



200 South Illinois Avenue  
P.O. Box 2047  
Carbondale, Illinois 62902-2047  
Telephone 618-457-3248  
www.explorecarbndale.com

## **PROCEDURE FOR REZONING, ZONING TEXT AMENDMENT, SPECIAL USE, VARIANCE OR APPEAL OF AN ADMINISTRATIVE DECISION**

**REZONING (ZONING MAP CHANGE), ZONING TEXT AMENDMENT, 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'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. In most cases, 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 prior to the hearing. For property located in the F and AG districts, property owners within 1000 feet must be notified by certified mail, and for property in the LI, GI, and RR districts property owners within 500 feet must be notified. 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 item will be placed on the next available City Council agenda. The City Council regularly schedules meetings on the first and third Tuesdays of each month.

Application costs which are paid by the applicant include the following:

1. \$25.00 application fee.
2. Cost of the newspaper legal notice. The cost can vary from about \$20.00 to over \$100.00 depending on the length of the legal description.
3. Cost of the certified mail.

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

**VARIANCES 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 nor the Planning Commission is involved in variances or appeals of administrative decisions. Any further appeal must be taken through the courts. The notification process is the same as listed above for a rezoning. The ZBA only meets whenever there is a case to hear. The designated times to meet are the first and third Wednesdays of each month. Application costs are the same as listed above.

If you have any further questions, please do not hesitate to contact the Planning Services Division at 618-457-3248. All competed applications should be returned to the Development Services Director.



**CITY OF CARBONDALE  
 ZONING APPLICATION**

Check Appropriate Item(s):

- AMENDMENT TO ZONING MAP
- ZONING TEXT AMENDMENT
- SPECIAL USE
- VARIANCE
- APPEAL OF ADMINISTRATIVE DECISION

<p>To Be Completed by City Staff:</p> <p>Date Received: _____, 20__.</p> <p>Case No: _____</p> <p>Fees Rec'd: _____</p> <p>PP#: _____</p>
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**PART 1 - To be completed by ALL Applicants**

<p><b>1-A IDENTIFICATION OF PROPERTY</b> - For zoning text amendments, this is the property in which the applicant has an interest which will be affected by the text change. For all other applications, it is all the land which is covered by the application.</p>	
<p>1) Number and Street:</p>	
<p>2) Present Zoning:</p>	<p>3) Acres:</p>
<p>4) Legal Description of Property (Omit for zoning text amendment) - Attach if necessary.</p>	

<p><b>1-B PROPERTY</b> - (Omit for zoning text amendments)</p>		
<p>1) The deed restrictions, covenants, trust indentures, etc. on said property are as follows (or copy attached); if NONE, so state:</p>		
<p>2) (a) Has this property or any part thereof ever been considered for Variance, Special Use, Appeal of Administrative Decision or Amendment to the Zoning District Map before? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>		
<p>(b) Date:</p>	<p>(c) Former Case No.:</p>	<p>(d) What was the disposition of the case?</p>
<p>(e) Former Applicant Name:</p> <p>Former Address:</p> <p>Former Phone:</p>		

<b>1-C IDENTIFICATION OF APPLICANT</b> - 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:			
5) Does the applicant have a proprietary interest in the land or land improvements? <input type="checkbox"/> YES <input type="checkbox"/> 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)**

<b>2-A</b>	<b>REZONING - (AMENDMENT TO THE ZONING DISTRICT MAP)</b> - Applications for amendments to the Zoning District Map are heard by the Planning Commission which makes a recommendation to the City Council. Only the City Council has the authority to grant or deny amendments to the Zoning District Map.
1)	(a) Existing Zoning:
	(b) Existing Use:
	(c) Proposed Zoning:
	(d) Proposed Use:
2)	(a) The following are submitted with this application:  <input type="checkbox"/> Preliminary Site Plan <input type="checkbox"/> Rendering or Perspective <input type="checkbox"/> Other
	(b) Are there any floor area ratio (FAR) requirements? <input type="checkbox"/> YES <input type="checkbox"/> 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.)

<b>2-B</b>	<b>ZONING TEXT AMENDMENT</b> - 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.

<b>2-C</b>	<b>SPECIAL USE REQUEST</b> - 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. <input type="checkbox"/> YES <input type="checkbox"/> NO
2)	Parking requirements:
a)	Proposed number of parking spaces to be provided:
b)	Number of parking spaces required of City Code, Section 15-4.8:
c)	Attach tabulation of total land area and percentage thereof designated for various uses.
d)	Are there any floor area ratio (FAR) requirements? <input type="checkbox"/> YES <input type="checkbox"/> NO If YES, attach data (staff member will assist in calculation).
3)	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.)

<b>2-D</b>	<b>VARIANCE REQUEST</b> - 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):
	<input type="checkbox"/> Too Narrow <input type="checkbox"/> Too Shallow <input type="checkbox"/> Slope <input type="checkbox"/> Soil <input type="checkbox"/> Too Small <input type="checkbox"/> Elevation <input type="checkbox"/> Shape <input type="checkbox"/> Subsurface <input type="checkbox"/> 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).
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? <input type="checkbox"/> YES <input type="checkbox"/> 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.)? <input type="checkbox"/> YES <input type="checkbox"/> 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. <input type="checkbox"/> YES <input type="checkbox"/> NO

5) Which of the following modifications will allow a reasonable use of the land?  <input type="checkbox"/> Change in setback requirements <input type="checkbox"/> Change in lot coverage requirements <input type="checkbox"/> Change in height requirements <input type="checkbox"/> Change in area requirements <input type="checkbox"/> Other (attach description)
6) a) Attach description of proposed use.
b) Is proposed use permitted in the zoning district? <input type="checkbox"/> YES <input type="checkbox"/> 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? <input type="checkbox"/> YES <input type="checkbox"/> NO
d) Attach a brief elaborating on this last point.

<b>2-E APPEAL OF ADMINISTRATIVE DECISION</b> - 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**

<b>AFFIDAVIT</b> - This part of the application must be notarized. Do not sign until in the presence of a Notary Public.
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- 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 \_\_\_\_\_, 20\_\_\_\_
- 2)
  - a) Subscribed and sworn before me this \_\_\_\_\_
  - b) Signature of Notary Public \_\_\_\_\_

*Notary Seal*