangle must be trimmed so that the lower foliage line is maintained at least 6 feet above the crown of the adjoining pavement.
- C. Fences within a driveway visibility triangle may consist of a chain link, wire mesh, or split rail type fence, or other design which does not materially impede vision in the visibility triangle.

16.80 Screening

16.80.100 When Screening is Required

Screening is required for:

- i. outdoor STORAGE or OPERATIONS as provided in Section 4.40;
- ii. off-STREET parking areas as provided in Sections 18.30 and 18.40;
- iii. off-STREET LOADING BERTHS as provided in Section 18.60 and 18.70.;
and
- iv. other USES and STRUCTURES where specifically required by this Ordinance.

16.80.200 SCREEN Standards

- A. A Type A Screen is a decorative opaque fence, shrubs or other vegetative material or a landscaped berm planted and maintained with a minimum HEIGHT of 4 feet as measured from the highest adjacent grade.
- B. A Type B Screen is an opaque fence or wall with a minimum HEIGHT of 4 feet as measured from the highest adjacent grade.
- C. A Type C Screen is a landscaped berm or an opaque fence or wall, or SCREEN PLANTING with a minimum HEIGHT of 6 feet as measured from the highest adjacent grade.
- D. A Type D Screen is a landscaped berm, or an opaque fence or wall, or SCREEN PLANTING with a minimum HEIGHT of 8 feet as measured from the highest adjacent grade.
- E. Existing STRUCTURES, vegetation, or topographic features that provide equivalent screening may be used in lieu of the required SCREEN. If the features are removed or become ineffective for any reason they must be replaced with the required type of SCREEN.
- F. When the HEIGHT of items to be stored is taller than 8 feet , deciduous trees having a minimum 3-inch caliper or evergreen trees having a minimum HEIGHT of 6 feet must be planted at a spacing sufficient to ensure that once the trees achieve maturity the taller items will be screened in addition to other screening required in this Section.

16.85 Fences

16.85.100 Measuring Fence HEIGHT

The HEIGHT of fences must be measured from the highest adjacent grade.

16.85.200 Fence HEIGHT Restrictions for Residential USES

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- A. Fences in a residential DISTRICT and on residential LOTS of less than 5 acres in the CR, AG and AG-2 Districts may not exceed 6 feet in HEIGHT.
- B. A fence may be located in a FRONT YARD if it meets the visibility triangle requirements indicated in Section 16.75.

16.85.300 Fence HEIGHT Restrictions for Business and Industrial USES

- A. Fences in a business or industrial DISTRICT may not exceed 8 feet in HEIGHT, excluding any barbed wire security barrier which may extend up to an additional 2 feet in HEIGHT.
- B. A fence may be located in a FRONT YARD if it meets the visibility triangle requirements indicated in Section 16.75.

16.90 Aviation Facilities

16.90.100 Aviation Facilities Generally

- A. Aviation facilities include AIRPORTS, RESIDENTIAL AIRPORTS, RESTRICTED LANDING AREAS, HELIPORTS, HELISTOPS, and HELIPORT-RESTRICTED LANDING AREAS.
- B. Aviation facilities must meet all applicable requirements of the Federal Aviation Administration and Illinois Department of Transportation, Division of Aeronautics.

16.90.200 AIRPORT

- A. The runway safety areas as established in Figure 7-1 of the Federal Aviation Administration Advisory Circular number 150/5300-4B, must be entirely located on the LOT covered by the Special Use.
- B. The runway must be situated so that no BUILDING designed for human occupancy which is located in a residential or business DISTRICT, nor any PUBLIC ASSEMBLY USE or INSTITUTIONAL USE encroaches in the primary surface or Runway Clear Zone as described in Appendix 6 of the Federal Aviation Administration Advisory Circular Number 150/5300-4B.

16.90.300 Residential AIRPORT

- A. The LOT must encompass the following areas:
 - i. runway and a runway safety area centered on the runway centerline 120 feet wide and extending 240 feet beyond each end of the runway (as established in Figure 7-1 of the Federal Aviation Administration Advisory Circular Number 150/5300-4B) which must be under one

- OWNERSHIP and/or unified control and which must be entirely located on the LOT covered by the Special Use;
- ii. all service areas;
 - iii. taxi-ways;
 - iv. easements;
 - v. intervening STREETS; and
 - vi. LOTS containing residences having user privileges at the runway.

- B. The runway must be situated so that no BUILDING designed for human occupancy which is located in a residential or business DISTRICT, nor any PUBLIC ASSEMBLY USE or INSTITUTIONAL USE encroaches in the primary surface or Runway Clear Zone as described in Appendix 6 of the Federal Aviation Administration Advisory Circular Number 150/5300-4B.

16.90.400 RESTRICTED LANDING AREA

- A. The RESTRICTED LANDING AREA must provide for a runway plus a runway safety area both located entirely on the LOT. The runway safety area is an area centered 120 feet wide and extending 240 feet beyond each end of the runway.
- B. No part of a BUILDING or STRUCTURE intended for regular human occupancy located within a residential or business DISTRICT nor any PUBLIC ASSEMBLY USE or INSTITUTIONAL USE may be located within:
 - i. The Primary Surface, an area 250 feet wide centered on the runway centerline and extending 200 feet beyond each end of the runway; or
 - ii. The Runway Clear Zones, trapezoidal areas centered on the extended runway centerline at each end of the primary surface 250 feet wide at the end of the primary surface and 450 feet wide at a point 1,000 feet from the primary surface.

16.90.500 HELIPORT, HELISTOP, or HELIPORT-RESTRICTED LANDING AREA

- A. The minimum LOT size is one acre, except that a HELIPORT atop a BUILDINGS is exempt from the minimum LOT AREA standard.
- B. The site must meet the requirements for 'Approach and Departure Protection Areas' of Paragraph 25 of the Federal Aviation Administration Circular Number 150/5390-2 and the requirements of the Illinois Department of Transportation, Division of Aeronautics.

16.100 Sewage Disposal System Requirements

A private sewage disposal system must be designed, constructed, repaired, operated and maintained in conformity with the *Champaign County Health Ordinance*.

16.110 Pools

16.110.100 SAFETY BARRIER

Except as provided in Subsection 16.110.400, all POOLS must be completely surrounded by:

- i. a VERTICAL BARRIER;
- ii. a SAFETY LEDGE; or
- iii. a combination of VERTICAL BARRIER and SAFETY LEDGE.

16.110.200 VERTICAL BARRIER Requirements

- A. The VERTICAL BARRIER must:
 - i. be at least 4 feet tall;
 - ii. be non-climbable on the side that is exterior to the POOL area; and
 - iii. prevent uncontrolled ACCESS to the POOL by young children.
- B. All gates or other openings in VERTICAL BARRIERS for POOLS must meet the same physical requirements of a VERTICAL BARRIER and must also be installed with self-closing hardware and a self-latching device that is located either on the POOL side of the gate or located above the minimum HEIGHT of the VERTICAL BARRIER. If, however, a SINGLE FAMILY DWELLING is approved for USE as part of a VERTICAL BARRIER, the doors and windows need not be so equipped.
- C. The VERTICAL BARRIER may enclose the POOL area only or a larger area except that POOLS on LOTS containing more than one DWELLING must be completely enclosed by a VERTICAL BARRIER or contain a SAFETY LEDGE or some combination of the two.
- D. POOLS with sides that are at least 4 feet in HEIGHT above grade and that do not provide either toe-holds or hand-holds for climbing on the exterior side and that are non-climbable, are deemed to provide the required VERTICAL BARRIER if the means of ACCESS to the POOL from grade, whether by stairs or permanent or removable ladder, is enclosed by a VERTICAL BARRIER meeting the requirements of this Paragraph.
- E. Openings in VERTICAL BARRIERS for garages, PARKING SPACES, or driveways are prohibited.

16.110.300 SAFETY LEDGE Requirements

- A. A SAFETY LEDGE must extend from the edge of the water at the normal POOL elevation to a point at which the water is 4 feet deep.
- B. The maximum slope for a SAFETY LEDGE is 1:6, except that greater slopes may be allowed in the top 2 feet of depth provided that the greater slope terminates in a horizontal area of at least 5 feet wide.

16.110.400 Exempt POOLS

A POOL not other wise regulated by the *Swimming Facility Act* (210 ILCS 125/) need not be provided with a VERTICAL BARRIER or SAFETY LEDGE if:

- i. it is located in the CR, AG, AG-2, business or industrial DISTRICTS and also located more than 200 feet from a residential DISTRICT;
- ii. it is less than 24 inches deep; or
- iii. it is completely above ground and less than 4 feet deep.

16.120 **Nonconforming Structures**

16.120.100 NONCONFORMING STRUCTURES Generally

Where, on the effective date of adoption or amendment of this Ordinance, a lawful STRUCTURE exists that could not be built under the regulations and standards of this Ordinance as adopted or amended, by reason of restrictions on LOT AREA, LOT COVERAGE, HEIGHT, YARDS, spacing between BUILDINGS, or other characteristics of the STRUCTURE or its location on the LOT, such STRUCTURE may be continued so long as it remains otherwise lawful subject to the provisions of this Section.

16.120.200 Enlarging or Altering a NONCONFORMING STRUCTURE

A NONCONFORMING STRUCTURE may not be enlarged or altered in a way which increases its nonconformity.

16.120.300 Reconstructing a NONCONFORMING STRUCTURE

Should a NONCONFORMING STRUCTURE be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it may not be reconstructed unless a Variance is granted by the ZBA.

16.120.400 Moving a NONCONFORMING STRUCTURE

Should a NONCONFORMING STRUCTURE be moved for any reason for any distance whatever, it must thereafter conform to the regulations and standards for the DISTRICT in which it is located after it is moved.

16.120.500 Repairing a NONCONFORMING STRUCTURE

Ordinary repairs, or repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, may be made to a NONCONFORMING STRUCTURE to an extent not to exceed 10 percent of the replacement value of the STRUCTURE, if the volume of the BUILDING or the size of the STRUCTURE as it existed at the effective date of the adoption or amendment of this Ordinance is not increased. Nothing in this Ordinance is deemed to prevent the strengthening or restoring to a safe condition of any STRUCTURE or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

18 Parking, Loading and Driveways

18.10 General Provisions Regarding Parking Spaces

18.10.100 Location

- A. Each off-STREET PARKING SPACE must be located on the same LOT or tract of land as the USE served.
- B. No off-STREET PARKING SPACE may be located less than 10 feet from any FRONT LOT LINE.
- C. No off-STREET PARKING SPACE may be located less than 5 feet from any SIDE or REAR LOT LINE.
- D. No part of a PARKING SPACE required in connection with any STRUCTURE or USE as required by this Ordinance may be included as part of a PARKING SPACE similarly required for any other STRUCTURE or USE except as expressly specified hereinafter.

18.10.200 Minimum Parking and Maneuvering Area

Each off-STREET PARKING SPACE for the accommodation of an AUTOMOBILE must total at least 300 square feet including both parking and maneuvering area.

18.10.300 Minimum Dimensions

The minimum size of an off-STREET PARKING SPACE is 9 feet wide by 20 feet deep.

18.10.400 Surface

Each off-STREET PARKING SPACE must be surfaced with an all-weather dustless material.

18.20 Parking Spaces for Dwelling Units or Lodging Units

18.20.100 Schedule of Required PARKING SPACES for DWELLING UNITS or LODGING UNITS

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LAND USE	NUMBER OF PARKING SPACES REQUIRED
SINGLE FAMILY DWELLING.....	2 PARKING SPACES per DWELLING UNIT
TWO-FAMILY DWELLING; MULTI-FAMILY DWELLING.....	2 PARKING SPACES per DWELLING UNIT
BOARDING HOUSE.....	1 PARKING SPACE per bedroom in a LODGING UNIT
DWELLING UNIT or LODGING UNIT in commercial BUILDING where authorized.....	1 PARKING SPACE per DWELLING UNIT

18.30 Parking Spaces for Commercial Uses

18.30.100 General Provisions

- A. Off-STREET PARKING SPACES for commercial ESTABLISHMENTS must be provided as follows, except in the B-5 District.
- B. The number of required off-STREET PARKING SPACES for a commercial ESTABLISHMENT is the sum of the individual requirements of the various individual ESTABLISHMENTS computed separately in accordance with Subsection 18.30.200. Off-STREET PARKING SPACES for one such ESTABLISHMENT must not be considered as providing the number of off-STREET PARKING SPACES for any other ESTABLISHMENT.
- C. Each off-STREET PARKING SPACE for the accommodation of a heavy motor truck or motor bus must be of dimensions herein specified for an off-STREET LOADING BERTH.

18.30.200 Schedule of Required PARKING SPACES for Commercial USES

LAND USE	NUMBER OF PARKING SPACES REQUIRED
hotel, motel, tourist home, private club, & other similar places offering overnight accommodations	1 PARKING SPACE for OWNER or manager if resident on PREMISES, plus 1 PARKING SPACE for each accommodation
animal HOSPITAL, CLINIC, and physician office	1 PARKING SPACE for each employee plus 3 PARKING SPACES for each staff or visiting physician
retail ESTABLISHMENT for sale of food and/or beverages to be consumed on PREMISES	1 PARKING SPACE for every 100 square feet of floor area or portion thereof.
riding stable.....	1 PARKING SPACE per 3 horses boarded, 1 PARKING SPACE for each horse trailer stored on site, 1 PARKING SPACE for each riding arena operated, and 1 PARKING SPACE for each employee

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LAND USE	NUMBER OF PARKING SPACES REQUIRED
mortuary, undertaking and funeral parlor.....	1 PARKING SPACE for each 5 seats or portion thereof in chapel or parlor plus 1 PARKING SPACE for each vehicle maintained on PREMISES
elementary SCHOOL.....	2 PARKING SPACES per classroom; but not less than 1 PARKING SPACE per teacher & staff, or fewer than number required for largest PUBLIC ASSEMBLY USE space provided.
intermediate SCHOOL.....	1-1/2 PARKING SPACES per classroom; but not less than 1 PARKING SPACE per teacher & staff, or fewer than number required for largest PUBLIC ASSEMBLY USE space provided.
secondary SCHOOL.....	1 PARKING SPACE per teacher & staff plus 1 PARKING SPACE per 3 students enrolled, but not fewer than the number required for largest PUBLIC ASSEMBLY USE space provided.
<p>place of PUBLIC ASSEMBLY USE, including PLACE OF WORSHIP, PRIVATE CLUB, lodge and fraternal organization not providing overnight accommodations, assembly hall, exhibition hall, town hall, convention hall, auditorium, skating rink, dance hall, bowling alley, athletic field, sports arena, stadium, gymnasium, amusement park, race track, fair grounds, circus grounds, exposition grounds, community BUILDING, public administration BUILDING, and other similar place of relatively infrequent public assembly:</p> <p>for BUILDINGS & other enclosed STRUCTURES</p> <p>for outdoor areas, including non-permanent STRUCTURES used for exhibit, educational, entertainment, recreational, or other purpose involving assemblage of patrons.....</p> <p>when a USE involves a combination of enclosed BUILDINGS or STRUCTURES and an outdoor area.....</p>	<p>1 PARKING SPACE for each 5 seats provided for patrons use, or at least 1 PARKING SPACE for each 200 square feet of floor area, whichever requires the greater number of PARKING SPACES.</p> <p>1 PARKING SPACE per 3 patrons based on estimated number of patrons during peak attendance on a given day during period said USE is in operation.</p> <p>required PARKING SPACES must be calculated separately per above standards, then totaled to obtain required PARKING SPACES for said USE.</p>
ESTABLISHMENT other than specified above	1 PARKING SPACE for every 200 square feet of floor area or portion thereof

18.30.300 Required Screening

- A. Off-STREET parking areas that meet both of the following conditions must be screened with a Type A Screen, except that a Type B Screen may be erected along the REAR LOT LINE of the business PROPERTY.
1. The parking area is for more than 4 vehicles which do not exceed 8,000 pounds gross vehicle weight, with the exception of vehicles used to haul CONSTRUCTION debris and other inert materials, but not vehicles used for hauling solid waste.
 2. The parking area is:
 - i. located within any YARD ABUTTING any residential DISTRICT; or
 - ii. visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a LOT containing a DWELLING conforming as to USE.
- B. An off-STREET parking area that meets both of the following conditions must be screened with a Type D Screen:
1. The parking area is for any number of vehicles:
 - i. exceeding 8,000 pounds in gross vehicle weight each; or
 - ii. used for hauling solid waste except those used for hauling construction debris and other inert materials.
 2. The parking area:
 - i. is located within any YARD ABUTTING any residential DISTRICT; or
 - ii. visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a LOT containing a DWELLING conforming as to USE.

18.40 Parking Spaces for Industrial Uses

18.40.100 Schedule of Required PARKING SPACES for Industrial USES

One off-STREET PARKING SPACE must be provided for each 3 employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each vehicle used in the conduct of such USE. A minimum of one additional off-STREET PARKING SPACE must be designated as a visitor PARKING SPACE.

18.40.200 Required Screening

Required screening of a off-STREET parking area for an industrial USE must be provided as required in Subsection 18.30.300.

18.50 Loading Berths

18.50.100 General Restrictions

- A. No vehicle repair or service work may be performed on any LOADING BERTH.
- B. No part of a LOADING BERTH required in connection with any STRUCTURE or USE as required by this Ordinance may be included as part of a LOADING BERTH similarly required for any other STRUCTURE or USE except as expressly specified hereinafter.

18.50.200 Location

- A. No LOADING BERTH may be located less than 10 feet from any FRONT LOT LINE.
- B. No LOADING BERTH may be located less than 5 feet from any SIDE or REAR LOT LINE.

18.50.300 Vehicular Access

Each LOADING BERTH must be designed with appropriate means of vehicular access to a STREET or alley in a manner which will least interfere with traffic movement.

18.50.400 Vertical Clearance

Each LOADING BERTH must have vertical clearance of at least 14 feet.

18.50.500 Surface

Each LOADING BERTH must be improved with a compacted base at least 6 inches thick and surfaced with at least 2 inches of some all-weather dustless material.

18.60 Loading Berths for Dwelling Units and Lodging Units

18.60.100 General Provisions

- A. An off-STREET PARKING SPACE may serve as an off-STREET LOADING BERTH provided that dimensional requirements of Subsection 18.60.200 are met.
- B. One LOADING BERTH must be provided for one DWELLING UNIT or

LODGING UNIT on the same LOT or tract of land as the DWELLING served.

18.60.200 Schedule of LOADING BERTH Requirements for DWELLING UNITS and LODGING UNITS

NUMBER OF DWELLING UNITS AND LODGING UNITS	MINIMUM NUMBER OF LOADING BERTHS ¹	MINIMUM SIZE OF LOADING BERTH ¹
4 to 10	1	12 x 40 feet
11 to 20	2	10 x 40 feet
21 to 30	2	10 x 70 feet
31 to 40	3	10 x 70 feet

Table 18.60.200 Note:

1. For each additional 10 DWELLING UNITS or LODGING UNITS and/or portion thereof, one LOADING BERTH must be provided of at least 10 feet wide by 70 feet deep.

18.70 Loading Berths for Commercial and Industrial Uses

18.70.100 General Restriction

No LOADING BERTH may be located within 50 feet of the nearest point of intersection of 2 STREETS.

18.70.200 Location and Screening Requirements

A. LOADING BERTHS for a Commercial USE

1. Each LOADING BERTH must be located on the same LOT or tract of land as the ESTABLISHMENT served except when serving adjacent ESTABLISHMENTS and the LOADING BERTH requirement is sufficient to serve both ESTABLISHMENTS.
2. Unless a LOADING BERTH is screened from public view by a Type C Screen, such LOADING BERTH may not be located:
 - i. within any YARD ABUTTING a residential DISTRICT; or
 - ii. less than 100 feet from the BUILDING RESTRICTION LINE of any LOT in a residential DISTRICT or any LOT containing a DWELLING conforming as to USE.
3. A Type D Screen must be used to screen both the LOADING BERTH and the loading dock if a LOADING BERTH is located adjacent to an

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elevated loading dock.

B. LOADING BERTHS for an Industrial USE

1. All LOADING BERTHS must be located on the same LOT or tract of land as the industrial USE served.
2. Unless a LOADING BERTH is screened from public view by a Type D Screen, such LOADING BERTH may not be located:
 - i. within any YARD ABUTTING a residential DISTRICT; or
 - ii. less than 100 feet from the BUILDING RESTRICTION LINE of any LOT in a residential DISTRICT or any LOT containing a DWELLING conforming as to USE.

18.70.300 Schedule of LOADING BERTH Requirements for Commercial and Industrial USES

FLOOR AREA OF ESTABLISHMENT IN SQUARE FEET (THOUSANDS)	MINIMUM NUMBER OF LOADING BERTHS ¹	MINIMUM SIZE OF LOADING BERTH ¹
1 - 9.999	1	12 x 40 feet
10 - 24.999	2	10 x 40 feet
25 - 39.999	2	10 x 70 feet
40 - 99.999	3	10 x 70 feet
100 - 249.999	4	10 x 70 feet

Table 18.70.300 Note:

1. For each additional 200,000 square feet or portion thereof of floor area, one additional LOADING BERTH must be provided to be at least 10 feet wide by 70 feet deep.

19 Signs

19.10 Area of Sign

19.10.100 Flat SIGN

The area of a flat SIGN is computed as follows: the area of the smallest geometric figure (circle, ellipse, triangle, square, rectangle, or other quadrilateral).

19.10.200 Volumetric SIGN

The area of a volumetric SIGN is computed as follows: the area of the smallest geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the SIGN including any frame, structural trim or other material forming an integral part of the DISPLAY as used to differentiate such SIGN from the background against which it is placed. Such measurement must exclude the necessary supports or uprights on which the SIGN is placed unless the supports or uprights constitute part of the DISPLAY.

19.20 Signs Allowed in All Districts Without a Permit

SIGNS specified in this Section are allowed in addition to the SIGNS authorized in the respective DISTRICT, but are subject to the conditions and limitations set forth herein.

- A. Public SIGN. SIGNS of a public, non-commercial nature, to include safety SIGNS, danger SIGNS, trespassing SIGNS, traffic SIGNS, SIGNS indicating scenic or historical points of interest, memorial plaques and the like, and all SIGNS erected by or on order of a public officer in the performance of a public duty.
- B. Flag. Flags bearing the official design of a nation, state, municipality, or educational institution.
- C. Identification SIGN. SIGNS which identify the business, OWNER, manager, or resident and set forth the address of the PREMISES where the SIGN is located, and which contain no other material. There may be 2 identification SIGNS per PREMISES, not to exceed one square foot each in area, and, if the SIGN is FREESTANDING, the total HEIGHT may not exceed 5 feet.
- D. Integral SIGN. Names of BUILDINGS, dates of CONSTRUCTION, commemorative tablets and the like, when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type of CONSTRUCTION and made an integral part of the BUILDING or STRUCTURE.

