

# Public Hearing Application Zoning Map Amendment



## PROJECT INFORMATION

Property Address:	
Property's Current Zoning:	Proposed Zoning:
Legal Description (note if attached):	
Brief statement of map amendment request:	

## FOR INTERNAL USE ONLY

Case #:
Date Received:
Pre-Application Discussion:
Hearing Date:
Assigned to:
Fee Paid:
Third Party Deposit:

## APPLICANT INFORMATION

Petitioner	
Petitioner's Name:	Phone:
Address (City, State, ZIP):	Email:
Owner	
Property Owner's Name and Owner's Authorized Representative Name (if the Petitioner is not the legal owner of the property):	Phone:
Address (City, State, ZIP):	Email:
Attorney or Representative Council	
Contact Name:	Phone:
Address (City, State, ZIP):	Email:

## PROPERTY OWNER SIGNATURE

By signing, the Property Owner authorizes the Petitioner to seek zoning approval for the Subject Property.

Property Owner or Authorized Representative Signature	Date	Petitioner Signature (If Other Than Property Owner)	Date
Sworn to before me this ____ day of _____, 20____.		Sworn to before me this ____ day of _____, 20____.	
Notary		Notary	

## SUPPLEMENTAL MATERIAL

The following attached items include required forms, templates, and informational material to complete this application.

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>- Public Hearing Cost Recovery Form</li> <li>- Affidavit of Title, Covenant, and Warranty Form</li> <li>- Authorization to Enter and Traverse Land Form</li> <li>- Certificate of Compliance for Notice of Pending Land Use Relief Standards for a Planned Development</li> <li>- Certificate of Compliance Form</li> <li>- Notice of Pending Land Use Relief</li> </ul> | <ul style="list-style-type: none"> <li>- Three Steps to Public Notification</li> <li>- Certified Mail Notice Template</li> <li>- City Highland Park Zoning Code, Article 15: Amendments</li> <li>- Affordable Housing Requirement</li> <li>- Plan &amp; Design Commission Schedule &amp; Deadlines</li> </ul> |
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## APPLICATION CHECKLIST

Please submit the completed application form and all required materials to:

City of Highland Park  
 Department of Community Development - Planning Division  
 1150 Half Day Road, Highland Park, Illinois 60035

Questions? Contact the Planning Division at 847.432.0867 or visit [cityhphil.com](http://cityhphil.com).

**INCOMPLETE  
 APPLICATIONS WILL NOT  
 BE PLACED ON AN  
 AGENDA**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Completed Application Form*</b> <ul style="list-style-type: none"> <li>- Complete in its entirety</li> <li>- Petitioners' name(s) should be written exactly as on the proof of ownership</li> <li>- Notarized signatures of all owner(s) and petitioner(s) are mandatory</li> </ul> </li> <li><input type="checkbox"/> <b>Application Fee*</b> <ul style="list-style-type: none"> <li>- Make check payable to: City of Highland Park</li> </ul> </li> <li><input type="checkbox"/> <b>Third Party Cost Recovery Form &amp; Fee*</b> <ul style="list-style-type: none"> <li>- Make check payable to: City of Highland Park</li> </ul> </li> <li><input type="checkbox"/> <b>Affidavit of Title, Covenant, and Warranty</b> <ul style="list-style-type: none"> <li>- Any form of ownership must be accompanied by a notarized affidavit of title citing date of title and/or trust agreement</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Authorization To Enter And Traverse Land</b> <ul style="list-style-type: none"> <li>- To be signed by owner and City representative</li> </ul> </li> <li><input type="checkbox"/> <b>Certificate of Compliance Form</b> <ul style="list-style-type: none"> <li>- This ensures disclosures are made as part of any real estate sales contract or promotional sales literature</li> </ul> </li> <li><input type="checkbox"/> <b>Plat of Survey</b></li> <li><input type="checkbox"/> <b>Project Narrative*</b> <ul style="list-style-type: none"> <li>- Describe the project</li> <li>- Address the Amendment Standards (Section 150.1505)</li> </ul> </li> <li><input type="checkbox"/> <b>Other Exhibits*</b> <ul style="list-style-type: none"> <li>- Photos, letters, reports, requested materials, etc.</li> </ul> </li> </ul> |
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*\*Items marked with an asterisk are required for a Pre-Application Discussion*

