



**PROCEDURE
FOR
FILING APPLICATIONS
FOR
REZONING OF LAND**

Questions regarding these procedures should be directed to Joel Sims, Zoning Officer at (217) 826-8087

REZONING OF LAND GENERAL INFORMATION

I) PURPOSE:

The City of Marshall will consider the annexation of any land that is contiguous to the corporate limits and lies within the 1½ mile boundary of the Cities extraterritorial authority. Property annexed to the City shall be considered as being in the appropriate district as its use at the time of annexation provided its use and zoning district is included in the Petition for Annexation and Ordinance Annexation. Otherwise the territory shall be considered as being in the R-1 district.

II) CRITERIA:

In evaluating the suitability of the requested zoning classification and ultimate land use, the Zoning Board and City Council will examine the following conditions:

1. The zoning, and land use is in harmony with the objectives of the Comprehensive Plan and Future Land Use Map.

PROCEDURES

The Owner/Applicant must initiate the procedure by submitting the following to the City. All written documents must be on standard 8½" x 11" letter size paper. No legal size paper will be accepted. All blue prints or other drawings must be folded separately.

I DOCUMENTS AND FEES TO BE SUBMITTED TO CITY

1. The completed and signed application form (Attachment I)
2. Application Filing Fee: \$150.00 Rezoning (Change in Zoning District)
3. Evidence of applicant's ownership of or interest in the subject property, and a complete disclosure of interest. (See Attachment III for additional information)
4. Four (4) folded copies of a recent (one year or less) plat of survey and legal description of the affected property.
5. Four (4) folded copies of a map identifying the zoning district classification of the property and of all other properties within 250' thereof.
6. Four (4) folded copies of a site plan showing the locations of all existing or proposed structures, parking and loading areas, open space, landscaping, yards, refuse and service areas, utilities, signs, traffic access and circulation.
7. Four (4) folded copies of architectural renderings and floor plans illustrating the appearance of any existing or proposed buildings.

II LEGAL NOTICES

After it has been determined that a complete and accurate application has been filed a date for the Public Hearing will be scheduled. All applications must be received a minimum of 20 days prior to the date of the hearing.

(1) Newspaper Publication

The City shall publish a notice of the public hearing in the newspaper of general circulation in the City at least fifteen (15) days but no more than thirty (30) days before the scheduled date of the hearing.

III THE PUBLIC HEARING

The Marshall Zoning Board will conduct the Public Hearing. The applicants must be prepared to make a brief presentation in support of their application. Following the presentation, the meeting will be opened for questions and comments from the Zoning Board, City Staff, and the general public. Thereafter the hearing will be closed and the application reviewed and discussed by the Zoning Board. The Zoning Board will complete a Report of Finding and Recommendation on the application and according to a vote of the Zoning board will recommend to the City Council that the Petition for Change of Zoning be either adopted or not adopted by the City Council.

CITY COUNCIL ACTION

The City Council shall not act upon any proposed Zoning until either it has received a Report of Finding and Recommendation from the Zoning Board or until sixty (60) days have elapsed from the close of the public hearing.

The City Council shall not approve a Zoning unless it shall find that the Zoning meets applicable Criteria.

IV PROTEST

A written protest may be filed with the City Clerk against a proposed zoning that is signed by the owners of at least 20 percent of the frontage of:

1. the property to be affected by the proposed zoning, or
2. the property immediately adjacent thereto or across the alley there from, or
3. the property having frontage directly opposite the frontage to be affected by the proposed zoning.

If such a protest is filed, the proposed zoning shall not be approved except by a vote of two-thirds of the City Council currently holding office.

The protester shall serve a copy of the protest upon the applicant and upon his or her attorney, if any, by certified mail.

V REPEAL

If no development has taken place on the property affected by the zoning within one year of the date of such approval, the Zoning Board may hold a public hearing, after giving Public Notice as provided under Requirements for All Applications in the Administration section hereof, and recommend to the City Council that such zoning be repealed and that the Map be amended to provide for a different zoning classification for the property, unless otherwise provided for in an Annexation Agreement.

VII RESUBMISSION

No application for zoning that has been denied by the City Council shall be resubmitted within one year of the date of that denial except on the grounds of new factual evidence or a change in conditions found to be valid by the Zoning Board.

