



# VILLAGE OF WINNEBAGO

## ZONING BOARD MEETING AGENDA

Tuesday, March 04, 2025 at 6:00 PM

108 West Main Street and Virtually

---

To access meeting from any device: <https://global.gotomeeting.com/join/777725485>

Or by (Toll Free): 1 877 309 2073 | Access Code: 777-725-485

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **DISCLOSURE OF ANY CONFLICT OF INTEREST**
4. **PUBLIC COMMENT**

*It is recommended that a written request to address the Village Board by non-members should be submitted via mail, hand delivery, or the Village Website to the Village of Winnebago Office located at 108 West Main Street, Winnebago, Illinois, 61088, by 12:00 Noon on the day of the meeting scheduled by the Village authorities in which the speaker would like to participate. Alternatively, speakers may fill out the form at the meeting to sign up for public comment. Each speaker is limited to three (3) minutes. A maximum of thirty (30) minutes shall be allowed for public comment at each meeting.*

5. **APPROVAL OF MINUTES**

[a.](#) Minutes from February 4, 2025

6. **DISCUSSION**

[a.](#) Recommendation on a Text Amendment to the Unified Development Ordinance  
Regarding Body Art Establishments in District No. 3- General Business District

[b.](#) Park Hills Church Variance Request

[c.](#) Proposed UDO Text Amendment – Off-Street Parking Requirements for Churches and  
Schools

7. **NEW BUSINESS**

8. **EXECUTIVE SESSION**

9. **ADJOURNMENT**

Posted: February 26, 2025, at 1:15 p.m. at 108 W. Main Street, Winnebago, IL  
and online at [www.villageofwinnebago.com](http://www.villageofwinnebago.com) Tel 815.335.2020 | Fax 815.415-8491



# VILLAGE OF WINNEBAGO

## ZONING BOARD MEETING MINUTES

Tuesday, February 04, 2025 at 6:00 PM  
108 West Main Street and Virtually

To access meeting from any device: <https://global.gotomeeting.com/join/777725485>

Or by (Toll Free): 1 877 309 2073 | Access Code: 777-725-485

### 1. CALL TO ORDER

The meeting was called to order at 5:58 PM

### 2. ROLL CALL

PRESENT: Michael Booker, Chairman Bill Emmert, Irv Koning, Brian Martin, Riley Pitney

GUESTS: Attorney Mary Gaziano, Village Administrator Joseph Dienberg, Chris Stukenberg, Mike Reinders, Mark Dwall, Lisa Smith, Chandra Cearn, Siri Drogs vold, Deputy Clerk Kellie Symonds. Rich Graham- attending remotely

### 3. DISCLOSURE OF ANY CONFLICT OF INTEREST- No conflict of interest was noted.

### 4. PUBLIC COMMENT- No one requested the opportunity to address the board.

### 5. APPROVAL OF MINUTES

#### a. Public Hearing Minutes from January 14, 2025

Chairman Emmert made the motion to approve the Public Hearing Minutes of January 14, 2025 with corrections, seconded by Mr. Booker. Motion carried on the unanimous voice vote.

#### b. Minutes from January 14, 2025

Chairman Emmert made the motion to approve the minutes of January 14, 2025, with amendments, seconded by Mr. Booker. Motion carried on a unanimous voice vote.

#### c. Minutes of the October 28, 2024 Public Hearing-Correction

Chairman Emmert made the motion to amend the minutes of October 28, 2024, Public Hearing, seconded by Mr. Booker. (The minutes were originally approved on January 14, 2025. Following the meeting and reviewing the recording, it was recommended to revise the minutes for additional clarity on page four and specify the "farmland" surrounding the property of Olson's Funeral Home on page five). Motion carried on a unanimous voice vote.

6. DISCUSSION

a. Tattoo Zoning Use Discussion

Administrator Dienberg provided the requirements as stated by the Illinois Department of Public Health Body Art Code. Administrator Dienberg surveyed the neighboring municipalities that have zoning uses for tattoo establishments. Most of the municipalities have these zoned as Special Use. Administrator Dienberg recommended a Text Amendment to the Unified Development Ordinance (UDO) for a Special Use for the establishment, which would be consistent with and fit with surrounding neighbors if that is the opinion of the Zoning Board. Chairman Emmert explained to the guests in attendance the need for the action of a public hearing for a text amendment to the UDO.

Attorney Gaziano explained to those in attendance the public hearing process and the publication time line. Attorney Gaziano stated the importance for public to have the opportunity give input into the matter. Mr. Booker asked about the Village Board addressing the UDO concerns. Administrator Dienberg stated the anticipated process to address the concerns in the tables of the UDO. Chairman Emmert clarified the process whether the Village Board decides with respect to the tattoo parlor whether it is a permitted use or a special permitted use.

Chairman Emmert made a motion to have a public hearing scheduled for March 4, 2025 at 5:30 PM, concerning the Village's ordinances on tattoo parlors as well as whether there should be a special use or permitted use, seconded by Mr. Booker. Ms. Cearns noted that her previous tattoo shop was zoned as retail and questioned why this process seems so in-depth. Mr. Dienberg explained that the Village's UDO is currently vague and requires clarification. Mr. Pitney questioned what restrictions other local municipalities had placed on this type of business. Administrator Dienberg noted that other municipalities generally had a separate permit application, which Staff is not recommending at this time, and that each permit had its own restrictions, most of which were based on how close to the schools the business is. Ms. Cearns questioned whether the restrictions would follow what the State Health Code Inspector already requires of a tattoo parlor. Mr. Booker requested that any information that Mr. Dienberg has on the requirements made by other municipalities be made available to the Zoning Board as well.

Motion was passed by unanimous voice vote of all those present.

b. Park Hills Church - Variance or Zoning Change

Administrator Dienberg gave an overview of the history with Park Hills Church and their prior requests for expansion. In the review, engineering noticed that the parcel is currently zoned single family, residential which the UDO prohibits a parking lot in the front or side yard of a church. Park Hills was advised to seek a variance and a public hearing.

Chairman Emmert stated his belief that a public hearing is warranted and that they have the right to request a variance, but that he is unsure of whether this is a variance issue or an ordinance issue, given that historically, the Village has allowed schools and churches to be in residential areas. Mr. Booker questioned whether the church is grandfathered in under the ordinance prior to the UDO, to which Attorney Gaziano clarified that if the improvement or enlargement is by 50% or greater, then they would then fall under the UDO.

Conversation ensued regarding whether this issue would be unique to the church, or if future projects may also need a variance, making it so that it would be more productive to do a text amendment, rather than a variance. The question was also raised by Chairman Emmert if a text amendment should quantify how large of a lot is needed for a school or religious institution to be exempt from certain aspects of the UDO.

Mr. Graham noted that given their location of their church, it puts them in a unique position for adding the parking stalls, which is why he is requesting a variance. He also mentioned that because they are a community focused organization, the new lot would then be available for the community to park in for events at the Lighted Diamond.

Mr. Booker recommends scheduling the public hearing and then having the Chairman and Village President meet in the interim to discuss the possibility of changing the ordinance. Attorney Gaziano stated that she and staff would need guidance from the Zoning Board on what the text amendment should say prior to the meeting.

Administrator Dienberg suggested an acre or greater for the size restriction to be in agreeance with the rest of the UDO, for a school or religious institution, and the principle use is not as a dwelling.

Mr. Graham stated his concern that since this project has been in the works since May of 2023 and they had received the appropriate building permit in October of 2024, he would prefer for this project to proceed without being delayed by an ordinance

overhaul, which could drag out the project and delay the contractors that they already had lined up.

Mr. Booker made the motion to hold a public hearing on the variance application on March 4, 2025, at 5:45 PM, seconded by Mr. Martin. Motion carried.

- 7. **NEW BUSINESS –** No discussion
- 8. **EXECUTIVE SESSION-** Not needed
- 9. **ADJOURNMENT**

Motion to adjourn was made by Mr. Booker, seconded by Mr. Koning  
Motion carried. Meeting adjourned at 7:13 PM

UNAPPROVED

Kellie Symonds, Deputy Clerk



# Agenda Item Executive Summary

|           |                                                                                                                                                                  |                       |              |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------|
| Item Name | RECOMMENDATION ON A TEXT AMENDMENT TO<br>THE UNIFIED DEVELOPMENT ORDINANCE<br>REGARDING BODY ART ESTABLISHMENTS IN<br>DISTRICT NO. 3 – GENERAL BUSINESS DISTRICT | Committee or<br>Board | Zoning Board |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------|

## BUDGET IMPACT

|                 |     |           |     |
|-----------------|-----|-----------|-----|
| Amount:         | N/A | Budgeted: | N/A |
| List what fund: | N/A |           |     |

## EXECUTIVE SUMMARY

The Zoning Board is considering a recommendation to the Village Board regarding a **Text Amendment** to the Unified Development Ordinance (UDO) to clarify the zoning classification for **Body Art Establishments**, including tattoo and body piercing businesses, in **District No. 3 – General Business District**.

The proposed amendment would determine whether Body Art Establishments should be designated as a **permitted use** or a **special use**:

1. **Permitted Use (Ordinance 2025-\_\_)** – Allows Body Art Establishments in District No. 3 by right, without requiring a special use permit, while ensuring compliance with Illinois Department of Public Health (IDPH) regulations.
2. **Special Use (Ordinance 2025-\_\_)** – Requires businesses to obtain a special use permit, allowing case-by-case review to assess compatibility with surrounding properties.

This amendment follows discussions from the **February 4, 2025, Zoning Board Meeting**, where staff presented an analysis of neighboring municipalities' zoning practices and the IDPH **Body Art Code (77 Ill. Adm. Code 797)**. The Zoning Board will hold a **public hearing on March 4, 2025**, to gather community feedback before making a formal recommendation to the Village Board.

## ATTACHMENTS (PLEASE LIST)

Draft Ordinance(s), IDPH Body Art Code

## ACTION REQUESTED

- ☐ For Discussion Only  
☐ Resolution  
☒ Ordinance  
☒ Motion:

**MOTION:** I MOVE TO RECOMMEND TO THE VILLAGE BOARD APPROVAL OF A TEXT AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE TO ALLOW BODY ART ESTABLISHMENTS AS A **(PERMITTED/SPECIAL)** USE IN DISTRICT NO. 3 – GENERAL BUSINESS DISTRICT.

Staff: Joseph Dienberg, Village Administrator Date: 3/4/2025

ORDINANCE NO. 2025-\_\_\_\_\_

**AN ORDINANCE AMENDING THE VILLAGE OF WINNEBAGO  
UNIFIED DEVELOPMENT ORDINANCE TO ALLOW BODY ART  
ESTABLISHMENTS AS A PERMITTED USE IN DISTRICT NO. 3 –  
GENERAL BUSINESS DISTRICT**

WHEREAS, the Village of Winnebago (the "Village") has adopted a Unified Development Ordinance ("UDO") to regulate land use and development within its jurisdiction; and

WHEREAS, the Village recognizes the growing demand for **Body Art Establishments** and seeks to provide clear guidelines for their operation in designated zoning districts; and

WHEREAS, the Village has determined that **Body Art Establishments** should be allowed as a **permitted use** within **District No. 3 – General Business District**, subject to compliance with applicable state and local health regulations; and

WHEREAS, the **Illinois Department of Public Health (IDPH)** strictly regulates **Body Art Establishments** under **77 Ill. Adm. Code 797**, requiring licensing, sanitation, sterilization, and other operational safeguards that ensure public health and safety; and

WHEREAS, the **Zoning Board** has reviewed these state requirements and determined that they provide sufficient oversight, making a **permitted use** designation appropriate within **District No. 3 – General Business District** rather than requiring additional Village review through a special use permit; and

WHEREAS, the Village desires to ensure that all **Body Art Establishments** operating within its jurisdiction comply with the **Illinois Department of Public Health’s Body Art Code (77 Ill. Adm. Code 797)** and obtain all required state registrations and licenses.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Winnebago, Illinois, as follows:

**SECTION I: AMENDMENT TO ARTICLE 6 OF THE UNIFIED DEVELOPMENT  
ORDINANCE**

Article 6 of the Unified Development Ordinance is hereby amended as follows:

1. **Body Art Establishment** shall be added as a **permitted use** in **District No. 3 – General Business District**, and with the necessary updates to reflect such in **Table 6.2: Land Use**.
2. The following definition shall be added to **Article 3 (Definitions)** of the UDO:

**Body Art Establishment:** A business or facility that provides body piercing, tattooing, branding, scarification, or other forms of physical body adornment, as defined and regulated by the **Illinois Department of Public Health under 77 Ill. Adm. Code 797.**

## **SECTION II: COMPLIANCE REQUIREMENTS**

All Body Art Establishments shall comply with the following conditions:

1. The business must maintain a **valid Certificate of Registration** from the **Illinois Department of Public Health.**
2. The establishment must comply with all sterilization, sanitation, and operational requirements in **77 Ill. Adm. Code 797.**
3. The business must adhere to all applicable **Village ordinances regarding signage, parking, and hours of operation.**

## **SECTION III: SEVERABILITY**

If any section, paragraph, clause, or provision of this Ordinance is held invalid or unenforceable for any reason, the remaining provisions shall not be affected and shall remain in full force and effect.

## **SECTION IV: EFFECTIVE DATE**

This Ordinance shall take effect upon its passage, approval, and publication as required by law.

**APPROVED BY:** \_\_\_\_\_

Franklin J. Eubank, Jr., President of the Board  
of Trustees of the Village of Winnebago, Illinois

**ATTEST:**

\_\_\_\_\_  
Sally Jo Huggins, Village Clerk

**PASSED:** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_

**PUBLISHED IN  
PAMPHLET FORM:** \_\_\_\_\_

ORDINANCE NO. 2025-\_\_\_\_\_

**AN ORDINANCE AMENDING THE VILLAGE OF WINNEBAGO  
UNIFIED DEVELOPMENT ORDINANCE TO ALLOW BODY ART  
ESTABLISHMENTS AS A SPECIAL USE IN DISTRICT NO. 3 –  
GENERAL BUSINESS DISTRICT**

**WHEREAS**, the Village of Winnebago (the "Village") has adopted a Unified Development Ordinance ("UDO") to regulate land use and development within its jurisdiction; and

**WHEREAS**, the Village recognizes the need to establish appropriate zoning regulations for **Body Art Establishments**, including tattoo and body piercing businesses, to balance economic development with public health, safety, and welfare; and

**WHEREAS**, the Village has determined that **Body Art Establishments** should be allowed as a **special use** within **District No. 3 – General Business District** to allow case-by-case review of individual applications for compatibility with surrounding uses; and

**WHEREAS**, the Village desires to ensure that all Body Art Establishments operating within its jurisdiction comply with the **Illinois Department of Public Health’s Body Art Code (77 Ill. Adm. Code 797)** and obtain all required state registrations and licenses.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Winnebago, Illinois, as follows:

**SECTION I: AMENDMENT TO ARTICLE 6 OF THE UNIFIED DEVELOPMENT  
ORDINANCE**

Article 6 of the Unified Development Ordinance is hereby amended as follows:

1. **Body Art Establishment** shall be added to the list of **special uses** in **District No. 3 – General Business District**, and with the necessary updates to reflect such in **Table 6.2: Land Use**.
2. The following definition shall be added to **Article 3 (Definitions)** of the UDO:

**Body Art Establishment:** A business or facility that provides body piercing, tattooing, branding, scarification, or other forms of physical body adornment, as defined and regulated by the **Illinois Department of Public Health under 77 Ill. Adm. Code 797**.