# Public Hearing Cost Recovery Fees

## Third Party Cost Recovery

During the course of reviewing and processing development applications the City of Highland Park often incurs expenses for third party consulting costs. In order to efficiently process zoning applications, every filed petition is subject to certain cost recovery fees (“Cost Recovery Fees”) that are placed in a City escrow account (“Cost Recovery Fee Escrow”), as provided in Section 150.306 of “The Highland Park Zoning Code of 1997” as amended. Cost Recovery Fees are in addition to any and all other filing fees and other charges established by the City. Based on their typical complexity and need for third party consulting services, the Cost Recovery Fees for various projects are:

- Application Involving a Special Use: \$1,500
- Application Involving a Special Use w/exceptions: \$2,500
- Application Involving a Planned Unit Development: \$10,000
- Amendment to a PUD: \$5,000
- Application Involving a Special Exception to Zoning: \$2,000
- Application Involving a Subdivision: \$750
- Application Involving a Major Subdivision: \$5,000
- Other Projects Not Herein Defined: Determined by Director of Community Development

The following items denote costs incurred by the City in processing a petition that would be deducted from the Cost Recovery Fee Escrow:

- Publication of notices
- Court reporter (if necessary)
- Professional and technical consultant services
- Document recordation Process
- Corporation Counsel, or other City retained attorney or law firm, consultation, meeting attendance, document preparation and review
- Copy reproduction

## Process

Every petition must be accompanied by the required petition fee and Cost Recovery Fee. Cost Recovery Fees will be forwarded to the Finance Division and deposited in a Cost Recovery Fee Escrow.

Within 90 days following final action on a petition, a final accounting will be made and any remaining funds in the Cost Recovery Fee Escrow after payment of the total actual costs due will be returned to the owner or petitioner.

In cases where the Cost Recovery Fees exceed the original deposit, Community Development staff will notify the petitioner and request additional funds in increments of \$1,000. Such funds will be forwarded to Finance and added to the Cost Recovery Fee Escrow. The City shall maintain an accurate record of all drawings from the Cost Recovery Fee Escrow.

Failure to pay any portion of the Cost Recovery Fee or replenish the Cost Recovery Fee Escrow within 30 days of the mailing of notice shall be grounds for refusing to process a petition and for denying or revoking any permit.

## Petitioner Agreement

By signing below, the owner or petitioner acknowledges that it is subject to all of the provisions contained in Section 150.306 of the Zoning Code and agrees to pay, and to have consented to, (i) the Cost Recovery Fees, (ii) any costs of collection that have not been paid within 30 days following the mailing of a written demand for payment to the owner or petitioner at the address set forth on the petition, and (iii) any additional Cost Recovery Fees assessed. No petition filed shall be considered complete unless and until all fees and deposits have been paid. Every approval granted and every permit issued, whether or not expressly so conditioned, shall be deemed to be conditioned upon payment of Cost Recovery Fees as required pursuant to City ordinance.

Responsible Party Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Billing and Refund Information	
This information will be used for all billing and refunds.	
Name:	Phone:
Address	City, State, ZIP:
Email:	

# Affidavit of Title, Covenant, and Warranty

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STATE OF ILLINOIS  
COUNTY OF LAKE

The undersigned affiant, being first duly sworn, on oath says, and also covenants with and warrants to the City of Highland Park:

- 1) That affiant has an interest in the real estate described below:

\_\_\_\_\_  
\_\_\_\_\_

- 2) The following mortgagees, firms, corporations or persons are holders of liens against the above described real estate:

\_\_\_\_\_  
\_\_\_\_\_

- 3) That since the title date of \_\_\_\_\_, \_\_\_\_\_ in the policy of title insurance issued by \_\_\_\_\_ affiant has not done or suffered to be done anything that could in any way affect the title to premises, and no proceedings have been filed by or against affiant, nor has any judgment or decree been rendered against affiant, nor is there any judgment note or other instrument that can result in a judgment or decree against affiant within five days from the date hereof.

- 4) That this instrument is made to induce the City of Highland Park to accept for review the affiant's application for a variation request.

- 5) Affiant further states:

\_\_\_\_\_  
Affiant

Subscribed and sworn to before me this \_\_\_\_\_

Day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(SEAL)

# Authorization to Enter and Traverse Land

**AUTHORIZATION TO ENTER AND TRAVERSE LAND  
FOR RESEARCH OF REQUESTED ZONING RELIEF  
OR OTHER MATTERS**

This Authorization is dated as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ (the “Authorization”) by and between \_\_\_\_\_, (“Owner”) as Owner of the property located at \_\_\_\_\_, Highland Park, Illinois (“Subject Property”), and the CITY OF HIGHLAND PARK, an Illinois Municipal Corporation (the “City”).

