

REZONING
Petitioner's Instructions

The following instructions have been prepared by the Whiteside County Building & Zoning Office to assist those seeking a change in zoning classification for their property. Under the State of Illinois statute that governs county zoning, (ILCS Division 5/5- 12), the County Board alone has the power to change zoning classifications. This statute also establishes the procedures that must be followed to accomplish a change in zoning classifications. The Whiteside County Zoning, Planning & Development Ordinance and the following instructions are based on this statute.

PART I. INITIAL PREPARATIONS

- A. The petitioner should first read these instructions thoroughly and be sure that there are no questions regarding what will be required.

- B. The petitioner should obtain the legal description to the property in question, preferably from a deed, and should fill out a Zoning Application form for the structure to be built if the rezoning is granted. The application will include:
 - 1. any existing or proposed buildings with dimensions of each;
 - 2. distances between buildings and between buildings and property lines;
 - 3. area(s) to be used for parking and the proposed number of spaces;
 - 4. proposed point(s) of access to the property.

- C. Once the application and site plan are prepared, the petitioner will schedule a conference with the Building and Zoning Administrator to determine the proper classification for the proposed use of their property.

PART II. CONFERENCE

- A. At the conference with the Building and Zoning Administrator, the proposed use and the site plan will be reviewed to determine any possible problems and questions about the rezoning process will be answered.

- B. The petitioner will be asked to help fill out and sign a "**PETITION TO CHANGE CLASSIFICATION UNDER ZONING, PLANNING & ZONING ORDINANCE**" form. This petition must be signed by all parties having an interest in the ownership of the property.

- C. When the petition is completed, it must be filed with the Building & Zoning Office along with the required fee as set by the County Board. The Building & Zoning Office will prepare a "NOTICE OF PUBLIC HEARING", determine which newspaper the notice will be published in and a list of persons to be notified. **NOTE: The petition will not be forwarded for a hearing until the required fee has been paid to the Development Office.**

- D. At the time of filing, the Building and Zoning Administrator may determine that a Land Evaluation and Site Assessment (LESA) will be required. The petitioner may be instructed to

take a copy for the petition to the Whiteside County Soil and Water Conservation office and request the Land Evaluation portion of LESA. The Building & Zoning Office will prepare the Site Assessment portion.

E. If the above requirements are met and Part III is not required, the petition will be forwarded to the Whiteside County Planning and Zoning Commission for public hearings. See Part IV.

PART III. MUNICIPAL REVIEW

A. If the property being rezoned lies within one and one-half miles of the corporate limits of Fulton, Albany, Morrison, Prophetstown, Lyndon, Tampico, Deer Grove, Rock Falls or Sterling, the petition will have to be taken to that municipality by the petitioner.

B. If the municipality in question wishes to hold a hearing on the rezoning request, the petitioner will have to arrange a hearing date with that municipality first. The petitioner will be directed by the appropriate person in that municipality as to the steps to be taken.

C. The petitioner or the petitioner's agent will appear at any hearing(s) as required by the municipality. Upon completion of their review, their comments will be forwarded to the County Board to be considered during the County Board's deliberation after county hearings.

PART IV. COUNTY REVIEW

A. Immediately after the hearing fee is paid and Part III is completed (if required), hearings will be scheduled with the Planning and Zoning Commission. The petitioner will be provided with copies of the "**NOTICE OF PUBLIC HEARING**" form. Enough copies will be provided for the petitioner to:

1. Take one copy of the "Notice" to a newspaper designated by the Building & Zoning Office for publication. Said newspaper must be one of general circulation in the area of the rezoning;
2. Mail a copy to each adjoining property owner as determined by the Building & Zoning Office by Certified Mail. A list of said property owners will be provided to the petitioner; and

NOTE: The "**NOTICE OF PUBLIC HEARING**" must be published and mailed no more than thirty (30) days or less than fifteen (15) days prior to the date of the public hearing held by the Planning and Zoning Commission. This is in accordance with the requirements of the State Statutes.

3. One copy for the petitioner's files.

B. At the time that the "**NOTICE OF PUBLIC HEARING**" is provided to the petitioner, the Building & Zoning Office will also provide the petitioner with meeting dates and times. The petitioner is then responsible for seeing that the petition is represented at those meetings. If no one is present to represent the petitioner, the petition will most likely be tabled until the following month.

C. Hearings will be held in the General Meeting Room of the Law Enforcement Center in Morrison, Illinois. The petitioner may request (in writing) that the hearing be held in the

Township where the rezoning is taking place. Prior to the hearing the petitioner must bring the following to the Building & Zoning Office for filing:

1. Proof of certified mailings. There should be receipts signed by the addressees and returned to the petitioner by the Postal Service.
2. "Certificate of Publication" from the newspaper. This should be mailed to the petitioner by the newspaper. If you have not received one by the Planning Commission hearing, check with the newspaper about picking up a copy.
3. Copies of the site plan prepared for the Building & Zoning Office in Part I, B. will be supplied by the Building & Zoning Office.