## **SECTION II: SPECIAL USE PERMIT REQUIREMENTS**

All Body Art Establishments shall require a **Special Use Permit** and be subject to the following conditions:

1. The applicant must provide proof of a valid **Illinois Department of Public Health Certificate of Registration** for a Body Art Establishment.
2. The applicant must comply with all **sterilization, sanitation, and operational requirements** set forth in **77 Ill. Adm. Code 797**.
3. Applications for a Special Use Permit will be reviewed on a case-by-case basis to assess compatibility with surrounding properties.
4. The business must comply with all **signage, parking, and hours of operation restrictions** as determined by the Village.

## **SECTION III: SEVERABILITY**

If any section, paragraph, clause, or provision of this Ordinance is held invalid or unenforceable for any reason, the remaining provisions shall not be affected and shall remain in full force and effect.

## **SECTION IV: EFFECTIVE DATE**

This Ordinance shall take effect upon its passage, approval, and publication as required by law.

**APPROVED BY:** \_\_\_\_\_

Franklin J. Eubank, Jr., President of the Board  
of Trustees of the Village of Winnebago, Illinois

**ATTEST:**

\_\_\_\_\_  
Sally Jo Huggins, Village Clerk

**PASSED:** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_

**PUBLISHED IN  
PAMPHLET FORM:** \_\_\_\_\_

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER m: FOOD DRUGS AND COSMETICS

PART 797 BODY ART CODE

- Section 797.100 Definitions
- Section 797.200 Incorporated and Referenced Materials
- Section 797.300 General Requirements
- Section 797.400 Operational Requirements
- Section 797.500 Exemptions
- Section 797.600 Public Notification Requirements
- Section 797.700 Disclosure of Pre-existing Conditions
- Section 797.800 Preparation and Care of the Body Art Area
- Section 797.900 Disinfection and Sterilization Procedures
- Section 797.1000 Requirements for Single-Use Items
- Section 797.1100 Requirements for Premises
- Section 797.1200 Establishment Certificate of Registration Requirements
- Section 797.1300 Body Artist Proficiency Requirements
- Section 797.1400 Temporary Certificate of Registration Requirements
- Section 797.1500 Enforcement
- Section 797.1600 Procedures for Suspension, Revocation, or Refusal to Issue a Certificate of Registration
- Section 797.1700 Violations and Fines
- Section 797.1750 Administrative Hearings

AUTHORITY: Implementing and authorized by the Tattoo and Body Piercing Establishment Registration Act [410 ILCS 54].

SOURCE: Adopted at 33 Ill. Reg. 246, effective December 26, 2008.

Section 797.100 Definitions

The following shall be the accepted definitions of the terms used in this Part:

"Act" means Tattoo and Body Piercing Establishment Registration Act [410 ILCS 54].

"Aftercare" means oral and written instructions given to the client, specific to the body art procedures rendered, about caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.

"Antiseptic" means an agent that reduces disease-causing microorganisms on human skin or mucosa.

"Apprentice" means an individual who works under the supervision of a body artist and performs body art activities.

"Autoclave" means an apparatus that is registered and listed with the federal Food and Drug Administration for sterilizing articles by using superheated steam under pressure.

"Body Art" means the practice of physical body adornment, including, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding and scarification.

This definition does not include practices that are considered medical procedures by the State Medical Board, such as implants under the skin, which shall not be performed in a body art establishment. Nor does this definition include piercing of the non-cartilaginous portion or lobe of the ear with pre-sterilized single-use stud-and-clasp ear-piercing systems.

Section 6. Item #a.

"Body Artist" means a person who conducts or practices body art activities and/or procedures.

"Body Art Establishment" or *"Establishment"* means a body-piercing operation, a tattooing operation, body modification establishment or a combination of all operations in a multiple-type establishment, whether public or private, temporary or permanent in nature or location, profit or not for profit. (Section 10 of the Act)

*"Body Piercing"* means penetrating the skin to make a hole, mark, or scar that is generally permanent in nature, including, but not limited to, micro-dermal anchors, acts of suspension and sub-dermal/trans-dermal implants. *"Body piercing"* does not include practices that are considered medical procedures or the puncturing of the non-cartilaginous portion or lobe of the ear using a pre-sterilized, single-use stud-and-clasp ear piercing system. (Section 10 of the Act)

"Certificate of Registration" means written permission by the Department to operate a body art establishment. Approval is given in accordance with this Part and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising the jurisdiction.

"Change of Ownership" means any of the following:

In the case of a body art establishment owned by a corporation, the transfer of the facility by the corporation to another corporation, to a partnership or association, or to a natural person. Transfer of stock in a corporation does not constitute change of ownership.

In the case of a body art establishment owned by a partnership or association, the transfer of the facility by the partnership or association to another partnership or association, to a corporation, or to a natural person. Transfer of interest in the partnership or association or substitution of any or all partners or members of the association does not constitute change of ownership.

In the case of a body art establishment owned by a natural person, the transfer of the facility to any corporation, partnership, association or other natural person, whether or not the owner retains any interest in the facility.

"Clean" or "Cleaning" means the removal of foreign materials from objects, normally accomplished with detergent, water and mechanical action.

*"Client"* means the person, customer, or patron whose skin will be tattooed, modified or pierced. (Section 10 of the Act)

"Cosmetic Tattooing" (see "Tattooing").

"Dentist" means a person licensed to practice dentistry in this State pursuant to the Illinois Dental Practice Act [225 ILCS 25].

"Department" means the Illinois Department of Public Health or its designated agent.

*"Director"* means the Director of Public Health or his or her designee. (Section 10 of the Act)

"Disclosure Warning Statement" means a sign or poster that is provided by the Department and advises the public of the potential health risks of body art services.

Section 6. Item #a.

"Disinfect" or "Disinfection" means a process that provides an effective concentration of a United States Environmental Protection Agency registered chemical for enough contact time as specified by the manufacturer to reduce bacterial count, including pathogens, to a safe level (when disease organisms that may be present are destroyed so as to prevent transfer) on equipment surfaces and in toilet and hand-washing facilities.

"Ear Piercing" means the puncturing of the non-cartilaginous portion or lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system, following manufacturer's instructions. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the non-cartilaginous portion and lobe of the ear.

"Equipment" means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the procedures of body art.

"Good Hygienic Practices" means practices conducive to maintaining health and preventing disease, especially through cleanliness. Good hygienic practices include, but are not limited to, restrictions on eating, drinking and the use of tobacco products in the establishment; maintaining a high degree of personal cleanliness; hand washing and proper hand washing techniques; use of single-use disposable gloves; preventing employees from contaminating work surfaces; and availability of hand washing facilities and supplies.

"Hand-Washing Sink" means a sink equipped with hot and cold running water under pressure, tempered by means of a mixing valve or combination faucet, activated by wrist blade or knee control or other hands-free means, used solely for washing hands, arms and other portions of the body.

"Hot Water" means water that attains and maintains the temperature of not less than 120 degrees F.

"Imminent Health Hazard" means any hazard to the public health when the evidence shows that a product or practice creates or may create a public health situation, including, but not limited to, a lack of water or electricity, lack of sterilization, infections that are epidemiologically associated with a body art establishment, or the occurrence of a single case of a life-threatening illness that is epidemiologically associated with a body art establishment.

"Instruments Used for Body Art" means hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to body fluids during body art procedures.

"Invasive" means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.

"Jewelry" means any personal ornament inserted into a pierced area. The ornament shall be free of nicks, scratches or irregular surfaces and must have been properly sterilized prior to use.

"Mobile Body Art Establishment" or "Mobile Body Art Unit" means a mobile establishment or unit that is self-propelled or otherwise movable from place to place and is self-sufficient for utilities such as gas, water, electricity and liquid waste disposal.

*"Operator" means an individual, partnership, corporation, association, or other entity engaged in the business of owning, managing, or offering services of body art. (Section 10 of the Act)*

Section 6. Item #a.

"Person" means any individual, corporation, partnership, firm, association, society, trust, estate, public or private institution, group, agency, political subdivision of this State, any other state or political subdivision or agency of that state, and any legal successor, representative, agent or agency of a person.

"Physician" means a person licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine in all of its branches.

"Potable Water" means water that is safe for human consumption and meets the water quality standards of the Primary Drinking Water Standards (35 Ill. Adm. Code 611).

"Procedure Surface" means any surface of a work area, including, but not limited to, the procedure chair that comes into contact with the client's body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area that may require disinfecting.

"Regulated Waste" means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 CFR 1910.1030 (Bloodborne Pathogens).

"Scarification" means to create a design on the skin by means of shallow cuts or skin removal that are sometimes rubbed with a colorant or irritant to enhance the resulting scar tissue.

"Sharps" means any objects (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa, including, but not limited to, pre-sterilized single-use needles, scalpel blades, and razor blades.

"Sharps Disposal Container" means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and that is labeled with the international biohazard symbol.

"Single Use" means products or items that are intended for one-time, one-person use and are disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, tattoo needles, scalpel blades, stencils, ink cups and protective gloves.

"Standard Precautions" means infection prevention and control measures that apply to all clients regardless of condition or presumed infection status (see 77 Ill. Adm. Code 690.1010(a)(1)).

"Sterile" means free of all living organisms, including spores.

"Sterilization" means the use of a physical or chemical process to destroy all living organisms, including spores.

"Sterilization Packaging" means packaging materials, including, but not limited to, bags, packs, pouches or tubing designed for steam sterilization use. The sterilization packaging shall allow penetration of steam to allow sterilization and to maintain the sterility of the item after sterilization.

"Sterilize" means to destroy all living organisms including spores. (Section 10 of the Act)

"Sterilizer" means equipment used to sterilize body art devices, equipment and supplies by direct exposure to a selected sterilization agent validated by a sterile indicator strip.

"Tattooing" means any method of placing ink or other pigment into the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

"Tempered Water" means water ranging in temperature from 85 degrees F to, but not including, 120 degrees F.

"Temporary Body Art Establishment" means any place or premise operating for educational, trade show or product demonstration purposes at a fixed location where a body artist/apprentice performs body art procedures for no more than 14 days consecutively in conjunction with a single event or celebration.

"Temporary Certificate of Registration" means a certificate of registration issued by the Department *for educational, trade show, or product demonstration purposes only. The temporary certificate of registration shall be valid for a maximum of 14 calendar days.* (Section 20 of the Act)

"Ultrasonic Unit" means a unit used for cleaning soiled and/or used instruments before they are sterilized, using the emission of high frequency sound waves.

"Violation" means a finding of violation of a Section of the Act or this Part by a court of competent jurisdiction in this State, or by the Director in a Final Order issued pursuant to the Act, or by a notice of warning issued in accordance with this Part.

"Work Station" means an area where body art procedures are performed.

## **Section 797.200 Incorporated and Referenced Materials**

- a) The following materials are incorporated or referenced in this Part:
  - 1) Illinois Statutes and Administrative Rules:
    - A) Criminal Code of 1961 [720 ILCS 5]
    - B) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
    - C) Illinois Plumbing Code (77 Ill. Adm. Code 890)
    - D) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
    - E) Electrologist Licensing Act [225 ILCS 412]
    - F) Acupuncture Practice Act [225 ILCS 2]
    - G) Administrative Review Law [735 ILCS 5/Art. III]
    - H) Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

- I) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)
- J) Drinking Water Systems Code (77 Ill. Adm. Code 900)
- K) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
- L) Illinois Water Well Construction Code (77 Ill. Adm. Code 920)
- 2) Federal Regulations:
  - Bloodborne Pathogens, Occupational Safety and Health Administration (OSHA), 29 CFR 1910.1030(g)(2) (July 2005)
- 3) Federal Guidelines:
  - A) Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public-Safety Workers, in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6
  - B) Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures, in MMWR, July 12, 1991, Vol. 40, No. RR-8
- b) All incorporations by reference of federal regulations and guidelines refer to the materials on the date specified and do not include any amendments or editions subsequent to the date specified.
- c) Copies of all incorporated materials are available for inspection and copying by the public at the Department's Central Office, Division of Food, Drugs, and Dairies, 525 West Jefferson Street, Springfield, Illinois 62761.

### **Section 797.300 General Requirements**

The following information shall be kept on file on the premises of a body art establishment and shall be available for inspection by the Department:

- a) Body Artist/Apprentice information
  - 1) Full names and exact duties;
  - 2) Date of birth;
  - 3) Home address;
  - 4) Home and work telephone numbers;
  - 5) Identification photographs;
  - 6) Current places of employment;
  - 7) Training documentation/certificates; and
  - 8) Proof of completion of a bloodborne pathogen training program compliant with Bloodborne Pathogens, OSHA, 29 CFR 1910.1030.

## b) Establishment Information

- 1) Name of Establishment;
- 2) Hours of Operation;
- 3) Owner's name and home address;
- 4) A copy of the operation procedure (see Section 797.300(c));
- 5) Owner's telephone numbers; and
- 6) A complete description of all body art procedures performed.

## c) Emergency Procedures Information

The owner or operator of a body art establishment shall prepare, maintain and implement an operation procedure that meets the following requirements:

- 1) The operation procedure shall provide for response to the occurrence of any sudden, serious and unexpected sickness or injury that would lead a reasonable person, possessing an average knowledge of health, to believe that the sick or injured person requires urgent or unscheduled medical care.
- 2) The operation procedure shall include a method to address emergency situations, including, but not limited to, adverse reactions, anaphylactic reactions, and accidental needle sticks.
- 3) The operation procedure shall include procedures to be used when blood, plasma, serum or body fluids, such as semen, saliva, breast milk, vaginal secretions and any fluid contaminated with blood, are exposed to:
  - A) mucous membranes, including eye, mouth or other mucous membranes;
  - B) broken or non-intact skin;
  - C) abraded or irritated skin; or
  - D) skin surfaces that are otherwise compromised.
- 4) The operation procedure shall describe methods for obtaining appropriate medical care in the event of such an exposure and designate personnel to be notified in the event of an emergency.
- 5) The operation procedure must be maintained in the body art establishment in a location accessible to all employees.

## c) The establishment shall also keep on file a copy of this Part.

**Section 797.400 Operational Requirements**

- a) It shall be unlawful for any person to perform body art procedures unless such procedures are performed in a body art establishment with a current certificate of registration.

- b) A body artist/apprentice shall be a minimum of 18 years of age.
- c) Eating or drinking by anyone other than a client is prohibited in the area where body art is performed.
- d) Smoking is prohibited in the body art establishment.
- e) *Body art procedures must not be performed, without medical clearance, on skin surfaces where sunburn, rash, acne, infection, open lesions, or other questionable skin lesions exist and must not be performed on any person who is impaired by drugs or alcohol.* (Section 27 of Act) Medical clearance must be in the form of a written and signed statement by a physician.
- f) The body artists/apprentice shall maintain a high degree of personal cleanliness, conform to good hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, body artists/apprentices shall thoroughly wash their hands for a minimum of 20 seconds in tempered running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
- g) In performing body art procedures, the body artist/apprentice shall wear single-use medical grade gloves. Gloves shall be changed if they become contaminated by contact with any non-clean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed before the next pair of gloves is donned. Under no circumstances shall a single pair of gloves be used on more than one person. The use of single-use, medical grade gloves does not preclude or substitute for hand-washing procedures as part of a good personal hygiene program.
- h) If, while performing a body art procedure, the body artist's/apprentice's glove is pierced, torn or otherwise compromised, the procedure in subsection (f) shall be repeated immediately. The contaminated gloves shall be immediately discarded, and the hands washed thoroughly (see subsection (e)) before a fresh pair of gloves is applied. Any item or instrument used for body art that is contaminated during the procedure shall be replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- i) Regulated waste that may release liquid blood or body fluids when compressed, or may release dried blood or body fluids when handled, shall be placed in an approved bag marked with the international biohazard symbol. The regulated waste shall then be disposed of in compliance with 29 CFR 1910.1030. Sharps ready for disposal shall be disposed of in approved sharps disposal containers. Storage of regulated waste on site shall comply with the regulations in 29 CFR 1910.1030, and storage of regulated waste awaiting pick-up shall not exceed 30 days.
- j) Waste that does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal disposal methods.
- k) No person shall perform any tattoo procedure upon a person under the age of 18 years that is prohibited by Sections 12-10 through 12-10.2(c) of the Criminal Code of 1961. Age verification shall be obtained by government issued identification containing a birth date and photograph. In any procedure other than tattooing, the parent or legal guardian shall sign a consent form in the presence of an operator/body artist. The consent form shall indicate that the parent or legal guardian has read and understood the disclosure warning statement required under Section 797.600(c).
- l) Before the oral cavity of a person under 18 years of age may be pierced, the written consent form signed by the parent or legal guardian must contain a provision in substantially the following

*I understand that the oral piercing of the tongue, lips, cheeks, or any other area of the oral cavity carries serious risk of infection or damage to the mouth and teeth, or both infection and damage to those areas, that could result in but is not limited to nerve damage, numbness, and life threatening blood clots. (Section 12-10.1 of the Criminal Code of 1961)*

- m) Any skin or mucosal surface that is to receive a body art procedure shall be free of rash, irritation or any visible infection.
- n) No body artist/apprentice affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection, possibly manifested by fever, chills and/or a chronic productive cough, shall work in any area of a body art establishment in any capacity in which that person could contaminate body art equipment, supplies or working surfaces with body substances or pathogenic organisms.
- o) Any body artist can refuse service to any individual, at any time, and for any reason.

