

17.04.320 – Zoning text and map amendments

A. Amendments Authorized

The regulations imposed and the zoning districts and overlay districts created by this Title may be amended from time to time by ordinance adopted by the City Council, pursuant to the procedures set forth in this Section.

B. Procedure

No application for a Zoning Text Amendment or Zoning Map Amendment shall be acted upon by the City Council until after a public hearing has been held and the findings of the hearing body have been reported to the City Council. The Plan Commission shall hold the required public hearing and make findings and recommendations for all Zoning Text Amendments and Map Amendments including changes to District and Overlay boundaries, except that in the case of Zoning Text Amendments to Chapter 17.32, Historic Preservation, and changes to the boundaries of the Historic District Overlay, the Historic Preservation Commission shall hold the required public hearings and make findings and recommendations, which shall also be in conformance with Chapter 17.32, Historic Preservation.

The Plan Commission or Historic Preservation Commission, as the case may be, shall provide the City Council a recommendation and any required findings of fact within 45 days following the close of the public hearing on a proposed amendment. The failure of the Plan Commission or Historic Preservation Commission to provide a recommendation within such 45 day period, or within such further time as the applicant may, in writing, agree, shall be deemed a recommendation against the approval of the proposed amendment. However, when the Plan Commission is sitting as a Zoning Commission to consider comprehensive Zoning Map Amendments and/or Text Amendments, pursuant to 65 ILCS 5/11-13-12, as amended, its recommendation shall be made within 30 days of the close of the public hearing.

C. Recommendations – Text Amendments Heard by Plan Commission

In making its recommendation to grant or deny an application for a Zoning Text Amendment, the Plan Commission shall consider:

1. The consistency of the proposed amendment with the City's Comprehensive Plan.
2. The consistency of the proposed amendment with the intent and general regulations of this Title.
3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.
4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.
5. The extent to which the proposed amendment creates nonconformities.
6. The implications of the proposed amendment on all similarly zoned property in the City.

D. Recommendations – Map Amendments Heard by Plan Commission

In making its recommendation to grant or deny an application for a Zoning Map Amendment, including changes to Zoning District and Overlay boundaries, the Plan Commission shall consider:

1. The existing uses and zoning of nearby property.
2. The extent to which property values are diminished by the existing zoning restrictions.
3. The extent to which the reduction of the property's value under the existing zoning restrictions promotes the health, safety, morals or general welfare of the public.
4. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property for one or more of the uses permitted under the existing zoning classification.
5. The length of time that the property has been vacant, as presently zoned, considered in the context of the land development in the area where the property is located.
6. The evidence, or lack of evidence, of the community's need for the uses permitted under the proposed district.
7. The consistency of the proposed amendment with the City's Comprehensive Plan.
8. Whether the proposed amendment corrects an error or omission in the Zoning Map.
9. The extent to which the proposed amendment creates nonconformities.
10. The trend of development, if any, in the general area of the property in question.

The Plan Commission shall record its findings regarding these matters in relation to the proposed amendment, and shall transmit those findings to the City Council with its recommendation. The Plan Commission recommendation shall be based upon the preponderance of the evidence presented and the Commission shall not be required to find each Finding of Fact in the affirmative to recommend approval of an application for Map Amendment.

(Ord. 2008-Z-32 § 14.)

E. Recommendations – Amendments Heard by Historic Preservation Commission

In making its recommendations to grant or deny an application for an amendment to the Historic District

17.04.320 Zoning text and map amendments

Overlay or a Zoning Text Amendment to Chapter 17.32, Historic Preservation, the Historic Preservation Commission shall consider the purposes, standards and requirements of Chapter 17.32.

F. Written Protest

In case of a written protest against a proposed Map Amendment, signed and acknowledged by the owners of twenty percent (20%) or more of the frontage proposed to be altered, or by the owners of twenty percent (20%) or more of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) or more of the frontage directly opposite the frontage proposed to be altered, filed with the City Administrator, the amendment shall not be passed except by a favorable vote of two-thirds (2/3) of City Council then holding office.

(1981-Z-6 : § 1 (part))