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- E. Institutional SIGN. Any SIGN or bulletin board setting forth or denoting the name of or simple announcement for any public, charitable, educational, or religious institution when located on the PREMISES of such institution, provided such SIGN or bulletin board or both does not exceed a total of 20 square feet in DISPLAY surface. If BUILDING-mounted, these SIGNS must be flat WALL SIGNS and may not project above the roof line or front facade of the BUILDING. If a FREESTANDING SIGN, the total HEIGHT may not exceed 6 feet.
- F. Private Traffic Direction SIGNS and Related SIGNS. SIGNS directing traffic movement onto a PREMISES or within a PREMISES, when such SIGNS are located on the PREMISES, and do not exceed 5 square feet in area for each SIGN and, if a FREESTANDING SIGN, do not exceed 5 feet in total HEIGHT. Such SIGNS are considered to include parking directions, exit or entrance SIGNS, drive-up window SIGNS, restroom SIGNS and the like. Horizontal directional SIGNS painted or applied directly onto paved surfaces are exempt from these standards.
- G. Community Event SIGNS. SIGNS advertising a public entertainment or event of public interest, provided that the placement and location of the SIGNS are approved by the Zoning Administrator. These SIGNS may remain in place for no more than 21 days before and 14 days after the event and may not exceed 10 square feet in area.
- H. Political Campaign SIGNS. SIGNS or posters announcing the candidates seeking public political office and/or political issues, and data pertinent thereto, up to an area of 10 square feet. These SIGNS must be confined to private PROPERTY, and must be removed within 14 days after the election for which they are erected.
- I. Holiday SIGNS. SIGNS or DISPLAYS which contain or depict a message pertaining to a national or state holiday, and no other matter, and which are displayed for a period not to exceed 45 days.
- J. Individual PROPERTY Sale or Rental SIGNS. Any ON-PREMISES SIGN announcing the name of the owner, manager, realtor, or other person directly involved in the sale or rental of the PROPERTY or announcing the purpose for which it is being offered. SIGNS may be FREESTANDING or WALL-MOUNTED only. SIGNS may not emit direct illumination and must be removed within 14 days after a sale or rental of PROPERTY. SIGNS must conform to the standards provided in Section 19.60. SIGNS must also specify, in 3-inch letters, the current zoning of the PROPERTY.
- K. CONSTRUCTION SIGNS. Any SIGN announcing the names of architects, engineers, contractors, or other individuals or firms involved with the CONSTRUCTION, ALTERATION, or repair of a BUILDING (but not including any advertisement of any product) or announcing the character of

the BUILDING enterprise or the purpose for which the BUILDING is intended. Such SIGNS must be confined to the site of the CONSTRUCTION, ALTERATION or repair and must be removed within 21 days after completion of the work. Said SIGNS must conform to the standards provided in Section 19.60.

- L. Portable SIGNS. If a STRUCTURE supporting a SIGN is a vehicle, that vehicle may not be parked on public or private PROPERTY so as to make DISPLAY of the SIGN the principal purpose of parking the vehicle, unless, DISPLAY of the SIGN is specifically authorized by this Ordinance.

19.30 Prohibited Signs

The following SIGNS are specifically prohibited by this Ordinance:

- A. Any SIGN which, by reason of its size, location, movement, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of a motorist or by obstructing or detracting from the visibility of any official traffic control device, as determined by the Zoning Administrator.
- B. Any SIGN which contains or is an imitation of an official traffic SIGN or signal, except for private traffic direction SIGNS specifically allowed.
- C. Any SIGN which moves or rotates in any way, provided, however, that a SIGN which revolves 360 degrees but does not exceed 8 revolutions per minute is allowed.
- D. Any SIGN, other than a time or temperature device, which contains one or more blinking, flashing, or fluttering light.
- E. Any SIGN which contains or consists of banners, pennants, ribbons, streamers, strings of light bulbs, spinners, balloons or similar devices.
- F. Any SIGN which for 30 consecutive days has directed attention to a product, place, activity, person, institution, or business which is no longer in OPERATION at that location.

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19.40 Standards for Off-Premises Advertising Signs

19.40.100 Table of Standards for OFF-PREMISES Advertising SIGNS in CR, AG, and AG-2 Districts

LOCATION	TYPE OF SIGN	MAXIMUM NUMBER ALLOWED	MAXIMUM AREA	MAXIMUM HEIGHT	MISCELLANEOUS PROVISIONS
Along interstate highways within 660 feet of the edge of the RIGHT-OF-WAY, subject to DISTRICT setback	FREESTANDING: Providing information relative to lodging, food, outdoor recreational or automotive service facilities located within 12 air miles from such SIGN	1) No SIGNS are allowed within 2 miles approaching an interchange; 2) Only 6 SIGNS are allowed within 2 to 5 miles approaching an interchange; 3) An average of only 1 SIGN per mile is allowed more than 5 miles approaching an interchange; 4) No SIGN is allowed for 1,000 feet beyond an interchange; and 5) Not more than 2 SIGNS are allowed within any mile distance measured from any point, and no SIGN is allowed to be less than 1,000 feet apart.	150 square feet	30 feet	SIGN must not be placed closer than 500 feet of a residence, PLACE OF WORSHIP, SCHOOL, or similar institution.
Along interstate highways beyond 660 feet of the edge of the RIGHT-OF-WAY, subject to DISTRICT setback.	FREESTANDING: Providing information relative to lodging, food, outdoor recreational or automotive service facilities	Not more than 1 SIGN within any mile distance measured from any point.	1,600 square feet	50 feet	SIGN must not be placed closer than 500 feet of a residence, PLACE OF WORSHIP, SCHOOL, or similar institution.
Along Federal Highways except interstates	FREESTANDING	Not more than 3 SIGNS within any mile distance measured from any point.	300 square feet	30 feet	SIGN must not be placed closer than 500 feet of a residence, PLACE OF WORSHIP, SCHOOL, or similar institution.

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19.40.200 Table of Standards for OFF-PREMISES Advertising SIGNS in B-3, B-4, and B-5 Districts

TYPE OF SIGN	MAXIMUM NUMBER ALLOWED	MAXIMUM AREA	MAXIMUM HEIGHT	LOCATION	MISCELLANEOUS PROVISIONS
FREESTANDING	1 per PROPERTY FRONTAGE provided no ON-PREMISES FREESTANDING SIGN exists on the same FRONTAGE.	300 square feet	30 feet	SIGN must be located entirely within the SETBACK LINES and may not project into any public RIGHT-OF-WAY.	SIGN must not be placed closer than 100 feet of a residence, PLACE OF WORSHIP, SCHOOL, or similar institution.
WALL-MOUNTED OR WALL FACING	1 per PROPERTY FRONTAGE provided no ON-PREMISES FREESTANDING SIGN exists on the same FRONTAGE.	300 square feet	Not to project above the wall upon which the SIGN is mounted or adjacent to	Not to project beyond the edge of the wall upon which the SIGN is mounted or adjacent to nor more than 20 inches from the wall surface	SIGN must not be placed closer than 100 feet of a residence, PLACE OF WORSHIP, SCHOOL, or similar institution.

19.40.300 Table of Standards for OFF-PREMISES Advertising SIGNS in I-1 or I-2 Districts

TYPE OF SIGN	MAXIMUM NUMBER ALLOWED	MAXIMUM AREA	MAXIMUM HEIGHT	LOCATION	MISCELLANEOUS PROVISIONS
FREESTANDING	1 per PROPERTY FRONTAGE provided no ON-PREMISES FREESTANDING SIGN exists on the same FRONTAGE.	300 square feet	30 feet	SIGN must be located entirely within the SETBACK LINES and may not project into any public RIGHT-OF-WAY.	SIGN must not be placed closer than 100 feet of a residence, PLACE OF WORSHIP, SCHOOL, or similar institution.
WALL-MOUNTED OR WALL FACING	1 per PROPERTY FRONTAGE provided no ON-PREMISES FREESTANDING SIGN exists on the same FRONTAGE.	800 square feet in I-1 and I-2 Districts, but in no case may the SIGN exceed 15% of the wall surface area	Not to project above the wall upon which the SIGN is mounted or adjacent to	Not to project beyond the edge of the wall upon which the SIGN is mounted or adjacent to nor more than 20 inches from the wall surface	SIGN must not be placed closer than 100 feet of a residence, PLACE OF WORSHIP, SCHOOL, or similar institution.

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19.50 Table of Standards for On-Premises SIGNS in Business and Industrial Districts

TYPE OF SIGN	MAXIMUM NUMBER ALLOWED	MAXIMUM AREA ALLOWED PER SIGN	MAXIMUM HEIGHT ALLOWED PER SIGN	LOCATION	MISCELLANEOUS PROVISIONS
FREESTANDING	1 per PROPERTY FRONTAGE provided that no projecting SIGN exceeding 35 square feet or OFF-PREMISES SIGN exists on the same FRONTAGE; except 2 per premise for lodging, food, outdoor recreational or auto service facilities along interstate highways	1 square foot per lineal feet of FRONTAGE, up to a maximum of 75 square feet in B-2, B-4 & B-5 Districts; 150 square feet in B-1 & B-3 Districts; and 200 square feet in I-1 & I-2 Districts	20 feet at the PROPERTY line plus one foot per additional 2 feet of setback up to a maximum of 35 feet in B-2, B-4, & B-5 Districts; 30 feet at the PROPERTY line plus one foot per additional 2 feet of setback up to a maximum of 45 feet in B-1, B-3, I-1 & I-2 Districts 1	The SIGN may be located within a required FRONT YARD but in no case may any part of the SIGN project over a public RIGHT-OF-WAY	The second ON-PREMISES SIGN for an interstate-oriented business must conform to B-4 District SIGN provisions
PROJECTING	1 per PROPERTY FRONTAGE provided that no FREESTANDING or OFF-PREMISES SIGN exists on the same FRONTAGE	35 square feet in B-2, B-4, & B-5 Districts; 50 square feet in B-1 & B-3 Districts; and 75 square feet in I-1 & I-2 Districts	The SIGN may not project above portion of the roof immediately adjacent to the SIGN	The SIGN may be located within a required FRONT YARD but in no case may any part of the SIGN project over a public RIGHT-OF-WAY	10 feet minimum clearance is required between bottom of SIGN and ground
WALL-MOUNTED	3 per FRONTAGE	15% of the area of wall surface per FRONTAGE	SIGN may not project above the wall upon which the SIGN is mounted	SIGN may not project beyond the edges of the wall upon which the SIGN is mounted	
CANOPY-MOUNTED	2 SIGNS per FRONTAGE suspended beneath a canopy STRUCTURE or mounted on the fascia	15% of the total wall surface per FRONTAGE		CANOPY STRUCTURE may not project over public RIGHT-OF-WAY but may project within 2 feet of any curb line	10 feet minimum of clearance is required between bottom of SIGN and ground

Table 19.50 Note:

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1. Alternately, a FREESTANDING ON-PREMISE SIGN which meets all of the following conditions may rise only to such a HEIGHT to be visible from within one-half mile distance each way along the interstate measured from the nearest exiting intersection, not to exceed a HEIGHT of 75 feet.
 - a. The ON-PREMISE SIGN is directed primarily toward the user of an interstate highway;
 - b. The ON-PREMISE SIGN is within 2,000 feet of the centerline of an interstate highway; and
 - c. The ON-PREMISE SIGN is more than 500 feet from any residential DISTRICT, SCHOOL, park, HOSPITAL, or NURSING HOME.

19.60 Table of Standards for Individual Property Sale or Rental Signs and Construction Signs

ZONING DISTRICT	MAXIMUM NUMBER ALLOWED	MAXIMUM AREA OF SIGN	MAXIMUM HEIGHT OF FREESTANDING SIGNS	LOCATION OF SIGN
AG & AG-2	1 per 660 feet of FRONTAGE	35 square feet	10 feet	10 feet minimum setback from PROPERTY line
R-1, R-2, & R-3 ¹	1 per DWELLING	5 square feet	4 feet	"
R-4	1 per STRUCTURE	10 square feet	10 feet	"
R-5, B-2, & B-4	1 per PROPERTY FRONTAGE	35 square feet	10 feet	"
B-1 & B-3	1 per PROPERTY FRONTAGE	50 square feet	15 feet	"
I-1 & I-2	1 per PROPERTY FRONTAGE	150 square feet	25 feet	"
B-5	1 per PROPERTY FRONTAGE	35 square feet	10 feet	No setback required

Table 19.60 Note:

1. In a Planned Development District containing MULTI-FAMILY DWELLINGS, SIGNS must conform to the provisions listed for the R-4 District.

19.70 Nonconforming Signs

19.70.100 NONCONFORMING SIGNS Generally

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SIGNS which were constructed in compliance with previous regulations, but which do not conform to the provision of this Ordinance as of the date of its enactment or thereafter are NONCONFORMING SIGNS. All roof SIGNS are considered NONCONFORMING SIGNS and subject to the provisions herein.

19.70.200 Altered, Expanded and Abandoned SIGNS

A NONCONFORMING SIGN may not be:

- A. Changed to another NONCONFORMING SIGN;
- B. Structurally ALTERED so as to prolong the life of the SIGN;
- C. Expanded;
- D. Re-established after discontinuance for 90 days; or STRUCTURE removed after discontinuance for 180 consecutive days;
- E. Re-established after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of appraised replacement costs.

19.70.300 Repair or Replacement of a SIGN

Repair or replacement of a legally existing NONCONFORMING SIGN with a SIGN of greater dimension than authorized by this Ordinance and/or a SIGN in a location not authorized by this Ordinance may be allowed if:

- i. a Variance is granted by the ZBA in accordance with Chapter 34; and
- ii. the Variance will not increase the nonconformity of the existing NONCONFORMING SIGN.

21 Protection of Selected Environmental Resources

21.10 General Provisions

21.10.100 Purpose

- A. These regulations are intended to minimize the impacts of development on:
 - i. natural communities located primarily within the CR District that, although altered in character, are important as habitats for plant, animal or aquatic life, for the study of natural, historical, or scientific features or for the enjoyment of natural features; and
 - ii. Best Prime Farmland, defined as land having a Land Evaluation score of 85 or higher based on the *Champaign County Land Evaluation and Site Assessment System*.

21.10.200 Regulations Cumulative

The areas described in this Chapter will often overlap with one another. The most restrictive regulation will govern.

21.40 Resource Reserve

21.40.100 General Provisions

- A. A Resource Reserve may be created by a person proposing creation of a Planned Development District, Overlay District, or requesting Special Use authorization.
- B. Resource Reserves are created by the Planned Development District, Overlay District, Special Use or County Board Special Use authorization in which they are proposed. Once approved, a Resource Reserve will be indicated on the Zoning Map.
- C. A Resource Reserve may not be put to a non-exempt USE, developed or built upon.
- D. A Resource Reserve may be of 2 types: Agricultural or Conservation.
- E. No land will qualify as a Resource Reserve unless it meets the requirements of this Section.
- F. A Resource Reserve must meet the minimum LOT ACCESS regulations of Section 15.50.
- G. A Resource Reserve may be amended or abolished only by means of a resolution passed by the County Board.

21.40.200 Agricultural Resource Reserve

- A. A PARCEL proposed as an Agricultural Resource Reserve must be comprised of Best Prime Farmland, defined as land having a Land Evaluation score of 85 or higher based on the *Champaign County Land Evaluation and Site Assessment System*.
- B. An Agricultural Resource Reserve must be composed of a PARCEL or PARCELS of such size and shape that can be farmed with reasonable efficiency.
- C. ACCESS to an Agricultural Resource Reserve must be located at a point where it is practical for farm equipment to ACCESS the site safely. The ACCESS may not be from an interior STREET in a residential SUBDIVISION.

21.40.300 Conservation Resource Reserve

- A. That portion of one or more LOTS proposed as a Conservation Resource Reserve must meet one of the following conditions:
 - 1. At least 90 percent of the area of the Conservation Resource Reserve must be comprised of land containing riparian vegetation, woodland vegetation, prairies, meadows or grassland pastures.
 - 2. The Conservation Resource Reserve must include at least 60 percent of the area of the subject LOT or LOTS.
- B. A Conservation Resource Reserve must be located and configured to preserve the largest and widest area of existing riparian, prairie, meadow, pasture, or woodland areas possible.
- C. The Conservation Resource Reserve must preserve connectivity of any existing riparian, pasture, meadow, or woodland vegetation on adjacent tracts, including tracts separated by streams, STREETS, or railroad RIGHT-OF-WAYS.

26 Zoning Administrator

26.10 Appointment

This Ordinance is administered and enforced by the Zoning Administrator appointed by the Chairperson of the County Board and confirmed by the members of the County Board. The Zoning Administrator may be provided with the assistance of such persons as the County Board may direct.

26.20 Duties

The Zoning Administrator shall have the authority and duty to administer and enforce this Ordinance and shall:

- i. issue all Zoning Use Permits and other permits where authorized by this Ordinance and keep permanent records thereof;
- ii. issue all Zoning Compliance Certificates and keep permanent records thereof;
- iii. conduct such inspections of STRUCTURES, USES, and accessory USES as are necessary to determine compliance with this Ordinance;
- iv. maintain permanent records pertaining to Variances, Special Conditions, Special Uses granted, modified, or denied by the ZBA; and County Board Special Uses recommendations provided by the ZBA;
- v. maintain permanent records of all amendments to this Ordinance;
- vi. make, or cause to be made, changes to the official Zoning Map in the manner specified herein;
- vii. when directed by the ZBA or County Board, prepare factual reports pertaining to any Variance, condition, Special Use, County Board Special Use, or to any amendment to this Ordinance;
- viii. when directed by the ZBA or County Board, attend meetings of the ZBA, County Board or public hearing in connection with any Variance, Special Use, County Board Special Use, or amendment to this Ordinance;
- ix. in the event that any regulations and standards of this Ordinance are being violated, notify immediately in writing upon knowledge of such violation the perpetrator of such violation indicating the nature of the violation and the action necessary to correct it. The Zoning Administrator shall order the discontinuance of illegal USE of any STRUCTURE or of any additional change, or ALTERATION thereto, discontinuance of any illegal work being done, or shall take other action authorized by this Ordinance to ensure compliance with or to prevent violation of its regulations and standards. When necessary, the Zoning Administrator may inform the State's Attorney of the County, who shall in turn institute an appropriate action or proceeding in equity or law to restrain, correct or abate the violation. The notice provided in this Section is not be a prerequisite to any civil or criminal judicial proceeding;
- x. the Zoning Administrator shall prepare a report of permits issued to present to the appropriate committee of the County Board at each regular meeting of

- the committee;
- xi. authorize upon application, an Administrative Variance in accordance with Chapter 34;
 - xii. place a zoning case on the docket of the ZBA if the application is complete;
 - xiii. monitor the existence of any NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT authorized by Special Use or County Board Special Use and follow procedures established in Subsection 35.60.200 with regard to the continued existence or removal of such NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT.

27 Hearing Officer

27.10 Appointment

- A. The County Board shall provide for the appointment of 3 Hearing Officers. The Hearing Officers shall alternately preside over public hearings authorized in Section 27.20 and may substitute for one another in the event of a conflict of interest or scheduling.
- B. The terms of the Hearing Officers are for 3 years; however, no reappointment may be made which will permit a Hearing Officer to serve more than 10 consecutive years.
- C. All appointments of Hearing Officers must be made by the Chairperson of the County Board with the advice and consent of the County Board.
- D. All Hearing Officers must:
 - i. be residents of separate townships;
 - ii. reside in areas affected by the terms of these regulations at the time of their appointments; and
 - iii. not be members of the County Board.
- E. No person may be appointed to the position of Hearing Officer unless the County Board determines that they possess the training and experience to conduct administrative proceedings of a quasi-judicial nature and a practical knowledge of land USE regulation, land development and natural resource conservation.
- F. The County Board shall have the power to remove any Hearing Officer for cause after public hearing held after at least 10 days notice to the Hearing Officer concerned of the charges against him. Vacancies must be filled by the County Board for the unexpired term of any Hearing Officer whose place has become vacant.

27.20 Duties

- A. The Hearing Officer shall have the power and duty to rule upon all Minor Variances as provided in Section 34.10 only:
 - i. during that time as authorized by a resolution passed by the County Board; and
 - ii. provided that no Administrative Variance, Major Variance, Special Use, or Rezoning is concurrently requested on the same site.

- B. In the performance of duties, the Hearing Officer may incur such expenditures as are authorized by the County Board.

28 Zoning Board of Appeals

28.10 Appointment

- A. The County Board shall provide for the appointment of the ZBA. The ZBA consists of 7 members who may each serve a term of 5 years. Members may be reappointed by the County Board provided, however, that no reappointment may be made which will permit the appointee to serve more than 10 consecutive years on the ZBA. All vacancies on the ZBA must be filled by appointment within 90 days.
- B. All appointments to the ZBA must be made by the Chairperson of the County Board with the advice and consent of the County Board.
- C. One of the members of the ZBA must be named by the County Board as Chairperson of the ZBA and in case of a vacancy, a new Chairperson must be designated in like manner.
- D. The County Board shall have the power to remove any member of the ZBA for cause after public hearing held after at least 10 days notice to the member concerned of the charges against him. Vacancies must be filled by the County Board for the unexpired term of any member whose place has become vacant.
- E. All of the members of the ZBA must:
 - i. be residents of separate townships;
 - ii. reside in areas affected by the terms of these regulations at the time of their appointments;
 - iii. not be members of the County Board.

28.20 Duties

- A. The ZBA shall hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.
- B. The ZBA shall hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Administrator in the administration and enforcement of this Ordinance as provided in Chapter 33.
- C. The ZBA may authorize, upon application, Variances in specific cases as provided in Section 34.10.
- D. The ZBA may authorize, upon application, such Special Uses as are specifically authorized as provided in Chapter 35.

- E. The ZBA may authorize, upon application, in specific cases a change of NONCONFORMING USE as a Major Variance as provided in Chapter 5 and Section 34.10.
- F. The ZBA may render interpretations regarding the meaning, intent, and application of any provision of this Ordinance or to ascertain DISTRICT boundaries as provided in Chapter 33.
- G. The ZBA may adopt rules necessary to the conduct of all administrative proceedings in keeping with the provisions of this Ordinance.
- H. The ZBA may exercise any powers expressly granted to it elsewhere in this Ordinance.
- I. In the performance of duties, the ZBA may incur such expenditures as are authorized by the County Board.

