

**CHAPTER 4
ADMINISTRATION**

DIVISION 18: ESTABLISHMENT OF DISTRICTS, BOUNDARIES AND OFFICIAL MAP

Sections:

- Section 18-1: Establishment of Districts.
- Section 18-2: Boundaries and Official Map.

Section 18-1: Establishment of Districts

In order to carry out the purpose and intent of this ordinance, the area of the City is hereby divided into ten (10) zoning district classifications as follows:

RR	Rural Residential District
R	Single Family & Two Family Residential District
RMF	Residential Multiple Family Dwelling District
RMH	Residential Mobile Home Park District
TTP	Travel Trailer Park District
OM	Outdoor Museum District
C	Commercial District
CBD	Central Business District
I	Light Industrial District
PUD	Planned Unit Development District

Section 18-2: Boundaries and Official Map

The boundaries of these districts are indicated upon the official zoning map of the City, which is made a part of this ordinance by reference hereto. The official zoning map and all notations, references and other matters shown thereon shall be as much a part of this ordinance as if the notations, references and other matters set forth by said map were all fully described herein.

The official zoning map shall be on file in the office of the City Clerk and shall be identified by the signature of the mayor attested by the City Clerk under the certification that this is the official zoning map referred to in Section 18-2 of the zoning ordinance. A copy of the official zoning map shall be available for public inspection in city hall during normal business hours.

If, in accordance with the provisions of this ordinance, changes are made in the district boundaries or other matter portrayed on the official zoning map, the ordinance number and date of said change shall be recorded by the City Clerk on the official zoning map.

A revised zoning map shall be produced by the City at the end of each fiscal year upon which are delineated all amendments and changes that occurred during that fiscal year. The City Council shall adopt a new official zoning map at the end of the fiscal year, if necessary, which shall supersede the prior official zoning map.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- (a) If a boundary is on or in a street, alley, highway, road, or other public right-of-way, or follows a river, streambed, drainage way or railroad track, then such a zone boundary shall be the center of the street, alley, highway, road, other public right-of-way, river streambed, drainage way or railroad track.
- (b) If a boundary line follows lot or property boundary lines, then such lot or property lines shall be construed to be the zone boundaries.
- (c) In the case of unsubdivided property, where a zone boundary divides a lot or parcel, the location of the zone boundary, unless precisely indicated on the zoning map by dimensions or legal description, shall be determined by the use of the scale appearing on the zoning map.
- (d) Upon vacation or abandonment of any public street, alley, right-of-way, or any public easement, the area vacated or abandoned shall be included in the same zone as the property to which it reverts unless otherwise specified in the instrument of vacation or abandonment.
- (e) The Planning Commission shall, by written decisions, determine the location of any zone boundaries whose location is in dispute or uncertain.

DIVISION 19: ZONING ADMINISTRATOR

Sections:

Section 19-1: Duties

Section 19-1: Duties

- (a) There is hereby created the position of Zoning Administrator who shall be appointed by the Mayor with the consent of the City Council. The Zoning Administrator shall administer and enforce the provisions of this ordinance and shall have the following powers and duties in connection therewith:
1. The Zoning Administrator shall issue all permits and certificates required by this ordinance.
 2. If the Zoning Administrator should find that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order the discontinuance of the illegal use of land, buildings or structures; the removal of illegal buildings or structures or of additions, alterations or structural changes thereto; the discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.
- (b) The City Council may delegate the powers and duties of the office of Zoning Administrator to any employee of the city or may combine the powers and duties of this office with any other position.

DIVISION 20: PLANNING COMMISSION

Sections:

- Section 20-1: Purpose
- Section 20-2: Membership
- Section 20-3: Term of Office
- Section 20-4: Procedure
- Section 20-5: Powers and Duties
- Section 20-6: Land Subdivision, Re-Subdivision: Official Map
- Section 20-7: Improvements
- Section 20-8: Expenditures

Section 20-1: Purpose

In order that adequate provision may be made for the preparation and enforcement of Zoning Regulations and a Comprehensive Plan for the guidance, direction, and control of the growth and development or re-development of the City and contiguous territory not more than one (1) mile beyond the corporate limits and not included in any municipality, a Planning Commission is hereby created under authority of State Statute.

Section 20-2: Membership

The Planning Commission shall consist of five (5) members, citizens of the City all of whom shall be appointed by the Mayor with the consent of the City Council.

