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Procedure for Zoning Text Change, Rezoning, Special Use, Variance or Appeal of an Administrative Decision

Rezoning (Zoning Map Change), Zoning Text Change, and Special Use matters require a public hearing before the Planning Commission which makes findings of fact and a recommendation to the City Council. The City Council can either approve the zoning change or special use or the Council can deny it. The City Council's decision is final unless an appeal is made through the courts. A notice must be placed in the local newspaper at least 15 days before the hearing, but not more than 30 days. Property owners within 250 feet of the subject property must be notified by certified mail at least 10 days but not more than 30 days before the hearing. The Planning Commission meets on the first and third Wednesday of each month. The Planning Commission usually makes its findings and recommendation on the night of the hearing. The City Council regularly schedules meetings on the first, third and fifth Tuesdays of each month.

Application costs which are paid by the applicant are:

1. \$25.00 fee.
2. Cost of the newspaper legal notice. The cost can vary from about \$10.00 to over \$100.00 depending on the length of the legal description.
3. Cost of mailed notices. The City is required to notify all property owners within 250 ft. of the property in question, excluding the public right-of-way. The City prepares and mails the certified letters, which includes a return receipt.

Applicants will be taken on a first come, first serve basis.

Variations and Appeals of Administrative Decisions also require a public hearing, but before the Zoning Board of Appeals which makes findings of fact and either grants or rejects the variance, or finds in favor of the applicant or the administrator. Neither the City Council or the Planning Commission is involved in variations or appeals of administrative decisions. Any further appeal must be taken through the courts. A notice must be placed in the newspaper not less than 15 nor more than 30 days before the hearing is scheduled. Property owners within 250 feet of the subject property must be notified by certified mail at least 10 days but not more than 30 days before the hearing. The ZBA meets when it has a case to hear. The designated times to meet are the second and fourth Thursdays of each month. Application costs are the same as listed above.

If you have any further questions, please do not hesitate to ask members of the Planning Services Division.

1-C IDENTIFICATION OF APPLICANT - All applicants must have standing (an interest in property that will be directly affected by requested action)			
1) Applicant:			
Name	Address	Phone	
2) Agent (if any):			
Name	Address	Phone	
3) Owners of all property included in this application (omit for zoning text change):			
Name	Address	Phone	
4) If the applicant is a Land Trust or Partnership or if the subject property is owned or controlled by a Land Trust or Partnership, List name and interest of <u>all</u> Land Trust Beneficiaries or Partners and attach evidence that the person submitting the application on behalf of the Land Trust or Partnership is authorized to do so.			
	Name/Address	Phone	Interest
Trustee/Partner:			
Beneficiary/Partner:			
Beneficiary/Partner:			
Beneficiary/Partner:			
Beneficiary/Partner:			
5) Does the applicant have a proprietary interest in the land or land improvements? ' YES ' NO (In the case of a zoning text amendment, this means at least one parcel of land is subject to the text change)			
If YES, state interest and attach documentation:			
If NO, state what interest otherwise qualifies the applicant to apply:			
6) Names of the owners of the improvement(s) on the property in this application if different from above: (Omit for zoning text amendment)			
NAME	ADDRESS		
7) If the applicant is a corporation, attach evidence that the person submitting the application on behalf of the corporation is authorized to do so.			

**PART 2 - Complete ONLY portion(s) of Pages 3, 4 & 5
pertaining to your case (as checked at top of Page 1)**

2-A	REZONING - (AMENDMENT TO THE ZONING DISTRICT MAP) - Applications for amendments to the Zoning District Map are heard by the Planning Commission which makes a positive or negative recommendation to the City Council. Only the City Council has authority to grant or deny amendments to the Zoning District Map.
1)	(a) Existing Zoning:
	(b) Proposed Zoning:
	(c) Existing Use:
	(d) Proposed Use:
2)	(a) The following are submitted with this application: ‘ Preliminary Site Plan ‘ Rendering or Perspective ‘ Other
	(b) Are there any land use intensity (LUI) requirements? ‘ YES ‘ NO
	(c) Attach brief justifying this request. This brief should include an analysis of how the rezoning application is supportive or not supportive of relevant goals, objectives, policies or programs in the Comprehensive Plan. (Staff will assist.)