29 Required Zoning Permits

29.10 General Provisions

29.10.100 When a Zoning Use Permit is Required

A Zoning Use Permit must be obtained by the OWNER, or OWNER and contract buyer, when a PROPERTY is being sold under contract, agents of either, or the architect, engineer or builder employed in connection with the proposed work, from the Zoning Administrator before starting:

- i. to establish, occupy, or change the USE of a STRUCTURE, accessory STRUCTURE, or land either by itself or in addition to another USE;
- ii. to construct or erect a new STRUCTURE or accessory STRUCTURE or part thereof;
- iii. to extend, or move any STRUCTURE or accessory STRUCTURE or part thereof;
- iv. to change one NONCONFORMING USE to another such USE or to a Special Use; or
- v. to extend, expand, change, or re-establish any NONCONFORMING USE.

29.10.200 Exemption from Zoning Use Permit Requirement

An accessory STRUCTURE is exempt from the requirement to obtain a Zoning Use Permit if it is:

- i. less than 150 square feet in area; and
- ii. constructed with no in-ground foundation so that it is moveable.

29.20 Permit Application Process

29.20.100 Zoning Use Permit Application

- A. An application for a Zoning Use Permit must be filed in written form with the Zoning Administrator on such forms as the Zoning Administrator shall prescribe, and must meet all of the requirements of this Section.
- B. The application must state:
 - i. the location, including township, STREET number, LOT, BLOCK, and/or tract comprising the legal description of the PROPERTY;
 - ii. the name and address of the OWNER, the applicant, and the contractor, if known; and
 - iii. the estimated cost of the proposed improvement.
- C. An application must describe the USES to be established or expanded.
- D. An application for a principal STRUCTURE or a principal USE must also include any accessory STRUCTURE or accessory USE established or

constructed at the same time on the same LOT or tract of land.

- E. An application must be accompanied by a plan drawn approximately to scale, showing the:
- i. actual dimensions of the LOT to be built upon;
 - ii. size, shape, and locations of the USE to be established on the STRUCTURE or accessory STRUCTURE to be constructed;
 - iii. size, shape, and location of all existing STRUCTURES, accessory STRUCTURES, and USES on the LOT;
 - iv. minimum floor elevations and highest known flood level, where applicable;
 - v. ACCESS;
 - vi. off-STREET PARKING SPACES and LOADING BERTHS;
 - vii. water supply and sewage disposal facilities, including a true and correct copy of any permit required by the County or Illinois Environmental Protection Agency approving such facilities; and
 - viii. other information as may be necessary to provide for the proper administration and enforcement of this Ordinance.
- F. The applicant or an authorized agent must sign the Zoning Use Permit application. The signature evidences:
- i. the agreement of the OWNER to comply with the terms of this Ordinance; and
 - ii. the agreement of the OWNER to allow ACCESS to the PREMISES and to provide required information as provided in Section 30.20.
- G. An application signed by an OWNER's agent constitutes a representation by the applicant that he is authorized to act on behalf of the OWNER and obligate the OWNER to all responsibilities imposed by this Ordinance.

29.20.200 Permit Fee

- A. Permit fees must be paid to Champaign County through the office of the Zoning Administrator who shall forward such fees to the County Treasurer, as follows:
1. At the time a Zoning Use Permit application is filed, the applicant must pay a fee in accordance with the Schedule specified in Paragraph H.
- B. Fees are equal to the total for each STRUCTURE, USE, Change of Use, CONSTRUCTION or ALTERATION contained in each Zoning Use Permit, except that no Change of Use fee is required in a Zoning Use Permit for CONSTRUCTION or ALTERATION of a STRUCTURE.
- C. In no case may any Zoning Use Permit fee for a single STRUCTURE exceed \$1,500.

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- D. Fees are based upon the total gross floor area including any basement and garage area that is constructed and any interior spaces accessible by means of a door, and include all exterior areas covered by a roof STRUCTURE of any kind, except as noted.
- E. Fees calculated in units of multiple feet or square feet are based on a sum rounded to the nearest whole number of such units.
- F. USES and STRUCTURES exempt from Zoning Use Permit fees are:
 - i. AGRICULTURE;
 - ii. private driveways;
 - iii. service drives;
 - iv. easements;
 - v. SIDEWALKS;
 - vi. uncovered patios;
 - vii. utility-owned apparatus;
 - viii. private sewage disposal systems; and
 - ix. STRUCTURES and USES owned or operated by government bodies
- G. No Zoning Use Permit fee may be refunded unless the Zoning Administrator subsequently determines the permit or fee is not required and the erroneous filing is due solely to staff error.
- H. Schedule of Permit Fees

Construct Principal STRUCTURE	
SINGLE-FAMILY DWELLINGS and TWO-FAMILY DWELLINGS	\$ 12 per 100 square feet
All other BUILDINGS	\$ 275 plus \$ 15 per 100 square feet
Principal STRUCTURES other than BUILDINGS (except tower or SIGN)	\$ 260
Construct Accessory STRUCTURE	
BUILDINGS > 150 square feet in floor area ¹	\$16 per 100 square feet
Construct Other STRUCTURE (Except Tower or SIGN)	
Residential Accessory STRUCTURE	\$ 33
MANUFACTURED HOME SITE in MANUFACTURED HOME PARK	\$ 33
All other Accessory STRUCTURES	\$ 130
Construct or Install Tower (Principal or Accessory)	
Tower up to 50 feet in HEIGHT	\$ 33

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Tower greater than 50 feet in HEIGHT	\$ 33 plus \$ 40 for each 20 feet in excess of 50 feet in HEIGHT
Construct SIGN (Principal or Accessory)	
WALL SIGN, or canopy-mounted SIGN or PROJECTING SIGN	\$ 33
FREESTANDING SIGN	\$ 3 per square foot of SIGN area but not less than \$ 33
ALTER, extend or move upon the same LOT a Principal or Accessory STRUCTURE	
BUILDINGS	\$ 16 per 100 square feet
STRUCTURE other than BUILDING	same as new STRUCTURES
Other Activities	
Establish a USE or change in an existing USE where no CONSTRUCTION is involved ²	\$ 65
Change of Use for a RURAL HOME OCCUPATION ³	\$ 33
TEMPORARY USE	\$ 65
Registering a NON-CONFORMING USE	\$ 33

Table 29.20.200(H) Notes:

1. No Zoning Use Permit fee is required for a BUILDING less than or equal to 150 square feet of total gross floor area.
2. No separate fee is required to establish a USE or change an existing USE that includes new CONSTRUCTION if a Zoning Use Permit is issued for the new CONSTRUCTION.
3. No Zoning Use Permit fee is required to register a NEIGHBORHOOD HOME OCCUPATION.

29.30 Issuance of Zoning Use Permit

29.30.100 General Procedures

- A. The Zoning Administrator shall retain the original copy of the Zoning Use Permit and mark such permit whether approved or disapproved.
- B. The Zoning Administrator shall return one copy of the Zoning Use Permit to the applicant, duly signed and marked as required in Paragraph A.
- C. The applicant must post the Zoning Use Permit in plain sight on the PREMISES for which it is issued until CONSTRUCTION specified in the Zoning Use Permit is completed. The applicant must immediately contact

the Champaign County Department of Zoning and Enforcement upon completion of CONSTRUCTION for an inspection and issuance of a Zoning Compliance Certificate.

- D. The Zoning Administrator shall not issue a Zoning Use Permit until application is made for a Zoning Compliance Certificate.

29.40 Terms of Zoning Use Permit Generally

29.40.100 Expiration of Zoning Use Permit

- A. If work described on any Zoning Use Permit does not begin within 180 days from the issuance thereof, said permit will expire and be canceled by the Zoning Administrator and written notice thereof shall be given to the applicant.
- B. If the work described on any Zoning Use Permit is not substantially completed within 365 consecutive days from the issuance thereof, said permit will expire and be canceled by the Zoning Administrator and written notice thereof shall be given to the applicant together with notice that further work as described on the canceled permit must not proceed until a new Zoning Use Permit is issued; provided, however, that the Zoning Use Permit may be extended for such additional period as set forth in Paragraph 29.40.200(A).
- C. A Zoning Use Permit issued for the establishment of a USE of land where no STRUCTURE is involved or on which land a STRUCTURE is accessory to the principal USE not involving any STRUCTURE does not expire.

The land so used must be inspected by the Zoning Administrator at one-year intervals from the date of issuance of the Zoning Use Permit to ensure compliance with the regulations and standards of this Ordinance.

Land used for AGRICULTURE is exempt from this requirement.

29.40.200 Extension of Zoning Use Permit

- A. The Zoning Administrator may allow an extension of a Zoning Use Permit for the time necessary to complete a BUILDING. Such extension may be granted only upon a determination by the Zoning Administrator that the need for additional time is occasioned by the scope of the proposed CONSTRUCTION, unique features of the site or design, work stoppages not under the control of the Zoning Use Permit holder or other practical necessity and not for lack of due diligence by the Zoning Use Permit holder.
- B. The Zoning Administrator shall grant extension for the minimum amount of time needed to complete the project, but in no case may such extension be

granted for a period exceeding 365 days.

- C. In the case of a Special Use issued to a PUBLICLY REGULATED UTILITY, the work completion date may be extended as specified in the Special Use conditions approved by the ZBA. In the case of a County Board Special Use issued to a PUBLICLY REGULATED UTILITY, the work completion date may be extended as specified in the County Board Special Use conditions adopted by the County Board.

29.50 Zoning Use Permit for a Temporary Manufactured Home

The Zoning Administrator may permit the temporary placement of a MANUFACTURED HOME on a LOT for the USE of the OWNER while he is constructing a permanent DWELLING when required by the OWNER. This permission will be a part of the Zoning Use Permit issued for the permanent DWELLING and will expire upon the expiration or revocation of the Zoning Use Permit.

29.60 Zoning Use Permit for Temporary Tower

29.60.100 General Provision

In the event of destruction of a tower (including antennas) over 100 feet in HEIGHT that is a lawful Special Use or County Board Special Use, a temporary tower (including antenna) may be allowed. The Zoning Administrator shall issue a Temporary Tower Zoning Use Permit only if all of the following conditions have been met:

1. The temporary tower conforms to the minimum setback requirements in the DISTRICT in which it is located;
2. The temporary tower conforms to the standards of the Federal Communication Commission, Federal Aviation Administration, and the Illinois Department of Transportation, Division of Aeronautics.
3. Subsection 30.50.200 requirements are met.

29.60.200 Application

- A. Application for a Temporary Tower Zoning Use Permit may be made in time of emergency for temporary towers not later than 5 business days after said temporary tower is constructed.
- B. Application for a Temporary Tower Zoning Use Permit must be filed in written form with the Zoning Administrator on such forms as the Zoning Administrator shall prescribe, and must contain the following information:

1. commonly known address or general location of PROPERTY including all information necessary to accurately portray the PROPERTY;
2. a brief description of the temporary tower including HEIGHT and location of the tower and the reasons for said temporary tower; and
3. applicant's name and address and PROPERTY OWNER'S name and address if different from applicant.

29.60.300 Issuance

A Zoning Use Permit will be issued for all temporary towers and must contain the following information:

1. name of applicant; and
2. date of CONSTRUCTION of temporary tower and expiration date of Temporary Tower Zoning Use Permit.

29.60.400 Expiration

- A. The Temporary Tower Zoning Use Permit expires on the one-year anniversary date from the issuance thereof. Said permit will expire and be canceled by the Zoning Administrator and written notice thereof will be given to the applicant.
- B. Application for renewal of a Temporary Tower Zoning Use Permit must be made to the Zoning Administrator at least 15 days prior to the expiration date of the current Temporary Tower Zoning Use Permit. Such renewal permit will expire after 90 consecutive days from the date of the expiration of the initial Temporary Tower Zoning Use Permit. The continuance of said temporary tower after this 90 day period will be considered a permanent STRUCTURE and subject to the Special Use requirements in the DISTRICT in which it is located.

29.70 Zoning Use Permit for Temporary Use

29.70.100 General Provision

Only a TEMPORARY USE occurring not more than 5 consecutive or non-consecutive days in a 3-month period may apply. USES not meeting this criterion are considered permanent and must conform to the applicable regulations and standards of this Ordinance.

29.70.200 Application

- A. An applicant for a Zoning Use Permit for a TEMPORARY USE must file an application per the provisions of Subsection 29.20.100.
- B. Effective dates and hours of OPERATION of the TEMPORARY USE must be provided on the application.

29.70.300 Issuance

- A. The Zoning Administrator shall issue a Zoning Use Permit for a TEMPORARY USE only if the following conditions have been met:
 - 1. All other County and State licenses or permits, if required, for the proposed USE have been approved.
 - 2. The proposed USE conforms to the applicable regulations and standards of the DISTRICT in which it will be located.
 - 3. the location of a TEMPORARY USE:
 - i. must not be closer than 300 feet from a residential DISTRICT, except that a TEMPORARY USE may be located closer than 300 feet to a PLACE OF WORSHIP authorized by right in a residential DISTRICT; and
 - ii. must be measured from a defined boundary provided by the applicant of the USE on a LOT or tract of land to the nearest residential DISTRICT.
 - 4. Off-STREET PARKING SPACES and LOADING BERTHS must be provided according to the provisions of Chapter 18.
 - 5. Any conditions specified by the Zoning Administrator and/or other County or State authorities (such as the County Sheriff's Department, State Fire Marshall, Illinois Department of Public Health) having enforcement powers that have been formally agreed to. Any disputes may be settled per Chapter 33.
- B. Issuance of a Zoning Use Permit for a TEMPORARY USE must be in accordance with Section 29.30. Additionally, the Zoning Administrator shall include the effective dates and hours of OPERATION of the TEMPORARY USE on the Zoning Use Permit.

29.70.400 Renewal

A Zoning Use Permit for a TEMPORARY USE may be renewed if the following requirements are met:

- 1. Conditions in this Section are met including obtaining all other County and State licenses or permits, if required, for renewal; and

2. Said Zoning Use Permit for a TEMPORARY USE may not be renewed more than 4 times per year.

30 Zoning Compliance Certificate

30.10 General Provisions

30.10.100 Zoning Compliance Certificate Required for New or ALTERED USES and STRUCTURES

- A. It is unlawful to USE, occupy, or to permit the USE or occupancy of any land or STRUCTURE or part thereof hereafter created, constructed, erected, changed, moved, or wholly or partly ALTERED or enlarged in its USE or STRUCTURE until a Zoning Compliance Certificate is issued by the Zoning Administrator stating that the proposed USE of the land and STRUCTURE conforms to the regulations and standards of this Ordinance.
- B. No Zoning Use Permit may be issued until an application has been made for a Zoning Compliance Certificate.

30.10.200 Zoning Compliance Certificate Required for NONCONFORMING USE

- A. No NONCONFORMING USE of land and no NONCONFORMING USE of a STRUCTURE may be renewed, changed, ALTERED, or extended until a Zoning Compliance Certificate is issued by the Zoning Administrator. The Zoning Compliance Certificate must state specifically wherein such NONCONFORMING USE differs from the regulations and standards of this Ordinance.
- B. OWNERS or contract purchasers of land or STRUCTURES, the USE of which is nonconforming as of October 10, 1973, or on the effective date of an amendment rendering a USE nonconforming, must register a NONCONFORMING USE with the Zoning Administrator and apply for a Zoning Use Permit.

30.20 Application Process

30.20.100 When to Apply

An applicant must apply for a Zoning Compliance Certificate at the same time as applying for a Zoning Use Permit on an application form provided by the Zoning Administrator.

30.20.200 Zoning Compliance Certificate Fee

- A. The fee for a Zoning Compliance Certificate is \$33.00.
- B. The fee for a Zoning Compliance Certificate, payable to Champaign

County, must be paid at the time the Zoning Use Permit application is made.

- C. The fee for a TEMPORARY USE Zoning Compliance Certificate or for a partial Zoning Compliance Certificate may be paid after issuance of the Zoning Use Permit.
- D. No Zoning Compliance Certificate fee may be refunded unless the Zoning Administrator subsequently determines the fee not to be required and the erroneous filing is due solely to staff error.
- E. No Zoning Compliance Certificate fee is required for:
 - i. a NEIGHBORHOOD HOME OCCUPATION or RURAL HOME OCCUPATION;
 - ii. registering any NONCONFORMING USE; or
 - iii. registering a change of USE where no CONSTRUCTION is involved.

30.30 Issuance of Zoning Compliance Certificate

30.30.100 General Procedures

- A. When all work as described on the Zoning Use Permit is complete, the applicant must notify the Zoning Administrator in writing. After examination of the PREMISES to ascertain that all work described on the Zoning Use Permit has been conducted in compliance with the regulations and standards of this Ordinance, the Zoning Administrator shall issue the Zoning Compliance Certificate.
- B. Except in the case of the USE of land as specified in Paragraph 29.40.100(C), or in the case of a Temporary Partial Zoning Compliance Certificate, the issuance of the Zoning Compliance Certificate will invalidate the Zoning Use Permit issued for work conducted in connection with the PREMISES involved.
- C. The Zoning Administrator shall retain the original copy of the Zoning Compliance Certificate.
- D. One copy of the Zoning Compliance Certificate must be returned to the applicant, duly signed.
- E. On each successive date of inspection of land, the USE of which does not involve a STRUCTURE or on which land a STRUCTURE is accessory to the principal USE, such principal USE, not involving any STRUCTURE, and for which the Zoning Use Permit does not expire, the Zoning Administrator shall issue a Zoning Compliance Certificate if such USE has been conducted in conformance with the regulations and standards of this Ordinance. The Zoning Compliance Certificate will be effective only until

the next required date of inspection.

30.40 Issuance of Temporary Zoning Compliance Certificate

No more than one temporary Zoning Compliance Certificate may be issued by the Zoning Administrator for a period not exceeding 6 months permitting occupancy of a STRUCTURE pending its completion, provided that:

- i. such temporary certificates may require such conditions and safeguards as will protect the safety of the occupants and the public; and
- ii. a separate fee is received for such Temporary Zoning Compliance Certificate in the amount \$33.00.

30.50 Issuance of Partial Zoning Compliance Certificate

One or more partial Zoning Compliance Certificates may be issued by the Zoning Administrator permitting occupancy and USE of any part of the CONSTRUCTION contained in a Zoning Use Permit provided that:

- i. any STRUCTURE included in the Zoning Compliance Certificate must comply with all applicable requirements of the *Illinois Environmental Barriers Act, 410 ILCS 25/1 et seq.*
- ii. no Zoning Compliance Certificate may be issued for any accessory STRUCTURE or USE until a Zoning Compliance Certificate has been issued for the principal STRUCTURE or USE;
- iii. the STRUCTURE included in the Zoning Compliance Certificate independently meets all applicable requirements of this Ordinance;
- iv. a separate fee is received for each such partial Zoning Compliance Certificate in the amount of \$33.00.

30.60 Construction and Use Authorized in Applications, Plans, Zoning Use Permit and Zoning Compliance Certificate

30.60.100 Specific Authorization

A Zoning Use Permit and Zoning Compliance Certificate issued on the basis of plans and applications approved by the Zoning Administrator authorizes only the USE, arrangement, and CONSTRUCTION set forth in such approved plans and applications, and no other USE, arrangement, or CONSTRUCTION.

30.60.200 Activities Not in Compliance

The following activities are deemed a violation of this Ordinance and are punishable as provided in Chapter 46:

- i. USE, arrangement, or CONSTRUCTION not in compliance with that authorized; or
- ii. the CONSTRUCTION, erection, ALTERATION, remodeling, extension, or movement of any USE or STRUCTURE without a Zoning Use Permit and/or a Zoning Compliance Certificate.

32 Public Hearing and Review Procedures

32.10 Proceedings Governed

- A. This Chapter describes common regulations and procedures for the public hearing and review of:
 - i. Appeals from determinations of the Zoning Administrator;
 - ii. Interpretations of Ordinance provisions;
 - iii. changes of NONCONFORMING USES;
 - iv. contested Administrative Variances;
 - v. Variances;
 - vi. Special Uses;
 - vii. County Board Special Uses;
 - viii. Planned Development Districts;
 - ix. Overlay Districts;
 - x. map amendments; and
 - xi. text amendments.

- B. Additional regulations or procedures, specific to the governed proceedings indicated in Paragraph A, may be found in other Chapters of this Ordinance.

32.20 Pre-Application Conference

32.20.100 When Required

- A. A Pre-Application Conference is required for all applications for a:
 - i. County Board Special Use;
 - ii. Planned Development District;
 - iii. Overlay District; and
 - iv. map amendment.

- B. The Zoning Administrator may not waive this requirement.

- C. An applicant may request a Pre-Application Conference for other cases.

32.20.200 Scheduling

The Zoning Administrator shall schedule a Pre-Application Conference within 21 days of the applicant's request for one.

32.20.300 Participants

In addition to an applicant or applicant's agent, the Zoning Administrator may invite representatives from any entity that:

- i. are significantly affected by the proposed project;
- ii. have expert knowledge relevant to evaluating the application; or

- iii. are requested by an applicant.

32.20.400 Report

- A. The Pre-Application Conference will identify:
 - i. information that is required for a complete zoning case application;
 - ii. major issues raised by the application; and
 - iii. additional information that is required to fully evaluate the zoning case application.
- B. The Zoning Administrator shall provide a written summary of the results of the Pre-Application Conference to the applicant and other attendees within 7 days.

32.30 Zoning Case Application

32.30.100 Timing of Application

An applicant may submit an application at any time within 6 months following the Pre-Application Conference. If more than 6 months have passed a new Pre-Application Conference is required.