Section 20-3: Term of Office

The members of the Planning Commission shall serve for a period of three (3) years. Commencing with the first City Council meeting in May, two (2) members of the Planning Commission shall be appointed for a term of one (1) year, two (2) members of the Planning Commission shall be appointed for a term of two (2) years, and one (1) member of the Planning Commission shall be appointed for a term of three (3) years. Vacancies shall be filled by appointments for expired terms only. All of the members of the Commission shall serve without compensation, except that if the City Council deems it advisable, they may receive such compensation as may be fixed from time to time by the City Council and provided for in the Appropriation Ordinance.

Section 20-4: Procedure

Immediately following their appointment, the members of the Planning Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter rules and regulations of organization and procedure consistent with City ordinances and State laws. The Commission shall keep written records of its proceedings which shall be open at all times to public inspection. The Commission shall also file an annual report with the Mayor and City Council, setting forth its transactions and recommendations.

Section 20-5: Powers and Duties

The Planning Commission shall have the following powers and duties:

- (a) To prepare and recommend to the City Council a Comprehensive Plan for the present and future development or redevelopment of the City and contiguous unincorporated territory not more than one (1) mile beyond the corporate limits of the City and not included in any other municipality. Such Plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the Official Comprehensive Plan, or part thereof, of the City of Nauvoo. Such Plans shall be advisory except as to such part thereof as has been implemented by ordinances duly enacted by the City Council. All requirements for public hearing, filing of Notice of Adoption with the County Recorder of Deeds and filing of said Plan and ordinances with the Municipal Clerk shall be complied with as provided by law.

To provide for the health, safety, comfort, and convenience of the inhabitants of the City and contiguous territory, such Plan or Plans shall establish reasonable standards of design for subdivisions and for re-subdivisions of unimproved lands and of areas subject to re-subdivisions of unimproved lands and of areas subject to re-development in respect to public improvements as herein defined and shall establish reasonable requirements governing location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by ordinance.

- (b) To recommend to the City Council, from time to time, such changes in the Comprehensive Plan, or any part thereof, as may be deemed necessary.

- (c) To prepare and recommend to the City Council, from time to time, plans and/or recommendations for specific improvements to the Comprehensive Plan.
- (d) To give aid to the official of the City charged with the direction of projects for improvements embraced within the Comprehensive Plan, or parts thereof, to further the making of such improvements and generally to promote the realization of the Comprehensive Plan.
- (e) To prepare and recommend Zoning Regulations to the City Council to promote the health safety and general welfare of the residents of Nauvoo and to encourage the most appropriate use of land throughout the City.
- (f) To review rezoning petitions, special use permits, sign permits and amendments to the zoning regulations and subdivision regulations and make recommendations to the City Council, from time to time.
- (g) To designate lands suitable for annexation to the Municipality and recommend zoning classification for such land upon annexation.
- (h) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.
- (i) To cooperate with municipal or regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.
- (j) To exercise such other powers germane to the powers granted under authority of State Statute, as may be conferred by the City Council.

Section 20-6: Land Subdivision, Re-Subdivision and Official Map:

At any time before or after the formal adoption of the Comprehensive Plan by the corporate authorities, an official map may be designated by ordinance, which map may consist of the whole area included within the Comprehensive Plan, or one or more separate geographical or functional parts, and may include all or any part of the contiguous unincorporated area within one (1) mile from the corporate limits of the City. All requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds, and filing of said plan and ordinances, including the official map, with the City Clerk shall be complied with as provided for by law. No map or plat of any subdivision or re-subdivision presented for record affecting land within the corporate limits of the City or within contiguous territory which is not more than one (1) mile beyond the corporate limits shall be valid unless the subdivision shown thereon provides for standards of design, and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, storm and flood water run-off channels basins, water supply and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the ordinances, including the official map.

Section 20-7: Improvements

The City Clerk shall furnish the planning data relative to public improvements of any nature. The Planning Commission may report in relation thereto if it deems a report necessary or advisable, for the consideration of the City Council.

Section 20-8: Expenditures

The Commission may, at the direction of the City Council, employ a paid Secretary or staff, or both, whose salary, wages and other necessary expenses shall be provided for by the City Council from public funds. If said Planning Commission shall deem it advisable to secure technical advice or services, it may be done upon authority from the City Council and appropriations by the City Council therefore.

