

ARTICLE FOURTEEN: AMENDMENTS AND HEARINGS

Section 14.1 General

14.1.1 Purpose: The purpose of this Article is to establish procedures for amending this Ordinance, its regulations and standards, restrictions and district boundaries, and for conducting hearings regarding such amendments and other zoning action. The procedures are intended to provide adequate notice of pending zoning action, to provide a fair and impartial hearing, and to establish an environment for sound and rational decisions.

14.1.2 Ordinance Amendments: The regulations imposed and the districts created by this Ordinance may be amended in accordance with the procedures contained within this Article.

Section 14.2 Application and Notice

14.2.1 Applicants for zoning action: The following parties may file for zoning action as specified in this Ordinance.

- A. **Map amendments.** An application for a map amendment may only be filed by the Village Board of Trustees, the Plan Commission, the Zoning Board of Appeals, the property owner, contract purchaser with the owner's consent, or the owner's agent.
- B. **Text amendments.** An application for a text amendment may only be initiated by the Village Board of Trustees, the Plan Commission, or the Zoning Board of Appeals.
- C. **Variations, special uses, provisional uses, planned developments.** An application for a variation, special use, provisional use, or Planned Unit Development may only be filed by the Village Board of Trustees, the Plan Commission, the Zoning Board of Appeals, the property owner, contract purchaser with the owner's consent, or the owner's agent.

14.2.2 Application requirements: Each application for zoning action as specified in this Ordinance shall be filed with the Zoning Administrator. The application shall contain the following information:

- A. Name and address of the applicant(s).
- B. Existing zoning classification.

- C. Requested zoning action.
- D. Legal description and common address for each property for which zoning action is requested.
- E. Reason and justification for the request.
- F. Other relevant characteristics about the subject property as indicated on the application form.

14.2.3 **Evidence of ownership:** Other than Village initiated action, applicants for zoning action shall submit evidence of their interest in the property along with complete disclosure of the legal and equitable ownership in any real estate affected for which zoning action is sought. Evidence of ownership may include a policy of title insurance, warranty deed, a legally binding contract to purchase, or other indication of ownership. If title is in a land trust in addition to proof of ownership, the trustee shall provide certification of the names, addresses, and percentage of interest of each beneficial owner. Where the petitioner is someone other than the owner, a letter of authorization from the legal owner shall accompany the application.

14.2.4 **Site plan requirements:** For map amendments, the applicant shall submit one reproducible site plan of existing conditions on the subject property. The site plan shall include the scale, north arrow, property lines, public streets adjoining the property, and if applicable, existing buildings, fences, access points, parking, and circulation areas. The site plan shall show all dimensions of lines, buildings, and setbacks, and include building height. For other zoning action, site plan submission shall meet the requirements of the Article regulating such action.

The Zoning Administrator may waive the requirement for a site plan if it is determined that information on the site plan is generally available from other sources, or that the nature of the request is such that the requirement for a site plan is not necessary to consider the zoning action. The Zoning Administrator shall make the waiver in writing and such a waiver shall be submitted along with the application.

14.2.5 **Fees and processing costs:**

- A. A fee shall accompany each application; the fee as established by the Village Board from time to time.
- B. The applicant shall be responsible for obtaining and pay all costs thereto or hire a title company to prepare the list of the taxpayers of record for all properties required to receive written notice as required in this Article.

14.2.6 **Published notice:** Notice of time and place of the hearing shall be published at least once, no more than thirty days nor less than fifteen days before the hearing, in a newspaper in general circulation within the Village. The notice shall give the date, time, and place of the hearing and contain a brief description of the proposed zoning action. If the zoning action pertains to a specific parcel or parcels, then the notice shall also contain a legal description and common address of the area for which the change is proposed.

14.2.7 **Written notice:**

A. For any zoning action for real estate, which requires a public hearing in accordance with this Ordinance, the applicant shall submit, with the application, the most recent list of taxpayers of record for all property, any portion of which, is located on or within the area defined by a line extended two hundred fifty feet outward in all directions from the perimeter of the subject properties. The list of taxpayers shall be compiled from records maintained by the Champaign County Assessor's Office not more than thirty days before the opening of the public hearing. The responsibility for obtaining and providing this information shall be the applicants. The measurement of all right-of-way shall be excluded in measuring the two hundred fifty foot perimeter. If any part of a condominium property is located within two hundred and fifty feet of the subject property, the name of each taxpayer of record for each condominium unit shall also be submitted to the Zoning Administrator.

[This represents the statutory requirement for Notice of Hearings.]

- B. Not less than fifteen days, but not more than thirty days before a public hearing, the Zoning Administrator shall give written notice by first class mail to the following:
1. The applicant.
 2. The owners of the subject property for which the zoning action is sought as identified in accordance with this Ordinance. If ownership is in a land trust or partnership, only the trustee or general partner need be notified.
 3. The taxpayers for property within two hundred fifty feet of the subject property as identified in accordance with this Ordinance.
- C. The notice shall contain the date, place, and time for the public hearing on the application, the address of the subject property, a brief statement of the nature of the request, and the name of the petitioner. The Village shall make a good faith effort to comply with the requirements of this Ordinance, however, failure to send the notice will not invalidate any action by the Village.