32.30.200 General Provisions

- A. An applicant must submit an applications on a specific form provided by the Zoning Administrator.
- B. An applicant or authorized agent must sign the application form. The signature must evidence:
 - i. if signed as OWNER'S agent, a representation by the applicant that he is authorized to act on behalf of the OWNER and obligate the OWNER to all responsibilities imposed by this Ordinance;
 - ii. the agreement of the OWNER to comply with the terms of this Ordinance; and
 - iii. the agreement of the OWNER to allow ACCESS to the PREMISES and to provide required information as provided in Sections.
- C. All of the following items must be included on or with a zoning case application form:
 - 1. Identification information as follows:
 - i. the name and address of the applicant and of all OWNERS of the PROPERTY;
 - ii. whether or not the applicant is acting for himself or in the capacity of an agent, alter-ego, or representative of a principal, and stating the name and address of the actual and true principal;
 - iii. whether the applicant is a corporation, and if a corporation, the

- correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of 20 percent of all outstanding stock of such corporation;
- iv. whether the applicant, or the principal if other than the applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true and actual OWNERS of such business or entity; and
 - v. whether the applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint venturers, syndicate members or members of the unincorporated voluntary association.
- 2. A statement of the applicant's interest in the PROPERTY;
 - 3. The address, if any, and the legal description of the PROPERTY; if applicable;
 - 4. If the application is for a Special Use, County Board Special Use, Overlay District, or a Planned Development District, a site plan and any other required map, plan or document meeting the requirements specified in:
 - i. Chapter 35 (Special Use); and/or
 - ii. Chapter 37 (Rural Residential Overlay);
 - iii. Chapter 38 (Residential Planned Development); or
 - iv. Chapter 39 (MANUFACTURED HOME PARK).
- D. Unless otherwise specified, site plans and required plans or maps for Special Use, County Board Special Use, Overlay District, and Planned Development District applications must be prepared by an:
- i. Illinois Licensed Professional Engineer;
 - ii. Illinois Licensed Architect; or
 - iii. Illinois Registered Landscape Architect.
- E. A required map, plan or other specified technical document must include:
- i. the identity of the professional who prepared it,
 - ii. the date, including the date of any later revisions, and
 - iii. a north arrow and graphic scale, if applicable.
- F. If the original of a required map, plan or drawing is larger than 11 by 17 inches, the applicant must submit 5 copies and a reduced version of the document no larger than 11 by 17 inches. If the original is no larger than 11 by 17 inches, one copy may be submitted.
- G. Other required submittals, when specified, must be prepared by qualified professionals authorized to practice in the State of Illinois.

32.30.300 Zoning Case Filing Fee Requirements

- A. A zoning case filing fee payable to Champaign County must be paid at time of zoning case application, except that zoning cases initiated by the County Board, ZBA, or Zoning Administrator are exempt from the fee requirement.
- B. No zoning case filing fee may be waived unless the Zoning Administrator determines that the petition is the only means reasonably available to bring a PROPERTY into compliance with the provisions of this Ordinance and the non-compliance is due solely to staff error.
- C. No zoning case filing fee may be refunded after required legal notice has been made by mail or publication unless the Zoning Administrator determines such filing to have been based solely upon staff error.
- D. No amendment to any zoning case which requires new legal notice may be considered until an amended zoning case filing fee has been received unless the Zoning Administrator determines such amendment to be required due solely to staff error.
- E. The filing fee for a Special Use or County Board Special Use is determined based on the larger of the following:
 - 1. the area of farmland taken out of production as a result of the Special Use or County Board Special Use; or
 - 2. when farmland will not be taken out of production as a result of the Special Use or County Board Special Use, the land area taken up by the existing STRUCTURES and all proposed CONSTRUCTION proposed in the application for Special Use or County Board Special Use.
- F. When some combination of Variance, Special Use, County Board Special Use and map amendment cases is required simultaneously for the same PROPERTY, the total filing fee must include the following:
 - 1. the standard fee for the most expensive individual zoning case; and
 - 2. one-half of the standard fee for any other required Variance, Special Use, County Board Special Use or map amendment, provided that no additional fees may be included for multiple zoning cases of the same type that can be advertised in the same legal advertisement.

G. Schedule of Zoning Case Filing Fees

1. Variance	
a) Administrative Variance.....	\$ 100
b) Minor Variance or Major Variance.....	\$ 200
2. Special Use, County Board Special Use, or Map Amendment ¹	
a) 2 acres or less and base fee for larger areas....	\$ 400
b) More than 2 acres but no more than 12 acres..	add \$ 40 per acre to base fee for each acre over 2 acres
c) More than 12 acres.....	add \$ 10 per acre for each acre over 12 acres and add to fees in (a) and (b) above
3. Appeal or Interpretation.....	\$ 200
4. Change of Nonconforming Use.....	\$ 100
5. Amendment to a Zoning Case Petition (resulting in the need for a new legal notice).....	\$ 100

Table 32.30.300(G) Note:

1. Refer to Subsection 32.30.400 for engineering review fee requirements. An engineering review fee may be required, based on a determination by the Zoning Administrator.

32.30.400 Engineering Review Fees

Fees for engineering review of stormwater drainage plans are based on the cost of the engineering review:

- A. Basic Review Fee. When there are no conditions of unusual uncertainty regarding drainage, the fees for engineering review equal the County's costs as billed by the County's drainage review consulting engineer, but may not exceed \$1,500. This basic review fee is payable to Champaign County as follows:

Champaign County Zoning Ordinance
Chapter 32. Public Hearing and Review Procedures

BASIC REVIEW FEE:	WHEN PAYABLE	AMOUNT
Initial partial payment ¹	upon application for either a Zoning Use Permit, Special Use, or County Board Special Use	\$ 500
Balance of payment	Prior to the issuance of a Zoning Compliance Certificate or prior to the ZBA's Final Determination for a Special Use or County Board Special Use	the amount by which total costs billed by the County's drainage review consulting engineer exceeds the initial partial fee payment, provided that the total fee may not exceed \$1,500.

Table 32.30.400(A) Note:

1. After the issuance of a Zoning Compliance Certificate certifying that the entire stormwater drainage plan has been implemented, an applicant may receive a refund from the County for the amount by which the initial partial fee payment exceeds the total billed cost by the County's drainage review consulting engineer, provided that no refund may be made for less than \$50.
- B. Unlimited Review Fee. When the Zoning Administrator determines that conditions of unusual uncertainty regarding drainage exist, the fees for engineering review are equal to the County's costs as billed by the County's drainage review consulting engineer. This unlimited review fee is payable to Champaign County as follows:

UNLIMITED REVIEW FEE:	WHEN PAYABLE	AMOUNT
Initial partial payment ¹	upon application for either a Zoning Use Permit, Special Use, or County Board Special Use	\$ 1,500
Balance of payment	Prior to the issuance of a Zoning Compliance Certificate or prior to the ZBA's Final Determination for a Special Use or County Board Special Use	the amount by which total costs billed by the County's drainage review consulting engineer exceeds the initial partial fee payment.

Table 32.30.400(B) Note:

1. After the issuance of the Zoning Compliance Certificate certifying that the entire stormwater drainage plan has been implemented, an applicant may receive a refund from the County for the amount by which the initial partial fee payment exceeds the total billed cost by the County's drainage review consulting engineer, provided that no refund may be made for less than \$50.

32.30.500 Review for Completeness

- A. The Zoning Administrator shall not certify an zoning case application as complete unless the application is submitted with the fee as required in Subsection 32.30.300 and all required information as specified in Paragraph 32.30.200(C).
- B. The Zoning Administrator shall review the zoning case application and notify the applicant in writing within 14 days of receipt of the application that:
 - i. the application is complete; or
 - ii. specific additional information is required.

32.40 Docketing and Notice

32.40.100 Placing a Zoning Case on the Docket

The Zoning Administrator shall not place an incomplete zoning case application on the docket of the ZBA.

32.40.200 Publication of Notice

- A. The Zoning Administrator shall publish notice of a statutorily required hearing in a newspaper as required by the *Illinois Counties Code (55 ILCS 5/5)* at least 15 days but not more than 30 days before the hearing.
- B. The notice of such hearing must contain: the address, if any; a brief description of the PROPERTY; and a brief description of the approval sought.
- C. If the notice must be republished due to action of the applicant, a fee for republication must be paid by the applicant as provided in Paragraph 32.30.300(G).

32.50 Meetings and Quorums

32.50.100 Scheduling

- A. All administrative proceedings must be held at the call of the Chairperson of the ZBA or the Hearing Officer and at such times and places within the County as they may determine.
- B. In no case may a period of one month elapse between ZBA meetings.

32.50.200 Open to Public

All administrative proceedings must be open to the public, and public notice given in accordance with the provisions of the *Illinois Open Meetings Act (5 ILCS 120/1.01 et seq.)*.

32.50.300 Quorum Necessary

The presence of a majority of members of the ZBA at a meeting of the ZBA constitutes a quorum. No action may be taken by the ZBA unless a quorum of 4 members is present.

32.60 Public Hearings

32.60.100 General Procedures

- A. A public hearing must be held as provided in the Illinois Counties Code (55 ILCS 5/5-12014 *et seq.*) for the proceedings listed in Paragraph 32.10(A).
- B. Any person may appear at a public hearing in person, or by agent or by attorney, and may give testimony orally, in writing, or by other means.
- C. The Chairperson or, in the Chairperson's absence, the Acting Chairperson, or Hearing Officer may administer oaths and compel the attendance of witnesses.
- D. All testimony by any witness must be given under oath.
- E. The staff of the Department of Planning and Zoning may serve as consultant to the ZBA and Hearing Officer and may give testimony, question witnesses, and make oral or written recommendations as necessary concerning zoning matters.
- F. The ZBA (by majority vote) or the Hearing Officer may postpone or adjourn from time to time any public hearing. In the event of such postponement or adjournment, further publication of a hearing need not be made.

32.70 Decisions

32.70.100 Timing

After the ZBA has received all information it has requested, decisions or determinations of the ZBA, at the request of the applicant, must be decided within 2 regular meetings of the ZBA.

32.70.200 Effect of Vote

The concurring vote of 4 members of the ZBA is necessary to:

- i. reverse any order, requirement, decision, or determination of the Zoning Administrator;
- ii. to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance;
- iii. to approve any Variance in the application of this Ordinance;

- iv. to approve any Special Use;
- v. to recommend approval of a County Board Special Use; or
- vi. to recommend adoption of a text amendment or zoning map amendment.

32.70.300 ZBA Report to County Board

Within a reasonable time after the public hearing, the ZBA shall report to the County Board its determination regarding requests for a: County Board Special Use; text amendment; or map amendment.

32.70.400 Administrative Review of Decision

Any decision or determination made by the ZBA or Hearing Officer is final subject to administrative review as provided in *Article III Administrative Review, Illinois Code of Civil Procedure (735 ILCS 5/3-101 et seq.)*.

32.80 Records

32.80.100 Minutes

The Zoning Administrator shall keep minutes of the proceedings of the ZBA and the Hearing Officer, showing the vote upon every question, or if absent or failing to vote, indicating such fact, and shall keep records of examinations and other official actions. Minutes of proceedings of the ZBA and of the Hearing Officer are public records.

32.80.200 Public Records

- A. Every rule, regulation, every amendment or repeal thereof; every order, requirement, decision or determination of the ZBA and the Hearing Officer must be filed in the office of the Zoning Administrator and must be a public record.
- B. All public records of the ZBA and Hearing Officer must be made available for inspection or copying in accordance with the *Illinois Freedom of Information Act (5 ILCS 140/1 et seq.)*.

32.80.300 Secretary

The Zoning Administrator, or the Zoning Administrator's representative, shall serve as secretary to the ZBA and the Hearing Officer.

32.90 Non-Interference with Greater Restrictions

32.90.100 Limitations on Approvals and Recommendations

A Variance, Administrative Variance, Special Use or County Board Special Use

may not be approved if any of the following conditions are met:

- A. The CONSTRUCTION or USE would violate:
 - i. the *Champaign County Special Flood Hazard Area Development Ordinance* (Ordinance No. 209 as amended);
 - ii. the *Illinois Plat Act* (765 ILCS 205/0.01 *et seq.*);
 - iii. the *Champaign County Subdivision Regulations* (Ordinance No. 44 as amended);
 - iv. the SUBDIVISION regulations of a municipality where the LOT is within the jurisdiction of a municipality which has enacted SUBDIVISION regulations;
 - v. the *Champaign County Health Ordinance* (Ordinance No. 573);
 - vi. the *Champaign County Public Nuisance Ordinance* (Ordinance No. 468, as amended); or
 - vii. any license ordinance of Champaign County

- B. The CONSTRUCTION or USE is located on a LOT or LOTS created in violation of the *Illinois Plat Act*, *Champaign County Subdivision Regulations* or municipal SUBDIVISION regulations.

- C. An outstanding violation of this Ordinance or of any regulation listed in Paragraph 32.90.100(A) exists on the LOT except in the following circumstances:
 - 1. The Zoning Use Permit or Zoning Compliance Certificate is the sole impediment to correcting the violation;
 - 2. The granting of a Variance, Administrative Variance, Special Use, or recommending approval of a County Board Special Use will facilitate correction of any non-zoning ordinance violations;
 - 3. The Variance, Administrative Variance, Special Use, County Board Special Use, Zoning Use Permit or Zoning Compliance Certificate is required to effect any stipulation, agreement or court order resolving the violation; or
 - 4. A municipality or the Champaign County Health Department has the legal authority to waive compliance with a regulation and stipulates in writing that it has no objection to issuing the Variance, Administrative Variance, Special Use, County Board Special Use, Zoning Use Permit or Zoning Compliance Certificate.

32.90.200 Exception

No Variance, Administrative Variance, Special Use or County Board Special Use may be denied for USE or CONSTRUCTION on LOTS created prior to May 21, 1991 solely because such LOTS were created in violation of the *Illinois Plat Act*

or *Champaign County Subdivision Regulations* provided that:

- i. such LOTS conform to all other applicable regulations and standards of this Ordinance; and
- ii. the creation of such LOTS did not violate any applicable municipal SUBDIVISION ordinance in effect at the time such LOTS were created.

33 Appeals and Interpretations

33.10 Authorized Appeals and Interpretations

Appeals may be taken to the ZBA after filing such appeal with the Zoning Administrator by any person affected by any order, requirement, interpretation, decision, or determination made by the Zoning Administrator.

33.20 Prohibited Appeals

The ZBA shall not hear appeals filed with the Zoning Administrator more than 30 days from the date of the action or receipt of the decision of the Zoning Administrator, except that the ZBA shall hear appeals of the issuance of a Zoning Use Permit when the appeal is filed with the Zoning Administrator within 210 days of the date of issuance of the Zoning Use Permit, but not more than 30 days from the date of initiation of the USE, work, or activity for which a Zoning Use Permit is required under Chapter 29 including the following:

- i. the placement of survey stakes or markers;
- ii. filling, excavating, clearing or grading;
- iii. demolition of all or any part of an existing BUILDING or STRUCTURE;
- iv. relocation of all or any part of an existing BUILDING or STRUCTURE;
- v. CONSTRUCTION of any part of a BUILDING, STRUCTURE or site improvements made in preparation for CONSTRUCTION of a BUILDING or STRUCTURE; or
- vi. issuance of a Zoning Compliance Certificate pursuant to Chapter 30 where no CONSTRUCTION, ALTERATION, enlargement, or relocation is to be performed.

33.30 Appeal Procedure

33.30.100 When an Appeal May be Requested

All questions of interpretation and enforcement must be first presented to the Zoning Administrator. Such questions may be presented to the ZBA only on appeal from the decision of the Zoning Administrator.

33.30.200 Application

- A. Each application for an appeal must be accompanied by a fee paid by the applicant as provided in Subsection 32.30.300.
- B. The Zoning Administrator shall transmit to the ZBA all the papers constituting the record upon which the action appealed from was taken.

33.40 ZBA Action

Upon application, after providing notice to the affected parties and conducting a public hearing, and if such action is in conformity with the terms of this Ordinance, the ZBA may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination made, and to that end shall have the powers of, the Zoning Administrator from whom the appeal was taken.

33.50 Other Considerations

33.50.100 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the ZBA after the notice of the appeal has been filed with the Zoning Administrator that by reasons of facts stated in the certificate, a stay could, in the Zoning Administrator's opinion, cause imminent peril to life or PROPERTY, in which case proceedings may not be stayed otherwise than by a restraining order which may be granted by the ZBA or by court of record on application on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

33.50.200 Timing of Hearing

The Chairperson of the ZBA shall fix a reasonable time for the hearing of the appeal. At least 15 days but no more than 30 days notice of the time and place of such hearing must be provided to the appellant, applicant or petitioner and any other parties to the decision appealed from.

34 Variances

34.10 Table of Variance Classifications and Presiding Authority

VARIANCE CLASSIFICATION		PRESIDING AUTHORITY
Administrative Variance	A deviation of 10 percent or less from a regulation or standard of this Ordinance related to the location of STRUCTURES or to bulk requirements.	May be authorized by the Zoning Administrator in accordance with Section 26.20 and the requirements of this Chapter.
Minor Variance	<p>A deviation of 10 percent or less from a numerical regulation or standard of this Ordinance not related to the location of STRUCTURES or to bulk requirements.</p> <p>A deviation of more than 10 percent but not exceeding 25 percent from a numerical regulation or standard of this Ordinance.</p>	May be granted by the Hearing Officer in accordance with Paragraph 27.20(A) and the requirements of this Chapter; or by the ZBA in accordance with Paragraph 28.20(C) and the requirements of this Chapter.
Major Variance	<p>A deviation exceeding 25 percent from a numerical regulation or standard of this Ordinance.</p> <p>A waiver from a nonnumerical regulation or standard of this Ordinance.</p> <p>A deviation from a numerical regulation or standard of the <i>Champaign County Stormwater Management Policy</i> or <i>Champaign County Special Flood Hazard Areas Ordinance</i>.</p> <p>A waiver from a nonnumerical regulation or standard of the <i>Champaign County Stormwater Management Policy</i> or <i>Champaign County Special Flood Hazard Ordinance</i>.</p>	May be granted by the ZBA in accordance with Paragraph 28.20(C) and the requirements of this Chapter.

34.20 Prohibited Variances

- A. The following Variances are prohibited:
1. A Variance to allow a USE not permissible under the terms of this Ordinance in the DISTRICT involved, or any USE expressly or by implication prohibited by the terms of this Ordinance in said DISTRICT;
 2. A Variance to waive compliance with any municipal, state, or federal

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- regulation;
3. A Variance to waive compliance with any procedural requirement contained in this Ordinance;
 4. A Variance to waive compliance with regulations pertaining to a NONCONFORMING LOT, NONCONFORMING STRUCTURE, or NONCONFORMING USE, except as specifically authorized in Chapter 5; and
 5. A Variance to authorize any USE or CONSTRUCTION prohibited by Section 32.90.

34.30 General Procedures

34.30.100 Public Hearing and Review

All applicable requirements of Chapter 32 must be met.

34.30.200 Administrative Variances

- A. The Zoning Administer may grant an Administrative Variance provided that all of the following conditions are met:
 1. The application fee for the Administrative Variance is paid by the applicant as provided in Subsection 32.30.300.
 2. The Zoning Administrator shall send a notice of intent to grant such variation by certified mail to all adjoining landowners. The notice of intent shall be sent within 10 days of the decision to grant such variation.
 3. No adjoining landowner files a written objection with the Zoning Administrator within 15 days of receipt of the notice of intent to grant such variation.
 4. The Zoning Administrator shall make findings as indicated in Subsection 34.40.100.
- B. If any adjoining landowner files a written objection with the Zoning Administrator within 15 days of receipt of a notice of intent to grant such variation by certified mail:
 - i. the variation will be considered as a contested Administrative Variance by the ZBA as provided in Subsection 34.30.100; and
 - ii. the applicant must pay a fee in the amount of the difference between the fee for an Administrative Variance and the fee for a Variance as provided in Subsection 32.30.300.

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34.30.300 Minor Variances Considered by Hearing Officer

A Hearing Officer may preside over Minor Variances:

- i. only during that time as authorized by a resolution passed by the County Board; and
- ii. provided that no Administrative Variance, Major Variance, Special Use, County Board Special Use or Rezoning is concurrently requested on the same site.

34.30.400 Variance Criteria

- A. Neither of the following conditions are considered grounds for the granting of a requested Variance.
 1. Neighboring lands or STRUCTURES in the same DISTRICT have a NONCONFORMING USE.
 2. A land USE or the USE of a STRUCTURE is allowed in other DISTRICTS.

34.40 Required Findings

34.40.100 Findings Required for Administrative Variance

The Zoning Administrator shall make the following findings:

- A. The granting of the variation is in harmony with the general purpose and intent of this Ordinance;
- B. A practical difficulty exists because of the nature of the land or STRUCTURE involved;
- C. The variation will be in harmony with surrounding development; and
- D. The variation will not significantly impair the public health, safety, comfort, convenience, or general welfare.

34.40.200 Findings Required for Minor Variance or Major Variance

The ZBA or Hearing Officer shall make the following predominantly affirmative findings:

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- A. The following requirements have been met by the applicant for a Variance and justify the granting of the Variance:
1. Special conditions and circumstances exist which are peculiar to the land or STRUCTURE involved which are not applicable to other similarly situated land or STRUCTURES elsewhere in the same DISTRICT;
 2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise authorized USE of the land or STRUCTURES or CONSTRUCTION on the LOT;
 3. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant;
 4. The granting of the Variance is in harmony with the general purpose and intent of this Ordinance;
 5. The granting of the Variance will not be injurious to the neighborhood, or otherwise detrimental to the public health safety or welfare.
- B. The Variance is the minimum variation that will make possible the reasonable USE of the land or STRUCTURE.
- C. If the Variance request involves a change of NONCONFORMING USE, the proposed NONCONFORMING USE is equally appropriate to the DISTRICT as the existing NONCONFORMING USE.

34.50**Conditions**

- A. In granting any Variance, the ZBA or the Hearing Officer may prescribe appropriate conditions and safeguards in conformity with this Ordinance.
- B. Violation of conditions under which a Variance is granted will be deemed a violation of this Ordinance and are punishable as provided in Chapter 46 of this Ordinance.

35 Special Uses

35.10 Authorized Special Uses and County Board Special Uses

35.10.100 Special Uses

The ZBA may grant a Special Use if:

- i. the Special Use is permissible under the terms of this Ordinance in the DISTRICT involved;
- ii. findings, as required in Subsection 35.20.300 are adopted by the ZBA;
- iii. the Special Use meets all applicable provisions of the *Champaign County Stormwater Management Policy*;
- iv. the Special Use meets applicable state or federal regulations; and
- v. the Special Use is not prohibited by Section 32.90.

35.10.200 County Board Special Uses

The County Board may adopt a County Board Special Use if:

- i. the County Board Special Use is permissible under the terms of this Ordinance in the DISTRICT involved;
- ii. findings, as required in Subsection 35.20.300 are adopted by the ZBA and provided to the County Board prior to their decision;
- iii. the County Board Special Use meets all applicable provisions of the *Champaign County Stormwater Management Policy*;
- iv. the County Board Special Use meets applicable state or federal regulations; and
- v. the County Board Special Use is not prohibited by Section 32.90.

35.20 General Procedures

35.20.100 Public Hearing and Review

- A. All applicable requirements of Chapter 32 must be met.
- B. A Special Use or County Board Special Use is either granted or denied to the applicant consistent with all testimony and evidence submitted by the applicant or authorized agent with regard to the application.
- C. A Special Use or a County Board Special Use applies only to the site plan submitted with each respective Special Use or County Board Special Use application that is specifically approved.