DIVISION 21: ZONING BOARD OF APPEALS

Sections:

Section 21-1: Creation, Appointment and Organization

Section 21-2: Powers and Duties

Section 21-3: Procedure

Section 21-1: Creation, Appointment and Organization

- (a) A Zoning Board of Appeals shall be established. The word "Board" when used shall be construed to mean the Zoning Board of Appeals. The Board shall consist of five (5) members, all of whom shall be appointed by the Mayor with the consent of the City Council and shall consist of the same members as the Planning Commission. The members of the Zoning Board of Appeals shall serve for a period of three (3) years. Commencing with the first City Council meeting in May, two (2) members of the Zoning Board of Appeals shall be appointed for a term of one (1) year, two (2) members of the Zoning Board of Appeals shall be appointed for a term of two (2) years, and one (1) member of the Zoning Board of Appeals shall be appointed for a term of three (3) years. Vacancies shall be filled by appointments for expired terms only. The Zoning Administrator shall serve as an ex-officio, non-voting, permanent member of the Board. If the Board meets more than six (6) times in one fiscal year, then members shall be compensated for all meetings thereafter equal to the current rate of City Council members for standard meetings.

- (b) The Board shall elect its own Chairman and Vice-Chairman who shall serve for one year. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance and to govern the conduct of its public hearings.
- (c) Meetings of the Board shall be held at the call of the Chairman or any two (2) members, or at such other items as the Board may determine. Three (3) members of the Board shall constitute a quorum and a majority vote of the members present shall determine all questions presented to the Board except as otherwise provided in this Ordinance. The Chairman shall be entitled to vote upon all questions presented to the Board. Such Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination, determinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. Official action and minutes of the proceedings shall be taken down by a reporter employed by the Board for the purpose. The Board may select or appoint such officers as it deems necessary.

Section 21-2: Powers and Duties:

The Board shall hear applications for and make recommendations to the City Council concerning the following:

- (a) Powers Relative to Errors: To hear and decide appeals where it is alleged there is an error in any order, requirement, decisions or determination made by the Zoning Administrator in the enforcement of this Ordinance.
- (b) Powers Relative to Variations: When, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of adoption of this Title, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the area, the strict application of the area regulations would result in peculiar and exceptional practical difficulties of exceptional and undue hardship upon the owner of such property, the Board shall be empowered to authorize, upon application for an appeal in regard to such property, a variation from such district application so as to relieve such difficulty or hardship.

(c) Powers Relative to Exceptions: Upon application for appeal, the Board shall be empowered to make recommendations to the City Council on the following exceptions:

1. To permit the extension of a district where the boundary line of a district divides a lot of record in single ownership.
2. To permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God or the public enemy to the extent of more than fifty percent (50%) of its replacement cost when the Board finds some compelling public necessity requiring a continuance of the nonconforming use, but in no case shall such permit be issued if its primary function is to continue a monopoly.
3. To interpret the provisions of this Title where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts.
4. To vary parking regulations whenever the character or use of the building is such as to make unnecessary the full provisions of parking facilities or when such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
5. Variation of the yard, fence, sign, or accessory structure size regulations where there is an exceptional or unusual physical condition of a lot, which condition, when related to the yard, fence, sign, or accessory structure size regulations of this Ordinance, would prevent a reasonable or sensible arrangement of buildings, fences or signs on the lot.

- (d) In exercising the above powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decisions or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals or applications for variations or exceptions, the Board shall before making any finding in a specific case first determine that the proposed change will not constitute a change, including a variation in use, in the district map and will not impair an adequate supply of light and air to adjacent property, or increase congestion in public streets or increase the danger of fire or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the City. Every change granted or denied by the Board shall be accompanied by a written finding of fact based on sworn testimony and evidence, specifying the reason for granting or denying the variation. The decision of the Board shall be made a part of any building permit in which variation is allowed.
- (e) The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass or to effect any variations in this Title.
- (f) In the event that the Board reaches a tie in the voting process, the appeal item shall be forwarded to the City Council for final approval or disapproval.

Section 21-3: Procedure

- (a) Appeals to the Board of any matter over which the Board is specifically granted jurisdiction may be taken by any person aggrieved, or by an officer, department, any board or bureau of the City affected by any decision of the Zoning Administrator. Such appeal shall be taken within sixty (60) days of such decision by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken. The data to be submitted for zoning appeals is included on a Appeals Application form available from the Zoning Administrator or City Clerk. A sample form is attached for informational purposes only.