### **Section 797.500 Exemptions**

The following practices, occupations and persons are exempted from this Part:

- a) *The practice of electrology as defined in the Electrologist Licensing Act [225 ILCS 412] (Section 10 of the Act);*
- b) *The practice of acupuncture as defined in the Acupuncture Practice Act [225 ILCS 2]) (Section 10 of the Act);*
- c) *The use, by a physician licensed to practice medicine in all its branches, of colors, dyes, or pigments for the purpose of obscuring scar tissue or imparting color to the skin for cosmetic, medical, or figurative purposes (Section 10 of the Act); and*
- d) Individuals who pierce only the non-cartilaginous portion or lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system.

### **Section 797.600 Public Notification Requirements**

- a) Written public education materials, provided by the Department, shall be offered and explained to all clients prior to receiving body art procedures.
- b) Verbal and written instructions for the aftercare of the body art shall be provided to each client.
- c) The written public education materials shall advise the client to consult a physician or dentist as appropriate at the first sign of infection. The written public education materials shall also contain the name, address and phone number of the establishment. These documents shall be signed and dated by both parties, with a copy given to the client, and the operator shall retain the original with all other required records for a period of no less than one year. In addition, all establishments shall prominently display a disclosure warning poster, provided by the Department, that advises the public of the potential health risks of body art services.
- d) The operator and/or body artist shall report in writing to the Department all infections or diseases, resulting from a body art procedure, that required medical attention. The written report shall be

sent to the Department by mail or facsimile within 24 hours after receiving a report attention was required. The report shall include:

Section 6. Item #a.

- 1) The name, address and phone number of the affected individual;
- 2) The date of the body art procedure;
- 3) Identification of the body artist/apprentice who performed the service;
- 4) The name, address and certificate of registration number of the body art establishment involved;
- 5) The anatomical location, condition and description of the affected site;
- 6) The name, address and phone number of the affected individual's health care provider;
- 7) The date that medical attention was sought; and
- 8) Any other information considered relevant to the situation.

#### **Section 797.700 Disclosure of Pre-existing Conditions**

The body artist/apprentice shall request information from all clients as follows:

"To ensure that your body art procedure heals properly, we ask that you disclose if you have or have had any of the following conditions. Disclosure does not prevent you from having a body art procedure.

- a) Diabetes;
- b) History of hemophilia (bleeding);
- c) History of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;
- d) History of allergies or adverse reactions to pigments, dyes or other skin sensitivities such as, but not limited to, latex;
- e) History of epilepsy, seizures, fainting or narcolepsy;
- f) Medications used, such as anticoagulants that thin the blood and/or interfere with blood clotting;
- g) Human immunodeficiency virus (HIV);
- h) Hepatitis;
- i) Any other information that would aid us in evaluating your body art healing process."

#### **Section 797.800 Preparation and Care of the Body Art Area**

- a) Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding the location of the body art procedure shall be washed with liquid soap and water or a skin antiseptic. If shaving is necessary, single-use disposable razors shall be used. Following shaving, the skin and surrounding area shall be washed with liquid soap and water or a skin antiseptic. The single-use disposable razor and washing pad shall be discarded after a single use.

- b) If bleeding occurs, all products used to check the flow of blood or to absorb blood use and shall be disposed of immediately after use in appropriate covered containers. (See definition of "regulated waste" in Section 797.100.)

Section 6. Item #a.

## Section 797.900 Disinfection and Sterilization Procedures

- a) All non-disposable instruments used for body art shall be cleaned after each use by scrubbing with an appropriate soap or disinfectant solution and hot water, or by following the manufacturer's instructions, to remove blood and tissue residue, and shall then be placed in an ultrasonic unit operated in accordance with manufacturer's instructions.
- b) After cleaning, all non-disposable instruments used for body art shall be packed individually in sterilization packaging and subsequently sterilized (see subsection (c)). All sterilization packaging shall contain either a sterilization indicator or internal temperature indicator. Sterilization packaging shall be dated with an expiration date not to exceed six months or in accordance with manufacturer's instructions. If sterilization packaging is compromised or expired, the instrument shall be removed, repackaged and re-sterilized.
- c) All cleaned non-disposable instruments used for body art shall be sterilized in an autoclave that meets the criteria specified in subsection (i). The autoclave shall be used, cleaned and maintained according to manufacturer's instruction. The operator shall retain on-site a copy of the manufacturer's recommended procedures for the operation of the sterilization unit and a daily temperature log for each day's use. If the body art establishment uses only single-use disposable instruments and products, and uses sterile single-use needles and tubes, an autoclave shall not be required.
- d) After sterilization, the instruments used for body art procedures shall be stored in a dry, clean cabinet or tightly covered container reserved for the storage of such instruments.
- e) All instruments shall remain stored in sterile packages until just prior to the performance of a body art procedure. When assembling instruments used for body art procedures, the operator shall wear single-use disposable medical grade gloves and use aseptic techniques to ensure that the instruments and the gloves are not contaminated.
- f) All inks, pigments, needles and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions. Single-use needles, specifically manufactured for body art, may be purchased and used to construct a needle bar by the body artist.
- g) Pigment shall be reconstituted using only distilled or sterile water or a glycerin product.
- h) Immediately before a tattoo is applied, the quantity of the ink to be used shall be transferred from the ink bottle and placed into single-use containers. Upon completion of the tattoo, these single-use containers and their contents shall be discarded.
- i) Each certificate of registration holder shall demonstrate, by monthly spore destruction tests, that the autoclave used is capable of attaining sterilization. These tests shall be verified through an independent laboratory. Test records shall be retained on-site by the operator for a period of one year.

## Section 797.1000 Requirements for Single-Use Items

- a) Single-use items shall not be used on more than one client for any reason. After use, all single-use needles, razors and other sharps shall be immediately disposed of in approved sharps disposal

containers.

- b) All products applied to the skin, including body art stencils, shall be single-use and disposable. Petroleum jellies, soaps and other products used in the application of stencils shall be dispensed and applied to the area to be tattooed with gauze or in a manner to prevent contamination of the original container and its contents.
- c) Single-use items must be stored in a clean, covered location, in a manner to prevent any contamination.

#### **Section 797.1100 Requirements for Premises**

- a) All walls, floors and procedure surfaces of a body art establishment shall be smooth, free of open holes and cracks, and washable. Walls, floors and ceilings shall be in good repair and maintained in a clean condition. All procedure surfaces, including client chair/benches, shall be of such construction as to be easily cleaned and disinfected after each client. All procedure surfaces shall be cleaned and disinfected after each procedure. The body art establishment shall be maintained in a clean and sanitary condition at all times.
- b) All body art establishments shall be completely separated, by solid partitions or by walls extending from floor to ceiling, from any room used for human habitation, any food establishment or room where food is prepared, any hair salon, or any other such activity that may cause potential contamination of work surfaces.
- c) Effective measures shall be taken by the operator/body artist/apprentice to protect against the presence of insects, vermin and rodents in the establishment. Exterior doors shall be self-closing and tight fitting. If windows open, they shall have tight-fitting screens.
- d) Each body art establishment shall have an area that may be screened from public view for clients requesting privacy. Dividers, curtains or partitions, at a minimum, shall be available to separate multiple work stations.
- e) The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles.
- f) No animals of any kind shall be allowed in a body art establishment, except service animals used by persons with disabilities. Fish aquariums shall be allowed in waiting rooms and non-procedural areas.
- g) A separate hand-washing sink (see Section 797.100) shall be readily accessible to the operators within the body art establishment. The hand sink shall be supplied with liquid soap and disposable paper towels. One hand sink shall serve no more than six stations.
- h) Each body art establishment shall have a minimum of one hand-washing sink, excluding any service sinks, and one toilet facility. The toilet facility shall be equipped with a hand-washing sink, as well as liquid soap and paper towels in dispensers. Toilet facilities shall have tight fitting, self-closing doors. Such doors shall not be left open except during cleaning or maintenance. A supply of toilet tissue shall be provided at each toilet at all times. Toilet facilities shall also be equipped with mechanical ventilation to the outside air.
- i) At least one covered waste receptacle shall be provided at each work station, lavatory facility, and toilet facility. Receptacles in the work station shall be emptied daily, and solid waste shall be removed from the premises at least weekly. All refuse containers shall be cleanable, and kept clean. Waste receptacles shall be kept uncovered during use and covered while not in use.

- j) All instruments and supplies shall be stored in clean, dry, covered containers. The only contaminated equipment, including the autoclave and ultrasonic units, along with cleaning supplies and cleaning equipment, shall be stored in an area separate from the procedure area. This area shall not be publicly accessible.
- k) If reusable cloth items are used, they shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.
- l) In addition to complying with all of the requirements of this Part, mobile body art vehicles and body artists/apprentices working from a mobile body art establishment shall also comply with the following requirements:
  - 1) Body art shall be performed only from an enclosed vehicle such as a trailer or mobile home. No body art procedures shall be performed outside of the enclosed vehicle.
  - 2) Potable water shall be maintained for the mobile body art establishment at all times during operation.
  - 3) All liquid wastes shall be stored in a storage tank with a capacity at least 50 percent greater than the capacity of the on-board potable water supply. Liquid wastes shall be disposed of in accordance with State and federal laws.
  - 4) A toilet facility, equipped with a hand sink, shall be available within the mobile body art establishment. The hand sink shall be supplied with hot and cold running water, under pressure, to a mixing-type faucet, as well as liquid soap and paper towels in dispensers. Toilet facilities shall have tight fitting, self-closing doors. The doors shall not be left open except during cleaning or maintenance. A supply of toilet tissue shall be provided at each toilet at all times. Toilet facilities shall also be equipped with mechanical ventilation to the outside air.

### **Section 797.1200 Establishment Certificate of Registration Requirements**

- a) The operator of a body art establishment shall maintain a current certificate of registration from the Department, to be renewed annually. The owner shall file an application with the Department using an application provided by the Department and shall include all of the following information:
  - 1) *The applicant's name, address, telephone number, and age.* To qualify for the certificate of registration, the applicant shall be *at least 18 years of age*;
  - 2) *The name, address, and phone number of the establishment;*
  - 3) *The type and year of manufacture of equipment proposed to be used for body art, if available;*
  - 4) A floor plan of the premises, showing the location of required facilities and work stations;
  - 5) *The sterilization and operational procedures to be used by the establishment (Section 15 of the Act);*
  - 6) The total number of work stations located in the establishment. This number shall include all work stations, whether utilized or not.

- b) With each annual certificate of registration application, the applicant shall submit a refundable fee. The \$500 non-refundable fee shall satisfy the cost of the certificate of registration and the registration of one work station. For each additional work station located in the facility, applicants shall submit, at the time of application, an additional \$50 non-refundable fee. Section 6. Item #a.
- c) Any attempt to obtain a certificate of registration by means of fraud, misrepresentation or concealment is prohibited.
- d) *The certificate of registration issued by the Department shall be conspicuously displayed within the sight of clients upon entering the establishment.*
- e) *Registration is valid for a single location and only for the operator named on the certificate. Registration is not transferable. (Section 35 of Act)*
- f) *In the event of a change of ownership, the new owner must apply for a certificate of registration prior to the opening of the property. (Section 40 of Act)*

### **Section 797.1300 Body Artist Proficiency Requirements**

- a) The operator shall hire only body artists who have complied with the body artist proficiency requirements of this Part.
- b) No person shall conduct body art procedures without first demonstrating proficiency and knowledge of this Part.
- c) The operator shall determine that each body artist possesses knowledge of the following subjects:
- 1) Anatomy;
  - 2) Infectious disease control, including waste disposal, hand-washing techniques, sterilization equipment operation and methods, and sanitization/disinfection/sterilization methods and techniques; and
  - 3) Skin diseases, disorders and conditions (including diabetes).
- d) Body artists/apprentices shall maintain documentation of completion of "Bloodborne Pathogen Training", as required by OSHA (29 CFR 1910.1030) at the body art establishment.
- e) A list of all body artists who have complied with this Section and all other provisions of this Part shall be posted in a prominent and conspicuous area of the establishment.

### **Section 797.1400 Temporary Certificate of Registration Requirements**

- a) *A temporary certificate of registration may be issued by the Department for educational, trade show or product demonstration purposes that include body art procedures. The temporary certificate of registration shall be valid for a maximum of 14 consecutive calendar days. (Section 20 of Act)*
- b) The establishment shall be contained in a completely enclosed non-mobile facility (e.g., inside a permanent building).
- c) An operator who wishes to obtain a temporary certificate of registration for his or her establishment/booth shall submit a temporary certificate of registration application for review by the Department at least 30 days prior to the event. The application shall specify:

- 1) Inclusive dates during which the temporary certificate of registration is needed (not to exceed 14 consecutive calendar days per event), without reapplication;
  - 2) Compliance with body artist proficiency requirements as specified in Section 797.1300;
  - 3) The address where the temporary certificate of registration will be used.
- d) A temporary certificate of registration shall not be issued unless the applicant has paid a non-refundable fee of \$250.
  - e) A temporary certificate of registration shall not be transferable from one place or person to another.
  - f) Compliance with all of the requirements of this Part includes, but is not limited to, the following:
    - 1) Conveniently located hand-washing sink with liquid soap, paper towels and hot and cold water under adequate pressure shall be provided. Drainage in accordance with local plumbing codes is to be provided. Alcohol-based single-use hand wipes shall be available in each work station to augment the hand-washing requirements of this Section;
    - 2) There shall be at least 20 foot candles of light at the level where the body art procedure is being performed; and
    - 3) The establishment shall provide a sterilizer in compliance with this Part, on which a spore test has been performed 30 or fewer days prior to the date of the event, or use only single-use prepackaged sterilized equipment.
  - g) A temporary certificate of registration issued by the Department is required prior to the performance of any body art procedures.
  - h) Body art procedures shall not be performed before the Department has inspected the location identified on the temporary certificate of registration application.
  - i) If the holder of a temporary certificate of registration fails to comply with the requirements of the Act or this Part, the Department shall suspend the temporary certificate of registration.
  - j) The temporary certificate of registration and the disclosure warning poster (see Section 797.600(c)) provided by the Department shall be prominently posted.