**SECTION ONE. GRANT OF AUTHORIZATION.**

A. The Owner grants and conveys to the City, its employees, the City Council, and the members of the Zoning Board of Appeals, Plan Commission, Design Review Commission, Historic Preservation Commission, Lakefront Commission and/or other City Commissions \_\_\_\_\_ (collectively, “City Representatives”), authorization and a right to enter on, over, across, and upon the Subject Property, for the purpose of researching the requested relief for the Subject Property that is the subject of an application to the City for one or more of the following types of zoning relief: i) variation; ii) special use; iii) special exception; iv) conditional use; v) planned unit development; vi) amendment; vii) sign variance (collectively, “Zoning Relief”), and for other purposes incidental thereto (“Zoning Relief Research”). The Owner also grants the City Representatives with authorization and a right to enter on, over, across, and upon any property owned or controlled by the Owner that is located adjacent to the Subject Property, if any, for the purpose of providing access to the Subject Property for the Zoning Relief Research.

B. The Owner represents that it has the authority and power to grant this Authorization.

C. The Owner shall not take, or cause or permit any other party to take, any action that will impair, prevent, or prohibit the City Representatives’ use of the Subject Property for the purposes stated in this Authorization.

**SECTION TWO. DUTY TO WARN.**

The Owner shall notify the City Representatives of the presence of any items located on the Subject Property that require protection or may cause injury to the City Representatives.

**SECTION THREE. INSURANCE AND INDEMNIFICATION.**

The City agrees to indemnify and hold harmless the Owner from all claims, losses, or damages of any kind, including legal and other expenses incidental to the investigation, defense, and settlement of such claims or losses to the extent such claims or losses result on the Subject Property from either the negligent or willful acts or omissions of the City Representatives in performing the Zoning Relief Research.

**SECTION FOUR. EXPIRATION.**

This Authorization shall expire immediately upon the final action of the City in its consideration of the Zoning Relief requested on the Subject Property.

**SECTION FIVE. NO OBLIGATION OF CITY.**

The City Representatives shall be under no obligation to exercise any of the rights granted to any of them in this Agreement. The failure of the City Representatives, or any one of them, to exercise at any time any such right shall not be deemed or construed to be a breach of this Authorization, nor shall such failure void or affect the City Representatives’ right, or that of any one of them, to enforce such right or any other right.

# 2431517\_v5

OWNER

By: \_\_\_\_\_

CITY OF HIGHLAND PARK

By: \_\_\_\_\_

Director of Community Development or Designee

# Information: Certificate of Compliance for Notice of Pending Land Use Relief

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Section 150.308 of the City of Highland Park Zoning Code requires that if a property is the subject of an application for a special use permit, variation, map amendment, Zoning Code text amendment, or plat of subdivision, there must be written disclosures made as part of any real estate sales contract or promotional sales literature. The seller must prove to the City that it has complied with the Code as well, before the relief can be granted.

If the subject property is subject to a real estate transaction while seeking a special use permit, variation, map amendment, Zoning Code text amendment, or plat of subdivision, the seller must sign the Certificate of Compliance Form (page 8 of this application) and provide a written disclosure such as the template provided (page 9 of this application).

## **SEC. 150.308 PENDING LAND USE APPLICATION DISCLOSURE NOTICE.**

(A) Notice Required. A disclosure notice in the form and content set forth in this Section shall be required in connection with all applications seeking any of the following land use relief:

- (1) A variation from the regulations of this Chapter, in accordance with Article XII of this Chapter;
- (2) A Special Use Permit, in accordance with Article XIV of this Chapter; or
- (3) An amendment to either the text of this Chapter or the Official Zoning Map, in accordance with Article XV of this Chapter.

(B) Notice Location and Form. The applicant shall cause a disclosure notice of a pending application for land use relief, on a form to be provided by the City, to be attached to (1) any contract for the sale of any portion of the real property that is the subject of the pending application; (2) all promotional, sales, and advertising literature; and (3) all information packets distributed to prospective purchasers; provided, however, that no disclosure notice shall be required to be attached to, or made part of, advertisements in newspapers, magazines, and other similar forms of print media

(C) Notice Content. The disclosure notice shall, at a minimum, include the following information:

- (1) The existing zoning classification of the real property;
- (2) The name of, and contact information for, the applicant;
- (3) A brief description of the nature of the land use relief requested; and
- (4) The following statement: “This property is the subject of an application for land use relief initially filed with the City of Highland Park on [DATE]. Unless and until the application is approved by the City of Highland Park, in accordance with its applicable codes and ordinances, the land use relief requested in the application shall not be allowed.”