- (b) An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by proper legal action.
- (c) Upon an appeal, request for a variation or exception, the Board shall fix a reasonable time for a hearing. Upon an appeal from any decision of the Zoning Administrator, request for variation or exception, the Board shall give not less than fifteen (15) days' public notice of a hearing thereon in a newspaper of general circulation. The notice shall contain the particular location of the property affected by the decision appealed from or the variation or exception requested, as well as a brief statement of the nature of the appeal or of what the proposed variation or exception consists. In addition, the City Clerk will post a notice of the public hearing in three locations.
- (d) Notice to Property Owners: If a request for variation or exception is sought, the applicant shall furnish the City Clerk a complete list containing the names and last known addresses of the property owners required to be served at the time the appeal application is filed plus a written notice. The City Clerk will be responsible for mailing the appeal application to the surrounding property owners by registered or certified mail, return receipt requested, not less than fifteen (15) days and not more than thirty (30) days prior to the hearing. One owner of each property within two hundred fifty (250) feet in each direction of the lot line of the subject property shall be notified unless waived. Property ownership shall be based on the tax records of Hancock County and/or how the property is recorded with the Recorder of Deeds for Hancock County. The number of feet occupied by all public roads, streets, alleys, and other public ways shall be excluded in computing the two hundred fifty (250) feet requirement. Said notice shall contain the address of the subject property, the name and address of the applicant and property owner, a brief statement of the nature of the appeal, request for variation or exception, and the date and location of the public hearing relative to the application. If, after a bona fide effort to determine such address by the applicant, the owner of the property on which notice is served cannot be found at his or its last known address, or the mailed notice is returned because the owner cannot be found at the last known address, the notice requirements of these provisions shall be deemed satisfied. Failure to comply with the provisions of this subsection shall render the application invalid. Upon the hearing, any party may appear in person or by agent or by attorney.

- (e) The party filing a notice of appeal to the Board shall pay a fee per the Application Fee Schedule in Chapter 5 at the time of filing. An additional fee shall be paid for the costs of publication for the public hearing to be held on the appeal or request for variation or exception. For applications that involve more than three (3) property owners surrounding the subject property, the applicant shall pay \$5.00 for each letter the City Clerk sends by registered or certified mail. The letters will not be sent out until the fees are paid. The fees shall be paid to the City Clerk, who shall give a receipt therefore; and a copy of the receipt shall be presented to the Board with the notice of appeal, as evidence that the fees required in the case have been paid. The fees thus collected by the City Clerk shall be paid to the credit of the General Fund of the City.

APPEALS APPLICATION (**SAMPLE FORM**)

TO: ZONING BOARD OF APPEALS
CITY HALL
NAUVOO, ILLINOIS

On _____, 200__, the undersigned applied to the Zoning Administrator/Building Inspector of the City of Nauvoo for a permit to _____
_____ on property known as _____

Legally described as : _____

P.I.N. _____

This permit was refused by the Zoning Administrator/Building Inspector because

I (we) hereby appeal this case to the Zoning Board of Appeals and ask that a variance be granted to allow _____

(Additional grounds can be given on the back of this application)

Hearing date: _____

(Signed)

(Address)

Attached herewith is a list of informational items that can accompany this petition for clarification purposes.
.....
(To be completed by Board Chairman)

Members present: _____

****SAMPLE FORM****

APPEALS APPLICATION

Action taken: _____

Below is a list of items that can accompany this petition.

1. Sketch with dimensions of the yard, the existing house, garage, fence, etc. and the proposed improvement shown. Neighboring properties that are affected can also be shown. If this information is shown on grid paper, indicate how many feet each box represents.
2. Photographs of the yard, house, garage, etc.
3. Proposed site plan drawn to scale.
4. Any other pertinent information relevant to the project.

Hearing date: _____

DIVISION 22: SITE PLAN REVIEW

Sections:

- Section 22-1: Statement of Intent
- Section 22-2: Principles
- Section 22-3: Administration
- Section 22-4: Review and Findings
- Section 22-5: Site Plan Review Application and Checklist

Section 22-1: Statement of Intent

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall commence any use or erect any structure, with the exception of single-family, and agricultural buildings and structures, without first obtaining the approval of the Planning Commission and City Council of detailed site plans as set forth in this section. Site plans are required if more than one (1) two-family dwelling unit is placed on property owned by the same person or if located in a subdivision or Planned Unit Development.