### **Section 797.1500 Enforcement**

- a) The Department shall inspect any establishment, mobile body art establishment/unit, or any other place that it believes is required to apply for a certification of registration under the Act and this Part, as often as necessary to ensure compliance with this Part. The initial inspection of a mobile body art establishment shall take place at a location identified by the Department. Additional inspections may be performed at any event where the mobile body art establishment is scheduled to operate.
- b) If the Department is denied access to any establishment, mobile body art establishment/unit, or any other place that it believes is required to apply for certification of registration under the Act and this Part, the Department shall request intervention of local, county or State law enforcement agencies to seek a court order or warrant to investigate and enter the establishment, mobile body art establishment/unit, or any other place. Any person or entity preventing the Department from

carrying out its duties under the Act or this Part shall be guilty of a violation of the Act and shall be subject to penalties.

Section 6. Item #a.

- c) If the Department suspects that a communicable disease is or may be transmitted by an operator/apprentice, by use of unapproved or malfunctioning equipment, or by unsanitary or unsafe conditions and practices or other imminent health hazard that may adversely affect the health of the public, upon written notice to the owner or operator, the Department shall do any or all of the following:
  - 1) Issue an order excluding any or all operators/apprentices from the body art establishment who are responsible, or appear to be responsible, for the transmission of a communicable disease until the Department determines there is no further risk to public health;
  - 2) Issue an order to immediately suspend the certificate of registration of the establishment until the Department determines that there is no further risk to the public health. The order shall state the cause for the action.

### **Section 797.1600 Procedures for Suspension, Revocation, or Refusal to Issue a Certificate of Registration**

*A certificate of registration may be denied, suspended, or revoked, or the renewal of a certificate of registration may be denied, for any of the following reasons:*

- a) Any single violation of the Act or this Part;
- b) *Conviction of an applicant or registrant of an offense arising from false, fraudulent, deceptive or misleading advertising. The record of conviction or a certified copy shall be conclusive evidence of the conviction;*
- c) *Revocation of a certificate of registration during the previous 5 years or surrender or expiration of the certificate of registration during the pendency of action by the Department to revoke or suspend the certificate of registration during the previous 5 years, if, before the certificate of registration was issued to the individual applicant, a controlling owner or controlling combination of owners of the applicant, or any affiliate of the individual applicant or controlling owner of the applicant or affiliate of the applicant, was a controlling owner of the prior certificate of registration. (Section 45 of the Act)*

### **Section 797.1700 Violations and Fines**

- a) In addition to any other action authorized by the Act or this Part, the Department may assess fines, in addition to denying, suspending and revoking certificates of registration, against a person for any violation of any provision of the Act or this Part.
- b) *A fine not to exceed \$1,000 per day for each day the registrant remains in violation shall be issued for any violation of the Act or this Part. (Section 80 of Act)*
- c) A violation is a failure to adhere to any of the provisions of the Act or this Part. A violation shall also include any of the following:
  - 1) Failure to abide by any stop operation or stop use order issued under this Part;
  - 2) Failure to notify the Department of any incident, accident or public health emergency involving any equipment or operator, as required in Section 797.600;

- 3) Failure to allow the Department to perform inspections and investigations in accordance with Section 30 of the Act and Section 797.1500;
- 4) Use of autoclave or body art equipment in a manner inconsistent with its labeling or directions;
- 5) Performing a body art procedure in a faulty, careless or negligent manner;
- 6) Performing a body art procedure in violation of the certificate of registration requirements of Section 15 of the Act;
- 7) Performing a body art procedure in violation of an order issued by the Department;
- 8) Failure to use methods or materials suitable for body art;
- 9) Performing a body art procedure on a person under the age of 18 years, in violation of the Criminal Code of 1961;
- 10) Allowing a certificate of registration to be used by another person;
- 11) Aiding or abetting a person in evading any provision of the Act;
- 12) Failure to comply with the operator proficiency requirements of Section 797.1300;
- 13) Failure to comply with waste removal requirements of Section 797.400;
- 14) Failure to maintain client records as required by Sections 797.600(c) and 797.900(i);
- 15) Failure to maintain premises in sanitary condition as required by Section 797.1100;
- 16) Failure to establish and maintain records of monthly autoclave spore destruction tests in accordance with Section 797.700(i);
- 17) Failure to renew a certificate of registration in accordance with Section 35 of the Act;
- 18) Failure to notify the Department of a change in business ownership in accordance with Section 40 of the Act and Section 797.1200 of this Part;
- 19) Failure to provide information to the Department upon request in accordance with Section 55 of the Act;
- 20) Failure to display or provide a current permit, in accordance with Section 35 of the Act.

### **Section 797.1750 Administrative Hearings**

- a) All hearings shall be conducted pursuant to the Act and the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) or Section 50(d) of the Act.
- b) The Department shall serve notice of fine and/or penalty assignments, and provide an opportunity for hearing.
- c) If a person fails to request a hearing within the time provided in the notice, the person shall be deemed to have waived the right to an administrative hearing, and the fine, pursuant to Section

797.1700 and/or action pursuant to Section 797.1600, shall be due immediately upon a final order by the Department.

Section 6. Item #a.

- d) All fines and/or actions that are upheld in whole or in part by final order of the Department shall be due in full at the conclusion of the time period for filing for administrative review pursuant to the Administrative Review Law, unless the person has, within that time, filed proceedings in administrative review specifically appealing the fine and/or adverse licensure action and unless the court has stayed enforcement of the fine and/or adverse licensure action.



# Agenda Item Executive Summary

Item Name Park Hills Church Variance Request Committee or Board Zoning Board

## BUDGET IMPACT

|                 |     |           |     |
|-----------------|-----|-----------|-----|
| Amount:         | N/A | Budgeted: | N/A |
| List what fund: | N/A |           |     |

## EXECUTIVE SUMMARY

Park Hills Church has submitted a request for a variance to allow an offsite parking area as part of its proposed expansion at 500 W Winnebago Street. The request arises due to a conflict with the Village's Unified Development Ordinance (UDO) Article 12.14(2), which prohibits paving for parking lots in front or side yards abutting a street in residential zones.

The petitioner explored alternatives, including rezoning or reconfiguring the parking area to comply with the UDO. However, rezoning would introduce new setback and lighting challenges, while relocating the parking lot would interfere with stormwater management, require significant tree removal, and reduce accessibility for congregants.

During the February 4, 2025, Zoning Board meeting, members discussed whether a broader zoning amendment would be more appropriate than a variance but did not reach a final decision. While the Zoning Board continues to evaluate potential ordinance changes, the petitioner has opted to proceed with its variance request.

Given the site's unique conditions, the petitioner believes the proposed parking layout will best serve its congregation while also providing additional community parking for events at the adjacent Lighted Diamond. A public hearing is scheduled for March 4, 2025, to gather input on the request.

## ATTACHMENTS (PLEASE LIST)

Park Hills Church Variance Request

## ACTION REQUESTED

- ☐ For Discussion Only
- ☐ Resolution
- ☐ Ordinance
- ☒ Motion:

**MOTION:** I MOVE TO APPROVE THE VARIANCE REQUEST FROM PARK HILLS CHURCH TO ALLOW THE PROPOSED OFFSITE PARKING AREA AS OUTLINED IN THE SUBMITTED SITE PLAN.

Staff: Joseph Dienberg, Village Administrator Date: 3/4/2025



Jan 31, 2025

Bill Emmert  
 Chairman, Village of Winnebago Zoning Board  
 108 West Main Street  
 Winnebago, IL 61088

Dear Mr. Emmert,

Park Hills Church is requesting consideration by the Village of Winnebago Zoning Board for a variance related to a proposed expansion for our church located at 500 W Winnebago Street. I believe it is already on your agenda for the regular Feb 4<sup>th</sup> meeting. In addition to the required documentation, I wanted to provide some background to our request.

The church was originally started by members of the Evangelical Congregational Denomination in 1977. At that time, they were meeting in various places until the congregation grew and they built the small church building located at 500 W Winnebago Street. We have been holding regular church services at this location since about 1986. The current building is only a portion of what was originally planned and designed. The congregation built the portion of the church they could afford at the time with the goal of completing the building as the congregation grew. Unfortunately, the size of the building limited the size of the congregation such that accumulating the funds needed for the expansion was not possible. In 2019 the members of the Winnebago Evangelical Congregational Fellowship merged with a Park Hills Church (main campus in Freeport) to become Park Hills Church – Winnebago Campus. In May of 2023, we started the process expanding the church as was originally planned by the founders. After several meetings with the village, permit ready Site and Building plans were submitted for review and approval in early October 2024.

On Jan 24<sup>th</sup>, 2025 we were notified by the Village of an issue with the planned location of the parking area. The location originally envisioned for parking is now in violation of the 2019 UDO Article 12.14 (2) as we are zoned District No 1, Single Family Residential. Since receiving notice of non-conformance, we have examined different options and believe the best course of action would be to request consideration for a variance to allow the offsite parking location to remain as designed on our Site Plan.

Village Administrator, Joey Dienberg has been helpful in providing guidance in the process. Attached are the documents requested in the new Zoning Application he provided. We plan to have our Lead Pastor, Chris Stukenberg as well as our Associate Winnebago Campus Pastor Mark DeWall at the meeting on Tuesday Feb 4<sup>th</sup>. I will join via online connection as I will unfortunately be out of town next week.

Thank you for your consideration of our request. I will be your primary contact for any questions or additional information needed as we work through the process. I can be reached at rich.graham@parkhillsefc.org or via cell phone at 815-821-5019.

Sincerely,

Rich Graham  
 Executive Pastor  
 Park Hills Church

CC Joey Dienberg, Frank Eubank

2525 W Stephenson St - Freeport, IL 61032  
 815-232-6159  
[www.parkhillchurch.com](http://www.parkhillchurch.com)



## Park Hills Church Request for Variance – January 31, 2025

During the Village of Winnebago (VOW) engineering review of the proposed expansion of the Park Hills Church at 500 W Winnebago Street – it was identified that the current zoning requirements are in conflict with the proposed expansion. As noted in points 6, 7, & 8 from the Jan 24<sup>th</sup> letter from Fehr- Graham to Frank Eubank:

"Per Village UDO Article 12.14(2) Required Setbacks, no paving for parking lots is permitted within front or side yards abutting a street on land zoned for residential activity. In addition, "Ensure all setback requirements for parking lots meet the Village UDO requirements in Article 12.14". Finally, "Ensure building setback meets Village Zoning Ordinance requirements"

We see three possible options to resolve the conflict with the UDO and the site plans submitted:

- Option 1 – request zoning change to a classification that would allow the parking area as drawn.
- Option 2 – re-engineer the parking area to meet UDO 12.14(2) as currently zoned
- Option 3 – request a variance from UDO 12.14(2) to allow the parking area to remain in the location as designed.

After our review of the UDO zoning options, the current site conditions and the other functional requirements of the building and parking area we have determined the most advantageous path forward would be requesting a variance. Basis for our request is noted below as we look at each option.

### Option 1

Our reading of the UDO indicates the only permitted zoning classifications (other than District No.1/2 - Residential) that would allow a parking area as drawn are General Industrial and Agricultural. While re-zoning the area "Agricultural" would alleviate the compliance issue, the classification seems to be outside the general purpose and intent of that type of District and as such is not considered a viable option. Districts No. 3, 5, & 8 do not list "Church" as a permitted use in the UDO.

The initial review conflicts in re-zoning to District No.4 - General Industrial are as follows:

- **Yard Requirements**
  - The existing building does not meet the required Front Yard Requirement of Fifty (50) feet 6.07.01(5)a. Even in that were allowed per an approved variance we would need a variance for the proposed new addition to allow for sufficient connection between the new and existing building that would limit the overall effectiveness of the building.
  - The as drawn parking area would not allow for the required forty (40) foot side yard separation 6.07.01(5)b between the General Industrial zone and the adjacent Residential zone. The current parking plan is in compliance with the Residential side yard separation of 12' minimum. Reducing the parking area by 28' on the East side would reduce the number of required parking spots required in the 12.10 Schedule of Required Parking.
- **Parking Lot Lighting**
  - Reviewing 9.03.05(3)b lighting requirements. Industrial Zoning Districts require significantly higher minimum lighting for parking areas as compared to the Residential requirements. We are concerned that the additional minimum lighting requirement would be a nuisance to the adjoining properties who are all residential. The as drawn lighting plan meets the residential lighting requirements.

**Option 1 Conclusion** – It is possible that there are other conflicts in District No. 4 not yet identified, but we believe that the items above present enough of a concern to make the change to this district not viable because compliance to other aspects of the UDO present significant issues to the overall project.

2525 W Stephenson St - Freeport, IL 61032  
815-232-6159  
www.parkhillchurch.com



---

## Option 2

We completed a preliminary review of the options available to re-engineer the parking area to comply with both the District No. 1 zoning requirements of driveway only in the side yard and parking in the rear while also considering the UDO 12.10 Schedule of Required parking.

The preliminary review concerns are as follows:

- **Available Space**
  - The lot space in the back of the property is needed to meet the Detention Pond and runoff requirements per the UDO to accommodate 100-year flood conditions. The movement of the parking lot would reduce the size of the detention pond which appears to make the pond non-compliant to current UDO standards.
  - Reducing the size of the parking area to fit with the detention pond would not allow for the required parking lot space per the UDO 12.10 Schedule of Required Parking.
- **Functional Impact**
  - Moving the parking area to the back of the building would require the majority of the congregants to walk around the building to the main entrance which is a significant inconvenience for many.
- **Neighborhood Impact**
  - Moving the parking area to the back yard of the church would greatly disturb the natural setting of the property by requiring nearly all the trees to be removed from the property to try and fit the parking in that area. This beautiful natural setting of the building and the neighborhood.

**Option 2 Conclusion** – It is possible that there are other conflicts in the move of the parking area not identified in the initial review. However, the discussion with the Civil Engineer indicates that this is not a feasible option to stay in compliance with the water mitigation aspects of the UDO. We would need to start a new and comprehensive engineering study with limited opportunity for successful implementation.

---



### Option 3

As a result of our review - We are requesting the Village of Winnebago Zoning board accept our application for a variance in accordance with UDO 15.03 (3) **Variances & Findings of Fact**. here are the responses to the 15.03 Variances and Findings of Fact for your consideration:

- a. That there are special circumstances, applying to the land or buildings for which the variance is sought, which circumstances are peculiar to such land or buildings and do not apply generally to land or buildings in the vicinity;**

PHC Response: The difficulty of moving the parking to the back of the lot are: Shaping of the parking area would not allow for the number of spaces required by UDO 12.10 without impacting the required water detention requirements. This would also require removal of many of the trees and natural foliage that make the property attractive to the neighborhood and also help with water run-off issues. There would also be potential issues with close proximity to the creek located to the south of the property with the elimination of the buffer between the impervious surfaces. The current location allows for separation from the creek, collection of water per UDO requirements and movement to the properly sized detention pond before discharge. The proximity of the proposed parking area is close to the current parking areas that have been used for over 30 years. The proposed parking also provides opportunity community parking for games and events at the park North of the church.

- b. That said circumstances are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or buildings;**

PHC Response: Without the variance, the new addition would not be able to comply to the required parking ordinance which would then not allow for the construction of the addition that is needed for future church growth. The land identified for the new addition and parking area were part of the original purchase of the land and were part of the original plans for expansion when the existing church was built.

- c. That the variance as granted by the Zoning Board of Appeals is the minimum variance that will accomplish the reasonable use of land or building in question;**

PHC Response: Granting the variance that would allow the parking area per the submitted drawing would eliminate any further variance requests or the complications of requesting a zoning change which would be a very significant cost impact and may lead the expansion to be unfeasible.

- d. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.**

PHC Response: The placement of the parking areas will not be detrimental to the neighborhood appearance. As the church only borders the back yards of the homes in the area, it would not adversely impact the neighborhood look or feel. Having off-street parking would most likely enhance the area look in that for the past 30ish years the church members have been parking in a small area in front of the church, along the street, and across the street in the grass. This parking addition will bring those cars onto the church property and would improve the overall neighborhood view/feel.