(D) Demonstration of Compliance. Prior to the approval by the City Council or the Zoning Board of Appeals, as the case may be, of any or all of the land use relief requested, the applicant shall provide evidence of compliance with the requirements set forth in this Section to the City Director of Community Development.

(E) Responsibility for Compliance. The obligation set forth in this Section shall be the sole responsibility of the applicant for the requested relief. Nothing herein shall be deemed or interpreted as imposing upon the City any responsibility to satisfy the disclosure requirements set forth in this Section. (Section 150.308 added by Ord. 18-07, J. 33, p. 069-072, passed 2/12/07)

# Certificate of Compliance

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CERTIFICATE OF COMPLIANCE  
NOTICE OF PENDING LAND USE RELIEF

I, \_\_\_\_\_, am the (circle one: land owner, developer, other \_\_\_\_\_) of the property described herein as follows:

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I certify that all efforts have been made to comply with the applicable requirements of Section 150.308 of “The City of Highland Park Zoning Ordinance of 1997” and Section 151.112 of “The Highland Park Code of 1968”, and that the required notice has been provided in the following forms (check all that apply):

- Promotional Sales and Advertising Literature
- Attachments to Real Estate Contracts
- Other forms (please specify): \_\_\_\_\_

ATTACH EXAMPLES OF ALL FORMS OF DISCLOSURE NOTICE

\_\_\_\_\_  
Applicant Name

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Title of Representative

Subscribed and sworn to before me this \_\_\_\_\_

Day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(SEAL)

# Pending Land Use Relief Disclosure Notice

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**CITY OF HIGHLAND PARK**  
**PENDING LAND USE RELIEF DISCLOSURE NOTICE**

Subject Property Address: \_\_\_\_\_ Current Zoning: \_\_\_\_\_

Land Use Relief Requested: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

This property is the subject of an application for land use relief initially filed with the City of Highland Park on \_\_\_\_\_, 20\_\_\_\_. Unless and until the application is approved by the City of Highland Park, in accordance with its applicable codes and ordinances, the land use relief requested in the application shall not be allowed.

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

State, City ZIP: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_



# Legal Notification Information

## STEP 1

### Confirm Names and Addresses

Use the Lake County Website or Township Assessor as a Resource



## STEP 2

### Mail the Public Notices

Via Certified Mail, Return Receipt No Less than 15 days Prior to the Meeting



## STEP 3

### Return Proof of Notification

To Planning Division Prior to the Hearing

### STEP 1: CONFIRM THE NAMES AND ADDRESSES FOR ALL PROPERTY WITHIN 400 FEET

Staff will provide you with a list of addresses within 400 feet of the subject property. Ownership information can be obtained by submitting the subject property address on the Lake County Assessment Office website at:

<http://www.lakecountyiil.gov/376/Search-by-Address>

Please note that property owners do not necessarily live at properties they own.

Alternatively, property information can be obtained from your township tax assessor's office. By calling and giving them your address, they can provide you the necessary information.

### STEP 2: MAIL THE PUBLIC NOTICE

Staff will send you a copy of the Public Notice for use in the notification mailing. You may also use the "Certified Mail Notice Template" provided in the Public Hearing application packet. No sooner than thirty (30) days and no fewer than fifteen (15) days prior to the meeting, do the following:

Mail via Certified Mail with Return Receipt. From the post office or the U.S. Post Office website ([www.usps.com](http://www.usps.com)), send each property owner a copy of the public notice via Certified Mail with a Return Receipt requested. The names obtained from the Township Assessor's Office or the Lake County website must be used (see Step 1). Retain proof of notification (the original, stamped certified mail receipts from the post office or the e-mail confirmation) for submittal to the Planning Division (Step 3).

### STEP 3: RETURN PROOF OF NOTIFICATION TO THE PLANNING DIVISION

Make sure that all certified mail receipts are returned to Planning Division at the Public Services Building at 1150 Half Day Road no later than fifteen (15) days prior to your scheduled hearing date.

Noncompliance with these requirements may result in a continuance of the hearing until proof that all required property owners have been notified in the time frame specified.