35.20.200 Additional Application Requirements

At time of Special Use or County Board Special Use application, the following items must be submitted in addition to items specified in Chapter 32.

- A. A site plan of the proposed development and surrounding area within 200 feet at a scale of at least one inch equals 100 feet and an 11 by 17 inch reduction thereof, showing:
 - i. the location of all PROPERTY lines;
 - ii. existing STREETS, SIDEWALKS or other improvements;
 - iii. existing STRUCTURES with an indication of those which will be removed;
 - iv. the area to be put to each USE, and each type of PRINCIPAL STRUCTURE;
 - v. proposed STREETS, parking areas, drainage improvements or other improvements to be owned in common or dedicated to the public;
 - vi. areas to be permanently set aside for conservation, AGRICULTURE or common USE;
 - vii. proposed buffering or screening; and
 - viii. and any other significant physical features identified in a pre-application conference.

- B. Quantitative data indicating the following:
 - i. the total number of DWELLING UNITS, if applicable;
 - ii. total number and approximate BUILDING AREA of all non-residential BUILDINGS, if applicable;
 - iii. approximate LOT COVERAGE of BUILDINGS and STRUCTURES;
 - iv. gross and net LOT area;
 - vi. total area to be permanently set aside for conservation, AGRICULTURE or common USE provided in the PARCEL, if applicable; and
 - vii. approximate impervious area.

- C. A copy of the Champaign County Soil and Water Conservation District *Natural Resource Report*.

35.20.300 Required Findings

- A. A Special Use or County Board Special Use may not be granted unless the ZBA adopts the following preponderantly affirmative findings.
 - 1. The Special Use or County Board Special Use is necessary for the public convenience at that location.
 - 2. The Special Use or County Board Special Use is designed, located, and proposed to be operated so that it will not be injurious to the DISTRICT in which it will be located or otherwise detrimental to the public welfare.
 - 3. The Special Use or County Board Special Use conforms to the applicable regulations and standards of, and preserves the essential

character of, the DISTRICT in which it will be located, except where such regulations and standards are modified by Chapter 8; and

4. The Special Use or County Board Special Use is in harmony with the general purpose and intent of this Ordinance.
- B. If the ZBA decides to waive a Standard Condition in accordance with the provisions of Subsection 35.30.100, the ZBA shall make a finding that such waiver is in accordance with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood or to the public health, safety and welfare.
 - C. If the ZBA decides to impose a Special Condition, the ZBA shall make at least one of the following findings:
 1. The Special Condition is necessary to ensure compliance with a requirement of this Ordinance, other County ordinance, other local ordinance, or state or federal regulation; or
 2. The Special Condition is necessary to protect the public health, safety and welfare.
 - D. In the case of an existing NONCONFORMING USE, the ZBA shall make a finding that a Special Use or County Board Special Use will make such USE more compatible with its surroundings.
 - E. In the course of ZBA review of a Special Use or County Board Special Use request, if the ZBA determines that a proposed STRUCTURE or physical change to a site is a NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT, the ZBA shall make a finding to that effect.

35.30 Conditions of Special Use Approval

35.30.100 Standard Conditions

- A. The ZBA or the County Board, in granting any Special Use, may waive upon application any Standard Condition for the specific Special Use enumerated in Chapter 8. Standard Conditions may be waived to the extent that they exceed the minimum standards of the DISTRICT. Standard Conditions incorporating the requirements of another County ordinance or a state or federal regulation may not be waived.
- B. The ZBA or the County Board may grant a waiver of a Standard Condition if:
 - i. the specific waiver is included in the application and legal notice; and

- ii. provided that a finding is made in accordance with Paragraph 35.20.300(B).

35.30.200 Special Conditions

- A. The ZBA or the County Board in granting any Special Use, may prescribe Special Conditions over and above any Standard Conditions imposed in Chapter 8 if a finding is made in accordance with Paragraph 35.20.300(C).
- B. Violation of a Special Condition, when made a part of the terms under which the Special Use or County Board Special Use is granted, is a violation of this Ordinance.

35.40 Expiration of Special Use or County Board Special Use

If the USE approved as a Special Use or as a County Board Special Use is not established within 365 consecutive days from approval thereof, the Special Use or County Board Special Use will expire and will be cancelled by the Zoning Administrator. Written notice thereof will be given to the applicant together with notice that further USE of the site as described in the cancelled Special Use or cancelled County Board Special Use must not proceed until a new Special Use or County Board Special Use is approved.

35.50 Other Considerations

35.50.100 Notification Regarding SUBDIVISION Requirements

In granting any Special Use or in making a recommendation to the County Board to authorize a County Board Special Use as authorized in 3.20.600 for more than one PRINCIPAL STRUCTURE or BUILDING, the ZBA shall state that any future sale of said LOT or tract of land may be subject to the *Illinois Plat Act*, (765 ILCS 205/0.01 *et seq.*) or the *Champaign County Subdivision Regulations*; or the SUBDIVISION regulations of a municipality that has jurisdiction within one and one-half miles of the corporate limits.

35.50.200 Procedures Associated with Continued Existence or Removal of NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT

- A. The Zoning Administrator shall notify the landowner in writing and request information about the landowner's intent to renew the letter of credit, or remove the NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT 120 days prior to the expiration date of an irrevocable letter of credit submitted pursuant to Section 8.30. The landowner will have 30 days to respond in writing to this request. If the landowner's intention is to remove the NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT, the landowner will have a

total of 90 days from the date of the County's initial notification to remove it in accordance with Subparagraph 8.30(D)(2). At the end of 90 days, the Zoning Administrator shall have a period of 30 days to either:

- i. confirm that the bank has renewed the letter of credit; or
- ii. inspect the subject PROPERTY for compliance with Subparagraph 8.30(D)(2).
- iii. draw on the letter of credit and commence the bid process to have a contractor remove the NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT pursuant to Subparagraph 8.30(D)(2).

B. The Zoning Administrator may find a NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT abandoned in place. Factors to be considered in making this finding include, but are not limited to:

- i. the nature and frequency of USE as set forth in the application for Special Use or County Board Special Use;
- ii. the current nature and frequency of USE;
- iii. whether the NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT has become a public nuisance, or otherwise poses a risk of harm to public health or safety;
- iv. whether the NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT has been maintained in a manner which allows it to be used for its intended purpose, with no greater effects on surrounding PROPERTIES and the public as a whole than was originally intended.

C. Once the Zoning Administrator has made a finding that a NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT is abandoned in place, the Zoning Administrator shall issue noted to the landowner at the OWNER'S last known address that the County will draw on the performance guarantee within 30 days unless the OWNER appeals the Zoning Administrator's finding, pursuant to Chapter 33 or enters into a written agreement with the County to remove such NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT in accordance with Subparagraph 8.30(D)(2) within 90 days and removes the NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT accordingly.

D. The Zoning Administrator may draw on the funds to have said NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT removed as per Subparagraph 8.30(D)(2) of the reclamation agreement when any of the following occur:

- i. no response is received from the landowner within 30 days from initial notification by the Zoning Administrator;
- ii. the landowner does not enter, or breaches any term of a written

- agreement with the County to remove said NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT as provided in Paragraph C;
- iii. any breach or performance failure of any provision of the reclamation agreement;
 - iv. the OWNER of record has filed a bankruptcy petition, or compromised the County's interest in the letter of credit in any way to specifically allowed by the reclamation agreement;
 - v. a court of law has made a finding that a NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT constitutes a public nuisance;
 - vi. the OWNER of record has failed to replace an expiring letter of credit within the deadlines set forth in Paragraph A; or
 - vii. any other conditions to which the County and the landowner mutually agree, as set forth in the reclamation agreement.
- E. Once the letter of credit has been drawn upon, and the site has been restored to its original condition, as certified by the Zoning Administrator, the covenant entered pursuant to Paragraph 8.30(B) will expire, and the County shall act to remove said covenant from the record of the PROPERTY at the Recorder of Deeds within 45 days.
- F. The proceeds of the letter of credit may only be used by the County to:
- i. remove the NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT and return the site to its condition prior to the placement of the NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT, in accordance with the most recent reclamation agreement submitted and accepted in relation to the NON-ADAPTABLE STRUCTURE or NON-ADAPTABLE SITE DEVELOPMENT;
 - ii. pay ancillary costs related to this process; and
 - iii. remove any covenants placed on the title in conjunction with Paragraph 8.30(B).

The balance of any proceeds remaining after the site has been reclaimed must be returned to the issuer of the letter of credit.

36 Amendments**36.10 Authorized Amendments**

The regulations and standards, restrictions, and DISTRICT boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed.

36.20 Application and Review Procedure

- A. An application for a text amendment may be initiated by the: County Board; ZBA; or Zoning Administrator.
- B. An application for a map amendment may be initiated by the: County Board; ZBA; Zoning Administrator; or OWNER of more than 50 percent of the area involved.
- C. All applicable requirements of Chapter 32 must be met.
- D. An application for a map amendment will, upon its submission to the Zoning Administrator, be referred to:
 - i. the clerk of the nearest adjacent ZONED MUNICIPALITY within one and one-half miles of the proposed map amendment;
 - ii. the secretary or primary representative of a township plan commission, if a township plan commission exists in the township within which the map amendment is proposed; and
 - iii. the Champaign County Soil and Water Conservation District.

36.30 County Board Action if Map Amendment is Protested**36.30.100 Frontage Protest or Protest by Landowner**

A request for a map amendment may not be passed except by the favorable vote of 3/4 of all the members of the County Board if a written protest against such map amendment is:

- i. signed by the OWNER or OWNERS of at least 20 percent of the land to be rezoned or signed by the OWNER or OWNERS of land immediately touching, or immediately across the STREET, ALLEY, or public RIGHT-OF-WAY from at least 20 percent of the perimeter of the land to be rezoned; and
- ii. filed with the County Clerk in accordance with the requirements of 55 ILCS 5/5-12014 prior to County Board action regarding such request.

36.30.200 Municipal Protest

A request for a map amendment affecting unincorporated land which lies within

one and one-half miles of the limits of a ZONED MUNICIPALITY may not be passed except by the favorable vote of 3/4 of all the members of the County Board if a written protest against such map amendment is:

- i. passed by resolution of the corporate authorities of the ZONED MUNICIPALITY; and
- ii. filed with the County Clerk in accordance with the requirements of 55 ILCS 5/5-12014 prior to County Board action regarding such request.

36.30.300 Township Protest

A request for a map amendment affecting an unincorporated area of a township may not be passed except by the favorable vote of 3/4 of all the members of the County Board if the township board of trustees submits a written protest against such map amendment to the County Board:

- i. in accordance with the requirements of 55 ILCS 5/5-12014 within 30 days after the map amendment hearing before the ZBA; and
- ii. prior to County Board action regarding such request.

36.30.400 Exception

If a map amendment is proposed solely to correct an error made by the County as a result of a comprehensive rezoning, the map amendment may be passed by a simple majority of the County Board.

36.40 County Board Action if Text Amendment is Protested

36.40.100 Municipal Protest

A request for a text amendment to this Ordinance affecting unincorporated land which lies within one and one-half miles of the limits of a ZONED MUNICIPALITY may not be passed except by the favorable vote of 3/4 of all the members of the County Board if a written protest against such text amendment is:

- i. passed by resolution of the corporate authorities of the ZONED MUNICIPALITY; and
- ii. filed with the County Clerk in accordance with the requirements of 55 ILCS 5/5-12014 prior to County Board action regarding such request.

36.40.200 Township Protest

A request for a text amendment to this Ordinance affecting an unincorporated area of a township may not be passed except by the favorable vote of 3/4 of all the members of the County Board if the township board of trustees submits a written protest against such text amendment to the County Board:

- i. in accordance with the requirements of 55 ILCS 5/5-12014 within 30 days after the text amendment hearing before the ZBA; and
- ii. prior to County Board action regarding such request.

37 Rural Residential Overlay District (RRO)

37.10 Intent

The Rural Residential Overlay District is intended to provide rural areas that are suitable for residential development and whose development will not significantly interfere with agricultural pursuits in neighboring areas.

37.20 Authorized Uses

The following USES are authorized within a Rural Residential Overlay District:

- i. SINGLE FAMILY DWELLINGS and their accessory USES; and
- ii. USES authorized in the underlying DISTRICT on which the Rural Residential Overlay District is proposed, in the manner indicated in Chapter 6.

37.30 Location

37.30.100 Authorized Districts

A Rural Residential Overlay District may be created only on land located in the AG, AG-2, or CR Districts.

37.40 Average Maximum LOT AREA Requirement

LOTS within a Rural Residential Overlay District with a Land Evaluation score of greater than or equal to 85 on the *Champaign County Land Evaluation and Site Assessment System* must not exceed an average maximum LOT AREA of 2 acres.

37.50 Review Procedure for Rural Residential Overlay District

37.50.100 General Provisions

- A. A Rural Residential Overlay District is an Overlay District as described in Section 13.20
- B. A Rural Residential Overlay District must comply with other provisions of this Ordinance except for those provisions that may be superceded in this Chapter.

37.50.200 Two-Stage Review Process

- A. The review process for a Rural Residential Overlay District consists of two stages:
 - i. Pre-Application Conference and Application; and
 - ii. Rezoning Approval.

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- B. The establishment of the Rural Residential Overlay District is an amendment to the *Champaign County Zoning Ordinance* and shall be implemented in accord with the provisions of Chapter 36 as modified herein.
- C. The adoption of Rural Residential Overlay District zoning shall augment the provisions of the underlying DISTRICT but shall not alter any requirement otherwise applicable to the tract of land except as provided by this Section.

37.50.300 Sequence of Stages

- A. The Pre-Application Conference and Application stage must occur prior to the rezoning approval stage.

37.50.400 Applicant's Rights and Limitations Upon Approval

- A. Approval of a Rural Residential Overlay District is specific to the maximum number of LOTS shown on the plan submitted for that approval and the tract of land designated on the application and allows the creation of LOTS subject to the appropriate SUBDIVISION regulations and any conditions which may be imposed.
- B. Approval of a Rural Residential Overlay District application shall not be deemed to be an approval of an Area General Plan.
- C. Approval of a Rural Residential Overlay District application shall not obligate the COUNTY or a municipality having jurisdiction to approve a Preliminary Plat for SUBDIVISION.
- D. Rural Residential Overlay District designation shall expire after 2 years if no Preliminary Plat is submitted to the relevant SUBDIVISION authority for approval. Upon application for Preliminary Plat approval to the relevant SUBDIVISION authority, the Rural Residential Overlay designation may be renewed by the ZBA for a period of no more than 2 years. Such renewal may be granted upon written request of the OWNER, in the form of an Appeal as provided in Chapter 33, if the ZBA determines that there have been no significant changes in conditions since the Rural Residential Overlay designation that would materially change the Rural Residential Overlay approval.

37.60 Rezoning Approval

37.60.100 **Submittals Required Upon Application**

Applications for Rural Residential Overlay District must include but are not

point downstream at which it enters a stream or designated drainage ditch (not just a typical road ditch). The explanation must delineate the course of such drainage in sufficient detail to permit identification of the downstream properties over which the drainage passes and must explain the impacts on those downstream PROPERTIES.

37.60.200 Review Criteria

In making findings, the ZBA shall consider the following factors:

- A. The adequacy and safety of roads providing ACCESS to the site;
- B. Effects on nearby farmland and farm operations;
- C. Effects of nearby farm OPERATIONS on the proposed residential development;
- D. The LESA score of the subject site;
- E. Effects on drainage both upstream and downstream including road drainage facilities;
- F. The suitability of the site for onsite subsurface soil absorption or surface discharge wastewater systems;
- G. The availability of water supply to the site;
- H. The availability of emergency services to the site;
- I. The flood hazard status of the site;
- J. Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat;
- K. The presence of nearby natural or man-made hazards; and
- L. The amount of land to be converted from agricultural USES versus the number of DWELLING UNITS to be accommodated.

37.60.300 Required Findings

- A. The ZBA shall make the following findings before forwarding a recommendation to the County Board with respect to a map amendment case to create a Rural Residential Overlay District:
 - 1. That the proposed site is or is not suitable for the development of the specified maximum number of residences, and

necessarily be limited to the following:

- A. A schematic plan of the proposed SUBDIVISION that conforms to the requirements for an Area General Plan pursuant to Subsection 6.1.2 of the *Champaign County Subdivision Regulations* with the following exceptions:
 1. The schematic plan must be prepared at a scale of no smaller than one inch equals 200 feet and at proper accuracy.
 2. The schematic plan must indicate the locations of the highest and lowest elevations on the proposed site as interpolated from the relevant United States Geological Survey 7.5 minute Topographic Quadrangle Map or, alternatively, the developer may provide actual topographic information identified by an Illinois Licensed Surveyor.
 3. At least four copies of the schematic plan must be submitted with at least one copy being no larger than 11 inches by 17 inches;
- B. An Open Title Commitment or a Title Policy prepared not more than 12 months previous;
- C. Champaign County Soil and Water Conservation District Report;
- D. A copy of the Agency Action Report from the Endangered Species Program of the Illinois Department of Natural Resources;
- E. A copy of the agency response from the Illinois State Historic Preservation Agency if any part of the land proposed for rezoning is located within a high Probability Areas as defined in 20 ILCS 3420/3;
- F. If the proposed site is not served by public water supply and is located within the limited groundwater availability area on a map prepared by the Zoning Administrator, a letter from the Illinois State Water Survey is required that assesses the likelihood of successfully finishing onsite water well(s) sufficient to serve the proposed LOTS;
- G. A written explanation by an Illinois Professional Engineer of the proposed surface drainage system describing, in general, the average ground slope (maximum vertical relief divided by the maximum straight line horizontal distance) of the proposed site or the actual ground slope, any ponding of stormwater that occurs on the site, and the outlet condition of the proposed site. Such explanation must explicitly address the impacts and mitigation of discharges from the proposed development from on-site wastewater disposal systems, sump pumps and similar sources. It must also explain how excess stormwater will be conveyed through and from the site to a

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2. That the proposed residential development will or will not be compatible with surrounding AGRICULTURE.

37.60.400 Other Considerations

The ZBA may also make recommendations for specific conditions that should be imposed upon the adoption of any Rural Residential Overlay District.

38 Residential Planned Development

38.10 Purpose

The general purpose of a Residential Planned Development is:

- i. to promote flexibility in design and permit the planned diversification in the location of STRUCTURES;
- ii. to promote an efficient USE of land to facilitate a more economic arrangement of BUILDINGS, circulation systems, land USES and utilities;
- iii. to preserve to the greatest extent possible the existing landscape features and amenities and to utilize such features in a harmonious fashion;
- iv. to provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures;
- v. to combine and coordinate architectural styles, BUILDING form and BUILDING relationships within the Residential Planned Development and to coordinate BUILDING forms and styles with surrounding residential development;
- vi. to permit an area of higher density development to be located compatibly in an area of generally lower density;
- vii. to assure compatibility of new development with existing adjacent development; and
- viii. to allow development of commercial USES or other services of benefit to the Residential Planned Development but not otherwise allowed in residential DISTRICTS, in a manner compatible with both the Residential Planned Development and the adjacent areas.

38.20 Authorized Uses

The following USES are authorized within a Residential Planned Development:

- i. USES allowed in the R-4 District; and
- ii. commercial USES and their ACCESSORY USES as indicated in the following table:

	MINIMUM SITE AREA	AUTHORIZED COMMERCIAL AND ACCESSORY USES	MAXIMUM PERCENTAGE OF SITE DEVOTED TO COMMERCIAL USES ¹
CLASS I	1,500,000 square feet (34.4 acres)	Any USE authorized in B-2	10 percent of gross site area
CLASS II	300,000 square feet (6.9 acres)	Business USES authorized in B-2 only in: Personal Services (Section 6.50) Food Sales & Services (Section 6.56) Retail Trade (Section 6.60)	10 percent of gross site area
CLASS III	75,000 square feet	none	none

Table 38.20 Note:

1. No commercial USE may be initiated until at least 25 percent of the residential floor space is built.

38.30 Location

A Residential Planned Development may be created only from land located in the R-1, R-2, R-3, or R-4 Districts.

38.40 Development Standards

38.40.100 Minimum Area

- A. To qualify as a Residential Planned Development, the PARCEL(S) of land to be developed must comprise at a minimum a total area of 75,000 square feet of contiguous land under the same or joint OWNERSHIP.
- B. A Residential Planned Development may be classified into one of 3 categories as shown in Section 38.20.
- C. Nothing in this Section may be interpreted to prohibit the sale of all or portions of the developed project provided that the requirements of this Section are met.
- D. Existing BUILDINGS may be included within a Residential Planned Development, but the floor area thereof may not comprise more than 10 percent of the total floor area of all the BUILDINGS in the project.

38.40.200 Maximum Net Density of DWELLING UNITS Allowed per Acre

Zoning District	Maximum Net Density ¹ of DWELLING UNITS Allowed per Acre
R-1	7
R-2	10
R-3	13
R-4	25

Table 38.40.200 Note:

1. The maximum net density of DWELLING UNITS equals the total site area exclusive of public and PRIVATE ACCESSWAYS and roads divided by the total number of DWELLING UNITS.

38.40.300 Schedule of Minimum YARD Requirements Around Perimeter of Residential Planned Development

ZONING DISTRICT	MINIMUM FRONT YARD ABUTTING STREET (FEET)			SIDE YARD (FEET)	REAR YARD (FEET)
	STREET CLASSIFICATION				
	Major	Collector	Minor		
R-1	35	30	25	10	20
R-2	35	30	25	10	20
R-3	35	30	25	10	20
R-4	35	30	25	10 ¹	20 ¹

Table 38.40.300 Note:

1. Required YARDS in an R-4 District must be increased by 3 feet for each story in HEIGHT over 3 stories. For any side of a Residential Planned Development that fronts on a STREET, a minimum setback of 25 feet must be provided.

38.40.400 Site Requirements

ZONING DISTRICT	MINIMUM AREA IN LANDSCAPING ¹	MINIMUM AREA IN COMMON OPEN SPACE ²	MAXIMUM COVERAGE ³
R-1	50 percent	15 percent	20 percent
R-2	45 percent	10 percent	25 percent
R-3	45 percent	10 percent	25 percent
R-4	45 percent	10 percent	25 percent

Table 38.40.400 Notes:

1. Includes only that area containing grass, shrubs or other landscaping treatment.
2. Percentage refers to gross site areas. Not less than 10 percent of such common OPEN SPACE must be devoted to active recreational USE in single and two-family developments and not less than 15 percent of such common OPEN SPACE must be devoted to active recreational USE in multi-family developments.

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3. Percentage of the total area of the Residential Planned Development.