The Planning Commission and City Council shall review the site, existing and proposed structures, setbacks, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, and sewerage and water systems.

Section 22-2: Principles

To implement and define criteria for the purposes set forth in Section 22-1, the following principles are established.

- (a) No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the City.
- (b) Buildings and uses shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical.
- (c) Buildings and uses shall provide for safe traffic circulation and safe driveway locations.
- (d) Buildings and uses shall provide adequate parking and loading areas.
- (e) Buildings and uses shall be provided with adequate public services.

- (f) Buildings and uses shall make appropriate use of open spaces and provide appropriate landscaping and planting screens as required.

Section 22-3: Administration

Site Plan data shall be submitted to the Zoning Administrator who shall transmit all applications and their accompanying plans to the Planning Commission for their review. The purpose of the site plan is to show all information needed to enable the Zoning Administrator, Planning Commission, Building Inspector, City Engineer and the City Council to determine if the proposed development meets the requirements of this Ordinance. The submittal procedure is as follows:

- (a) Six (6) copies of the Site Plan with all applicable information from the attached checklist shown on the plan shall be submitted one week prior to the Planning Commission Meeting.
- (b) Site Plan Review submittals shall follow the application fee schedule in Chapter 5.
- (c) If revisions are required, three (3) copies of the plan shall be submitted to the Planning Commission for final review.
- (d) Upon approval of the site plan, one approved plan will be kept on file in City Hall, one plan will be on file in the Building Inspection section for field review and the final copy of the approval plan will be returned to the developer/owner for use by the contractor in the construction process.

The plan data to be submitted with all site plan review applications shall include the information on the Site Plan Review Application and Checklist available from the Zoning Administrator or City Clerk. A sample form is attached for informational purposes only.

Section 22-4: Review and Findings

The Planning Commission shall review the referred plans at the first Planning Commission meeting following their submittal, but not more than thirty (30) days following their submittal. The Planning Commission shall render a decision no later than the following regular Planning Commission meeting. The Planning Commission shall not approve any plans unless they find, after viewing the application, that the structure or use, as planned, will not violate the intent and purpose of this Ordinance. The Planning Commission will approve said plans only after determining the proposed building or buildings will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety.

Section 22-5: Site Plan Review Application and Checklist

****SAMPLE FORM****

**CITY OF NAUVOO
SITE PLAN REVIEW APPLICATION**

Applicant to complete the following:

Date: _____

Project Name: _____

Applicant's Name: _____

Address: _____

Telephone Number: _____

Project Name: _____

General Location of Property to be Reviewed: _____

Name of Designer: _____

Address: _____

Telephone Number: _____

Legal Owner of Property: _____

Address: _____

Telephone Number: _____

Description of Proposed Development (specify proposed use of each structure): _

****SAMPLE FORM****

**CITY OF NAUVOO
SITE PLAN REVIEW CHECKLIST**

Project Name: _____

Applicant Name: _____

Mark an "X" where completed, leave blank when not completed, mark n/a when not applicable.

Information for the Plan

- _____ Site plan drawn to a recognized engineering scale.
- _____ Name of project noted.
- _____ Owner's and/or developer's name and address noted.
- _____ Designer's name and address noted.
- _____ Date of plan submittal.
- _____ Scale of drawing noted on plan and north arrow.
- _____ The type, size, and location of all structures with all building dimensions shown.
- _____ Indicate height of building(s).
- _____ Existing and proposed street names indicated.
- _____ Indicate existing and proposed public rights-of-way and widths.
- _____ Locate existing and general location of proposed sanitary sewers, septic systems, storm sewers, and water mains.
- _____ Locate any proposed storm water management facilities, including detention/retention areas.
- _____ Locate existing trees
- _____ The location and description of all proposed landscaping, berms, fencing and walls.

- _____ Note location of pedestrian sidewalks and walkways.
- _____ The zoning district of the parcel and all abutting parcels.
- _____ Existing and proposed lot lines, & dimensioned building setbacks.
- _____ For parcels of more than one acre: existing and proposed topography with a maximum contour interval of two feet on the site and beyond the site for a distance of 100 feet in all directions.
- _____ Dimensioned parking spaces and calculations, drives and types of surfacing.
- _____ Exterior light locations, type of light and height.
- _____ Location of trash receptacle pad and description of screening method.
- _____ Location of signs, including height and size; provide description of lighting method and materials.
- _____ Any other pertinent features not mentioned above.

