

City of Danville
PROCEDURES FOR REZONING

A. FILING PROCEDURES:

- 1. Prior to the preparation of a formal petition, a petitioner or his agent shall meet with the Zoning Administrator to discuss the situation, learn the procedures, obtain a petition, and present any preliminary information.**
- 2. The petitioner or his agent shall complete the petition and shall prepare a site plan and other supporting materials that contain the information requested in section 150.185 of the Zoning Ordinance (see attached) as well as the following:**
 - (a) Description of business operations, including hours, products, market area, traffic volumes, and timetable for development (if applicable);**
 - (b) A written joinder agreement signed by the title holder of the property and notarized, concurring with the rezoning request (if the applicant is not the owner of the property).**
- 3. The petitioner or his agent shall file the completed petition, and the required site plan and exhibits, with the Zoning Administrator and pay to the City Clerk the filing fee of \$200.00 at least 20 days prior to the Planning & Zoning Commission meeting. The Zoning Administrator will schedule the petition for a public hearing before the Planning & Zoning Commission.**
- 4. The petitioner shall have notice of the public hearing published one time in a local newspaper of general circulation at least 15 days but not more than 30 days prior to the public hearing (form attached). "Proof of Publication", which is obtained from the newspaper by the petitioner upon request, shall be furnished to the Zoning Administrator prior to the hearing.**
- 5. Notices of the public hearing will be mailed to all property owners within 250 feet of the outer boundaries of the property in question. Said mailing shall be completed at least 15 days but not more than 30 days prior to the public hearing. The failure of any property owner to receive such notification shall not invalidate the proceedings.**
- 6. The Planning and Zoning Commission will conduct a public hearing and make a recommendation to the City Council for approval, conditional approval, or denial of the proposed zoning change. The petitioner(s) or a representative must be present at the public hearing.**

In reviewing the petition and the other evidence presented, the Commission shall consider the criteria listed here. Any request for a map amendment shall be reviewed for consistency with the following criteria:

- (1) The request is consistent with all applicable provisions of the Comprehensive Plan.**
 - (2) The request is compatible with the existing or allowable uses of adjacent properties.**
 - (3) The request will preserve the essential character of the neighborhood in which it is located.**
 - (4) The request will not adversely affect the public health, safety or welfare**
 - (5) The request will not adversely influence living conditions in the immediate vicinity.**
 - (6) The request will not adversely affect adjacent properties.**
 - (7) The request will not create undue traffic congestion.**
 - (8) The request has minimized, to the degree possible, adverse effects on the natural environment.**
 - (9) The request can demonstrate that adequate public facilities exist or will exist to serve the requested use at the time such facilities are needed.**
 - (10) The request conforms to all applicable provisions of this Ordinance.**
- 7. The City Council will then take final action on the rezoning request within 45 days of the public hearing and in most instances this will occur at the next regularly scheduled council meeting. If the Commission voted to deny an amendment request, a two thirds (2/3rds) affirmative vote of the City Council then holding office is required to override the Commission's action and approve the request. If an amendment request is contrary to the Future Land Use Map of the Comprehensive Plan, a two thirds (2/3rds) affirmative vote of the City Council then holding office is required to approve the request.**

B. HEARING PROCEDURES:

- 1. The regular meeting of the Danville Zoning and Planning Commission is held on the first Thursday of every month at 5:15 p.m. in the Community Room of the Municipal Building at 17 W. Main St., Danville, Illinois, or in a place designated by a notice posted upon the door of said building.**
- 2. Every hearing on every petition to amend the Danville Zoning Ordinance is conducted in an open public meeting.**
- 3. The Chairperson will call the meeting to order. Petitioners will be sworn in and may make an opening statement. Such statement may also be made by an agent. Witnesses may testify on behalf of the Petitioner. Objectors may also testify. The Urban Services Department will present additional information as well as offer either a written or verbal opinion. The Commission members may ask questions, and then discuss and vote upon the petition.**

C. WITHDRAWAL:

A petition may be withdrawn any time prior to the beginning of the public hearing without penalty. If the petition is withdrawn between the time the hearing begins and the City Council takes final action, said petition can not be reheard for 12 months.

D. DENIAL:

If a petition is considered and ultimately denied by the City Council, that request shall not be reconsidered by the Commission or the City Council at any time in a substantially similar form unless the Zoning Administrator determines that conditions affecting the requested amendment have changed significantly enough to justify reconsideration of said request.