38.40.500 OPEN SPACE

- A. The minimum proportion of the total site area of a Residential Planned Development which is required as commonly OWNED and maintained OPEN SPACE is indicated in Subsection 38.40.300. The area of each contiguous parcel of OPEN SPACE may not be less than 6,000 square feet in area or less than 30 feet in width.
- B. Common OPEN SPACE must meet the following requirements:
1. Common OPEN SPACE must be conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the OWNERS and residents of the Residential Planned Development or adjoining PROPERTY OWNERS or any one or more of them by providing perpetual maintenance of all lands in common to the project. All lands so conveyed are subject to the right of the grantee or grantees to enforce maintenance and improvement of the common OPEN SPACE.
 2. Common OPEN SPACE must be guaranteed by a restrictive covenant describing the OPEN SPACE and its maintenance and improvement running with the land for the benefit of residents of the Residential Planned Development or adjoining PROPERTY OWNERS or both.

38.40.600 BUILDING HEIGHT Requirements

ZONING DISTRICT	MAXIMUM BUILDING HEIGHT	
	(FEET)	(STORIES)
R-1	35	2-1/2
R-2	35	2-1/2
R-3	35	2-1/2
R-4	50	2-1/2

38.40.700 ACCESS and Parking

- A. Two off-STREET PARKING SPACES must be provided for each DWELLING UNIT included in the development. Such spaces must be located:
- i. not further than 300 feet from a ground floor entrance of the BUILDING in which the DWELLING UNIT is located; and

ii. within the Residential Planned Development boundaries.

- B. STREET CONSTRUCTION regardless of OWNERSHIP must be made in conformance with SUBDIVISION regulations. When authorized, minimum pavement widths for PRIVATE ACCESSWAYS are 13 feet for the first lane of traffic in each direction plus 11 feet for each additional lane. STREET CONSTRUCTION plans and details must be submitted to the Engineer for review. The Engineer may submit recommendations in writing to the ZBA.

38.50 Utilities and Required Services

38.50.100 Sewage System

A Residential Planned Development must be provided with adequate PUBLIC SANITARY SEWER SERVICE prior to occupancy.

38.50.200 Solid Waste Disposal

Refuse removal must be provided to the entire Residential Planned Development.

38.60 Review Procedure for Residential Planned Development

38.60.100 General Provisions

- A. A Residential Planned Development is a Planned Development District as described in Chapter 13.
- B. A Residential Planned Development must comply with other provisions of this Ordinance, except for those provisions that may be superceded in this Chapter.

38.60.200 Three-Stage Review Process

The review process for a Residential Planned Development consists of 3 stages:

- i. Pre-Application Conference and Application;
- ii. Rezoning Approval; and
- iii. Special Use Approval.

38.60.300 Sequence of Stages

- A. The Pre-Application Conference and Application stage must occur prior to the Rezoning Approval and Special Use Approval stages.
- B. The Rezoning Approval and Special Use Approval stages may occur either sequentially or concurrently.

1. If considered sequentially, the request for Rezoning Approval must be considered by the ZBA and decided upon by the County Board prior to and separately from the request for Special Use Approval.
2. If considered concurrently, the ZBA must delay its recommendation or decision regarding a Special Use Approval request until such time that the County Board makes a decision regarding the Rezoning Approval request.

38.60.400 Effect of Rezoning Approval

- A. Rezoning Approval of a Residential Planned Development by the County Board represents its determination that the site is appropriate for the proposed development, and constitutes approval of the:
 - i. USES proposed on the site;
 - ii. maximum number of DWELLING UNITS;
 - iii. maximum BUILDING area of non-residential BUILDINGS; and
 - iv. general arrangement of the site plan.
- B. The Rezoning Approval of a Residential Planned Development confers the right to submit an application for Special Use Approval within 2 years subject to the limits specified in the adopting ordinance. This right runs with the land and may be assigned to another party but may not be divided.
- C. Rezoning Approval of a Residential Planned Development application does not obligate the County or a municipality having jurisdiction to approve a Preliminary Plat of Subdivision.
- D. Rezoning Approval of a Residential Planned Development expires after 2 years if an application for Special Use Approval has not been submitted to the County Board. The zoning classification will revert automatically to the previous classification unless the County Board authorizes an extension by resolution. The County Board may not extend the deadline for more than one year.

38.60.500 Effect and Limitations of Special Use Approval

- A. Special Use Approval of a Residential Planned Development by the County Board represents its determination that the site plan complies with the specific standards and regulations required in this Ordinance.
- B. The Special Use Approval of a Residential Planned Development confers the right to submit an application for Plat Approval within one year, subject to the limits specified in the adopting ordinance. This right runs with the land and may be assigned to another party but may not be divided.

- C. Special Use Approval of a Residential Planned Development is equivalent to Preliminary Subdivision Plat Approval and the applicant may apply for Engineering Plan and Final Plat Approval under the *Champaign County Subdivision Regulations*. Special Use Approval does not obligate any municipality to alter its plat approval procedures or to deem the plan to be equivalent to a preliminary plat.
- D. Special Use Approval of a Residential Planned Development application does not obligate the County or a municipality having jurisdiction to approve an Engineering Plans or a Final Plat of Subdivision.
- E. Special Use Approval of a Residential Planned Development expires after one year if an application for Final Plat Approval has not been submitted to the government having SUBDIVISION jurisdiction.

38.60.600 Platting Responsibility

- A. Nothing in this Chapter relieves the landowner of the responsibility of platting a Residential Planned Development under the SUBDIVISION regulations of the government having jurisdiction.
- B. A Residential Planned Development is deemed to be a project with significant development impact. Platting is required even if the LOTS would otherwise be exempted by the *Illinois Plat Act*.

38.60.700 Special Procedures: Plat Approval or Engineering Plan Approval

- A. All public facilities and improvements which are part of the Residential Planned Development must be guaranteed in a form approved by the State's Attorney or bonds must be delivered to guarantee CONSTRUCTION of the required improvements. Any such guarantee must be at a rate of 120 percent of the estimated cost of CONSTRUCTION as determined by the Engineer. In addition to the guarantee required, a deposit must be made to the County in cash or maintenance bond equal to 15 percent of the estimated cost of public facility installations. This deposit will be a guarantee of satisfactory performance of the facilities constructed within the Residential Planned Development and satisfactory maintenance and operation of such facilities necessary to the health, safety and convenience of the tenants or successors to the applicant. Such cash or bonds will be held by the County for a period of 18 months after final acceptance of such facilities by the County. After such 18 months, the deposit will be refunded if no defects have developed, or if any defects have developed then the balance of such deposits will be refunded after reimbursement for amounts expended in correcting defective facilities. The deposit under this Paragraph must be made immediately upon completion and approval of the CONSTRUCTION of said public facilities, and the performance guarantee for the public facilities will thereupon be released.

- B. The applicant must submit a certificate from the County Clerk stating that no delinquent taxes or unpaid special assessments constituting a lien on the whole or any part of the property of the Residential Planned Development are unpaid or exist. Such certificate must be made a part of the Residential Planned Development documents prior to its submission to the ZBA for final review.
- C. Final agreements, provisions, or covenants will govern the USE, maintenance and continued protection of the Residential Planned Development.
- D. Public STREET RIGHT-OF-WAY dedications must be made in conformance with the SUBDIVISION regulations and the approved plan. However, the requirement that SIDEWALKS be constructed on both sides of the STREET may be waived if pedestrian circulation is provided in a manner acceptable to the ZBA. Common OPEN SPACE to be dedicated in accordance with this Section must be designated by the applicant with the required documents for such dedication.
- E. The CONSTRUCTION and maintenance of all public facilities and improvements which are a part of the Residential Planned Development must be guaranteed to the County, in cash or corporate surety bonds as approved by the State's Attorney. CONSTRUCTION bonds may be for such phases of the Residential Planned Development as the ZBA has approved, and are due on or before start of CONSTRUCTION of any such phases. Each bond may be released upon the completion of CONSTRUCTION of the phase to which it relates, even though other phases may be under CONSTRUCTION or not yet begun. Release of the bond will be on the recommendation of the County Highway Superintendent and Zoning Administrator, and approval of the ZBA. The guarantee for CONSTRUCTION must be in the sum equal to 120 percent of the estimated cost as determined by the County Highway Superintendent. Maintenance must be guaranteed to the County and extended for a period of 540 days after final acceptance of the facilities by the County. The maintenance guarantee must be made in a sum equal to 15 percent of the estimated cost of CONSTRUCTION and must be filed prior to release of the CONSTRUCTION bond and made effective immediately upon acceptance of the CONSTRUCTION of the public facility improvements. After such 540 days the deposit will be refunded or the corporate surety bond released if no defects have developed; or if any defects have developed, then the balance of such deposit will be refunded, or, the corporate surety bond released after reimbursement for amounts expended in correcting defective facilities.

38.70**Rezoning Approval**

38.70.100 Additional Application Requirements

At time of Rezoning Approval application, the following items must be submitted. Additional information may be submitted in an electronic format if approved by the Zoning Administrator.

- A. An Open Title Commitment or a Title Policy, prepared not more than 12 months previous, for each tract comprising the proposed Residential Planned Development.
- B. A general area plan drawing reflecting the intended USE and future STREET locations for adjacent areas when the proposed Residential Planned Development is intended to represent a single phase of a longer range development.
- C. The location of all PROPERTY lines, existing STREETS, easements, utilities, and any other significant physical features.
- D. Present and proposed zoning, if applicable.
- E. An indication of the existing conditions on the tract including contour lines at a minimum of 5 foot intervals, water courses and existing drainage facilities, wooded areas and isolated trees of 6 inches or more in diameter, existing STREETS, SIDEWALKS or other improvements, and existing BUILDINGS and STRUCTURES with an indication of those which will be removed and those which will be retained as part of the development;
- F. An indication of the area surrounding the site showing land USES, peculiar physical features, public facilities and existing zoning;
- G. A site plan of the proposed development indicating the general location of the following:
 - i. all BUILDINGS, STRUCTURES and other improvements;
 - ii. common OPEN SPACES;
 - iii. off-STREET parking facilities and number of PARKING SPACES to be provided;
 - iv. SIDEWALKS;
 - v. illuminated areas;
 - vi. USE of OPEN SPACE being provided;
 - vii. screening or buffering of the tract perimeters;
 - viii. indication as to which STREETS will be public and which STREETS will be private;
 - ix. all utilities including storm drainage, sanitary sewers and water service; and
 - x. such other documents explaining unusual circumstances as the ZBA may require.

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- H. Quantitative data indicating the following:
 - i. total number of DWELLING UNITS if applicable;
 - ii. proposed LOT COVERAGE of BUILDINGS and STRUCTURES;
 - iii. approximate gross and net residential densities, excluding all STREETS and roadways if applicable;
 - iv. total amount of OPEN SPACE provided in the tract; and
 - v. such other calculations as the ZBA may require.

- I. Elevation or perspective drawings of all BUILDINGS and improvements. The drawings need not be final architectural plans or engineering plans.

- J. A development schedule indicating the approximate date when CONSTRUCTION of the project can be expected to begin, the stages in which the project will be built and the approximate date when CONSTRUCTION of each stage can be expected to begin, the approximate dates when the development will be completed, and the area and location of common OPEN SPACE that will be provided at each stage.

- K. A statement as to the applicant's intention of selling or leasing all or a portion of the Residential Planned Development after the project is developed. If applicable, the conditions of sale and maintenance of such developed PROPERTIES must be stipulated. Any covenants, deed restrictions or other similar agreements between the applicant and future OWNERS must be presented.

38.70.200 Review Criteria

- The following review criteria may be considered during Rezoning Approval:
- i. compatibility of USE or USES within the Residential Planned Development with surrounding land USES;
 - ii. effects of the intensity of development on surrounding PROPERTIES;
 - iii. whether ACCESS to the Residential Planned Development is provided in such a manner as to facilitate ACCESS by emergency vehicles and efficient and safe traffic circulation in the vicinity;
 - iv. whether STREET improvements, both public and private, are made in conformance with SUBDIVISION regulations, other than those requirements specifically excepted by Chapter 38;
 - v. whether play areas for children and other recreational areas are adequately provided and safely located;
 - vi. whether OPEN SPACE at external boundaries of the site will be landscaped and maintained to a standard at least equal to that which is required of ABUTTING PROPERTY;
 - vii. whether or not, in BUILDINGS containing DWELLING UNITS, walls containing main window exposure or main entrances are oriented as to insure adequate light and air; and
 - viii. whether all other sections of this Ordinance, other than those exceptions

made in Chapter 38, are met.

38.80 Special Use Approval

38.80.100 Additional Application Requirements

At time of Special Use Approval application, the following additional information must be submitted. Additional information may be submitted in an electronic format if approved by the Zoning Administrator.

1. An accurate legal description and PROPERTY survey of the entire area included within the Residential Planned Development.
2. Designation of the location of all BUILDINGS to be constructed and the specific internal USES to which each BUILDING will be put.
3. Architectural elevations, pavement types, culverts, common OPEN SPACE, recreation facilities, SIDEWALKS, illumination, landscaping and any other pertinent features of the development.
4. Certificates, seals and signatures required for the dedication of land, recording the documents and such other legal documents as may be required.
5. Accurate tabulations of the USE of the area including land area, number of BUILDINGS, number of DWELLING UNITS per acre, total common OPEN SPACE, percent of BUILDING coverage of the total area, percent of landscaping provided and total number of PARKING SPACES provided.
6. All curb cuts, driving lanes, PARKING SPACES, LOADING BERTHS, public transportation points, STREET SIGNS and illumination facilities for same.
7. Any other plans or specifications as may be necessary for final engineering evaluation of drainage, STREET design and other facilities by the Engineer or ZBA.

38.90 Other Considerations

38.90.100 Issuance of Zoning Use Permit and Zoning Compliance Certificate

- A. The Zoning Administrator shall issue a Zoning Use Permit for the BUILDINGS and STRUCTURES in the area approved for a Residential Planned Development.
- B. The Zoning Administrator shall also issue a Zoning Compliance Certificate for any completed BUILDING or STRUCTURE located in the area covered

by the approved Residential Planned Development only if the completed BUILDING or STRUCTURE conforms to the approved site plan and to all other applicable ordinances and regulations, and provided further that sufficient site development is completed to present no health or safety hazard to the occupants.

38.100 Amending Approved Site Plan of a Residential Planned Development

- A. Subsequent to ZBA and County Board review and approval, no changes may be made to the approved site plan for a Residential Planned Development except as indicated in Paragraphs B, C, or D below.
- B. Minor changes in the location, siting and the HEIGHT of BUILDINGS and STRUCTURES may be authorized only by ZBA approval of a Special Use request, if required by engineering or other circumstances not foreseen at the time the site plan was approved. No change authorized as a Special Use may cause any of the following:
 - i. a change in the USE or character of the development;
 - ii. an increase in overall coverage of BUILDINGS and STRUCTURES;
 - iii. an increase in the intensity of USE;
 - iv. an increase in the problems of traffic circulation and public utilities;
 - v. a reduction in approved OPEN SPACE;
 - vi. a reduction of off-STREET PARKING SPACES and LOADING BERTHS;
 - vii. a reduction in required pavement widths.
- C. All other changes in USES, or rearrangements of LOTS, BLOCKS, and BUILDING tracts, or any changes in the provision of common OPEN SPACES, and any changes other than listed above, provided that the total LOT AREA of the Residential Planned Development is not increased, may be authorized only as a County Board Special Use.
 1. In the event that such a County Board Special Use is requested, the ZBA shall make the following additional finding: ‘The requested change is required due to changes in conditions that have occurred since the final site plan was approved and/or by changes in County policy.’
 2. Any changes to the approved site plan that are authorized by a County Board Special Use must be recorded by the petitioner in accordance with the procedure established for the recording of final site plan documents.
- D. Any change which includes an increase in total LOT AREA of a Residential Planned Development may be authorized only in accordance with review procedures established for a Residential Planned Development as outlined in Section 38.60.

39 Manufactured Home Park

39.10 Purpose

A MANUFACTURED HOME PARK allows for the efficient USE of land to facilitate a more economic arrangement of MANUFACTURED HOMES, related community facilities, circulation systems, land USE and utilities.

39.20 Authorized Uses

The following USES are authorized within a MANUFACTURED HOME PARK:

- i. MANUFACTURED HOMES and their accessory USES; and
- ii. USES authorized in the R-5 District.

39.30 Location

A MANUFACTURED HOME PARK may be created only on land located in the R-5 District.

39.40 Development Standards

39.40.100 Size and Density of MANUFACTURED HOME PARK

- A. A MANUFACTURED HOME PARK must have a minimum LOT AREA of 5 acres.
- B. A MANUFACTURED HOME PARK must provide a minimum of 40 MANUFACTURED HOME SITES.

39.40.200 Required Setbacks and Screening for Exterior Boundary

- A. Minimum Setbacks From MANUFACTURED HOME PARK Boundaries Facing Public STREET

STREET TYPE	SETBACK
State or U.S. Highway or major STREET	45 feet
County Highway or collector STREET	35 feet
Township Road or minor STREET	25 feet

- B. SIDE and REAR YARDS must be a minimum width of 15 feet.
- C. A MANUFACTURED HOME PARK must be provided with visual screening such as fences or SCREEN PLANTING along all boundary lines ABUTTING existing residential, commercial or industrial development.

Such fences or SCREEN PLANTING must be of sufficient HEIGHT and density to adequately filter from view the MANUFACTURED HOMES, accessory STRUCTURES and other USES in the MANUFACTURED HOME PARK.

39.40.300 Recreation Space

At least 8 percent of the gross site area of a MANUFACTURED HOME PARK must be devoted to recreational facilities. Such facilities must be centrally located on the site and readily accessible to all MANUFACTURED HOME occupants. Recreation areas may include park space, play lots, swimming POOLS and community BUILDINGS (exclusive of laundry and administrative offices). Recreation areas may be de-centralized provided that no single parcel of outdoor recreation space contains less than 6,000 square feet nor has a minimum average width of less than 30 feet.

39.40.400 MANUFACTURED HOME SITE

- A. In no case may a MANUFACTURED HOME SITE consist of an area of less than 3,200 square feet.
- B. Every MANUFACTURED HOME must maintain the following minimum setbacks from the boundaries of its MANUFACTURED HOME SITE.
 - 1. The minimum distance between the MANUFACTURED HOME and the MANUFACTURED HOME SITE boundary adjacent to PRIVATE ACCESSWAYS or roads is 15 feet.
 - 2. The minimum distance between the entrance side of the MANUFACTURED HOME and the MANUFACTURED HOME SITE boundary is 20 feet.
 - 3. All other setbacks are a minimum of 10 feet.
- C. A MANUFACTURED HOME stand or pad must be provided on each MANUFACTURED HOME SITE of sufficient size to accommodate the MANUFACTURED HOME to be located thereon. A MANUFACTURED HOME stand must be a concrete slab or runway, constructed so as not to shift or settle unevenly under the weight of a MANUFACTURED HOME or other forces due to frost, vibration, wind or water. Provisions may be made for the USE of ground anchors designed to withstand a minimum load of 4,800 pounds each. Four ground anchor connections may be provided for each MANUFACTURED HOME of less than 51 feet in length and 6 ground anchor connections must be provided for MANUFACTURED HOMES exceeding 50 feet in length.

- D. Each MANUFACTURED HOME SITE must be provided with an outdoor living space to supplement the interior living space of the MANUFACTURED HOME. This outdoor living space must be paved monolithically or constructed of masonry or concrete moveable units placed sufficiently close together to create a single usable surface. The area of the outdoor living space must be a minimum of 160 square feet with a minimum dimension of 8 feet.
- E. The space between the MANUFACTURED HOME stand and the floor of the MANUFACTURED HOME must be enclosed with non-combustible skirting. The area thereby enclosed may be used for STORAGE of ordinary household objects and material.
- F. A minimum of 2 improved off-STREET PARKING SPACES must be provided for each MANUFACTURED HOME SITE. One of these PARKING SPACES may be provided off the MANUFACTURED HOME SITE provided such PARKING SPACE is not located more than 200 feet from the MANUFACTURED HOME SITE served.

39.40.500 ACCESS and Parking

- A. All MANUFACTURED HOME PARKS must be provided with adequate safe and convenient vehicular ACCESS from ABUTTING public STREETS.
- B. Public STREET dedications within or ABUTTING MANUFACTURED HOME PARKS must be made in accordance with SUBDIVISION regulations.
- C. No MANUFACTURED HOME SITE may have direct ACCESS onto a dedicated public STREET.
- D. Entrance drives into MANUFACTURED HOME PARKS must have direct ACCESS to a public STREET and must be designed to have free traffic flow onto such public STREETS. No parking or MANUFACTURED HOME SITE ACCESS driveway is allowed off an entrance drive for a distance of 50 feet from a public RIGHT-OF-WAY.
- E. The internal PRIVATE ACCESSWAY system serving MANUFACTURED HOME SITES must provide convenient circulation by means of minor PRIVATE ACCESSWAYS and properly located collector PRIVATE ACCESSWAYS. Cul-de-sac PRIVATE ACCESSWAYS may not exceed 300 feet in length.
- F. Minimum required pavement widths for PRIVATE ACCESSWAYS are:

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ACCESSWAY TYPE	PAVEMENT WIDTH ¹
collector STREET	30 feet
minor STREET	24 feet
cul-de-sac STREET	24 feet
cul-de-sac turnaround	80 feet

Table 39.40.500(F) Note:

1. All dimensions are exclusive of parking areas.

- G. With respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, the provisions of the SUBDIVISION ordinance apply to PRIVATE ACCESSWAYS.
- H. PARKING SPACES perpendicular to PRIVATE ACCESSWAYS may not be located within the required pavement width. Parallel parking on one side of the minor STREET is allowed provided the required 24 foot of pavement remains unobstructed for travel.

39.40.600 STREET Lighting

- A. STREET lights must be designed to produce a minimum of 0.1 footcandles throughout the STREET system. Potentially hazardous locations such as intersections, major pedestrian crossings, and portions of STREETS ABUTTING service BUILDINGS and recreation areas must be illuminated with a minimum of 0.3 footcandles.
- B. All gas or electric service to the STREET lighting system must be located underground.

39.40.700 Pedestrian Walkways

- A. Individual walks to each MANUFACTURED HOME stand from paved STREETS or parking areas are required and must be a minimum of 2 feet in width.
- B. Common walks are required at locations where heavy pedestrian traffic is likely to occur such as at entrances, service facilities and recreation areas. Common walks should be located through interior areas removed from STREETS wherever possible.
- C. Individual and common walks must be paved monolithically or constructed of masonry or concrete moveable units placed sufficiently close together to

create a uniform surface. Individual walks may not be less than 2 feet in width. Common walks may not be less than 3-1/2 feet in width.