Additional Requirements for RMF, RMH & TTP Districts

- _____ Designation of units by type and number of units in each building.
- _____ Location of carports, garages or parking area.
- _____ Locations and descriptions of community buildings, recreational facilities and outdoor recreational spaces.

Additional Requirements for C and I Districts

- _____ Loading and Unloading areas.
- _____ Gross and Net (useable) floor are in square feet.
- _____ Number of employees, customers, clients or patients in park usage.

Additional Requirements for CBD & OM Districts

_____ Description of exterior design or exterior elevations.

_____ Description of restoration scope of work.

Additional Requirements for PUD Districts

_____ The location of natural resource features to be preserved (i.e. – woodlands, meadows, lakes, etc.).

DIVISION 23: SPECIAL USE PERMITS

Sections:

- Section 23-1: Authorization
- Section 23-2: Procedure
- Section 23-3: Issuance
- Section 23-4: Application

Section 23-1: Authorization

The uses listed below are hereby classified as special uses and upon issuance of a special use permit by the Planning Commission after a public hearing, such uses may be allowed in any zoning district where they are permitted by this ordinance. The Planning Commission shall consider the health, safety, welfare and continued aesthetic beauty of the community when approving, approving with conditions, or denying a special use permit.

- (a) Any public buildings erected and used by any department of the city, township, county, state or federal government.
- (b) Cellular tower or antenna. (Commercial Uses)
- (c) Day care centers, preschools and group homes, wherever the same is allowed as a permitted use, subject to the granting of a special use permit. In addition to all other requirements for obtaining a special use permit, the following criteria must be met:
 - 1. All applicable state laws have been complied with.
 - 2. The applicable local laws have been complied with.
 - 3. The facility shall be harmonious with the surrounding properties.
 - 4. The proposed facility shall have suitable parking and traffic flow areas for the safe pickup and delivery of children.
 - 5. No playground equipment shall be permitted in the front or side yards.
 - 6. Fenced play areas shall be enclosed or protected, well drained, free from hazards, and shall be readily accessible to the center.
- (d) Community buildings.
- (e) Electrical and natural gas substations and regulating facilities.
- (f) Hospitals, nonprofit fraternal institutions, provided that they are used solely for fraternal purposes, and institutions of an educational, religious, philanthropic character, and any nonprofit museums.

- (g) Items erected to a height that exceeds the regulations listed within this ordinance. These items may include chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators or necessary mechanical appurtenances.
- (h) Mortuary or funeral home.
- (i) Nursing home or assisted living.
- (j) Public park, playground or outdoor recreational facility.
- (k) Public or private cemeteries, including mausoleums.
- (l) Water and wastewater treatment facilities.

Section 23-2: Procedure

- (a) Upon receiving a request for a special use permit, the Zoning Administrator shall review the proposal and a public hearing date shall be set before the Planning Commission. Upon a request for a special use permit, the Planning Commission shall give not less than fifteen (15) days public notice of a hearing thereon in a newspaper of general circulation. The notice shall contain the particular location of the property affected by the special use permit requested, as well as a brief statement of the nature of special use permit or what the special use permit consists of. In addition, the City Clerk will post a notice of the public hearing in three locations.

