

Section 15
AMENDMENTS

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15.1 PETITION FOR AMENDMENT:

The President, Board of Trustees, Planning and Zoning Commission ("PZC") and other governmental bodies or any private petitioner may apply for an amendment in the text of this Zoning Code and in the accompanying zoning map made a part of this Zoning Code.

Any petition for an amendment by a private party shall be accompanied by a filing fee as established by the Board of Trustees, which fee shall be deposited with the Village Clerk within 15 days after the receipt thereof and no part shall be returnable to the petitioner.

15.2 REVIEW OF PETITION:

The regulations imposed and the zoning districts created under this Zoning Code may be amended by ordinance, but no such amendment shall be made by the Board of Trustees without a public hearing before the PZC sitting as a Special Zoning Commission.

The PZC shall hold a public hearing, after notice has been given as provided by the Illinois Municipal Code (65 ILCS 5/11-13-1 et seq.) and this Zoning Code. Within 45 days of the date a petition is submitted to the PZC, the PZC shall forward its recommendation to the Board of Trustees, unless the petition is withdrawn by the petitioner.

15.3 NOTICE OF PUBLIC HEARINGS:

15.3-1 Within a reasonable time following receipt of all papers and documents relating to a variation, application for conditional use, application for a planned development or petition for amendment of the regulations or zoning district boundaries established by this Zoning Code, public notice shall be given as follows:

15.3-1.1 There shall be published in a newspaper of general circulation in the Village a notice of the time and place of the public hearing. This notice shall be published not less than 15 days nor more than 30 days before the hearing and shall contain the common street address or addresses and locations of all the parcels of real property, and the property index number

("PIN") or numbers, for which the variation, ruling or recommendation is being sought, and a brief description of the nature of the matter being heard.

- 15.3-1.2 Petitioner, shall provide and post a sign upon the property involved in the application, of a size and coloring and with letters of sufficient size as approved by the Village Board and to be clearly legible to the public view on each adjacent public way, for at least 15 consecutive days prior to the hearing. The sign shall contain such information deemed necessary by the Village Board.

It shall be the petitioner's responsibility to post the sign within 30 feet of each adjacent public way, prior to the hearing, and to remove the sign(s) within 15 hours after the hearing is adjourned. The petitioner shall be responsible for maintaining the visibility of the sign(s) from said public way. The Village Clerk shall require a deposit of \$50.00 to be refunded upon verification of the removal of the sign(s). The PZC reserves the right to supervise the location and placement of sign(s).

- 15.3-1.3 In addition to the above, notice by certified mail, return receipt requested, shall be sent by the petitioner to the owners of all property adjoining, and within 250 feet adjacent to the property in question, including the property directly opposite and across a public street or alley.

The PZC reserves the right to direct the petitioner to notify additional interested party owners, groups or organizations. This notice shall be given within 15 days but not more than 30 days before the hearing.

For the purpose of notice, "owner" shall mean the person to whom the most recent statement of real property taxes on the property in questions was sent. Mailing of this notice shall be certified to the hearing body.

- 15.3-1.4 In cases where the only relief requested is a single family residential variation, the petitioner may, at his option, satisfy the certified mailing requirements by:

15.3-1.4-1 Send notice by means of certified mail, return receipt requested, as outlined in Section 15.3-1.3.

15.3-1.4-2 Satisfy the personal notice requirements of Section 15.3-1.3 by presenting to the PZC, at its hearing, a certificate of notice. The certificate of notice shall consist of 8½" x 11" sheets of paper bearing the names of the person specified in Section 15.3-1.3. There shall be a separate sheet for each person to be notified and each sheet shall state:

"The undersigned acknowledges receipt of a Petition for Residential Variation filed by, ___ (Petitioner). I understand a hearing will be held on the __ day of __, 199__, at __ p.m."

15.4 CRITERIA FOR CONSIDERING AMENDMENTS

15.4-1 The PZC shall use the following criteria when making its recommendation to the Board of Trustees for an amendment to this Zoning Code:

- 15.4-1.1 The existing uses and zoning classifications of nearby property;
- 15.4-1.2 The extent to which property values are diminished by the particular zoning restrictions.
- 15.4-1.3 The extent to which the destruction of property values of the petitioner promotes the health, safety, morals and general welfare of the public;
- 15.4-1.4 The relative gain to the public as compared to the hardship imposed upon the individual property owner;
- 15.4-1.5 The suitability of the subject property for the zoned purposes;
- 15.4-1.6 The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property;
- 15.4-1.7 The community need for the proposed use; and
- 15.4-1.8 The care of which the legislative body planned and zoned its land use.

15.4-2 Criteria shall be reduced to writing and submitted to the Board of Trustees with the PZC's recommendation.

15.5 WRITTEN PROTEST:

In the event of written protest against the 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 adjoining or across the alley or near line, or by the owners of the 20 percent of the frontage directly opposite the frontage proposed to be altered as to such regulations or zoning district, and filed with the Village Clerk, such amendment shall not be passed except by the favorable vote of two-thirds of the trustees of the Village then holding office.

15.6 FINAL DECISION:

The Board of Trustees, without further public hearing, may adopt or deny the recommendation of the PZC for any proposed amendment, or may refer the petition back to the PZC for further consideration.