- D. No walk may be used as a drainage way. Sudden changes in alignment and gradient must be avoided.

39.50 Utilities and Required Services

39.50.100 Water Supply and Distribution System

- A. Where a public supply of water is reasonably available, a connection must be made thereto and its supply used exclusively.
- B. Where a public supply of water is not reasonably available, a private water supply system must be developed to furnish a minimum of 150 gallons per day per MANUFACTURED HOME at a minimum pressure of 20 pounds per square inch.
- C. All other applicable minimum requirements of the Illinois State Department of Public Health must be met.

39.50.200 Sewage Systems

- A. Where a public system of sewage collection and treatment is reasonably available, all sewage and water carried waste must be disposed of into such public system.
- B. Where public sewage treatment facilities are not reasonably available, a private treatment system must be designed to collect and treat a minimum of 225 gallons per day per MANUFACTURED HOME SITE.
- C. All other applicable minimum requirements of the Illinois State Department of Public Health must be met.

39.50.300 Solid Waste Disposal

- A. All refuse must be stored in water tight containers located on each MANUFACTURED HOME SITE or within 150 feet thereof.
- B. Refuse must be collected regularly and transported to a disposal site in compliance with State Law. Incineration of any refuse or vegetation within a MANUFACTURED HOME PARK is prohibited.
- C. All other applicable minimum requirements of the Illinois State Department of Public Health must be met.

39.50.400 Electrical Distribution System

- A. Electrical installations in MANUFACTURED HOME PARKS must conform to the National Electric Code, latest edition.
- B. The electrical distribution system in all MANUFACTURED HOME PARKS must be underground.
- C. MANUFACTURED HOME SITE feeder circuits must be rated for a capacity of not less than 100 amperes of 120/240 volts. Additional secondary receptacles of not less than 50 amperes each may be provided at MANUFACTURED HOME SITES.
- D. The total load for a MANUFACTURED HOME PARK must be calculated on the basis of 16,000 watts per MANUFACTURED HOME SITE. The minimum allowable demand factors which may be used in the calculating load on feeders and service are as follows:

NUMBER OF MANUFACTURED HOME SITES SERVICED	DEMAND FACTOR (PERCENT)
1	100
2	55
5	33
10	27
20	25
50	23
100 or more	22

39.50.500 Telephone Services and Television Systems

- A. All telephone service to MANUFACTURED HOMES must be underground.
- B. Distribution of master television antenna service to MANUFACTURED HOME SITES must be underground.

39.50.600 Fire Protection

- A. MANUFACTURED HOME PARKS must be kept free of all litter, rubbish or other accumulated flammable materials.

- B. If the MANUFACTURED HOME PARK is served by a PUBLIC WATER SUPPLY SYSTEM, approved fire hydrants must be located throughout the MANUFACTURED HOME PARK and must be located not more than 500 feet from any MANUFACTURED HOME. The hydrants must deliver a minimum of 75 gallons of water per minute at a pressure of 20 pounds per square inch at the highest elevation point of the MANUFACTURED HOME PARK.
- C. Fire extinguishers must be provided in accordance with the Illinois State Department of Public Health requirements.

39.60 Service Buildings and Other Community Facilities

All MANUFACTURED HOME PARKS must provide the following community facilities:

- i. management office;
- ii. management STORAGE facilities; and
- iii. other facilities as may be required by Section 158, *et seq.*, Chapter 111½, *Illinois Revised Statutes*.

39.70 Altering an Existing Nonconforming Manufactured Home Park

- 39.70.100 A MANUFACTURED HOME PARK in existence on the effective date of this Ordinance may be altered to bring such park into conformity with this Ordinance. However, no additions or ALTERATIONS may be made to any such MANUFACTURED HOME PARK unless:
- i. such additions or ALTERATIONS are in conformity with this Ordinance;
 - ii. at a minimum the total area of such MANUFACTURED HOME PARK, with such additions or ALTERATIONS, consists of 3 acres or 24 MANUFACTURED HOME SITES; and
 - iii. such additions or ALTERATION to any such MANUFACTURED HOME PARK contains not more than 8 MANUFACTURED HOME SITES for each gross acre of land.

39.80 Review Procedure for Manufactured Home Park

39.80.100 General Provisions

- A. A MANUFACTURED HOME PARK is a Planned Development District as described in Chapter 13.
- B. A MANUFACTURED HOME PARK must comply with provisions of the *Illinois Mobile Home Park Act* (210 ILCS 115/1 *et seq.*).
- C. A MANUFACTURED HOME PARK must comply with the other ordinance provisions unless those provisions are superceded by regulations contained in this Chapter.

39.80.200 Three-Stage Review Process

The review process for a MANUFACTURED HOME PARK consists of 3 stages:

- i. Pre-Application Conference and Application;
- ii. Rezoning Approval; and
- iii. Special Use Approval.

39.80.300 Sequence of Stages

- A. The Pre-Application Conference and Application stage must occur prior to the Rezoning Approval and Special Use Approval stages.
- B. The Rezoning Approval and Special Use Approval stages may occur either sequentially or concurrently.
 1. If considered sequentially, the request for Rezoning Approval must be considered by the ZBA and decided upon by the County Board prior to and separately from the request for Special Use Approval.
 2. If considered concurrently, the ZBA must delay its recommendation or decision regarding a Special Use Approval request until such time that the County Board makes a decision regarding the Rezoning Approval request.

39.80.400 Effect of Rezoning Approval

- A. Rezoning Approval of a MANUFACTURED HOME PARK by the County Board represents its determination that the site is appropriate for the proposed development, and constitutes approval of:
 - i. the USES proposed on the site;
 - ii. the maximum number of DWELLING UNITS;
 - iii. the maximum BUILDING AREA of non-residential BUILDINGS; and
 - iv. the general arrangement of the site plan.
- B. The Rezoning Approval of a MANUFACTURED HOME PARK confers the right to submit an application for Special Use Approval within 2 years subject to the limits specified in the adopting ordinance. This right runs with the land and may be assigned to another party but may not be divided.
- C. Rezoning Approval of a MANUFACTURED HOME PARK application does not obligate the County or a municipality having jurisdiction to approve a Preliminary Plat of Subdivision.
- D. Rezoning Approval of a MANUFACTURED HOME PARK expires after 2 years if an application for Special Use Approval has not been submitted to the County Board. The zoning classification will revert automatically to the previous classification unless the County Board authorizes an extension by

resolution. The County Board may not extend the deadline for more than one year.

39.80.500 Effect and Limitations of Special Use Approval

- A. Special Use Approval of a MANUFACTURED HOME PARK by the County Board represents its determination that the site plan complies with the specific standards and regulations required in this Ordinance.
- B. The Special Use Approval of a MANUFACTURED HOME PARK confers the right to submit an application for Plat Approval within one year, subject to the limits specified in the adopting ordinance. This right runs with the land and may be assigned to another party but may not be divided.
- C. Special Use Approval of a MANUFACTURED HOME PARK is equivalent to Preliminary Subdivision Plat Approval and the applicant may apply for Engineering Plan and Final Plat Approval under the *Champaign County Subdivision Regulations*. Special Use Approval does not obligate any municipality to alter its plat approval procedures or to deem the plan to be equivalent to a preliminary plat.
- D. Special Use Approval of a MANUFACTURED HOME PARK application does not obligate the County or a municipality having jurisdiction to approve a Engineering Plans or a Final Plat of Subdivision.
- E. Special Use Approval of a MANUFACTURED HOME PARK expires after one year if an application for Final Plat Approval has not been submitted to the government having SUBDIVISION jurisdiction.

39.80.600 Platting Responsibility

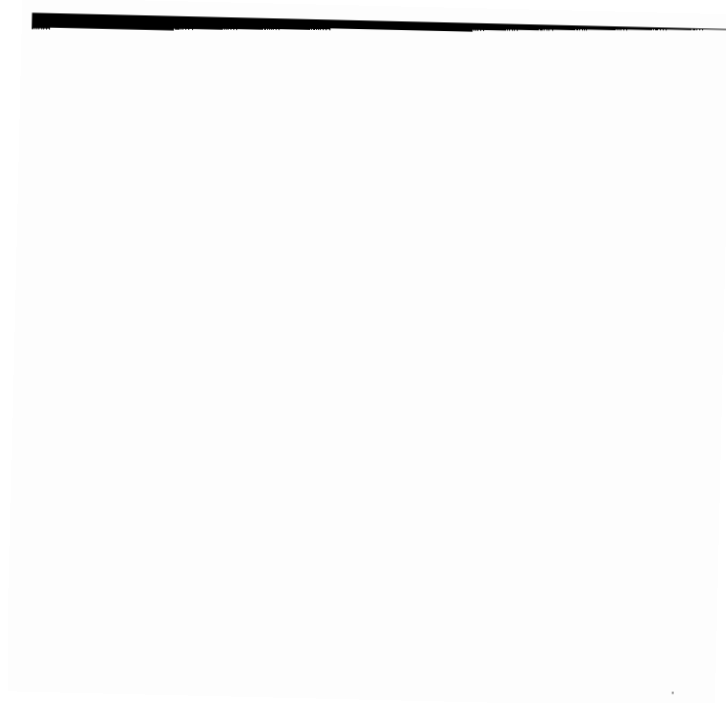
- A. Nothing in this Chapter relieves the landowner of the responsibility of platting a MANUFACTURED HOME PARK under the SUBDIVISION regulations of the government having jurisdiction.
- B. A MANUFACTURED HOME PARK is deemed to be a project with significant development impact. Platting is required even if the LOTS would otherwise be exempted by the *Illinois Plat Act*.

39.90 Rezoning Approval

39.90.100 Additional Application Requirements

At time of Rezoning Approval application, the following items must be submitted. Additional information may be submitted in an electronic format if approved by the Zoning Administrator.

-
- A. An Open Title Commitment or a Title Policy, prepared not more than 12 months previous, for each tract comprising the proposed MANUFACTURED HOME PARK.
- B. A physical feature map of the site and surrounding area within 200 feet at a scale of at least one inch equals 200 feet and an 11 by 17 inch reduction thereof, showing:
- i. the site PROPERTY lines;
 - ii. surrounding STREETS and STREET pavement types and widths;
 - iii. topographic contours at an interval not less than 5 feet;
 - iv. depiction of the minor watershed boundaries and discharge points of surface drainage on the site perimeter;
 - v. land cover;
 - vi. water bodies and drainage features; and
 - vii. Special Flood Hazard Area boundaries based on the best available estimate of the Base Flood Elevation.
- C. A cultural feature map of the site and surrounding area within 200 feet at a scale of at least one inch equals 200 feet and an 11 by 17 inch reduction thereof, showing:
- i. the site PROPERTY lines;
 - ii. surrounding STREETS;
 - iii. existing easements and RIGHTS-OF-WAY;
 - iv. existing utilities on or adjacent to the site;
 - v. farm drainage tiles on or adjacent to the site;
 - vi. existing water wells or on-site wastewater systems on the site;
 - vii. surrounding land USES; and
 - viii. existing zoning of surrounding PROPERTY.
- D. A sketch site plan of the proposed development and surrounding area within 200 feet at a scale of at least one inch equals 100 feet and an 11 by 17 inch reduction thereof, showing:
- i. the location of all PROPERTY lines;
 - ii. existing STREETS, SIDEWALKS, or other improvements on or adjacent to the site;
 - iii. existing STRUCTURES with an indication of those which will be removed;
 - iv. the area to be put to each USE, and each type of principal STRUCTURE;
 - v. proposed STREETS, parking areas, drainage improvements or other improvements to be owned in common or dedicated to the public;
 - vi. areas to be permanently set aside for conservation, AGRICULTURE or common USE;
 - vii. proposed buffering or screening at the site perimeter; and
 - viii. any other significant physical features identified in the Pre-Application Conference.
-





- E. Quantitative data indicating the following:
- i. the total number of DWELLING UNITS;
 - ii. total number and approximate BUILDING AREA of all non-residential BUILDINGS, if applicable;
 - iii. approximate LOT COVERAGE of BUILDINGS and STRUCTURES;
 - iv. gross and net LOT AREA;
 - v. approximate gross and net residential densities; and
 - vi. total area to be permanently set aside for conservation, AGRICULTURE or common USE provided in the tract, if applicable; and
 - vii. approximate impervious area.

39.100 Special Use Approval

39.100.100 Additional Application Requirement

At time of Special Use Approval application, the following additional information must be designated on the site plan required in Subsection 25.20.200:

1. Boundaries of each MANUFACTURED HOME SITE
2. Location of internal lighting and electrical systems
3. Location of refuse and sewage disposal facilities

This information may be submitted in an electronic format if approved by the Zoning Administrator.

39.100.200 Performance Standards

The following performance standards may be considered during Special Use Approval:

- A. No MANUFACTURED HOME PARK may be located in an area where the conditions of soil, groundwater level, drainage or topography may cause hazard to the PROPERTY, health or safety of the occupants.
- B. No MANUFACTURED HOME PARK may be located such that it is exposed to objectionable smoke, dust, noise, odors, vibrations or other adverse influences.
- C. ACCESS to a MANUFACTURED HOME PARK:
 - v. must be provided in such a manner to facilitate ACCESS by emergency vehicles; and
 - vi. should be designed to provide efficient and safe traffic circulation in the vicinity.

- D. No part of any MANUFACTURED HOME PARK may be used for non-residential purposes except accessory USES that are required to directly serve MANUFACTURED HOME PARK residents and for management and maintenance of the MANUFACTURED HOME PARK.

39.110 Amending Approved Site Plan of a Manufactured Home Park

- A. Subsequent to ZBA and County Board review and approval, no changes may be made to the approved site plan for a MANUFACTURED HOME PARK except as indicated in Paragraphs B, C, or D below.
- B. Minor changes in the location, siting and the HEIGHT of BUILDINGS and STRUCTURES may be authorized only by ZBA approval of a Special Use request, if required by engineering or other circumstances not foreseen at the time the site plan was approved. No change authorized as a Special Use may cause any of the following:
- i. a change in the USE or character of the development;
 - ii. an increase in overall coverage of BUILDINGS and STRUCTURES;
 - iii. an increase in the intensity of USE;
 - iv. an increase in the problems of traffic circulation and public utilities;
 - v. a reduction in approved OPEN SPACE;
 - vi. a reduction of off-STREET parking and loading space;
 - vii. a reduction in required pavement widths.
- C. All other changes in USES, or rearrangements of LOTS, BLOCKS, and BUILDING tracts, or any changes in the provision of common OPEN SPACES, and any changes other than listed above, provided that the total LOT AREA of the MANUFACTURED HOME PARK is not increased, may be authorized only as a County Board Special Use.
1. In the event that such a County Board Special Use is requested, the ZBA shall make the following additional finding: ‘The requested change is required due to changes in conditions that have occurred since the final site plan was approved and/or by changes in County policy.’
 2. Any changes to the approved site plan that are authorized by a County Board Special Use must be recorded by the petitioner in accordance with the procedure established for the recording of final site plan documents.
- D. Any change which includes an increase in total LOT AREA of a MANUFACTURED HOME PARK may be authorized only in accordance with review procedures established for a MANUFACTURED HOME PARK as outlined in Section 39.80.

46 Violations and Penalties**46.10 Filing a Complaint**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint must state fully the causes and basis thereof and must be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

46.20 Violations

46.20.100 When a STRUCTURE or USE is in Violation

In case any STRUCTURE is erected, constructed, reconstructed, ALTERED, converted, or any STRUCTURE or land is used in violation of this Ordinance:

- A. The Zoning Administrator, or any person the value or USE of whose PROPERTY is or may be affected by such violation, in addition to other remedies, may institute an appropriate action or proceeding in equity to prevent such unlawful erection, CONSTRUCTION, reconstruction, ALTERATION, repair, conversion, maintenance, or USE to restrain, correct or abate such violation, to prevent the occupancy of said STRUCTURE or land, or to prevent any illegal act, conduct, business, or USE in or about such STRUCTURE or land.
- B. The Zoning Administrator, or any owner or tenant of real PROPERTY in the same contiguous DISTRICT as the STRUCTURE or land in question in addition to other remedies, may institute an appropriate action or proceeding in any court of competent jurisdiction:
 - i. to prevent the unlawful CONSTRUCTION, reconstruction, ALTERATION, repair, conversion, maintenance, or USE of a STRUCTURE;
 - ii. to prevent the occupancy of the STRUCTURE or land;
 - iii. to prevent any unlawful act, conduct, business, or USE in or about such STRUCTURE or land;
 - iv. to restrain, correct, or abate the violation.

46.20.200 Violation Punishable by Fine

Any violation of this Ordinance will be deemed a petty offense and will be punishable by a fine not exceeding \$500. Each day that a violation or failure to comply is allowed to exist after notification thereof will constitute a separate offense.

46.20.300 Lawful Action by County

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Nothing herein contained prevents the County from taking such other lawful action as is necessary to prevent or remedy any violation.

48 Definitions

48.10 Definitions A - F

ABUTTING: Making contact with or separated only by public RIGHTS-OF-WAY, railroad or other public utility, or navigable water, none of which exceeds 120 feet in width.

ACCESS: The way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or principal STRUCTURE on a STRUCTURE ABUTTING such STREET or ALLEY.

ACCESS STRIP: That part of a FLAG LOT which provides the principal ACCESS to the LOT and has FRONTAGE upon a STREET.

AGRICULTURE: The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting and preparing crop products for market, or for USE on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers.

It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural OPERATIONS, but to exclude therefrom industrial OPERATIONS such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed.

Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

AIRCRAFT: Any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air.

AIRPORT: Any area described or defined as an 'airport' under the *Illinois Aviation Safety Rules* (92 Ill. Admin. Code Part 14), which meets the criteria of any one of the following 'airport classifications' as determined by the Illinois Department of Transportation, Division of Aeronautics: Basic Utility I, Basic Utility II, General Utility, Basic Transport, General Transport or Air Carrier or Ultralight STOL.

ALLEY: A permanent service RIGHT-OF-WAY which affords only a secondary means of ACCESS to PROPERTY ABUTTING such RIGHT-OF-WAY and is not intended for general traffic circulation.

Champaign County Zoning Ordinance
Chapter 48. Definitions

ALTER: See ALTERATION.

ALTERATION: Any change in the bearing walls, columns, beams, girders, or supporting members of a STRUCTURE, any change or rearrangement in the floor area of a BUILDING, any enlargement of a STRUCTURE whether by extending horizontally or by increasing in HEIGHT, and/or any movement of a STRUCTURE from one location or position to another.

AUTOMOBILE: A self-propelled, free-moving MOTOR VEHICLE for the conveyance of persons on a STREET and having a seating capacity for not more than 10 persons.

AUTOMOBILE REPAIR, MAJOR: General repair, rebuilding or reconditioning of engines, MOTOR VEHICLES or trailers; collision services, including: body, frame, or fender straightening or repair; overall painting or paint shop, or vehicle steam-cleaning.

AUTOMOBILE REPAIR, MINOR: Replacement of parts and motor services to passenger cars and trucks not exceeding 1-1/2 tons capacity, excluding body repairs.

BLOCK: PROPERTY ABUTTING on one side of a STREET and lying between the 2 nearest intersecting or intercepting STREETS, or between the nearest intersecting or intercepting STREET and railroad RIGHT-OF-WAY, waterway, unsubdivided area, or other definite boundary.

BOARDING HOUSE: A BUILDING containing no more than one DWELLING UNIT and more than 3, but not more than 8, LODGING UNITS. Meals or kitchen privileges may be provided to the residents only by means of a single common kitchen.

BUILDING: An enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter or enclosure of persons, animals, and chattels.

BUILDING AREA: The total area taken on a horizontal plane at the largest floor level of the principal BUILDING and all accessory BUILDINGS on the same LOT exclusive of uncovered porches, terraces, steps, or awnings, marquees, and non-permanent CANOPIES and planters.

BUILDING, ATTACHED: A BUILDING having 2 walls in common with other BUILDINGS.

BUILDING, DETACHED: A BUILDING have no walls in common with other BUILDINGS.

BUILDING, SEMI-DETACHED: A BUILDING having one wall in common with another BUILDING.

BUILDING RESTRICTION LINE: A line usually parallel to the FRONT, SIDE, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STRUCTURE.

CAMP: A tract of land of a design or character suitable for and used for seasonal, recreational, and other similar living purposes having located on it a STRUCTURE used for any assembly of persons for what is commonly called "day camp" purposes, whether or

not operated for profit and whether occupied by adults or children, either as individuals, FAMILIES, or groups, but not including a HOSPITAL, sanitarium, nursing home, asylum, SCHOOL, penal or correctional institution, or MANUFACTURED HOME PARK.

CANOPY: A non-retractable roof-like STRUCTURE of either a permanent or non-permanent nature which projects from the wall of a STRUCTURE, is supported above the surface of the ground by poles, posts, columns, beams, girders, or other similar framework attached to the ground, and overhangs or covers the public way or adjacent YARD or COURT.

CLINIC: An ESTABLISHMENT without facilities for inpatient nursing care, where one or more physicians and other medical professionals diagnose and treat human physical and/or mental ailments.

COMPOSTING: The biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost.

CONSTRUCTION: The excavation of earth to provide for a foundation, basement or cellar; and/or the addition to or removal from a LOT or tract of land of earth or water so as to prepare said LOT or tract of land for the CONSTRUCTION of a STRUCTURE; and/or the act of placing or affixing a component of a STRUCTURE upon the ground or upon another such component; and/or the placing of CONSTRUCTION materials in a permanent position and fastening in a permanent manner; and/or the demolition, elimination, and/or removal of an existing STRUCTURE in connection with such CONSTRUCTION.

COURT: An OPEN SPACE other than a YARD on the same LOT with a BUILDING which is bounded on 2 or more sides by, but is not enclosed by, the walls of such BUILDING.

COVERAGE: The percentage of the LOT AREA covered by the BUILDING AREA.

DISPLAY: The placement or arrangement of products or materials for sale or lease excluding items which are being stored while awaiting maintenance, or repair or other STORAGE.

DISTRICT: A section of the County, city or village in which zoning regulations and standards are uniform.

DUMP, REFUSE: A LOT or tract of land or part thereof used for the disposal by abandonment, burial, or other means and for whatever purposes, of garbage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or solid waste material of any kind.

DWELLING: A BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.

DWELLING UNIT: One or more rooms constituting all or part of a DWELLING which are

used exclusively as living quarters for one FAMILY, and which contains a bathroom and kitchen.

DWELLING, SINGLE FAMILY: A DWELLING containing one DWELLING UNIT.