- (b) Notice to Property Owners: If a request for a special use permit is sought, the applicant shall furnish the City Clerk a complete list containing the names and last known addresses of the property owners required to be served at the time the application is filed plus a written notice. The City Clerk will be responsible for mailing the special use permit application to the surrounding property owners by registered or certified mail, return receipt requested, not less than fifteen (15) days and not more than thirty (30) days prior to the hearing. One owner of each property within two hundred fifty (250) feet in each direction of the lot line of the subject property shall be notified unless waived. Property ownership shall be based on the tax records of Hancock County and/or how the property is recorded with the Recorder of Deeds for Hancock County. The number of feet occupied by all public roads, streets, alleys, and other public ways shall be excluded in computing the two hundred fifty (250) feet requirement. Said notice shall contain the address of the subject property, the name and address of the applicant and property owner, a brief statement of the nature of the special use permit, and the date and location of the public hearing relative to the application. If, after a bona fide effort to determine such address by the applicant, the owner of the property on which notice is served cannot be found at his or its last known address, or the mailed notice is returned because the owner cannot be found at the last known address, the notice requirements of these provisions shall be deemed satisfied. Failure to comply with the provisions of this subsection shall render the application invalid. Upon the hearing, any party may appear in person or by agent or by attorney.
- (c) The party filing for a special use permit to the Planning Commission shall pay a fee per the Application Fee Schedule in Chapter 5 at the time of filing. An additional fee shall be paid for the costs of publication for the public hearing to be held on the special use permit. For applications that involve more than three (3) property owners surrounding the subject property, the applicant shall pay \$5.00 for each letter the City Clerk sends by registered or certified mail. The letters will not be sent out until the fees are paid. The fees shall be paid to the City Clerk, who shall give a receipt therefore; and a copy of the receipt shall be presented to the Planning Commission with the special use permit, as evidence that the fees required in the case have been paid. The fees thus collected by the City Clerk shall be paid to the credit of the General Fund of the City.

Section 23-3: Issuance

Before issuance of any special use permit for any of the above buildings or uses, the Planning Commission shall review the conformity of the proposal with the standards of the land use plan, and with recognized principles of engineering design, land use planning and landscape architecture. The Planning Commission may approve or disapprove the special use permit as submitted or, before approval, may require that the applicant modify, alter, adjust or amend the proposal as the Planning Commission deems necessary to the end that it preserve the intent and purpose of this ordinance to promote public health, safety and the general welfare.

Section 23-4: Application

- (a) Applications for a special use permit, under the terms of this section, shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a detailed site plan defining the areas to be developed for buildings, the areas to be developed for parking, the locations of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and height of buildings, the location and type of buffers, the type of lighting and the location, size and number of signs.
- (b) In the event a special use permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

DIVISION 24: CHANGES AND AMENDMENTS

Sections:

- Section 24-1: Authority
- Section 24-2: Initiation
- Section 24-3: Application for Amendment
- Section 24-4: Notice to Property Owners
- Section 24-5: Review by Planning Commission
- Section 24-6: Continuation of Hearing
- Section 24-7: Action by City Council
- Section 24-8: Amendment of Application
- Section 24-9: Effect of denial of Zoning Change

Section 24-1: Authority

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the City Council may, by Ordinance, change the zoning district boundaries or amend, change, or supplement the zoning regulations established by this Ordinance or amendments thereto. Such change or amendment shall first be subject to the review and recommendation of the Planning Commission.

Section 24-2: Initiation

A change or amendment may be initiated by the City Council, Zoning Board of Appeals, Planning Commission or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

Section 24-3: Application for Amendment

Whenever any person, firm or corporation desires that any amendment or change be made in this Zoning Ordinance, including the text and/or map, as to any property covered by this Ordinance, such party shall file an application for zoning amendment or change with the Zoning Administrator. The Zoning Administrator shall review the application requesting such amendment or change and determine that the application clearly describes the property and the boundaries to which the amendment or change is desired, lists the reasons justifying the application and specifies the proposed use. Upon a determination by the Zoning Administrator that the application satisfactorily complies with the statutory requirements, the Zoning Administrator shall conduct an informal meeting with both the party seeking the zoning amendment or change and the landowners within the affected tract or the landowners within two hundred fifty (250) feet of the affected property. The purpose of such meeting shall be informational in nature. The party requesting the zoning amendment or changes shall present the detailed plans of the project which have prompted such application. The interested parties in attendance may make inquiry or express

any concerns as to the same. It shall be the responsibility of the Zoning Administrator to report the contents of this meeting to the Planning Commission.

Section 24-4: Notice to Property Owners

- (a) Upon receiving a request for a change or amendment, the Zoning Administrator shall review the proposal and a public hearing date shall be set before the Planning Commission. Upon a request for a change or amendment, the Planning Commission shall give not less than fifteen (15) days public notice of a hearing thereon in a newspaper of general circulation. The notice shall contain the particular location of the property affected by the change or amendment requested, as well as a brief statement of the nature of the change or amendment or what the change or amendment permit consists of. In addition, the City Clerk will post a notice of the public hearing in three locations.