2-B	ZONING TEXT AMENDMENT - Applications for amendments to the zoning text are heard by the Planning Commission which makes a recommendation to the City Council. Only the City Council has the authority to change the zoning text which is done by passing an amendment to the City Code.
1)	What section(s) of the City Code is proposed to be amended?
2)	What is the nature of the proposed change?
3)	Attach the exact language suggested by the applicant to be added, deleted or changed in the City Code.
4)	Attach a written statement which justifies the proposed change. The statement should also identify potential positive and negative impacts (if any) of the proposed change on the applicant's property, nearby properties, and the entire community if the application is approved or if it is denied.

2-C SPECIAL USE REQUEST - Special Use requests are heard by the Planning Commission which makes a positive or negative recommendation to the City Council. Only the City Council has the authority to grant or deny a Special Use.

1) Are development plans submitted with this application? (Staff member will explain. See City Code, Sect. 15-2H-2 A & B for information to be included in the development plan and required special use performance standards).
 ' YES ' NO

2) Parking requirements:

a) Proposed number of parking spaces to be provided:

b) Number of parking spaces required of City Code, Section 15-2F-3H.:

c) Attach tabulation of total land area and percentage thereof designated for various uses

d) Are there any land use intensity (LUI) requirements? ' YES ' NO If YES, attach data (staff member will assist in calculation).

3) Estimated cost of proposed Special Use project:

a) Land: \$ _____ Improvements: \$ _____

b) Estimated completion date: _____, 19 _____

4) Submit a brief justifying the reasons for this request. This brief should include an analysis of how the rezoning application is supportive or not supportive of relevant goals, objectives, policies or programs in the Comprehensive Plan. (Staff will assist.)

2-D VARIANCE REQUEST - Variances are granted or denied by the Zoning Board of Appeals (ZBA). Reversal of ZBA decisions may be secured only through the judicial system.

1) a) All information required may be shown on one sheet if appropriate.

b) Check characteristic(s) of the property preventing it from being used in accordance with the terms of the City Code (Zoning Ordinance):

' Too Narrow ' Too Shallow ' Slope ' Soil
 ' Too Small ' Elevation ' Shape ' Subsurface
 ' Other (Attach Specifics)

c) Attach a description and/or drawings of the item(s) checked, giving dimensions where appropriate.

2) Attach requirements for the appropriate zoning district from which relief is sought as described in the City Code (staff member will assist).

3) Attach a brief explanation how the above site zoning conditions prevent any reasonable use of the land under the terms of the City Code (Zoning Ordinance). Pay particular attention to City Code, Section 15-2K-3.

4) a) To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having proprietary interest in the land after the zoning article or applicable part thereof became law?
 ' YES ' NO

b) If No, explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to variance).

c) Are the conditions on the property the result of other man-made changes (such as relocation of a road or highway, etc.)? ' YES ' NO
d) If Yes, attach description and maps where appropriate.
e) Do the above described conditions of hardship for which this request for variance is filed apply only to this property? If Yes, attach an explanation. ' YES ' NO
5) Which of the following modifications will allow a reasonable use of the land? ' Change in setback requirements ' Change in lot coverage requirements ' Change in height requirements ' Change in area requirements ' Other (attach description)
6) a) Attach description of proposed use.
b) Is proposed use permitted in the zoning district? ' YES ' NO
c) Will the granting of a variance in the form requested be in harmony with the general purpose and intent of the zoning article and district statement of intent and not be injurious to the neighborhood or detrimental to the public welfare? ' YES ' NO
d) Attach a brief elaborating on this last point.

2-E APPEAL OF ADMINISTRATIVE DECISION - Administrative decisions are reviewed by the Zoning Board of Appeals (ZBA). Such administrative decisions may be reversed or sustained by the ZBA. Reversal of ZBA decision may be secured only through the judicial system.	
1) Date of administrative decision leading to this appeal: (If appropriate, attach written administrative decision)	Date:
2) Attach a brief which specifically states the decision the administrative official made, the reasons given for the decision and specifically what you are herewith appealing. Elaborate on the reasons for this request and why the Zoning Board of Appeals in your opinion should overrule the administrative official's decision.	

PART 3 - To be completed by ALL applicants

AFFIDAVIT - This part of the application must be notarized. Do not sign until in the presence of a Notary Public.

- 1) To the best of my knowledge, I hereby affirm that all information in this application and any attached material and documents are true:
- a) Signature of Applicant _____
- b) Signature of Agent (if any) _____
- c) Date _____, 19____ Notary Seal
- 2) a) Subscribed and sworn before me this _____
- b) Signature of Notary Public _____