# Notice Template

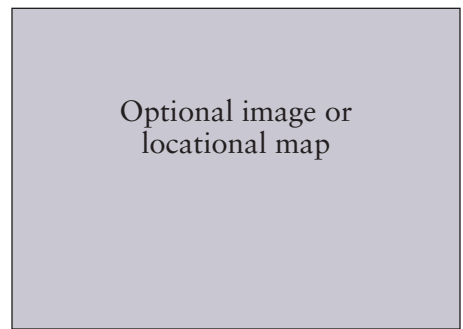
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The template letter below is an example of a notification letter that must be sent out via Certified Mail no sooner than thirty (30) days and no fewer than fifteen (15) days prior to a Public Hearing. This template letter should be used for reference. Staff will provide assistance with drafting your notification letter.

Dear Property Owner:

Notice is hereby given that on **[September 20, 2018]** at 7:30 PM in the Council Chambers in Highland Park City Hall at 1707 St. Johns Avenue, Public Hearing # 18-XX-SUP-XXX will be conducted by the Plan and Design

Project Title	<b>[INSERT TITLE HERE]</b>
Property Address	<b>[SUBJECT ADDRESS]</b> Highland Park, IL 60035
Legal Description of Property	See attached Legal Notification
Petitioner	<b>[NAME, ADDRESS]</b>
Legal Representative	<b>[NAME, FIRM]</b>
Property Owner	<b>[NAME, ADDRESS]</b>



Commission to consider the following request:

**Summary of Application:**

**[DETAILED PROJECT DESCRIPTION HERE]**

Zoning Relief Requested (if any):

**[PROVIDE RELIEF HERE AS APPLICABLE]**

The Plan and Design Commission will also discuss all applicable design review features associated with this application. These may include building design and architecture, lighting and landscaping plans, and sign plans. You are being notified per the direction of City Council that the owners of all properties within four-hundred feet (400') of the legal boundaries of the zoning hearing subject site be notified in person or by Certified Mail, Return Receipt Requested.

At said hearing or any continuation thereof, all interested persons will be afforded an opportunity to be heard in relation to said matter.

Signed,

**[Petitioner or Legal Representative]**  
**[Title]**

Attachments: **[if any]**

## ARTICLE XV. AMENDMENTS

**Sec. 150.1501. Authorization.**

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

**Sec. 150.1502. Initiation of Amendments.**

Amendments to this Chapter may be proposed by the City Council, the City Manager, the Plan and Design Commission, or any person having an ownership interest in any property proposed to be rezoned located in the City. In the event an amendment is initiated by the City Council, City Manager, or Plan and Design Commission, the provisions of Section 150.1503(C) and the notice by mail required under 150.1504(B) shall not apply.

(Ord. 59-15, passed 6/8/15)

**Sec. 150.1503. Application for Amendment.**

(A) The petitioner shall file an application for an amendment with the Zoning Administrator on forms provided by the Zoning Administrator, who shall forward a copy without delay to the City Clerk for processing of payment, and preparation and publication of legal notice.

(B) The application for an amendment shall contain the following information, as well as such additional information as may be prescribed by rule of the Plan and Design Commission:

- (1) In the event such requested amendment will constitute a change in the text of this Chapter, or any part thereof, such application shall contain the following:
  - (a) The particular Article, Section, or part thereof, to be amended;
  - (b) A brief statement of the amendatory language sought; or
- (2) In the event such requested amendment will constitute a map amendment rezoning certain land and territory, the application shall contain the following:
  - (a) The present zoning of the subject property;
  - (b) A brief statement of the amendment that is sought;
  - (c) The legal description of the subject property;
  - (d) The commonly known location (address) of the subject property; and
  - (e) The name and address of the petitioner and the attorney of the petitioner, if any:
    - (i) In the event the petitioner has any ownership interest in the subject property, a description of that interest;
    - (ii) In the event the petitioner is a trustee or beneficiary of any land trust, the application shall identify each beneficiary of such land trust by name and address and define and identify such beneficiary's interest therein.

(C) At the time of filing, any applicant having an ownership or leasehold interest in the subject property shall provide the Zoning Administrator with:

- (1) Proof of ownership, or current contract to purchase or lease the subject property, and proof of authority to act on behalf of the owner, since only persons owning or having interest in the subject property may file an application to amend the zoning classification of such land;
  - (a) Each application shall be signed by the owner of record of the subject property; and
  - (b) If the application is made by the trustee or beneficiary of a land trust, the application shall identify each beneficiary of such land trust by name and address and identify such beneficiary's interest therein.
- (2) A current survey; and
- (3) Payment of an application fee equal to the amount established from time to time by resolution adopted by the City Council and maintained in the office of the Zoning Administrator.