14.2.8 Notice by sign:

- A. An applicant seeking any zoning action for any real estate, which requires a public hearing, shall allow the Village to post weatherproof signs, indicating the upcoming hearing for the property, which are adequate in size and number to be visible from the adjacent roadways. The Village shall post the signs approximately ten days prior to the public hearing. A good faith effort shall be made to keep the signs in place until the close of the public hearing, but in no case shall the signs remain after ten days from the completion of the final public hearing.

[The requirement for posting signs is intended to provide notice to interested parties in the vicinity of the subject property. The sign would provide notice to individuals that would be missed by the written notice such as tenants, homeowners who have tax bills sent to mortgage companies, and residents outside the 250 foot radius from the property.]

- B. The required sign shall contain the words "NOTICE OF PUBLIC HEARING" at the top of the sign. The sign must also indicate the requested zoning action, date, time, and place where the hearing shall be conducted, a statement that the public is invited, and the phone number for the Village of Tolono.
- C. The Zoning Administrator may waive the requirement to post the sign in cases involving multiple lots where other measures are being used to notify interested parties. Such waiver shall be made a record of the case.
- D. The Village shall make a good faith effort to comply with the requirements of this Ordinance, however, failure to comply with these requirements shall not invalidate any zoning action.

Section 14.3 Hearings and Decisions

- 14.3.1 Hearings - open meetings: All hearings shall be held in a public place and shall be open to the public in accordance with State legislation regarding open meetings. The presence of a majority of the members of the Zoning Board of Appeals shall constitute a quorum at the meeting of the Zoning Board of Appeals. At any hearing, any person may appear and be heard either in person or by an authorized agent or attorney. The body conducting the hearing may set its own rules for the conduct of its meetings consistent with the provisions of the Village of Tolono Municipal Code and the laws of the State of Illinois.

14.3.2 Continuances: Once a public hearing is opened, it shall only be closed by a majority of a quorum of the hearing body. By its own motion, or on approval of requests by applicants or their authorized agents, the hearing body may continue the public hearing from time to time. Continuances shall be permitted only for good cause, stated in the motion and shall be made to a date and time certain. If the time and place of the commencement of the next public hearing is not announced at the scheduled hearing, such continuances shall require a new public notice in accordance with this Article. The applicant or other interested parties may request no more than two continuances for a period of not more than sixty days each and not more than one hundred and twenty days total from the date the public hearing was opened.

14.3.3 Decisions:

- A. Decisions of the Zoning Board of Appeals on minor variations and other items noted elsewhere in this Ordinance shall be final. Decisions of the Zoning Board of Appeals on major variations, map and text amendments, provisional and special uses, and Planned Unit Developments shall be in the form of a recommendation to the Village Board of Trustees. The recommendation shall include any recommended conditions to be placed on the action requested, if conditions are authorized by this Ordinance.
- B. If the Zoning Board of Appeals recommends to the Village Board of Trustees to approve a petition, the Village Board of Trustees may approve such petition by a simple majority of the quorum present. If the Zoning Board of Appeals recommends that the petition be denied, the Village Board of Trustees may only approve such petition by at least a favorable vote of four members of the Village Board of Trustees. All testimony, exhibits, plans, or specifications which were considered by the Zoning Board of Appeals shall be made a part of the record of the case.

14.3.4 Protest: If a valid written protest against any map amendment, provisional or special use, or Planned Unit Development is filed with the Village Clerk, then the action shall only be approved by the favorable vote of four members of the Village Board of Trustees. A valid protest shall meet the following criteria:

- A. A valid protest shall be filed with the Village Clerk by 5:00 p.m. three business days before final action by Village Board of Trustees is scheduled to occur.
- B. A written protest shall be signed by the owners of forty percent or more of either:
 - 1. The lots proposed to be altered, or
 - 2. The lots, any part of which, are immediately adjoining, across from an alley or directly opposite the frontage proposed to be altered.

If any lot or property, which meets the requirements of this subsection, has multiple owners, such lot shall be counted as protesting if at least fifty percent of all owners of such lot signed the protest document.

- C. The document shall identify the proposed zoning action, shall contain a statement of protest against the proposal, and shall attest that the signatories are the legal owners of property identified therein.
- D. The document shall bear the signatures and common street addresses of those signing the document, and identify the property which each signatory owns.

Section 14.4 Interim Development

14.4.1 Development regulations during consideration:

- A. If a petition for a map or text amendment, variation, provisional use, special use, or Planned Unit Development is filed by the Village Board of Trustees, Plan Commission, or the Zoning Administrator, then during the period the case is under consideration no use of any building or land may be changed, no building permit may be issued, and no building may be erected, reconstructed, converted, enlarged, structurally altered, or established except in accordance with the terms of either the existing regulations or the proposed regulations of the proposed amendment, whichever is more restrictive.
- B. The period of consideration shall be defined as beginning the day after the date of publication of notice as required elsewhere in this Article and ending the day after either:
 - 1. The date the Village Board of Trustees passes or defeats an ordinance containing all or part of the proposed amendment as published, or;
 - 2. The date of publication of notice by the Village Clerk canceling said notice, whichever date is earlier, but in no event for a period no longer than one hundred eighty days after the date of publication of the notice as required elsewhere in this Article.

END OF ARTICLE FOURTEEN.