- (b) If a request for change or amendment is sought, the applicant shall furnish the City Clerk a complete list containing the names and last known addresses of the property owners required to be served at the time the change or amendment application is filed plus a written notice. The City Clerk will be responsible for mailing the amendment application to the surrounding property owners by registered or certified mail, return receipt requested, not less than fifteen (15) days and not more than thirty (30) days prior to the hearing. One owner of each property within two hundred fifty (250) feet in each direction of the lot line of the subject property shall be notified unless waived. Property ownership shall be based on the tax records of Hancock County and/or how the property is recorded with the Recorder of Deeds for Hancock County. The number of feet occupied by all public roads, streets, alleys, and other public ways shall be excluded in computing the two hundred fifty (250) feet requirement. Said notice shall contain the address of the subject property, the name and address of the applicant and property owner, a brief statement of the nature of the amendment, and the date and location of the public hearing relative to the application. If, after a bona fide effort to determine such address by the applicant, the owner of the property on which notice is served cannot be found at his or its last known address, or the mailed notice is returned because the owner cannot be found at the last known address, the notice requirements of these provisions shall be deemed satisfied. Failure to comply with the provisions of this subsection shall render the application invalid. Upon the hearing, any party may appear in person or by agent or by attorney.

- (c) Except in those cases where an amendment or change is sought by the Mayor and City Council, Planning Commission or the Zoning Board of Appeals, the party filing a change or amendment to the Planning Commission shall pay a fee per the Application Fee Schedule in Chapter 5 at the time of filing. An additional fee shall be paid for the costs of publication for the public hearing to be held on the change or amendment. For applications that involve more than three (3) property owners surrounding the subject property, the applicant shall pay \$5.00 for each letter the City Clerk sends by registered or certified mail. The letters will not be sent out until the fees are paid. The fees shall be paid to the City Clerk, who shall give a receipt therefore; and a copy of the receipt shall be presented to the Planning Commission with the change or amendment, as evidence that the fees required in the case have been paid. The fees thus collected by the City Clerk shall be paid to the credit of the General Fund of the City.

Section 24-5: Review by Planning Commission

The proposed amendment or change shall be reviewed by the Planning Commission. The Planning Commission shall thereafter file a report with the City Council. The Planning Commission shall have sixty (60) days following the filing of the application or proposed amendment or change to submit its report. If a report is not filed with the City Council within sixty (60) days, it may be assumed by the City Council that the Planning Commission approved the application. The applicant for any change may, however, agree to a longer time period than set forth herein.

Section 24-6: Continuation of Hearing

After notice of a scheduled hearing has been published or served on adjoining property owners, as provided herein, such hearing may be continued or withdrawn only upon approval of the Planning Commission. A request by an applicant for continuation or withdrawal may only be granted for good cause. Any such request must be made in person to the Planning Commission or in writing setting forth the reasons for the request. Notwithstanding any such request, the Planning Commission shall have the discretion to: grant the request, deny the request and hold any required public hearing and make a recommendation to the City Council regarding the subject application; or grant a continuance and defer taking any final action, but proceed with any required public hearing, or take other appropriate action. In addition, and notwithstanding the foregoing, if an applicant (who has otherwise failed to previously request a continuation or withdrawal of an application) fails to appear at the scheduled hearing, the application may be denied by the Planning Commission with or without any required public hearing and such denial reported to the City Council.

Section 24-7: Action by City Council

After receiving the recommendations and report of the Planning Commission, the City Council may pass the proposed amendment with or without change, may reject it, may recommit it to the Planning Commission for further consideration, or take other appropriate action. In the event of a protest against such district change or amendment to the regulations of this Ordinance, duly signed and acknowledged by the owners of twenty (20) percent or more of the areas of the land included in such proposed change, by the owners of twenty (20) percent or more of the land immediately adjacent extending two hundred fifty (250) feet therefrom, such change or amendment shall not become effective except by the favorable vote of three-fourths (3/4) of the full City Council membership.

Section 24-8: Amendment of Application

A proposed amendment or change to the terms of this Chapter may be amended from time to time as the City Council, Planning Commission or other appropriate party may desire. A proposed amendment or change in the district map may also be amended at any time by the applicant subject to the condition that the publication and notice requirements herein established are again complied with.

Section 24-9: Effect of Denial of Zoning Change

After a public hearing has been held and a zoning change denied in whole or part by the City Council, an application for the same shall not be resubmitted for a period of one (1) year from the date of such denial, unless allowed by the City Council. In general, resubmission shall be allowed only if there is substantial new evidence or proof of changed conditions to warrant resubmission.