- e. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district.**

PHC Response: The purpose for the church expansion is that the physical size of the current building does not allow for the church growth that we are experiencing. We are limited in space for children, youth and adult

2525 W Stephenson St - Freeport, IL 61032

815-232-6159

[www.parkhillchurch.com](http://www.parkhillchurch.com)



gatherings. The denial of the parking variance would not allow for the church expansion to occur which then limits the future growth of the church. This would most likely require us to re-locate entirely so that we can accommodate the church growth and increased community we are experiencing.

- f. The extraordinary or exceptional conditions of the property, requiring the request for the variance, were not caused by the petitioner.**

PHC Response: The church property was purchased over 35 years ago with the vision of this expansion of the building and parking area roughly as currently proposed. The original ordinance (originally published in 1957 and subsequently amended prior to being superseded by the current UDO) did not include the current requirements when the property was purchased. Park Hills Church has not initiated any actions or had any inaction that would lead to the non-compliance.

- g. The proposed variance will alleviate a peculiar, exceptional, or undue hardship, as distinguished from a mere inconvenience or pecuniary hardship.**

PHC Response: The variance will alleviate the hardship that strict compliance would inflict due to the upgraded and updated UDO adopted since the property was originally purchased.

- h. The denial of the proposed variance will deprive the petitioner the use of his/her property in a manner equivalent to the use permitted to be made by the owners of property in the immediate area.**

PHC Response: First Presbyterian Church of Winnebago, 208 W Winnebago Street (approximately 840' East of the Park Hills Property) has parking areas that are in the front (North) and side (East) in relationship generally similar to what Park Hills is requesting. Our requested variance would align our proposed use with their current use.

- i. The proposed variance will result in a structure that is appropriate to and compatible with the character and scale of structures in the area in which the variance is being requested.**

PHC Response: The parking area requested will be appropriate for the use of the church, it is compatible with other parking areas in the vicinity, except that it will be landscaped to meet current standards and will be complimentary to the local feel with natural plantings and appropriate lighting per UDO 12.17. Safety is always a concern at churches with many activities that occur at night. Having the parking area close to the road and public areas instead of located behind the building that is an undeveloped location would provide a safer and more secure public parking area for church and non-church use.

**PLANNING & ZONING APPLICATION****Applicant Information**

Name: Rich Graham, Executive Pastor for Park Hills Church  
Address: 500 W Winnebago St, Winnebago IL 61088  
Phone: 815-232-6159  
Email: Rich.Graham@parkhillsefc.org

**Owner Information**

Name: Park Hills Church  
Address: 2525 West Stephenson Street, Freeport, IL 61032  
Phone: 815-232-6159  
Email: Rich.Graham@parkhillsefc.org

**Action Requested**

|                                              |                                       |
|----------------------------------------------|---------------------------------------|
| Zoning Map Amendment (Zoning Change)         | Planned Residential Development (PRD) |
| Special Use Permit                           | Appeal                                |
| <input checked="" type="checkbox"/> Variance | Text Amendment                        |

Detail of Request: Variance for parking area related to the expansion of the existing church building. See attached

Legal Description: (attach a separate sheet if necessary)

Lot Two (2) and the North 63 feet of Lot Three (3) min Block-72 as designated upon the plat of Canal Trustee's Addition to the Town of Winnebago, the Plat of which Addition is recorded in Book 32 of Deeds on page 320 in the Recorder's Office of Winnebago County, Illinois, the South line of said tract being parallel with the south line of said Lot Three (3) and that part of the East Half (1/2) of vacated Leavitt Street lying West and adjoining said tract vacated by Ordinance recorded May 8, 1979 in said Recorder's Office in Microfilm No. 7911-0291; situated in the Township of Winnebago, County of Winnebago and State of Illinois.

ALSO, the North 130.0 feet of the West 74.25 feet of Lot One (1) in the Block Seventy-two (72) as designated upon the Plat of Canal Trustee's Addition to the Town of Winnebago, the Plat of which Addition is recorded in Book 32 of Deeds on page 320 in the Recorder's Office of Winnebago County, Illinois, the South line of said tract being parallel with the North line of said lot, and the East line of said tract being parallel with the East line of said lot; situated in the Township of Winnebago, County of Winnebago and State of Illinois.

GIS Description: Canal Trustees ADD N 130 FT W 74.25 FT Lot 1 All Lot 2 & N 63 FT Lot 3 Also E 1/2 Vac Leavitt St W of Adj Lot 3 Block 72

PIN Number(s): 1408455014

Current Zoning District: District No. 1 – One-Family Residential District

Lot Size: 2.24 acres, or 97,388 square feet

**Adjacent Properties (provide as a separate sheet if necessary)****NORTH:**PIN Number(s): 1408453012

✕ Property Owner(s):

Mailing Address(s): 219 S Swift StreetLand Use: Rural Prop + Imprv

PIN Number(s): 1408453011

✕ Property Owner(s):

Mailing Address(s): 223 S Swift StreetLand Use: Single Family Residence

PIN Number(s): 1408453013

✕ Property Owner(s):

Mailing Address(s): 221 S Swift StreetLand Use: Single Family Residence**EAST:**PIN Number(s): 1408455006

✕ Property Owner(s):

Mailing Address(s): 301 S Swift StreetLand Use: Single Family ResidencePIN Number(s): 1408455007

✕ Property Owner(s):

Mailing Address(s): 303 S Swift StreetLand Use: Single Family Residence

PIN Number(s): 1408455008

✕ Property Owner(s):

Mailing Address(s): 307 S Swift Street

Land Use: Single Family Residence

PIN Number(s): 1408455009

✕ Property Owner(s):

Mailing Address(s): 311 S Swift Street

Land Use: Single Family Residence

PIN Number(s): 1408455004

✕ Property Owner(s):

Mailing Address(s): 313 S Swift Street

Land Use: Single Family Residence

**SOUTH:**

PIN Number(s): 1408455015

✕ Property Owner(s):

Mailing Address(s): 415 W Cunningham Dr

Land Use: Single Family Residence

**WEST:**

PIN Number(s): 1408454020

✕ Property Owner(s):

Mailing Address(s): Cunningham Rd

Land Use: Six Family Residence

PIN Number(s): 1408454019

✕ Property Owner(s):

Mailing Address(s): Clayton Ct

Land Use: Four Family Residence

PIN Number(s): 1408454018

✕ Property Owner(s):

Mailing Address(s): Clayton Ct

Land Use: Four Family Residence

PIN Number(s): 1408454017

✕ Property Owner(s):

Mailing Address(s): Clayton Ct

Land Use: Four Family Residence

Development Team (please include phone, fax, email and mailing address for any that apply).

Project Manager: Rich Graham, Executive Pastor. 815-821-5019 (mailing address same as applicant)  
Developer: Scott Winter, Winter Construction, 1840 S Walnut Rd, Freeport, IL 61032 815-235-1234  
Attorney: N/A  
Engineer or Surveyor: Dave Weber P.E, 815-288-2261 Willett & Hoffman, 698 Timber Creek Rd, Dixon, IL 61021  
Other: Architect – David Wilde, Wildesign Architects, 720 Suncrest Drive, Aurora, IL 60506

Adjacent Properties (provide as a separate sheet if necessary)

I, the applicant(s), of the above legally described property on which the above action is requested, provided answers to the questions herein that are true to the best of my knowledge. The property owner(s) of the above legally described property on which the above action is requested, is aware or will be informed about the request made herein.

By virtue of my application for the above action, I do hereby declare that the appropriate Village staff, appointed, and elected officials responsible for the review of my application are given permission to visit and inspect the subject property for the above requested action in order to determine the suitability of the request.

Applicant(s) Signature: Rich Graham Date Signed: 1-31-25

Owner(s) Signature: Rich Graham Date Signed: 1-31-25

\_\_\_\_\_ Date Signed: \_\_\_\_\_

STAFF SIGNATURE: \_\_\_\_\_ Date Signed: \_\_\_\_\_

NOTES:

- If the property is held in trust, the trust officer must sign this petition as owner. In addition, the trust officer must provide a letter that names all beneficiaries of the trust.
- If the applicant is a corporation, provide as a separate attachment, a statement verifying the correct names and addresses of all officers and directors of the corporation and all of the stockholders or shareholders owning an interest in excess of 20% of all the outstanding stocks or shares of the corporation.
- If the applicant is a partnership, joint venture, syndicate, or unincorporated voluntary association, then provide as a separate attachment, a statement verifying the correct names and addresses of all partners or members of the partnership, joint venture, syndicate, or unincorporated voluntary association.

| TO BE COMPLETED BY VILLAGE OFFICE   |                                   |
|-------------------------------------|-----------------------------------|
| Pre-Application Meeting Date: _____ | Application Date: _____           |
| Staff Attending: _____              | ZBA Hearing Date: _____           |
| Fee Paid: \$ _____                  | Village Board Meeting Date: _____ |
| Receipt # _____                     |                                   |



# Winnebago Layers Summary | 1/30/2025



## W WINNEBAGO ST

| Pin                                                                                                                                                       | Alt.Pin  | Property Size                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------|
| 1408455014                                                                                                                                                | 512A191J | Sq. Feet: 97388   Acres: 2.24 |
| <b>Legal Description</b><br>CANAL TRUSTEES ADD N 130 FT W 74.25 FT LOT 1 ALL LOT 2 & N 63 FT<br>LOT 3 ALSO E 1/2 VAC LEAVITT ST W OF & ADJ LOT 3 BLOCK 72 |          |                               |

## Property Use

| Use Code | Description            |
|----------|------------------------|
| 9074     | Exempt Prop Relig Prop |

## Zoning Info

## Township Info

| Township  | Assessor Name |
|-----------|---------------|
| WINNEBAGO | Paula Lutzow  |

## School District

**SCHOOLDIST:** Winnebago Unit School Dist #323

## Fair Market Values

No fair market values to display.

## Exemptions

| Code Description | Max Amount |
|------------------|------------|
| Exempt Parcel    | \$0.00     |

## Sale History

| Date of Sale | Sale Type   | Gross Selling Price | Sale Type |
|--------------|-------------|---------------------|-----------|
| 9/5/2019     | 20191029938 | \$0.00              | D         |

## Flood Hazard Zones

| Flood Zone Type | In/Out |
|-----------------|--------|
| X               | Out    |



# Winnebago Layers Summary | 1/30/2025



## 219 S SWIFT ST

| Pin                                                                                                                                                                | Alt.Pin | Property Size                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------------|
| 1408453012                                                                                                                                                         | null    | Sq. Feet: 36365   Acres: 0.83 |
| <b>Legal Description</b><br>CANAL TRUSTEES ADDN COMM SE COR LT 5 BLK 65 TH N 109 FT TO POB<br>TH N 122 FT E 297 FT S 122 FT TH W 297 FT TO POB PT LTS 4 & 5 BLK 65 |         |                               |

## Property Use

| Use Code | Description      |
|----------|------------------|
| 0011     | Rural Prop+Imprv |

## Zoning Info

## Township Info

| Township  | Assessor Name |
|-----------|---------------|
| WINNEBAGO | Paula Lutzow  |

## School District

|                                             |
|---------------------------------------------|
| SCHOOLDIST: Winnebago Unit School Dist #323 |
|---------------------------------------------|

## Fair Market Values

| Year | Fair Market Value | Total Tax Bill | Code |
|------|-------------------|----------------|------|
| 2023 | \$180,760.00      | \$4,727.42     | 328  |

## Exemptions

| Code Description | Max Amount |
|------------------|------------|
| Owner Occupied   | \$6,000.00 |
| Senior Citizen   | \$5,000.00 |

## Sale History

No sale history data to display.

## Flood Hazard Zones

| Flood Zone Type | In/Out |
|-----------------|--------|
| X               | Out    |

# WIN GIS | Winnebago Layers Summary | 1/30/2025



## 221 S SWIFT ST

| Pin                                                                                                                                                     | Alt.Pin | Property Size                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------------|
| 1408453013                                                                                                                                              | null    | Sq. Feet: 19108   Acres: 0.44 |
| <b>Legal Description</b><br>CANAL TRUSTEES ADDN COMM SE COR LT 5 BLK 65 TH N 49 FT TO POB TH N 60 FT E 297 FT S 60 FT TH W 297 FT TO POB PT LT 5 BLK 65 |         |                               |

## Property Use

| Use Code | Description      |
|----------|------------------|
| 0011     | Rural Prop+Imprv |

## Zoning Info

## Township Info

| Township  | Assessor Name |
|-----------|---------------|
| WINNEBAGO | Paula Lutzow  |

## School District

|                                             |
|---------------------------------------------|
| SCHOOLDIST: Winnebago Unit School Dist #323 |
|---------------------------------------------|

## Fair Market Values

| Year | Fair Market Value | Total Tax Bill | Code |
|------|-------------------|----------------|------|
| 2023 | \$164,320.00      | \$4,681.44     | 328  |

## Exemptions

| Code Description | Max Amount |
|------------------|------------|
| Owner Occupied   | \$6,000.00 |

## Sale History

| Date of Sale | Sale Type   | Gross Selling Price | Sale Type |
|--------------|-------------|---------------------|-----------|
| 12/22/2016   | 20171000565 | \$132,000.00        | YR        |
| 12/11/2016   | 20171000564 | \$1,000.00          | YR        |

## Flood Hazard Zones

| Flood Zone Type | In/Out |
|-----------------|--------|
| X               | Out    |

# WIN GIS | Winnebago Layers Summary | 1/30/2025



## 223 S SWIFT ST

| Pin                                                               | Alt.Pin | Property Size                 |
|-------------------------------------------------------------------|---------|-------------------------------|
| 1408453011                                                        | 512A182 | Sq. Feet: 15516   Acres: 0.36 |
| Legal Description<br>CANAL TRUSTEES ADD S 49 FT LOT 005 BLOCK 065 |         |                               |

## Property Use

| Use Code | Description             |
|----------|-------------------------|
| 0031     | Single Family Residence |

## Zoning Info

## Township Info

| Township  | Assessor Name |
|-----------|---------------|
| WINNEBAGO | Paula Lutzow  |

## School District

|                                             |
|---------------------------------------------|
| SCHOOLDIST: Winnebago Unit School Dist #323 |
|---------------------------------------------|

## Fair Market Values

| Year | Fair Market Value | Total Tax Bill | Code |
|------|-------------------|----------------|------|
| 2023 | \$159,190.00      | \$4,517.20     | 328  |

## Exemptions

| Code Description | Max Amount |
|------------------|------------|
| Owner Occupied   | \$6,000.00 |

## Sale History

| Date of Sale | Sale Type   | Gross Selling Price | Sale Type |
|--------------|-------------|---------------------|-----------|
| 6/13/2019    | 20191020271 | \$128,000.00        | WD        |
| 11/14/2008   | 0853545     | \$145,000.00        | NOTAD     |
| 9/22/2004    | 0464949     | \$0.00              | D         |
| 5/30/2003    | 0350533     | \$123,000.00        | WD        |
| 11/22/1993   | 2097569     | \$51,000.00         | MISC      |

## Flood Hazard Zones

| Flood Zone Type | In/Out |
|-----------------|--------|
| X               | Out    |

WIN GIS

| Winnebago Layers Summary | 1/30/2025



301 S SWIFT ST

| Pin                                                       | Alt.Pin | Property Size                 |
|-----------------------------------------------------------|---------|-------------------------------|
| 1408455006                                                | 512A192 | Sq. Feet: 13228   Acres: 0.30 |
| Legal Description                                         |         |                               |
| CANAL TRUSTEES ADD N58.425 FT E222.75FT LOT 001 BLOCK 072 |         |                               |

Property Use

| Use Code | Description             |
|----------|-------------------------|
| 0031     | Single Family Residence |

Zoning Info

Township Info

| Township  | Assessor Name |
|-----------|---------------|
| WINNEBAGO | Paula Lutzow  |

School District

|                                             |
|---------------------------------------------|
| SCHOOLDIST: Winnebago Unit School Dist #323 |
|---------------------------------------------|

Fair Market Values

| Year | Fair Market Value | Total Tax Bill | Code |
|------|-------------------|----------------|------|
| 2023 | \$132,220.00      | \$3,174.46     | 328  |

Exemptions

| Code Description | Max Amount |
|------------------|------------|
| Owner Occupied   | \$6,000.00 |
| Senior Citizen   | \$5,000.00 |

Sale History

No sale history data to display.

