

APPLICATION FOR **TEXT AMENDMENT** UNDER THE REGULATIONS OF THE Mc LEAN COUNTY ZONING ORDINANCE

<p align="center"><b>APPLICANT</b></p> <p>NAME: McLean County Land Use and Development Committee</p> <p>ADDRESS: 115 E Washington Street Bloomington, IL 61701</p> <p>PHONE: - home: work:</p>	<p align="center">FOR OFFICIAL USE ONLY</p> <p align="center">CASE NO.: <b>ZA - 22 - 01</b></p>	
<p align="center"><b>ATTORNEY</b></p> <p>NAME:</p> <p>ADDRESS:</p> <p>PHONE:- home: work:</p>	<p>FILING FEE \$ <u>0</u></p> <p>RECEIPT NO. <u>n/a</u></p> <p>PUB. COSTS \$ _____</p> <p>RECEIPT NO. _____</p> <p>HEARING DATE <u>3-1-2022</u></p> <p>HEARING TIME <u>7:00 p.m.</u></p> <p>DECISION DATE <u>3-10-2022</u></p>	<p align="center"><b>RECEIVED</b></p> <p align="center"><b>JAN 13 2022</b></p> <p align="center"><b>ZONING</b></p> <p align="center">FILE STAMP</p>

Application is hereby made to amend Section 350-26 Definitions. FARM of the text of the McLean County Code as attached.

Chapter 350 of the McLean County Code  
The McLean County Zoning Ordinance  
(Additions are indicated by text and stricken material by ~~text~~)

**Section 350-26 Definitions. FARM** - A tract of land ~~that is 40 acres or more in size and is~~ used for agricultural uses as defined herein.



"Dedicated to Progressive Agriculture"

2242 Westgate Drive Bloomington, Illinois 61706 Phone (309) 683-6497 Fax (309) 402-4340 www.mcfb.org

August 13, 2021

Don Knapp  
McLean County State's Attorney  
104 W Front St  
Bloomington, IL 61701

RECEIVED

NOV 02 2021

ZONING

Dear Mr. Knapp,

McLean County Farm Bureau® would like to request your assistance in resolving a matter that has recently come to our attention.

We believe the current definition of a "farm" in the McLean County Zoning Ordinance contains a size restriction that is not permitted under state law.

In the Zoning Ordinance Article III 350-26, farm is defined as "A tract of land that is 40 acres or more in size and is used for agricultural uses as defined herein."

The Illinois County Code prohibits counties from regulating agriculture based on size in 55 ILCS 5/5-12001 – please see enclosure. Furthermore, an Attorney General opinion citing *Tuftee v. County of Kane* (76 Ill. App. 3d 128, 133 (2nd Dist. 1979)) and *County of Lake v. Cushman* (40 Ill. App. 3d 1045, 1047 (2nd Dist. 1976)) also stated that:

"... in the absence of an express statutory provision otherwise providing, counties may not establish minimum acreage requirements to which it will limit the granting of the agricultural exemption from zoning regulation." 1999 Ill. Atty. Gen. Op. 011.

We respectfully request the McLean County State's Attorney review the definition of farm for compliance with state law and recommend removal of language regulating farms by size.

Sincerely,

Mark Hines,  
President

Enclosures



Department of Building & Zoning  
(309) 888-5160 Fax (309)888-5768 www.mcleancountyll.gov  
115 East Washington Street, Room M102, P.O. Box 2400,  
Bloomington, Illinois 61702-2400

December 29, 2021

To: Members of the Land Use and Development Committee

From: Philip Dick, AICP, Director

**RE: Amend the Zoning Ordinance to Delete "40 acres or more in size" from the Definition of "Farm"; and to amend the Zoning Ordinance to allow the Land Use and Transportation Committee, after the committees are combined, to apply for a text amendment of the McLean County Zoning Ordinance**

The Land Use and Development Committee sent a recommendation to the County Board in December 2021 to apply for a text amendment of the Zoning Ordinance to delete the definition of a "Farm". The County Executive Committee reviewed this request and decided to send the request back to the Land Use and Development Committee for further discussion. The Executive Committee indicated that the definition of a Farm should likely be left in the Zoning Ordinance but agreed to delete the phrase "40 acres or more in size" from the Farm definition. The discussion at the Executive Committee identified a concern that deletion of the "Farm" definition may cause problems in the Zoning Ordinance since the word "Farm" is used elsewhere.