D. The petitioner or the petitioner's agent will appear at the meeting of Planning and Zoning Commission. The Commission will review the proposed change with regard to the LESA report, zoning standards and any other information deemed applicable.

NOTE: The standards and other considerations, which the Zoning Board of Appeals will apply to the petition, are found on the last page of these instructions. **PLEASE BE PREPARED TO ADDRESS THESE STANDARDS IN YOUR PRESENTATION TO THE ZONING BOARD!**

ALSO, ANY ITEMS PRESENTED TO THE PLANNING AND ZONING COMMISSION, IN SUPPORT OF YOUR PETITION, BECOME THE PROPERTY OF THE COUNTY AND WILL NOT BE RETURNED.

E. The recommendation of the Planning and Zoning Commission will be forwarded to the County Board for their final action at the next month's meeting. This will be accompanied by their Finding of Facts and a resolution for the County Board to act on. The County Board will also receive a copy of the minutes of the Planning and Zoning Commission for review. The petitioner or the petitioner's agent has the option of attending the County Board meeting but it is not required.

PART V. REZONING STANDARDS

The following standards are taken from the Whiteside County Zoning, Planning & Development Ordinance, Chapter 39, Article IV, Sec. 39-145 (f)

- 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.

PART VI. COMPREHENSIVE PLAN STANDARDS

At the time that the Planning and Zoning Commission is reviewing the proposed change in zoning classification, they will also review the proposal as it applies to the Whiteside County Comprehensive Plan. They will look at the proposal in terms of:

A. Agricultural Quality:

Does the site have a history of productive farming?

Does the site contain prime soils?

Is the site viable for long-term agricultural use?

Is the site too small to be economically used for agricultural purposes?

Is the site inaccessible for machinery needed to produce and harvest products?

B. Land Use Compatibility:

Will the proposed change have a substantial, adverse effect on adjacent properties?

Residential uses

Non-residential uses

C. Natural Resources:

Does the site include any important natural features?

Wetlands, Floodplains, Steep slopes, Scenic vistas, Significant woodlands

Will the development result in pollution of any kind?

Water, Light, Noise

D. Emergency Vehicle Access:

Will emergency vehicles have any problems accessing the site?

E. Adherence to Other Portions of this Plan:

PART VII. COUNTY BOARD FINAL ACTION

A. The County Board should act on the petition at their meeting in the month following the close of the public hearings. The County Board does not have to hear any public comment on the petition but will do so when absolutely necessary. The Board Chairman should be made aware of a desire to address the Board before the meeting begins. A final decision should be made at this meeting, but the County Board does have the option to send a petition back to hearings for further information.

B. If the petition resolution comes up for a vote, it will require a simple majority vote. If any of the following apply, however, the County Board must approve the resolution by a three quarters vote of the entire Board (21 members must vote in favor):

1. written protest by the owner or owners of at least 20% of the land to be rezoned; or

2. written protest by owners of land comprising 20% of the perimeter of the land to be rezoned; or
3. written protest of a municipality when the property falls within the one and one-half mile limit; provided that such written protests are filed with the County Clerk's office prior to the County Board's meeting at which the petition will be heard; or
4. written protest from the Township Board upon the recommendation of the Township's Plan Commission.

C. If the petition is approved by the County Board, the petitioner is free to begin development. If new construction is proposed, a zoning permit for that construction must be obtained from the Development Office.

D. If the petition is denied by the County Board, the petitioner may appeal the decision. Such appeals should be made to the Circuit Court, 14th Judicial Circuit.

NOTE: CONSTRUCTION CANNOT BEGIN WITHOUT A BUILDING PERMIT AND A BUILDING PERMIT CANNOT BE ISSUED WITHOUT APPROVAL OF THE REZONING. BUILDING WITHOUT THE PROPER PERMIT WILL RESULT IN A PENALTY FEE BEING ADDED TO THE COST OF THE PERMIT.

PART VIII. WAIVING OF HEARING FEES BY COUNTY BOARD:

For those citizens that feel they cannot afford the required fee(s) for a hearing before the Whiteside County Planning and Zoning Commission, the following procedures will be followed:

1. Such requests will be made in writing and presented in person, by the individual or their agent, to the Whiteside County Public Works Committee at a regular meeting. The Committee may request any information deemed necessary to determine that a financial hardship exists.
2. The Public Works Committee, after hearing the request, will prepare a recommendation to be acted upon by the County Board. The individual may be required by the Committee to appear at the County Board meeting.
3. The final decision of the County Board will be by motion and will be passed on to the Zoning Office for its files.
4. The Zoning Office will schedule such requests for a hearing by the Planning and Zoning Commission, at the next meeting date that has at least one hearing scheduled.