Flood Hazard Zones

| Flood Zone Type | In/Out |
|-----------------|--------|
| X               | Out    |

# WIN GIS | Winnebago Layers Summary | 1/30/2025



## 303 S SWIFT ST

| Pin                                                                                              | Alt.Pin  | Property Size                 |
|--------------------------------------------------------------------------------------------------|----------|-------------------------------|
| 1408455007                                                                                       | 512A193A | Sq. Feet: 12766   Acres: 0.29 |
| <b>Legal Description</b><br>CANAL TRUSTEES ADD S 58.43 FT N 116.85 FT E 222.75 FT LOT 1 BLOCK 72 |          |                               |

## Property Use

| Use Code | Description             |
|----------|-------------------------|
| 0031     | Single Family Residence |

## Zoning Info

## Township Info

| Township  | Assessor Name |
|-----------|---------------|
| WINNEBAGO | Paula Lutzow  |

## School District

|                                             |
|---------------------------------------------|
| SCHOOLDIST: Winnebago Unit School Dist #323 |
|---------------------------------------------|

## Fair Market Values

| Year | Fair Market Value | Total Tax Bill | Code |
|------|-------------------|----------------|------|
| 2023 | \$184,630.00      | \$5,331.20     | 328  |

## Exemptions

| Code Description | Max Amount |
|------------------|------------|
| Owner Occupied   | \$6,000.00 |

## Sale History

| Date of Sale | Sale Type  | Gross Selling Price | Sale Type |
|--------------|------------|---------------------|-----------|
| 2/26/2021    | 2021008302 | \$161,000.00        | MISC      |
| 5/17/2008    | 0831014    | \$0.00              | D         |
| 2/14/2003    | 0327316    | \$50,000.00         | EX        |

## Flood Hazard Zones

| Flood Zone Type | In/Out |
|-----------------|--------|
| X               | Out    |



# Winnebago Layers Summary | 1/30/2025



## 307 S SWIFT ST

| Pin                                                                                                               | Alt.Pin | Property Size                 |
|-------------------------------------------------------------------------------------------------------------------|---------|-------------------------------|
| 1408455008                                                                                                        | 512A194 | Sq. Feet: 17182   Acres: 0.39 |
| <b>Legal Description</b><br>CANAL TRUSTEES ADD S83.15 FT E148.5FT LOT 1 + N36.85 FT E148.5FT<br>LOT 004 BLOCK 072 |         |                               |

## Property Use

| Use Code | Description             |
|----------|-------------------------|
| 0031     | Single Family Residence |

## Zoning Info

## Township Info

| Township  | Assessor Name |
|-----------|---------------|
| WINNEBAGO | Paula Lutzow  |

## School District

|                                             |
|---------------------------------------------|
| SCHOOLDIST: Winnebago Unit School Dist #323 |
|---------------------------------------------|

## Fair Market Values

| Year | Fair Market Value | Total Tax Bill | Code |
|------|-------------------|----------------|------|
| 2023 | \$141,250.00      | \$3,943.16     | 328  |

## Exemptions

| Code Description | Max Amount |
|------------------|------------|
| Owner Occupied   | \$6,000.00 |

## Sale History

| Date of Sale | Sale Type | Gross Selling Price | Sale Type |
|--------------|-----------|---------------------|-----------|
| 11/15/1993   | 2095866   | \$84,500.00         | MISC      |

## Flood Hazard Zones

| Flood Zone Type | In/Out |
|-----------------|--------|
| X               | Out    |



# Winnebago Layers Summary | 1/30/2025



## 311 S SWIFT ST

| Pin                                                                                              | Alt.Pin | Property Size                 |
|--------------------------------------------------------------------------------------------------|---------|-------------------------------|
| 1408455009                                                                                       | 512A195 | Sq. Feet: 14991   Acres: 0.34 |
| <b>Legal Description</b><br>CANAL TRUSTEES ADD S 100 FT N 136.85 FT E 148.5 FT LOT 004 BLOCK 072 |         |                               |

## Property Use

| Use Code | Description             |
|----------|-------------------------|
| 0031     | Single Family Residence |

## Zoning Info

## Township Info

| Township  | Assessor Name |
|-----------|---------------|
| WINNEBAGO | Paula Lutzow  |

## School District

|                                             |
|---------------------------------------------|
| SCHOOLDIST: Winnebago Unit School Dist #323 |
|---------------------------------------------|

## Fair Market Values

| Year | Fair Market Value | Total Tax Bill | Code |
|------|-------------------|----------------|------|
| 2023 | \$106,310.00      | \$2,825.24     | 328  |

## Exemptions

| Code Description | Max Amount |
|------------------|------------|
| Owner Occupied   | \$6,000.00 |

## Sale History

| Date of Sale | Sale Type | Gross Selling Price | Sale Type |
|--------------|-----------|---------------------|-----------|
| 3/17/2004    | 0632849   | \$0.00              | D         |

## Flood Hazard Zones

| Flood Zone Type | In/Out |
|-----------------|--------|
| X               | Out    |

# WIN GIS | Winnebago Layers Summary | 1/30/2025



## 313 S SWIFT ST

| Pin                                                                                                                                                                   | Alt.Pin  | Property Size                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------|
| 1408455004                                                                                                                                                            | 512A191A | Sq. Feet: 43281   Acres: 0.99 |
| <b>Legal Description</b><br>CANAL TRUSTEES ADD N13FT W 148.5FT LOT 5 + W148.5FT LOT 4 + S70FT W148.5FT LOT 1 + N13.15FT S83.15FT E 74.25FT W148.5FT LOT 001 BLOCK 072 |          |                               |

## Property Use

| Use Code | Description             |
|----------|-------------------------|
| 0031     | Single Family Residence |

## Zoning Info

## Township Info

| Township  | Assessor Name |
|-----------|---------------|
| WINNEBAGO | Paula Lutzow  |

## School District

|                                             |
|---------------------------------------------|
| SCHOOLDIST: Winnebago Unit School Dist #323 |
|---------------------------------------------|

## Fair Market Values

| Year | Fair Market Value | Total Tax Bill | Code |
|------|-------------------|----------------|------|
| 2023 | \$12,950.00       | \$414.30       | 328  |

## Exemptions

No exemptions to display.

## Sale History

| Date of Sale | Sale Type   | Gross Selling Price | Sale Type |
|--------------|-------------|---------------------|-----------|
| 10/24/2018   | 20181032055 | \$0.00              | D         |
| 10/24/2018   | 20191014538 | \$0.00              | D         |

## Flood Hazard Zones

| Flood Zone Type | In/Out |
|-----------------|--------|
| X               | Out    |



# Winnebago Layers Summary | 1/30/2025



## 415 W CUNNINGHAM DR

| Pin                                                                                                                                        | Alt.Pin  | Property Size                 |
|--------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------|
| 1408455015                                                                                                                                 | 512A191H | Sq. Feet: 83664   Acres: 1.92 |
| <b>Legal Description</b><br>CANAL TRUSTEES ADD S 325 FT W 234.43 FT OF LOTS 3 & 6 & E 1/2 VAC<br>LEAVITT ST W OF & ADJ LOTS 3 & 6 BLOCK 72 |          |                               |

## Property Use

| Use Code | Description             |
|----------|-------------------------|
| 0031     | Single Family Residence |

## Zoning Info

## Township Info

| Township  | Assessor Name |
|-----------|---------------|
| WINNEBAGO | Paula Lutzow  |

## School District

|                                             |
|---------------------------------------------|
| SCHOOLDIST: Winnebago Unit School Dist #323 |
|---------------------------------------------|

## Fair Market Values

| Year | Fair Market Value | Total Tax Bill | Code |
|------|-------------------|----------------|------|
| 2023 | \$125,590.00      | \$2,962.12     | 328  |

## Exemptions

| Code Description | Max Amount |
|------------------|------------|
| Owner Occupied   | \$6,000.00 |
| Senior Citizen   | \$5,000.00 |

## Sale History

No sale history data to display.

## Flood Hazard Zones

| Flood Zone Type | In/Out |
|-----------------|--------|
| X               | Out    |



# Winnebago Layers Summary | 1/30/2025



## CUNNINGHAM RD

| Pin                                                                                                                                       | Alt.Pin  | Property Size                 |
|-------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------|
| 1408454020                                                                                                                                | 512A190N | Sq. Feet: 26378   Acres: 0.61 |
| <b>Legal Description</b><br>RE-PLAT OF BLK 71 OF CANAL TRUSTEES ADD IN PT SE1/4 SEC 9-26-11 LOT 1 & W 1/2 VAC LEAVITT ST E OF & ADJ LOT 1 |          |                               |

## Property Use

| Use Code | Description          |
|----------|----------------------|
| 0036     | Six Family Residence |

## Zoning Info

## Township Info

| Township  | Assessor Name |
|-----------|---------------|
| WINNEBAGO | Paula Lutzow  |

## School District

|                                             |
|---------------------------------------------|
| SCHOOLDIST: Winnebago Unit School Dist #323 |
|---------------------------------------------|

## Fair Market Values

| Year | Fair Market Value | Total Tax Bill | Code |
|------|-------------------|----------------|------|
| 2023 | \$277,090.00      | \$8,865.16     | 328  |

## Exemptions

No exemptions to display.

## Sale History

| Date of Sale | Sale Type   | Gross Selling Price | Sale Type |
|--------------|-------------|---------------------|-----------|
| 12/1/2011    | 20121002341 | \$599,922.00        | YR        |
| 1/28/2009    | 0906273     | \$1,000,000.00      | MULTI     |
| 1/28/2009    | 0906274     | \$1,000,000.00      | MULTI     |

## Flood Hazard Zones

| Flood Zone Type | In/Out |
|-----------------|--------|
| X               | Out    |



# Winnebago Layers Summary | 1/30/2025



## CLAYTON CT

| Pin                                                                                                                                          | Alt.Pin  | Property Size                 |
|----------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------|
| 1408454019                                                                                                                                   | 512A190P | Sq. Feet: 25716   Acres: 0.59 |
| <b>Legal Description</b><br>RE-PLAT OF BLK 71 OF CANAL TRUSTEES ADD IN PT SE1/4 SEC 9-26-11 LOT 2 ALSO W 1/2 VAC LEAVITT ST E OF & ADJ LOT 2 |          |                               |

## Property Use

| Use Code | Description           |
|----------|-----------------------|
| 0034     | Four Family Residence |

## Zoning Info

## Township Info

| Township  | Assessor Name |
|-----------|---------------|
| WINNEBAGO | Paula Lutzow  |

## School District

|                                             |
|---------------------------------------------|
| SCHOOLDIST: Winnebago Unit School Dist #323 |
|---------------------------------------------|

## Fair Market Values

| Year | Fair Market Value | Total Tax Bill | Code |
|------|-------------------|----------------|------|
| 2023 | \$77,620.00       | \$2,483.52     | 328  |

## Exemptions

No exemptions to display.

## Sale History

| Date of Sale | Sale Type  | Gross Selling Price | Sale Type |
|--------------|------------|---------------------|-----------|
| 7/22/2024    | 2024017175 | \$1,600,000.00      | WD        |
| 10/11/1996   | 9652161    | \$706,677.00        | TRD       |

## Flood Hazard Zones

| Flood Zone Type | In/Out |
|-----------------|--------|
| X               | Out    |



# Winnebago Layers Summary | 1/30/2025



## CLAYTON CT

| Pin                                                                                                                                       | Alt.Pin  | Property Size                 |
|-------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------|
| 1408454018                                                                                                                                | 512A190Q | Sq. Feet: 32722   Acres: 0.75 |
| <b>Legal Description</b><br>RE-PLAT OF BLK 71 OF CANAL TRUSTEES ADD IN PT SE1/4 SEC 9-26-11 LOT 3 & W 1/2 VAC LEAVITT ST E OF & ADJ LOT 3 |          |                               |

## Property Use

| Use Code | Description          |
|----------|----------------------|
| 0036     | Six Family Residence |

## Zoning Info

## Township Info

| Township  | Assessor Name |
|-----------|---------------|
| WINNEBAGO | Paula Lutzow  |

## School District

|                                             |
|---------------------------------------------|
| SCHOOLDIST: Winnebago Unit School Dist #323 |
|---------------------------------------------|

## Fair Market Values

| Year | Fair Market Value | Total Tax Bill | Code |
|------|-------------------|----------------|------|
| 2023 | \$95,230.00       | \$3,046.70     | 328  |

## Exemptions

No exemptions to display.

## Sale History

| Date of Sale | Sale Type  | Gross Selling Price | Sale Type |
|--------------|------------|---------------------|-----------|
| 7/22/2024    | 2024017175 | \$1,600,000.00      | WD        |

## Flood Hazard Zones

| Flood Zone Type | In/Out |
|-----------------|--------|
| X               | Out    |

# WIN GIS | Winnebago Layers Summary | 1/30/2025



## CLAYTON CT

| Pin                                                                                                                                       | Alt.Pin  | Property Size                 |
|-------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------|
| 1408454017                                                                                                                                | 512A190R | Sq. Feet: 48397   Acres: 1.11 |
| <b>Legal Description</b><br>RE-PLAT OF BLK 71 OF CANAL TRUSTEES ADD IN PT SE1/4 SEC 9-26-11 LOT 4 & W 1/2 VAC LEAVITT ST E OF & ADJ LOT 4 |          |                               |

## Property Use

| Use Code | Description          |
|----------|----------------------|
| 0036     | Six Family Residence |

## Zoning Info

## Township Info

| Township  | Assessor Name |
|-----------|---------------|
| WINNEBAGO | Paula Lutzow  |

## School District

|                                             |
|---------------------------------------------|
| SCHOOLDIST: Winnebago Unit School Dist #323 |
|---------------------------------------------|

## Fair Market Values

| Year | Fair Market Value | Total Tax Bill | Code |
|------|-------------------|----------------|------|
| 2023 | \$105,010.00      | \$3,359.72     | 328  |

## Exemptions

No exemptions to display.