This restriction shall not, however, apply to a Map amendment proposing a different zoning classification than that denied by the City Council.

ATTACHMENT I

APPLICATION FOR ZONING

□ Zoning District

The undersigned petitions the Mayor and City Council of the City of Marshall, Illinois, to zone the property legally described in this application.

Date Filed: _____

Address of Property: _____

Legal Description: Attach Exhibit A

APPLICANT

Name: _____ Telephone No. (____)_____

Address: _____ Fax No. (____)_____

Applicant's Interest: Owner ____ Lessee ____ Contract Purchaser ____ Other ____

OWNER(S)

Name: _____ Telephone No.(____)_____

Address: _____ Fax No. (____)_____

ATTORNEY'S

Name: _____ Telephone No. (____)_____

Address: _____ Fax No. (____)_____

The Applicant and Owner agree to pay all costs incurred by the City for administrative, and engineering and legal services for the review of this application and all supporting plans and documents.

The Owner of the property or his duly authorized agent must sign this application. **UNDER PENALTIES OF INTENTIONAL MISREPRESENTATION AND OR PERJURY**, I declare that I have examined and or made this application and it is true and correct to the best of my knowledge and belief.

Applicant's Signature

Owner(s) Signature

Date: _____

Date: _____

ATTACHMENT II

**IN THE ZONING COMMISSION
FOR THE CITY OF MARSHALL
CLARK COUNTY, ILLINOIS**

IN THE MATTER OF THE APPLICATION)
)
 OF) NO. 20__ - Z - __
)
 _____)
)

PETITION FOR CHANGE OF ZONING

The undersigned _____ and _____, Owners,
of _____, _____, _____, _____ on oath state:

1. Your petitioners are the sole owners of record of the real estate described as:

INSERT PROPERTY DESCRIPTION

PIN: __-__-__-__-__-__

2. The street address of the real estate is _____, Marshall, Illinois, 62441.
3. Said real estate is currently zoned _____. Your petitioners desire that said real estate be rezoned to _____.
4. The square footage of the real estate is _____ square feet. On the real estate there are currently _____ buildings encompassing _____ square feet.
5. The real estate is currently used as _____. After rezoning it is planned that the real estate will be used for _____.
6. There is adequate property to meet the height, area, yard and building regulation provisions of Article XI as well the parking provisions of Article XIV of the City's Zoning Code.
7. The reason for the change in zoning are:_____.
8. Attached is a plot, plan or drawing indicating the location of buildings and other sites on the premises and all proposed expansions or constructions.

WHEREFORE, _____ the Owner(s) pray that the zoning classification of the real estate herein before described be changed from _____ to _____.

DATE: _____

Owner of record of said property

Owner of record of said property

Subscribed and sworn before me
this ____ day of _____, 20__

Notary Public

(SEAL)

ATTACHMENT III

DISCLOSURE OF INTEREST

The party signing the application shall be considered the applicant.

An applicant must be the fee owner, trustee, beneficiary, contract purchaser, lessee, or option holder of the affected property or his or her agent or nominee.

- a. If the applicant is not the fee owner of the affected property, the application shall disclose the full names, addresses, and telephone numbers of all owners.
In addition, an affidavit of the fee owner or owners shall be filed with the application stating that the applicant has authority to make the application.
- b. Applicant or Fee Owner Is Corporation
If either the applicant or the fee owner is a corporation, the application shall disclose the names and addresses of the corporation's officers, directors, registered agents, and those shareholders owning in excess of five percent of the outstanding stock or interest in the corporation.
- c. Applicant is Trustee
If the applicant is a trustee, the full name, address, telephone number, and extent of interest of each beneficiary must be disclosed in the application.
- d. Applicant is Beneficiary, Agent, or Nominee
If the applicant is a beneficiary, agent, or nominee, the application must disclose the names, addresses, and telephone numbers of those parties on whose behalf he or she is acting.
- e. Applicant is Option Holder or Contract Purchaser
If the applicant is an option holder or contract purchaser a valid (unexpired, fully executed, enforceable) non-contingent (except for zoning and financing approval) contract or option to purchase the premises for which the application is being filed shall be submitted.