(Ord. 59-15, passed 6/8/15)

**Sec. 150.1504. Processing, Notice, and Hearing.**

(A) Upon receipt by the Zoning Administrator of a complete application for an amendment, the Zoning Administrator shall assign a case and/or docket number to the application, shall schedule the matter for hearing before the Plan and Design Commission, and shall maintain a file for such application, which file shall be open to the public for inspection during regular business hours. All documents pertinent to the case (including but not limited to the application, legal notice, evidence, and transcript of proceedings, if any) shall be placed in the file.

(B) Not more than thirty (30) days nor less than fifteen (15) days before the hearing date at which the application for an amendment is to be considered, the City Clerk shall cause notice thereof to be published in one or more newspapers published in the City, or, if no newspaper is published within the City, then in one or more newspapers with a general circulation within the City. In addition to such published notice, not more than thirty (30) days nor less than fifteen (15) days before the hearing the applicant, his agent, or his attorney, must notify either in person or by certified mail (return receipt requested), the owners of all property within two hundred fifty (250) feet (exclusive of public right-of-way) of the subject property. Proof of such notification must be presented at the hearing. The notices required in this Section shall contain:

- (1) The legal description of the subject property;
- (2) The address of the subject property;
- (3) A brief statement of the nature of the requested amendment;
- (4) The name(s) and address(es) of the legal and/or beneficial owner(s) of the subject property;
- (5) The name(s) and address(es) of the petitioner(s);
- (6) The name of the legal representative of the petitioner, if any; and
- (7) A statement of the date, time, and place of the hearing for which the notice is being given.

(C) Prior to the hearing, the Zoning Administrator shall also cause one or more signs to be posted on the subject property.

- (1) The number and location of signs shall be determined by the Zoning Administrator.
- (2) Each sign must be a minimum of 24 inches × 24 inches in size, have letters a minimum of 3/8 inches wide stroke by 2½ inches high, and contain the following information:
  - (a) The fact that a public hearing will be held regarding the subject property, with direction to interested members of the general public to call the office of the Zoning Administrator for further information concerning date, time, and place and subject matter of the public hearing; and
  - (b) The telephone number of the Zoning Administrator.

(D) Within ten (10) days after the commencement of the public hearing regarding the proposed amendment, the City shall cause the removal of the sign or signs from the subject property and return same to the office of the Zoning Administrator.

(E) Any interested party may appear in person, by agent, or by attorney, and be heard at the hearing held pursuant to any such application for amendment.

(Ord. 59-15, passed 6/8/15)

**Sec. 150.1505. Standards.**

(A) In making its recommendations to grant or its recommendations to deny any specific application for an amendment rezoning any given parcel of land, the Plan and Design Commission shall consider:

- (1) The existing uses and zoning of nearby properties;
- (2) The extent to which property values are diminished by the existing zoning;
- (3) The extent to which the existing zoning and/or proposed zoning promotes the general health, safety, and welfare of the citizenry of the City;
- (4) The relative gain to the public as compared to the hardship imposed upon the petitioner;
- (5) The suitability of the subject property for the purposes for which it is presently zoned;
- (6) The length of time that the subject property has been vacant, as presently zoned, considered in the context of the land development in the area in which the property is located;
- (7) The compatibility of existing zoning as compared to the compatibility of the proposed zoning with the existing Master Plan; and
- (8) The evidence or lack of evidence of community need for the use proposed by the petitioner which would require the zoning amendment.

(B) No amendment to this Chapter shall be recommended by the Plan and Design Commission for approval by the City Council unless the Commission shall make findings of fact based upon the evidence presented to it in each specific case with respect to the following matters:

- (1) *Zoning Code*. The consistency of the proposed amendment with the intent and general regulations of this Chapter;

- (2) *Master Plan.* The consistency of the proposed amendment with the intent and actual text and drawings of the Master Plan;
- (3) *Type of Change.* Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy;
- (4) *Implementation.* Whether the proposed amendment provides a more workable way to achieve the intent and purposes of this Chapter and the Master Plan; and
- (5) *Persons Benefited.* That the proposed amendment will benefit the residents of the whole City, not just the petitioner, property owner(s), neighbors of any property under consideration, or other special interest groups.
- (6) *Development Trend.* The trend of development, if any, for the general area of the subject property, including changes, if any, which have taken place in its present zoning classification.
- (7) *Zoning.* The zoning classification of property within the general area of the subject property.
- (8) *Public Facilities.* Whether adequate public facilities including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines exist or are reasonably capable of being provided prior to the development of the uses which would be permitted on the subject property if the amendment were adopted.