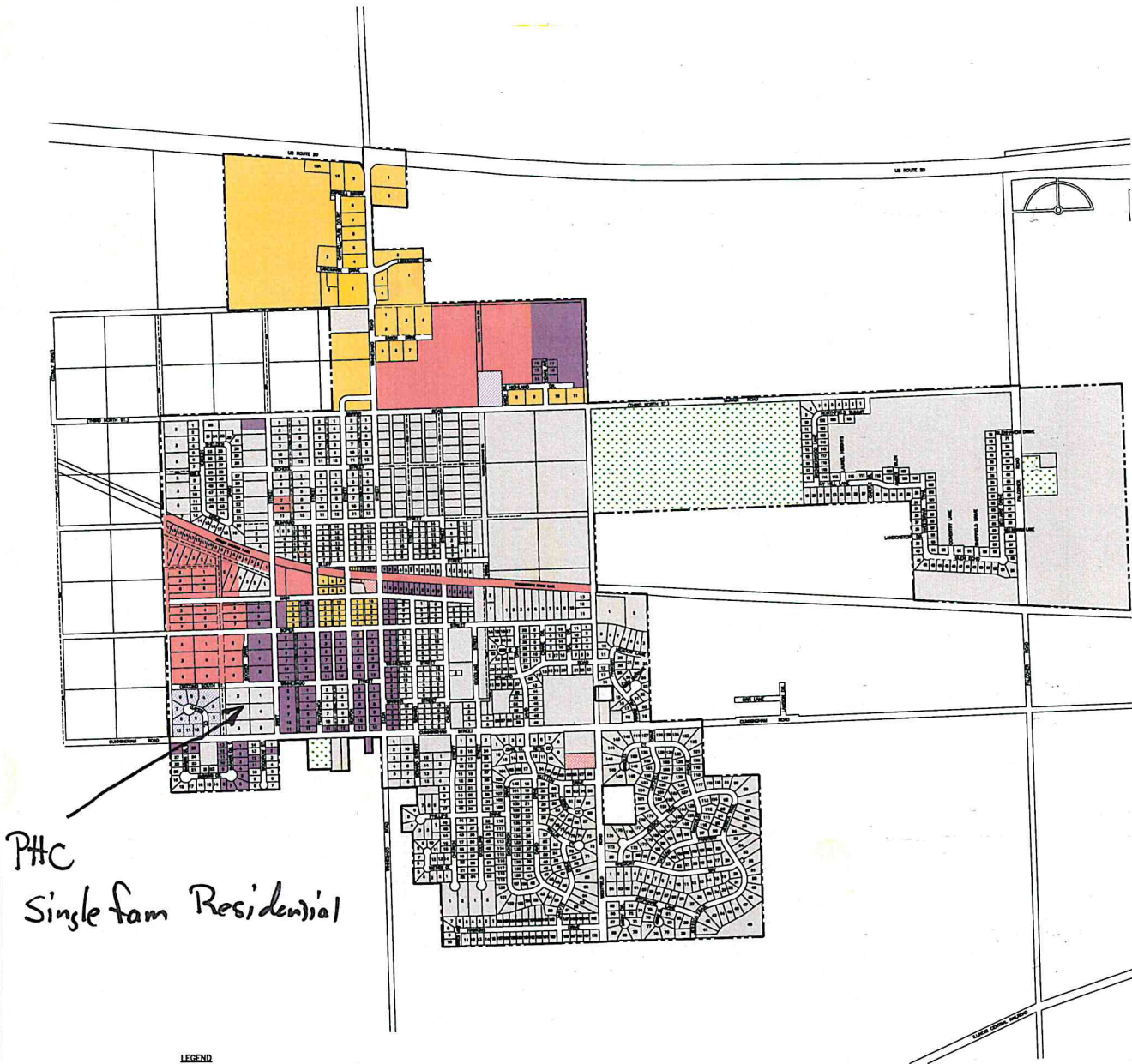
## Sale History

| Date of Sale | Sale Type  | Gross Selling Price | Sale Type |
|--------------|------------|---------------------|-----------|
| 7/22/2024    | 2024017175 | \$1,600,000.00      | WD        |

## Flood Hazard Zones

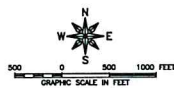
| Flood Zone Type | In/Out |
|-----------------|--------|
| X               | Out    |

ZONING MAP  
**VILLAGE OF WINNEBAGO**  
WINNEBAGO COUNTY,  
ILLINOIS



PHC  
Single fam Residential

- LEGEND**
- VILLAGE LIMITS
  - PLATTED LOT LINES
  - UNPLATTED OWNERSHIP LINE
  - DISTRICT 1 - SINGLE FAMILY RESIDENTIAL
  - DISTRICT 2 - TWO FAMILY RESIDENTIAL
  - DISTRICT 2M - MULTIFAMILY
  - DISTRICT 3 - GENERAL BUSINESS
  - DISTRICT 4 - GENERAL INDUSTRIAL
  - DISTRICT 5 - LIGHT INDUSTRIAL
  - DISTRICT 6 - AGRICULTURE
  - DISTRICT 7 - LIMITED AGRICULTURE
  - DISTRICT 8 - RTMP



**FEHR GRAHAM**  
ENGINEERING & ENVIRONMENTAL  
ILLINOIS 2017 P.E. NO. 00000000  
© 2017 FEHR GRAHAM

ILLINOIS  
IOWA  
WISCONSIN

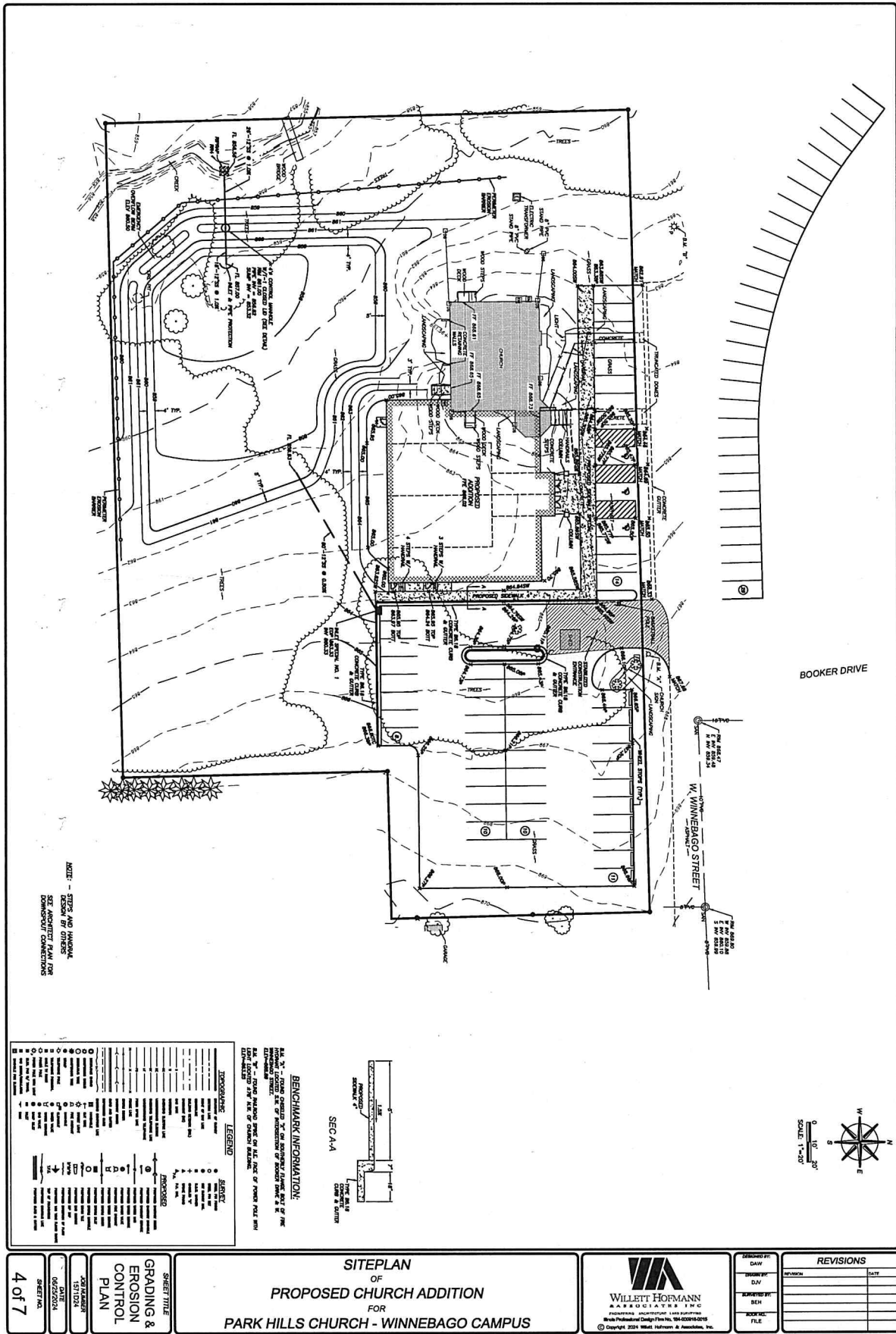
2/27/18



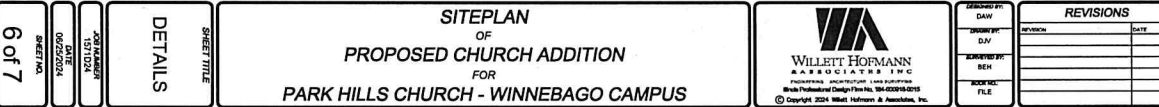
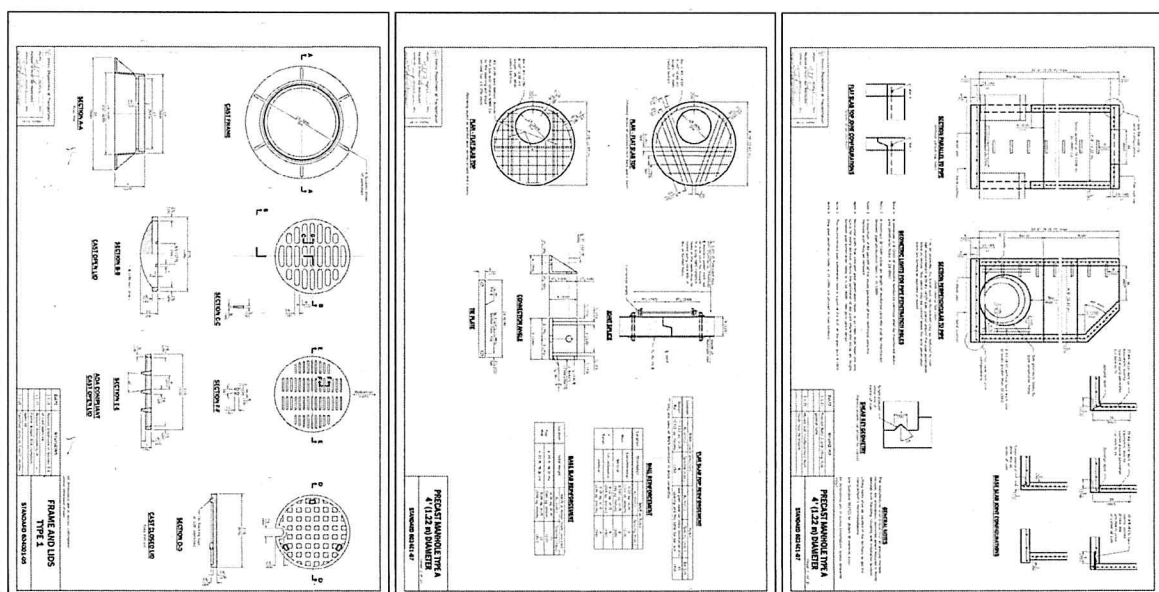
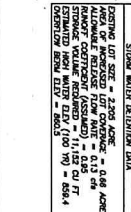
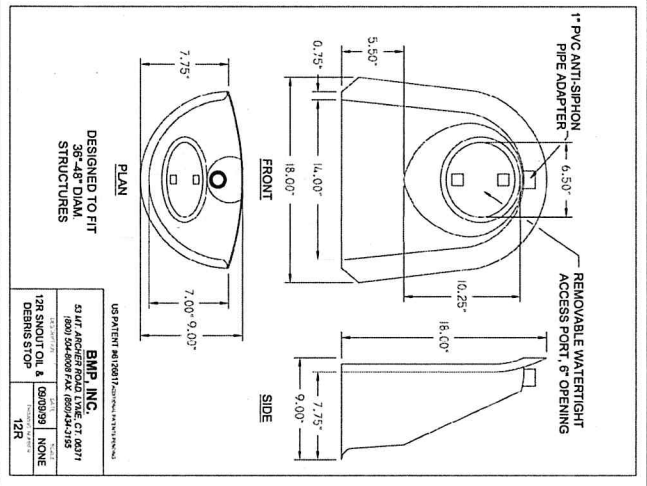
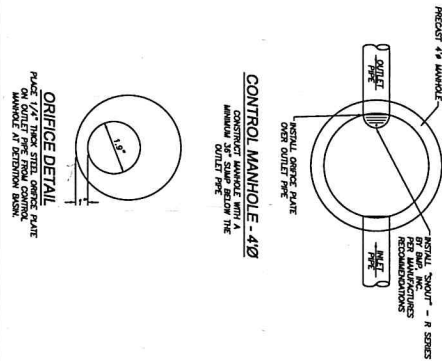
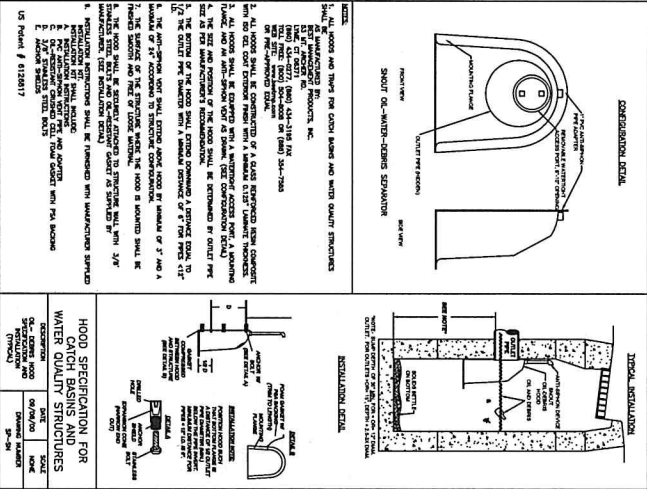




S:\PROJECTS\2024\1571024\_ParkHillsChurch\1571024.dwg, 6/25/2024 1:07:55 PM, DJV











**Applicant:** Park Hills Church  
**Contact:** Rich Graham  
**Address:** 500 W Winnebago street  
Winnebago, IL 61088  
  
**Project:** Park Hills Church Expansion  
**Address:** 500 W Winnebago street, Winnebago

**IDNR Project Number:** 2508991  
**Date:** 01/30/2025

**Description:** Expanding our existing building to add additional worship and parking space

### Natural Resource Review Results

*This project was submitted for information only. It is not a consultation under Part 1075.*

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

#### Location

The applicant is responsible for the accuracy of the location submitted for the project.

**County:** Winnebago

**Township, Range, Section:**  
26N, 11E, 8



#### IL Department of Natural Resources

##### Contact

Impact Assessment Section  
217-785-5500  
Division of Ecosystems & Environment

#### Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

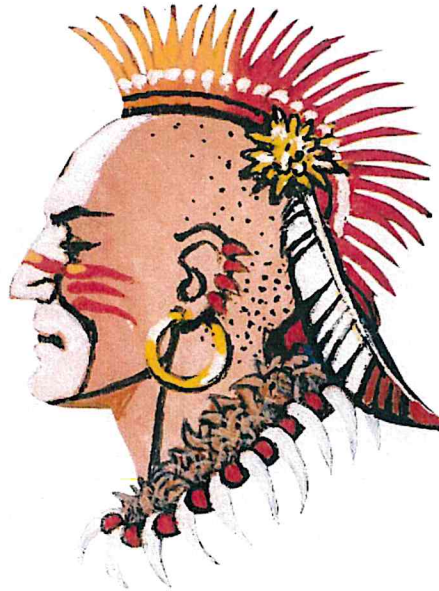
#### Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

---

# ZONING APPLICATION

## Village of Winnebago



---

Phone: (815) 335-2020 ■ Fax: (815) 415-8491  
108 W. Main Street, Winnebago, Illinois 61088

**It is recommended that a pre-application conference be held to ensure that all applicable information is provided, and the application is filled out correctly. Please call 815-335-2020 to schedule a pre-application conference. Delays in obtaining a public hearing date may result from incomplete or errant applications.**

**REQUIRED APPLICATION MATERIALS**

The following materials must be submitted to the Planning and Zoning Department before a Public Hearing can be scheduled. Incomplete applications cannot be processed.