The word "Farm" is used several places in the Zoning Ordinance including the following: 1) Agricultural Field Tile definition; 2) Livestock definition, 3) Nonfarm dwelling definition; 4) Farm Dwelling definition; 5) Agricultural Tourism definition; 6) Agriculture definition; and 7) the Land Evaluation and Site Assessment (LESA) section.

The County Executive Committee also discussed how the Land Use and Development Committee would be combined in 2022 with the Transportation Committee to be the Land Use and Transportation Committee. In this discussion, it was agreed that this combined committee needs to continue to have the authority to apply for text amendments.

I therefore propose that the Committee request the following text amendments of the McLean County Zoning Ordinance:

#### Text Amendments

Chapter 350 of the McLean County Code

The McLean County Zoning Ordinance

(Additions are indicated by text and stricken material by ~~text~~)

**Section 350-26 Definitions. FARM** - A tract of land ~~that is 40 acres or more in size and is used for~~ agricultural uses as defined herein.

**Section 350-21 Amendments.**

- B. Amendments may be proposed by the County Board, the Land Use and Development Transportation Committee of the County Board, Regional Planning Commission, Zoning Board of Appeals, any property owner, or a person or organization with a property interest in the subject property.
- C. An application for an amendment shall be filed with the Building and Zoning Department in such form and accompanied by such information as required by the County Board. Such application shall be forwarded to the Zoning Board of Appeals with a request to hold a public hearing and report its findings and recommendations to the County Board. An applicant may first submit an application for an amendment to the Land Use and Development Transportation Committee for advice or recommendation prior to submitting it to the Department of Building and Zoning.



Department of Building & Zoning  
(309) 888-5160 Fax (309)888-5768 www.mcleancountyil.gov  
115 East Washington Street, Room M102, P.O. Box 2400,  
Bloomington, Illinois 61702-2400

November 17, 2021

To: Members of the Land Use and Development Committee

From: Philip Dick, AICP, Director

PO

RE: Amend Zoning Ordinance to Delete the Definition of "Farm" at the request of the McLean County Farm Bureau

Mark Hines, president of the McLean County Farm Bureau, sent the attached letter to the Mclean County State's Attorney indicating that they believe the current definition of a "farm" in the McLean County Zoning Ordinance contains a size restriction that is not permitted under state law (see attached letter).

Christopher Spanos, Chief Civil Assistant State's Attorney, and I discussed this issue and agree to their request to delete this restriction from the Zoning Ordinance. We therefore propose that the Committee request the following text amendment of the McLean County Zoning Ordinance:

#### Text Amendment

Chapter 350 of the McLean County Code

The McLean County Zoning Ordinance

(Additions are indicated by text and stricken material by ~~text~~)

350-26 Definitions. ~~FARM~~ A tract of land that is 40 acres or more in size and is used for agricultural uses as defined herein.

Attachment: McLean County Farm Bureau Letter



## Department of Building & Zoning

(309) 888-5160 Fax (309)888-5768 [www.mcleancountyil.gov](http://www.mcleancountyil.gov)  
115 East Washington Street, Room M102, P.O. Box 2400,  
Bloomington, Illinois 61702-2400

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### COUNTY ZONING NOTICE

NOTICE is given that a public hearing will be held on Tuesday, March 1, 2022 at 7:00 PM in Room 400, Government Center, 115 E. Washington St., Bloomington, IL concerning an application of the McLean County Land Use and Development Committee in case ZA-22-01. This is a text amendment of the Zoning Ordinance of the Code of McLean County Chapter 350, Zoning Section 350-26, Definitions. Farm - to delete language in the definition of a farm that states it is 40 acres or more in size. Recommended social distancing protocols will be adhered to.

The application is available for review on the County website at <https://www.mcleancountyil.gov/> and in Room M102, Government Center - phone 309-888-5160.

**PLEASE ENTER THE BUILDING THROUGH THE FRONT STREET DOOR, ENTER THE ELEVATOR AND GO TO THE 4<sup>TH</sup> FLOOR, COUNTY BOARD ROOM 400.**