(Ord. 59-15, passed 6/8/15)

**Sec. 150.1506. Plan and Design Commission Recommendation.**

Within 45 days following the last session of the public hearing on a proposed amendment, the Plan and Design Commission shall prepare findings of fact and recommendations with respect to the proposed amendment and transmit same to the City Council, as well as to the City Clerk and the Zoning Administrator.

- (A) The Plan and Design Commission may recommend the adoption of an amendment changing the zoning classification of any property in question to a higher classification than that requested by the applicant.
- (B) The failure of the Plan and Design Commission to provide a recommendation within such 45 day period, or such further time to which the applicant may, in writing, agree, shall be deemed a recommendation against the approval of the proposed amendment.

(Ord. 18-04, J. 30, p. 49-54, passed 3/8/04; Ord. 59-15, passed 6/8/15).

**Sec. 150.1507. Action by City Council.**

(A) An application for a proposed amendment shall be acted upon by the City Council following the date upon which the findings and recommendations of the Plan and Design Commission are made.

- (1) In case of a written protest against any proposed amendment, signed and acknowledged by the owners of 20 percent of the frontage proposed to be altered, or by the owners of 20 percent of the frontage immediately adjacent or across an alley therefrom, or by the owners of 20 percent

of the frontage directly opposite the frontage proposed to be altered, is filed with the City Clerk, the proposed amendment shall not be passed except by a favorable vote of two-thirds ( $\frac{2}{3}$ ) of all the members of the City Council then holding office.

- (2) If the City Council authorizes an amendment, such amendment shall not be effective until the effective date of the adoption of a suitable ordinance amending this Chapter.

(B) No application for an amendment which has been denied by the City Council shall be resubmitted for a period of one (1) year from the date of such denial, except on grounds of new evidence or proof of changed conditions found to be valid by the Plan and Design Commission.

(C) As a condition precedent to the rezoning of any premises, whether or not the Plan and Design Commission so recommends, pursuant to its authority as a home rule unit under the Illinois Constitution of 1970, the City Council may require an applicant to execute a restrictive covenant dealing with such matters as traffic flow, subdivision or resubdivision, density, maximum height, yards, open space, or other similar matters whenever in the sole discretion of the City Council the public health, safety, comfort, morals, or welfare will be thereby advanced or protected.

(Ord. 59-15, passed 6/8/15)

