

# PROTESTING A REZONING REQUEST in Whiteside County

## **Purpose:**

The purpose of this document is to provide the public with the information needed to properly object to a request for a change in Zoning classification.

## **Zoning Ordinance Requirements:**

The following is taken directly from the Whiteside County Zoning Ordinance. It lists the protests that will require a super-majority (¾) vote of the County Board in order to pass to requested change in zoning. A ¾ vote of the County Board means that a minimum of twenty-one (21) members must vote in favor of the request for it to be approved. The ordinance reads as follows:

*In the case of certain protests against a proposed amendment in the boundaries of a district, such amendment shall not be passed or become effective except by a favorable vote of three-fourths of all members of the County Board. Such a supermajority vote of the County Board will be required when:*

- A. *The protest is signed and acknowledged by twenty per cent of the ownership of the property proposed to be changed; or*
- B. *The protest is signed and acknowledged by a person or persons who own adjacent property constituting an equivalent of twenty per cent of the total perimeter of the site of the proposed change; or*
- C. *The protest is in the form of a resolution to that effect, passed by a zoned municipality whose corporate limits are within one and one-half miles of the site of the proposed change.*
- D. *The protest is in the form of a resolution passed by a township Board of trustees, upon the recommendation of that township's plan commission.*

*All such protests must be filed with the office of the County Clerk of Whiteside County prior to the public hearing held by the Planning and Zoning Commission along with a copy being forwarded to the Secretary of the Commission and to the applicant or to the applicant's agent. In the case of a protest by a township, said protest must be filed with the County Clerk's office within thirty (30) days of the close of the public hearing.*

Please note the paragraph immediately above. Not following those instructions will reduce the objection to a mere statement of opposition to the rezoning with no binding requirements of the County Board. They may pass the request by a simple majority as long as a quorum of the Board is present.

## **Examination by the Planning and Zoning Commission:**

In order to prepare a proper and effective protest, you, as an objector, should understand that which the Planning and Zoning Commission will be basing their recommendation to the County Board. First they will be looking at the same criteria that the Circuit Court will use in reviewing the matter if it goes that far. That portion of the Zoning Ordinance follows:

*When reviewing a request for a zoning map amendment, the Planning and Zoning Commission will examine, at a minimum, the following:*

- A. *The existing uses of nearby property;*
- B. *The extent property values will be diminished by the zoning restrictions;*
- C. *The extent to which the destruction of property values promotes health, safety and welfare of the public;*
- D. *The gain to the public versus the hardship to the individual property owner;*

- E. The suitability of the subject property for zoned purposes;*
- F. The length of time the property has been vacant as zoned, considered in context of land development in the vicinity of the subject property;*
- G. Whether the ordinance is based upon adequate planning;*
- H. Whether there is a public need in the neighborhood for the proposed use.*

**Zoning Ordinance Standards:**

In making a recommendation to the County Board, the Planning and Zoning Commission will see that the following standards are met:

- A. The use must be necessary for the public interest.
- B. The use must be designed, located and proposed to be operated so that the public health, safety, morals and welfare will be protected.
- C. The use will not cause substantial injury to the value of other property in the area.