DWELLING, TWO-FAMILY: A DWELLING containing 2 DWELLING UNITS with one DWELLING UNIT arranged on the same story or in stories above the other DWELLING UNIT.

DWELLING, MULTI-FAMILY: A DWELLING containing 3 or more DWELLING UNITS.

DWELLING, GROUP: A group of 2 or more SINGLE FAMILY, TWO-FAMILY or MULTI-FAMILY DWELLINGS, whether attached, semi-detached, or detached, in whatever combination, occupying a LOT or LOTS in one OWNERSHIP.

ESTABLISHMENT: A business, retail, office, or commercial USE. When used in the singular this term is construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.

FAMILY: Any of the following entities:

- i. an individual; or
- ii. 2 or more persons related by blood, marriage, or adoption; or
- iii. 5 persons not so related; or
- iv. 2 or more persons related by blood, marriage, or adoption and not more than 3 persons not so related; together with his or their domestic servants and gratuitous guests maintaining common household in a DWELLING UNIT or LODGING UNIT.

FRONTAGE: That portion of a LOT ABUTTING a STREET or ALLEY

48.20 Definitions G-M

GARAGE, PUBLIC or COMMERCIAL: A BUILDING in which, for compensation, one or more vehicles are parked.

GOVERNMENT BUILDING: A BUILDING owned or formerly owned by a government agency and which was designed and constructed for a public purpose and located on the LOT on which it was originally constructed.

GRADE: The average of the elevations of the surface of the ground measured at all corners of BUILDING.

HEIGHT, STORY: The vertical measurement between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the vertical measurement between the surface of the floor and the ceiling next above it.

HEIGHT, BUILDING: The vertical measurement from grade to a point midway between the highest and lowest points of the roof.

HEIGHT, Detached STRUCTURE: The vertical measurement from the average level of the surface of the ground immediately surrounding such STRUCTURE to the uppermost portion of such STRUCTURE.

HEIGHT, Attached STRUCTURE: Where such STRUCTURE is attached to another STRUCTURE and is in direct contact with the surface of the ground, the vertical measurement from the average level of the surface of the ground immediately adjoining such STRUCTURE to the uppermost portion of such STRUCTURE is the HEIGHT. Where such STRUCTURE is attached to another STRUCTURE and is not in direct contact with the surface of the ground, the vertical measurement from the lowest portion of such STRUCTURE to the uppermost portion is the HEIGHT.

HELICOPTER: Any rotary wing AIRCRAFT including those helicopters registered as Special Purpose Aircraft by the Illinois Department of Transportation, Division of Aeronautics.

HELIPORT or HELISTOP: Any area described or defined as a heliport or helistop under the *Illinois Aviation Safety Rules (92 Ill. Admin. Code Part 14)* and which is further regulated under the rules for AIRPORTS by the Illinois Department of Transportation, Division of Aeronautics.

HELIPORT RESTRICTED LANDING AREA: Any area described or defined as a 'restricted landing area-heliport' under the *Illinois Aviation Safety Rules (92 Ill. Admin. Code Part 14)* and which is further regulated under the rules for restricted landing areas by the Illinois Department of Transportation, Division of Aeronautics.

HOME OCCUPATION, NEIGHBORHOOD: Any activity conducted for gain or support by a member or members of the immediate FAMILY residing on the PREMISES as an accessory USE entirely within the resident's DWELLING UNIT or accessory BUILDING not exclusively devoted to such activity.

HOME OCCUPATION, RURAL: Any activity conducted for gain or support by a member or members of the immediate FAMILY residing on the PREMISES as an accessory USE on the same LOT as the resident's DWELLING UNIT.

HOSPITAL: A BUILDING having facilities for inpatient nursing care, where physicians and other medical professionals diagnose and treat human ailments.

HOTEL: A BUILDING or group of BUILDINGS containing multiple LODGING UNITS, and associated accessory USES.

INSTITUTIONAL USE: A USE such as a HOSPITAL, nursery, sanitarium, SCHOOL, infirmary, home for the aged, jail or a BUILDING of similar occupancy where minor children, the sick, convalescing, injured, alcoholic, drug addicted, incarcerated, or similar persons, who are partially or wholly dependent upon others for care, treatment or supervision, are housed.

JUNK YARD or AUTOMOBILE SALVAGE YARD: A LOT, land, BUILDING, or

STRUCTURE, or part thereof used primarily for the collecting, STORAGE, and/or sale of scrap metal, or for the collecting, dismantling, STORAGE, and salvaging of machinery or vehicles not in running condition and for the sale of parts therefrom.

KENNEL: A LOT or PREMISES on which 6 or more dogs or 6 or more cats (or any combination thereof) at least 6 months of age are kept, boarded, bred, or retained for compensation; or a LOT or PREMISES on which dogs and/or cats are raised and offered for sale, adoption, or exchange, with or without compensation.

LANDSCAPE WASTE: All accumulations of grass or shrubbery cuttings, leaves, tree limbs and trunks, and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees, excluding vegetative by-products from agricultural activities onsite.

LANDSCAPE WASTE PROCESSING FACILITY: An ESTABLISHMENT for grinding, chipping, splitting, sawing or composting LANDSCAPE WASTE, including the stockpiling, spreading, disposal or wholesale and/or retail sale of LANDSCAPE WASTE materials processed on the site. The processing of LANDSCAPE WASTE on the same LOT on which it was generated is excluded from this definition.

LIGHT ASSEMBLY: Manufacture of finished goods from components manufactured elsewhere and not involving hazardous materials of such a type or in such quantities or concentrations as are not customary with other USES permitted as of right in the DISTRICT; and not creating noise, vibration, odor, fumes, smoke, heat, glare or electromagnetic fields discernable beyond the BUILDING or BUILDINGS in which such manufacture occurs.

LOADING BERTH: A stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.

LOADING DOCK: A platform-like STRUCTURE adjacent to a LOADING BERTH from which goods are loaded on and on which goods are unloaded from a vehicle parked in such LOADING BERTH.

LODGING UNIT: One or more rooms which are used exclusively as long- term or transient living quarters for one FAMILY and which do not contain cooking facilities.

LOT: A designated PARCEL, tract or area of land established by a recorded plat, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.

LOT, ABUTTING: A LOT which adjoins, borders, touches, or is contiguous to another LOT. LOTS which adjoin only on a corner or corners are considered as ABUTTING. LOTS that are separated only by a public STREET not exceeding 120 feet in width, a railroad or other public utility not exceeding 120 feet in width, or navigable water not exceeding 120 feet in width are considered as PREMISES ABUTTING.

LOT AREA: The total area within the LOT LINES.

LOT, CORNER: A LOT located:

- i. at the junction of and ABUTTING 2 or more intersecting STREETS;
- ii. at the junction of and ABUTTING a STREET and the nearest shoreline or high water line of a storm of floodwater runoff channel or basin; or
- iii. at and ABUTTING the point of abrupt change of a single STREET where the interior angle is less than 135 degrees and the radius of the STREET is less than 100 feet.

LOT DEPTH: The distance between the midpoint of the FRONT LOT LINE and the midpoint of the REAR LOT LINE or LINES.

LOT, FLAG: An interior LOT separated from STREETS by intervening LOTS except for an ACCESS STRIP which provides FRONTAGE upon a STREET.

LOT, INTERIOR: A LOT other than a CORNER LOT.

LOT LINE, FRONT: A line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise ABUTTING more than one STREET or easement of ACCESS, only one such LOT LINE may be deemed the FRONT LOT LINE.

LOT LINE, REAR: Any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore-shaped LOT, or where a LOT comes to a point opposite the FRONT LOT LINE, it means a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.

LOT LINES: The lines bounding a LOT.

LOT WIDTH, AVERAGE: The LOT AREA divided by the LOT DEPTH or, alternatively, the diameter of the largest circle that will fit entirely within the LOT LINES.

MANUFACTURED HOME: A factory-assembled DWELLING UNIT designed and constructed to be transported in one or more parts by truck or by towing on wheels temporarily or permanently attached to its frame. This definition includes: mobile homes, modular homes, or housing units; and excludes MOTOR VEHICLES and TRAVEL TRAILERS.

MANUFACTURED HOME PARK: A designated contiguous PARCEL of land planned and improved for the placement of 5 or more MANUFACTURED HOMES.

MANUFACTURED HOME PARK SERVICE BUILDING: A permanent STRUCTURE housing laundry, recreation, office, sanitation or other community facilities as required in MANUFACTURED HOME PARKS for USE by MANUFACTURED HOME PARK occupants.

MANUFACTURED HOME SITE: A designated parcel of land in a MANUFACTURED HOME PARK intended for the placement of an individual MANUFACTURED

HOME, for the exclusive USE of its occupants.

MANUFACTURED HOME STAND: That part of an individual MANUFACTURED HOME SITE which has been constructed for the placement of a MANUFACTURED HOME.

MOTOR VEHICLE: A self-propelled free-moving vehicle for the conveyance of goods or persons on a STREET.

48.30 Definitions N-R

NON-ADAPTABLE SITE DEVELOPMENT or NON-ADAPTABLE STRUCTURE: Any STRUCTURE or physical ALTERATION to the land which requires a Special Use or County Board Special Use, and which is likely to become economically unfeasible to remove or put to an alternate USE allowable in the DISTRICT, either by right or otherwise.

NONCONFORMING LOT, SIGN, STRUCTURE or USE: A LOT, SIGN, STRUCTURE or USE which does not conform to the regulations and standards of the DISTRICT in which it is located.

NONCONFORMING PREMISE: A NONCONFORMING LOT with a NONCONFORMING STRUCTURE located on it.

NURSING HOME: A BUILDING containing sleeping rooms where persons are housed or lodged and are furnished with meals and nursing care for hire.

OPEN SPACE: The unoccupied space open to the sky on the same LOT with a STRUCTURE.

OPERATIONS: Processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.

OWNER, OWNERSHIP: An individual, firm, association, syndicate, partnership, corporation, company, organization, trust, or any other legal entity having a proprietary interest in a USE, STRUCTURE, PREMISES, LOT or tract of land.

PARCEL: A piece of land created by a partition, SUBDIVISION, deed, or other legal instrument recorded at the Champaign County Recorder's Office.

PARENT TRACT: ABUTTING PARCELS or LOTS for which the same tax bill recipient is listed based on current records of the County Supervisor of Assessments; or a stand-alone PARCEL or LOT which does not abut another PARCEL or LOT for which the same tax bill recipient is listed based on current records of the County Supervisor of Assessments.

PARKING GARAGE or LOT: A LOT, COURT, YARD, or portion thereof used for the parking of vehicles containing one or more PARKING SPACES together with means of ACCESS to a public STREET.

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PARKING SPACE: A space accessory to a USE or STRUCTURE for the parking of one vehicle.

PERSONAL SERVICES: An ESTABLISHMENT or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical USES include, but are not limited to, beauty and barber shops, shoe repair shops and tailor shops.

PLACE OF WORSHIP: A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs; or a special-purpose BUILDING that is architecturally designed and particularly adapted for the primary USE of conducting formal religious services on a regular basis.

PLATTED: How a LOT or a PARCEL is described once a plat of SUBDIVISION creating a LOT or once a survey of a LOT or PARCEL has been recorded at the Champaign County Recorder's Office. Also, how a SUBDIVISION is described once the plat of SUBDIVISION has been recorded at the Champaign County Recorder's Office.

POOL: An artificially created container or tank capable of containing water for any period of time.

PREMISES: A LOT or tract of land and any STRUCTURE located thereon.

PRIVATE ACCESSWAY: A service way providing ACCESS to one or more LOTS which has not been dedicated to the public.

PRIVATE CLUB: A BUILDING or facilities intended for social, educational or recreational purposes which are not open to the general public on demand and to which ACCESS is established by means of membership in the controlling organization or payment of a fee providing for USE of the facilities over a period of 30 days or more.

PROPERTY: The general term denoting, either singularly or in combination, an area, LOT, PARCEL, tract, plot, unit, or otherwise designated portion of land.

PUBLIC ASSEMBLY USE: A USE where more than 50 persons congregate or assemble for any purpose, including a cabaret, banquet hall, PLACE OF WORSHIP, concert hall, dance hall, exhibition hall, lecture room, music hall, theater, grandstand, tents and similar outdoor and indoor USES.

PUBLIC SANITARY SEWER SYSTEM: Any system, other than an individual septic tank or tile field, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of liquid and solid sewage wastes, other than storm waters.

PUBLIC WATER SUPPLY SYSTEM: Any system, other than an individual well, that is operated by a municipality, governmental agency, or a public utility for the purpose of furnishing potable water.

RESIDENTIAL AIRPORT: Any area described or defined as an ‘airport’ under the *Illinois Aviation Safety Rules (92 Ill. Admin. Code Part 14)* and which is classified as a ‘residential airport’ by the Illinois Department of Transportation, Division of Aeronautics.

RESTRICTED LANDING AREA: Any area described or defined as a ‘restricted landing area’ under the *Illinois Aviation Safety Rules (92 Ill. Admin. Code Part 14)* and as further regulated by the Illinois Department of Transportation, Division of Aeronautics.

RE-USE OF EXISTING RURAL STRUCTURE: A non-residential re-use of an existing rural STRUCTURE in its existing location.

RIGHT-OF-WAY: The entire dedicated tract or strip of land that is to be used by the public for circulation and service.

RURAL SPECIALTY BUSINESS: ESTABLISHMENTS that sell, principally at retail, agricultural products, foods or traditional handicrafts produced on the PREMISES together with accessory recreational or educational activities and which may also sell related goods produced off of the PREMISES provided that sale of such goods constitute less than 50 percent of the total gross business income, that such goods constitute less than 50 percent of the total stock in trade and that less than 50 percent of total LOT AREA is devoted to commercial BUILDING area, parking or loading areas or outdoor sales DISPLAY.

48.40 Definitions S-Z

SAFETY LEDGE: That portion of the bottom of a POOL that is at the perimeter of the POOL between the normal POOL waterline and the specified depth and that has a slope no greater than the maximum specified.

SANITARY LANDFILL: A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary and to provide a final cover following final placement of refuse.

SCHOOL: A BUILDING or group of BUILDINGS, and all associated STRUCTURES, facilities, and grounds in and on which instruction is given.

SCREEN: A STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely or partially obscures from view throughout its HEIGHT the PREMISES upon which it is located.

SCREEN PLANTING: A vegetative material of sufficient HEIGHT and density to filter adequately from view in adjoining DISTRICTS, STRUCTURES, USES, and the PREMISES upon which it is located.

SETBACK LINE: The **BUILDING RESTRICTION LINE** nearest the front of and across a **LOT** establishing the minimum distance to be provided between a line of a **STRUCTURE** located on said **LOT** and the nearest **STREET RIGHT-OF-WAY** line.

SEXUALLY ORIENTED BUSINESS: Any **ESTABLISHMENT** which: has a significant or substantial portion of its stock-in-trade; derives a significant or substantial portion of its revenue from; devotes a significant or substantial portion of its interior business space; or devotes a significant or substantial portion of its advertising to any of the following, singly or in any combination:

- i. a book, novelty or video store engaged in the sale or rental of any of the following:
 - a. instruments, devices or paraphernalia designed or marketed primarily for simulating or for the stimulation of human genital organs; or
 - b. books, periodicals and other printed material which visually display the actual or simulated fondling or touching of: exposed human genitals; female breasts; exposed human genitals in a state of sexual stimulation or arousal; or sexual acts, including, but not limited to: intercourse, oral copulation, sodomy or masturbation; or
 - c. photographs, films, motions, pictures, video tapes, slides, or any other media which visually display the actual or simulated fondling or touching or exposed human genitals in a state of sexual stimulation or arousal, or sexual acts, including, but not limited to, intercourse, oral copulation, sodomy or masturbation.
- ii. a cabaret, theater, nightclub, bar, restaurant, auditorium or similar commercial **ESTABLISHMENT**, whether or not alcohol is served or permitted on the **PREMISES**, which regularly features or permits or promotes the viewing of persons who appear in a nude or semi-nude state, or live performances which regularly feature or are characterized by exposed human genitals or female breasts, or the actual or simulated performance or sexual acts, including, but not limited to, intercourse, oral copulation, sodomy or masturbation.
- iii. a theater, arcade or other business **ESTABLISHMENT** where films, motion pictures, video tapes, slides or similar photographic reproductions or any other media (other than those rated R, NC-17, PG-13, PG or G by the Motion Picture Association of America) are regularly shown for compensation which visually depict the actual or simulated fondling or touching or exposed human genitals in a state of sexual stimulation or arousal, or sexual acts, including, but not limited to, intercourse, oral copulation, sodomy or masturbation.

SIDEWALK: That paved portion of the **STREET** designed and intended for the movement of and **USE** of pedestrian traffic.

SIGN: Any name, identification, description, **DISPLAY**, illustration or device which is affixed

to or represented directly or indirectly upon a BUILDING, STRUCTURE or land which is placed out-of-doors and in view of the general public and which directs attention to a product, place, activity, person, institution, or business.

SIGN, FREESTANDING: A SIGN which is completely or principally self-supported by posts or other supports independent of any BUILDING or other STRUCTURE.

SIGN, OFF-PREMISES: A SIGN which directs attention to a USE business, commodity, service or activity not conducted, sold, or offered upon the PREMISES where the SIGN is located. Such SIGNS are a principal USE of a PROPERTY.

SIGN, ON-PREMISES: A SIGN which relates solely to a USE, business or profession conducted upon, or to a principal commodity, service, or entertainment sold, provided, or offered upon the PREMISES where the SIGN is located or on a STRUCTURE adjacent to the PREMISES advertised. Such SIGNS are an accessory USE of a PROPERTY.

SIGN, PROJECTING: A SIGN other than a WALL SIGN, which projects from and is supported by, or attached to, a wall of a BUILDING or STRUCTURE.

SIGN, WALL or WALL-MOUNTED: A SIGN displayed on or visible through a wall of a BUILDING or STRUCTURE so as to be seen primarily from the direction facing that wall of the BUILDING or STRUCTURE. A WALL SIGN attached to the exterior wall of a BUILDING or STRUCTURE does not project more than 20 inches therefrom.

SMALL SCALE METAL FABRICATING SHOP: A shop devoted to fabricating metal items using tools, materials and techniques customarily found in farm shops.

STORAGE: The presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.

STREET: A thoroughfare dedicated to the public within a STREET which affords the principal means of ACCESS to ABUTTING PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the official Zoning Map according to type of USE, and generally as follows:

- i. Major STREET: Federal or State highways
- ii. Collector STREET: County highways and urban arterial STREETS
- iii. Section Line STREET: any STREET, except a Major STREET, that is situated on a Township Section Line
- iv. Minor STREET: Township roads and other local roads

STREET, PRIVATE: A service way providing ACCESS to a PROPERTY for the USE of a limited number of persons or purposes and which has not been publicly dedicated.

STRUCTURE: Anything constructed or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.

SUBDIVISION: Any division, development, or re-subdivision of any part, STRUCTURE, area or tract of land by the OWNER or agent, either by LOTS or by metes and bounds, into LOTS 2 or more in number, for the purpose, whether immediate or future, of conveyance, transfer, improvement, or sale, with the appurtenant STREETS, ALLEYS, and easements, dedicated or intended to be dedicated to public USE or for the USE of the purchasers or OWNERS within the tract subdivided. The division of land for agricultural purposes not involving any new STREET, ALLEY, or other means of ACCESS is not deemed a SUBDIVISION for the purpose of the regulations and standards of this Ordinance.

SURFACE VEGETATION: All groundcover, plants, shrubs or trees located within the limits of a Stream Protection Buffer other than MATURE TREES.

TEMPORARY USE: A USE which is transitory by nature and may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.

THEATER: A BUILDING or part of a BUILDING devoted to the showing of moving pictures or theatrical productions on a commercial basis.

THEATER, OUTDOOR: An open STRUCTURE or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a commercial basis to patrons seated in AUTOMOBILES or on outdoor seats.

TRAVEL TRAILER: A vehicle designed for recreational USE and which cannot be defined as a MANUFACTURED HOME under the terms of this Ordinance.

ULTRALIGHT AIRCRAFT: Any AIRCRAFT which is described or defined as an ultralight vehicle under Part 103 of the Federal Aviation Regulations.

ULTRALIGHT LANDING AREA: An area specifically designed, maintained and used only for the take-off and landing of an ULTRALIGHT AIRCRAFT.

USE: The specific purpose for which land, a STRUCTURE or PREMISES is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent is not deemed to include any NONCONFORMING USE.

UTILITY, PUBLICLY REGULATED: A business or entity providing water, sanitary sewer, power and light, television cable, or similar services to the public of such a nature that it enjoys an exclusive franchise, in a specific geographic area, and is regulated by a Federal, State or local governmental regulatory agency.

VERTICAL BARRIER: A vertical surface of specified HEIGHT that:

- i. is fixed to the ground;
- ii. does not allow an object larger than 3-1/4 inches in diameter to pass through; and
- iii. does not provide either toe-holds or hand-holds for climbing (on at least one side);
and
- iv. is non-climbable (on at least one side).

A VERTICAL BARRIER may include but is not limited to fencing (of suitable CONSTRUCTION), retaining walls (of suitable CONSTRUCTION), and enclosed BUILDINGS (when on the same PREMISES).

VETERINARY HOSPITAL: A place where animals or pets are given medical or surgical treatment by a licensed veterinarian. USE as a KENNEL is limited to short-term boarding and is only incidental to a VETERINARY HOSPITAL USE.

WAREHOUSE: A BUILDING within which raw materials, goods, or equipment including vehicles, are kept and wherein no manufacturing, assembly, CONSTRUCTION, repair, sales or other activity is performed except for the packaging of goods and materials for shipment.

WAREHOUSE, SELF-STORAGE: A BUILDING or BUILDING containing multiple, independently accessible spaces where raw materials, goods or equipment, or personal goods including personal vehicles, are kept and wherein no other commercial or industrial activity occurs.

WINDOW: An opening in an exterior wall of a BUILDING other than a door which provides all or part of the natural light or ventilation, or both, to an interior space.

YARD: An OPEN SPACE, other than a COURT, of uniform width or depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.

YARD, FRONT: A YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a principal STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY, both such YARDS are classified as FRONT YARDS.

YARD, REAR: A YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a principal STRUCTURE located on said LOT.

YARD, SIDE: A YARD situated between a side LOT LINE and the nearest line of a principal STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.

ZONED MUNICIPALITY: A municipality which has adopted and administers a zoning ordinance in accordance with the *Illinois Municipal Code (65 ILCS 5/11-13-1 et seq.)* as amended.