# Affordable Housing Requirement

Affordable Housing 20% Requirement						Updated July 2016	
Total Proposed Units	Breakdown of Proposed Units		Effective Rate	Affordable Bonus	PUD Bonus	Max Total Units with Bonuses	Effective % Aff WITH Aff Bonus Units
	Market Rate Units	Affordable Units					
1	1	0	0.0%	0	0	1	0.0%
2	2	0	0.0%	0	0	2	0.0%
3	3	0	0.0%	0	0	3	0.0%
4	4	0	0.0%	0	0	4	0.0%
5	4	1	20.0%	1	1	7	14.3%
6	5	1	16.7%	1	1	8	12.5%
7	6	1	14.3%	1	1	9	11.1%
8	6	2	25.0%	2	1	11	18.2%
9	7	2	22.2%	2	1	12	16.7%
10	8	2	20.0%	2	1	13	15.4%
11	9	2	18.2%	2	1	14	14.3%
12	10	2	16.7%	2	1	15	13.3%
13	10	3	23.1%	3	2	18	16.7%
14	11	3	21.4%	3	2	19	15.8%
15	12	3	20.0%	3	2	20	15.0%
16	13	3	18.8%	3	2	21	14.3%
17	14	3	17.6%	3	2	22	13.6%
18	14	4	22.2%	4	2	24	16.7%
19	15	4	21.1%	4	2	25	16.0%
20	16	4	20.0%	4	2	26	15.4%
21	17	4	19.0%	4	2	27	14.8%
22	18	4	18.2%	4	2	28	14.3%
23	18	5	21.7%	5	3	31	16.1%
24	19	5	20.8%	5	3	32	15.6%
25	20	5	20.0%	5	3	33	15.2%
26	21	5	19.2%	5	3	34	14.7%
27	22	5	18.5%	5	3	35	14.3%
28	22	6	21.4%	6	3	37	16.2%
29	23	6	20.7%	6	3	38	15.8%
30	24	6	20.0%	6	3	39	15.4%
31	25	6	19.4%	6	3	40	15.0%
32	26	6	18.8%	6	3	41	14.6%
33	26	7	21.2%	7	4	44	15.9%
34	27	7	20.6%	7	4	45	15.6%
35	28	7	20.0%	7	4	46	15.2%
36	29	7	19.4%	7	4	47	14.9%
37	30	7	18.9%	7	4	48	14.6%
38	30	8	21.1%	8	4	50	16.0%
39	31	8	20.5%	8	4	51	15.7%
40	32	8	20.0%	8	4	52	15.4%
41	33	8	19.5%	8	4	53	15.1%
42	34	8	19.0%	8	4	54	14.8%
43	34	9	20.9%	9	5	57	15.8%
44	35	9	20.5%	9	5	58	15.5%
45	36	9	20.0%	9	5	59	15.3%
46	37	9	19.6%	9	5	60	15.0%
47	38	9	19.1%	9	5	61	14.8%
48	38	10	20.8%	10	5	63	15.9%
49	39	10	20.4%	10	5	64	15.6%
50	40	10	20.0%	10	5	65	15.4%
51	41	10	19.6%	10	5	66	15.2%
52	42	10	19.2%	10	5	67	14.9%
53	42	11	20.8%	11	6	70	15.7%
54	43	11	20.4%	11	6	71	15.5%
55	44	11	20.0%	11	6	72	15.3%
56	45	11	19.6%	11	6	73	15.1%
57	46	11	19.3%	11	6	74	14.9%
58	46	12	20.7%	12	6	76	15.8%
59	47	12	20.3%	12	6	77	15.6%
60	48	12	20.0%	12	6	78	15.4%
61	49	12	19.7%	12	6	79	15.2%
62	50	12	19.4%	12	6	80	15.0%
63	50	13	20.6%	13	7	83	15.7%
64	51	13	20.3%	13	7	84	15.5%
65	52	13	20.0%	13	7	85	15.3%
66	53	13	19.7%	13	7	86	15.1%
67	54	13	19.4%	13	7	87	14.9%
68	54	14	20.6%	14	7	89	15.7%
69	55	14	20.3%	14	7	90	15.6%



# Plan & Design Commission Dates & Deadlines

<b>2019 Plan &amp; Design Commission Meeting Dates &amp; Deadlines</b>		
<b>Plan and Design Commission Meeting Date</b>	<b>31-day Application Submission Deadline (With 3rd Party Review)</b>	<b>21-day Application Submission Deadline</b>
No first meeting in January		
January 15, 2019	14-Dec-Fri	25-Dec-Tue
February 5, 2019	3-Jan-Thu	15-Jan-Tue
February 19, 2019	18-Jan-Fri	29-Jan-Tue
March 5, 2019	1-Feb-Fri	12-Feb-Tue
March 19, 2019	15-Feb-Fri	26-Feb-Tue
April 2, 2019	1-Mar-Fri	12-Mar-Tue
April 16, 2019	15-Mar-Fri	26-Mar-Tue
May 7, 2019	5-Apr-Fri	16-Apr-Tue
May 21, 2019	19-Apr-Fri	30-Apr-Tue
June 4, 2019	3-May-Fri	14-May-Tue
June 18, 2019	17-May-Fri	28-May-Tue
July 2, 2019	31-May-Fri	11-Jun-Tue
July 16, 2019	14-Jun-Fri	25-Jun-Tue
August 6, 2019	5-Jul-Fri	16-Jul-Tue
August 20, 2019	19-Jul-Fri	30-Jul-Tue
No first meeting in September		
September 17, 2019	16-Aug-Fri	27-Aug-Tue
No first meeting in October		
October 22, 2019	20-Sep-Fri	1-Oct-Tue
November 5, 2019	4-Oct-Fri	15-Oct-Tue
November 19, 2019	18-Oct-Fri	29-Oct-Tue
December 3, 2019	1-Nov-Fri	12-Nov-Tue
December 17, 2019	15-Nov-Fri	26-Nov-Tue