☒ Application Form (Original Form, pages 7, 8, & 9)

☐ Application Fee (See Fee Schedule, page 4)

Waived Per Joe D 1-28-25

☒ Legal Description

**Project Drawings:**

☒ Preliminary or Final Site Plan (1 copy). Include project data [i.e., building area, land area, setbacks, coverage, parking and landscaping calculations, etc.]. The information required will vary depending on the type of request being made. However, all site plans should be drawn to scale and be accurate to the best of the petitioner's ability.

☒ Preliminary or Final Engineering

Full size plans  
Delivered OCT 24

☒ Floor Plans

☒ Building Elevations

☒ Landscape Plan (indicate species, plant location, quantity, size, spacing, and easement/utility locations)

Plan in Process

☐ Sign elevations

Plan in Process

**Other Documents:**

☒ A detailed written statement explaining the reason for the request.

The Zoning Board of Appeals and Village Board base their decisions on the standards listed below. It is in the best interest of the applicant to base their presentation on the applicable set of standards when presenting their petition.

☐ Applicant should respond to the following statements while presenting his or her request to the Zoning Board of Appeals, along with an additional written statement detailing the nature of the proposed use. If this application is for a **SPECIAL USE PERMIT**, pursuant to Unified Development Ordinance Article 14.03:

- The proposed use at the specified location is consistent with the goals, objectives, and policies of the Comprehensive Plan;
- The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations and complies with requirements of the Article;
- The proposed Special Use is not materially detrimental to the public health, safety, comfort, and general welfare, and will not result in material damage or prejudice to other property in the vicinity;
- The proposed use is compatible with, and preserves or enhances, the character and integrity of adjacent development, and includes improvements necessary to mitigate adverse development-related impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods;
- The proposed use does not generate pedestrian and vehicular traffic that will be hazardous to the existing and anticipated traffic in the neighborhood;
- The proposed Special Use complies with all fire, health, building, plumbing, electrical, and stormwater drainage regulations of the Village, County, State and Federal agencies; and

g. Adequate utilities exist to service the proposed Special Use.

- ☒ Applicant should respond to the following statements while presenting his or her request to the Zoning Board of Appeals, along with an additional written statement describing the specific nature of the proposed variation and the practical difficulty and perceived hardship resulting from a strict and literal interpretation of a specified regulation of this chapter if this application is a request for a **VARIANCE**, pursuant to Unified Development Ordinance Article 15.03 et seq.

**15.03 (3) Variances & Findings of Fact**

- a. That there are special circumstances, applying to the land or buildings for which the variance is sought, which circumstances are peculiar to such land or buildings and do not apply generally to land or buildings in the vicinity;
- b. That said circumstances are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or buildings;
- c. That the variance as granted by the Zoning Board of Appeals is the minimum variance that will accomplish the reasonable use of land or building in question;
- d. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- e. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district.
- f. The extraordinary or exceptional conditions of the property, requiring the request for the variance, were not caused by the petitioner.
- g. The proposed variance will alleviate a peculiar, exceptional, or undue hardship, as distinguished from a mere inconvenience or pecuniary hardship.
- h. The denial of the proposed variance will deprive the petitioner the use of his/her property in a manner equivalent to the use permitted to be made by the owners of property in the immediate area.
- i. The proposed variance will result in a structure that is appropriate to and compatible with the character and scale of structures in the area in which the variance is being requested

- ☐ Applicant should respond to the following statements while presenting his or her request to the Zoning Board of Appeals for a **ZONING DISTRICT CHANGE / ZONING MAP AMENDMENT**, pursuant to Unified Development Ordinance 18.04.

- a. Legal owners of the property(s) to be rezoned. If the property is held in an Illinois Land Trust, a Statement of Beneficial Interest is also required;
- b. Legal Description of the property(s) to be rezoned;
- c. Common street address of property(s) to be rezoned;
- d. Size of property (in square feet or acres);
- e. Current zoning of property;
- f. Requested zoning of property;
- g. Narrative description of the reasons for requested rezoning;
- h. Estimated impact of rezoning on surrounding neighborhood;
- i. Vicinity map showing the area to be rezoned

N/A

## FEE SCHEDULE

### LAND USE (ZONING DEVELOPMENT) APPLICATIONS

**Zoning Map Amendment  
(Zoning Change):**

\* \$400.00 plus, \$10.00 per acre or part of,  
plus consultant fees

**Special Use Permit:**

\* \$450.00 plus, \$20.00 per acre or part of,  
plus applicable professional fees

**Variance:**

\* \$350.00, plus applicable professional  
fees

**Planned Residential Development (PRD):**

\* \$450.00 plus, \$20.00 per acre or part of,  
plus applicable professional fees

**Appeal:**

\$250.00 plus applicable professional fees

**Text Amendment /  
Future Land Use Plan Amendment**

\$400.00 plus applicable professional fees

#### **ADDITIONAL FEES:**

Any fees born because of a report and/or publication required by State Law for the above noted zoning procedures shall be the responsibility of the Applicant.

The above noted fees are *NOT* inclusive of any other fees that may result from other required permits (i.e. building permit, zoning clearance (permit), sign permit, health permit, etc.).

Based on the complexity of the application and subsequent review required, in addition to the listed fees below, at the village's sole discretion applicants may be responsible for additional professional fees incurred by the village during the application process, including but not limited to engineering, legal, or planning review fees.

#### **Notice For All Petitions:**

\* When work is commenced prior to obtaining the required "Land Use (Zoning Development) Application(s)", the established fees shall be increased by 50%. The payment of such fee shall not relieve any person from fully complying with the requirements of the Village Unified Development Ordinance, nor from the penalties prescribed within the Unified Development Ordinance, as stated in Article 4.04 and any other applicable portions of the Unified Development Ordinance.

**PROCEDURE CHECKLIST FOR APPLICANT USE**

- 1-28 ■ Prospective applicant obtains application packet from Village Office. Blank applications may be faxed or mailed upon request or downloaded off the Winnebago Village website at <http://www.villageofwinnebago.com>. All pages of the application packet should be read thoroughly at this time. If necessary, Village Office personnel will explain procedures and fees involved.
- 1-28 ■ Pre-Application Conference: It is recommended that the applicant contact the Village Office to schedule a time to review the application to ensure that it is complete and includes all applicable materials.
- 1-31 ■ Applicant submits completed zoning application, along with site plan, written statement (when applicable), other required materials and the appropriate fee. Zoning Board will review submitted materials for completeness. Applications are then scheduled for a public hearing before the Zoning Board of Appeals.
- Application in process 2-3-25 ☒ ■ Applicant must contact the Soil and Water Conservation District (SWCD) office directly and make proper application for Zoning Letter and/or Natural Resource Information (NRI) Report. If necessary, SWCD personnel will explain procedures and fees involved. Zoning applications are not complete until SWCD Natural Resource Information (NRI) Reports are properly applied for. Zoning requests will not be scheduled for a public hearing unless a completed NRI Report is forthcoming.
- Attached ■ The "Endangered Species Act" entitles the Illinois Department of Natural Resources (IDNR) to review zoning, special use, and Variance applications for their impact on endangered or protected species. Illinois law allows thirty (30) days for their response. The applicant is responsible for contacting the IDNR, at 5224 South Second Street, Springfield, IL 62701-1787. Additional information can be obtained about this process via the internet address: <http://dnrecocat.state.il.us/ecopublic/>. If you have any questions or comments about endangered species consultation process, you can send an email to [DNR.EcoCAT@illinois.gov](mailto:DNR.EcoCAT@illinois.gov)
- Completed 8-12-24 ■ The "National Historic Preservation Act" entitles the Illinois Historic Preservation Agency to review zoning, special use, and Variance applications for their impact on cultural or historical resources. Illinois law allows thirty (30) days for their response. The applicant is responsible for contacting the Illinois Historic Preservation Agency at (1-217-782-4836).
- ☐ A Notice of Public Hearing is printed in the local newspaper no less than 15 days, nor more than 30 days before the date of public hearing. See fee schedule for applicable fee (Page 4).
- ☐ When applicable, the subject property is posted with a notice sign prepared by Village Office personnel summarizing pertinent case information and the scheduled Zoning Board of Appeals hearing date no less than 15 days before the public hearing.
- ☐ Property owners surrounding the subject property are notified by mail, approximately 15 days before the date of public hearing, provided by Village Office staff summarizing pertinent case information and the scheduled Zoning Board of Appeals hearing date. Other appropriate agencies are also notified at this time. Note that adjoining property owners may legally protest map and text amendments, which may necessitate a super majority vote of the Village Board to approve a petition.
- ☐ Village Office staff review application and submit written staff report to the Zoning Board of Appeals and to the Village Board. Applicant is mailed a copy of this written staff report provided by Village Office staff, usually about 1 week before the date of public hearing.

- ☐ Zoning Board of Appeals (ZBA) conducts a Public Hearing, normally on their regularly scheduled meeting date. The applicant or an authorized agent must appear to present pertinent information and provide testimony under oath. No less than 4 copies of any handouts or exhibits should be made available for ZBA members and staff. One copy will be kept and added to the file as an exhibit(s). Be aware that delays may occur as public hearings can extend to additional Board meetings and may include multiple or returning speakers. The Board deliberates and provides its recommendation based on findings of fact. Unsupportive ZBA recommendations can affect the voting considerations of the Village Board.
- ☐ Zoning Board of Appeals public hearing minutes are transcribed and distributed to Village Board members, usually about 1 week after the close of public hearing. Copies of minutes are available to applicants' following approval of said minutes by the Zoning Board of Appeals. The minutes of the Zoning Board of Appeals public hearing are normally approved the following month.
- ☐ Pertinent case information and ZBA recommendation is presented to Village Board for it's consideration, layover, and decision, usually within 4 weeks after the ZBA provides its recommendation.
- ☐ Individual ordinances for each approved application are signed, certified, and processed through the Village Clerk. A Completed ordinance copy accompanies the applicant's notification of the Village Board decision.

## LEGAL NOTICE AFFIDAVIT

I, below signed, hereby understand that in order for my zoning request to be heard, notice of the hearing which it will be heard at must be published in a newspaper of general circulation that is published in the County pursuant to State Law, and as a result, publication fees will incur which I hereby agree to pay the incurred fees.



Sign name

1-31-25

Date

Rich Graham

Print Name

G650-7486-XXXX

Driver license number for biller (paper)

815-232-6159

Phone number for biller account

2525 W Stephenson STAddress of where bill from paper shall be sent  
(Street)Freeport IL 61032Address of where bill from paper shall be sent  
(City, State, Zip Code)

**TOWNSHIP NOTIFICATION OF VILLAGE OF WINNEBAGO ZONING PETITION**

I, Rich Graham, on behalf of Park Hills Church (Name of Applicant) am petitioning the Village Of Winnebago for a:

Zoning Map Amendment from District # \_\_\_\_\_ To District # \_\_\_\_\_

Special Use Permit For \_\_\_\_\_

\_\_\_\_\_, in District # \_\_\_\_\_

☒ Variance In requirements for the location of off-street Parking from back yard to side yard.

A distance/size of NA to NA, in District of Winnebago

the subject property is located at: 500 W Winnebago Street

the P.I.N. Number(s) is: 1408455014

the size of the property is 2.26 acres, or 97,388 sq. ft.

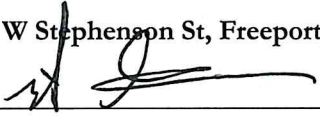
Proposed use for the subject property: Expansion of current building by adding a new worship center and offsite parking lot

Contact Information: Rich Graham

Phone Number: (Cell) 815-821-5019

Email Address: rich.graham@parkhillsefc.org

Address: 2525 W Stephenson St, Freeport, IL 61032

Signature:  Date: 1-31-25

\*\*\*\*\*  
**Please attach a copy of your site plan**  
\*\*\*\*\*



# Agenda Item Executive Summary

Item Name Proposed UDO Text Amendment – Off-Street Parking Requirements for Churches and Schools Committee or Board Zoning Board

## BUDGET IMPACT

|                 |     |           |     |
|-----------------|-----|-----------|-----|
| Amount:         | N/A | Budgeted: | N/A |
| List what fund: | N/A |           |     |

## EXECUTIVE SUMMARY

The Zoning Board will consider a proposed text amendment to the Village's Unified Development Ordinance (UDO) regarding off-street parking requirements for churches and schools. Currently, the UDO restricts parking lots in front or side yards of properties zoned for residential use, creating challenges for institutions such as churches and schools that require additional parking.

The proposed amendment clarifies that these restrictions do not apply to properties where the primary use is a church or school, while maintaining limitations for residential properties with incidental religious or educational uses. This amendment aims to provide flexibility for institutions while ensuring consistency with broader zoning policies.

The Zoning Board will review the proposed ordinance language, consider public input, and discuss its potential impact before making a recommendation to the Village Board.

**Next Step:** The Zoning Board will need to schedule a public hearing for the proposed text amendment. The recommended date for the hearing is **April 1, 2025, at 5:45 PM.**

## ATTACHMENTS (PLEASE LIST)

Draft Ordinance

## ACTION REQUESTED

- ☐ For Discussion Only
- ☐ Resolution
- ☒ Ordinance
- ☒ Motion:

**MOTION:** I MOVE TO SCHEDULE A PUBLIC HEARING FOR THE PROPOSED UDO TEXT AMENDMENT REGARDING OFF-STREET PARKING REQUIREMENTS FOR CHURCHES AND SCHOOLS ON APRIL 1, 2025, AT 5:45 PM.

Staff: Joseph Dienberg, Village Administrator Date: 3/4/2025

## **ORDINANCE NO. 2025-**

### **AN ORDINANCE AMENDING THE VILLAGE OF WINNEBAGO UNIFIED DEVELOPMENT ORDINANCE REGARDING OFF-STREET PARKING REQUIREMENTS FOR CHURCHES AND SCHOOLS**

**WHEREAS**, the Village of Winnebago (the "Village") has adopted a Unified Development Ordinance ("UDO") to regulate land use and development within its jurisdiction; and

**WHEREAS**, Article 12.14(2) of the UDO currently restricts paving for parking lots within front or side yards abutting a street in areas zoned for residential use; and

**WHEREAS**, Park Hills Church has submitted a request for a variance to allow parking within the front and side yards of its property, prompting a review of this provision by the Village's Zoning Board of Appeals; and

**WHEREAS**, during its review of the request, the Zoning Board determined that a broader text amendment to the UDO was appropriate to clarify that such parking limitations should not apply to properties where the principal use is a church or school, while maintaining restrictions to prevent unintended loopholes for in-home businesses, daycares, or other uses operating within a residential dwelling; and

**WHEREAS**, the Village has determined that this amendment is in the best interests of the public health, safety, and general welfare of the community.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Winnebago, Illinois, as follows:

#### **SECTION I: AMENDMENT TO ARTICLE 12.14(2)**

Article 12.14(2) of the Unified Development Ordinance is hereby amended to add the following language:

*"Notwithstanding the above restrictions, the limitations on paving for parking lots within front or side yards abutting a street shall not apply to properties where the principal use of the property is a church or school, as defined in Article 3 of the UDO, and not a residential dwelling. This exemption does not extend to properties primarily used as residences that also operate as in-home businesses, daycare centers, private schools, churches or places of worship, or other secondary uses that are incidental to a residential dwelling."*

**SECTION II: SEVERABILITY**

If any section, paragraph, clause, or provision of this Ordinance shall be held invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

**SECTION III: EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon its passage, approval, and publication as required by law.

**APPROVED BY:** \_\_\_\_\_

Franklin J. Eubank, Jr., President of the Board  
of Trustees of the Village of Winnebago, Illinois

**ATTEST:**

\_\_\_\_\_  
Sally Jo Huggins, Village Clerk

**PASSED:** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_

**PUBLISHED IN  
PAMPHLET FORM:** \_\_\_\_\_