



**WHITESIDE COUNTY**

**BUILDING & ZONING**

Phone: (815) 772-5175

18819 Lincoln Road  
Morrison, Illinois 61270

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## REZONING PETITIONER INSTRUCTIONS

The following instructions have been prepared by the Whiteside County Building & Zoning Office to assist those seeking a change in zoning classification for their property. Under the State of Illinois statute that governs county zoning, (ILCS Division 5/5- 12), the County Board has the power to change zoning classifications. The statute establishes the procedures that must be followed to approve a change in zoning classifications. The Whiteside County Zoning, Planning & Development Ordinance and the following instructions are based on the statute.

### REQUIREMENTS

- A. The petitioner should first read these instructions thoroughly and be sure that there are no questions regarding what will be required.
- B. If necessary, the petitioner may schedule a conference with the Building & Zoning Administrator to discuss the proposed use and zoning classification of the proposed site and ask questions about the rezoning process.
- C. Rezoning Application/Petition Requirements
  1. **LEGAL DESCRIPTION:**

The petitioner should obtain the legal description of the property proposed for a zoning classification change, preferably from a deed which may be obtained from the Recorder's Office.
  2. Complete the Zoning Application & Petition Forms.
  3. **MUNICIPAL REVIEW:**

If the property proposed to be rezoned lies within one and one-half miles of the corporate limits of Fulton, Albany, Morrison, Prophetstown, Lyndon, Tampico, Deer Grove, Rock Falls or Sterling, the petition will have to be taken to that municipality by the petitioner as state statutes grant them this extraterritorial planning jurisdiction.

If the municipality wishes to hold a hearing on the rezoning request, the petitioner will have to arrange a hearing date with that municipality first. The petitioner will be directed by the appropriate person in that municipality as to the steps to be taken.

The petitioner or the petitioner's representative will appear at any hearing as required by the municipality. Upon completion of their review, comments will be forwarded to the

Building & Zoning Office in a letter or a copy of the approved minutes as to their support or opposition to be considered during the public hearing.

4. L.E.S.A.

The Building and Zoning Administrator will determine if a Land Evaluation and Site Assessment (LESA) is required. The petitioner may be instructed to contact the Whiteside County Soil and Water Conservation Office and request the Land Evaluation portion of the LESA. The Building & Zoning Office will prepare the Site Assessment portion.

5. Pay the required fees.

6. When the petition is completed, and all applicable requirements are met, it must be filed with the Building & Zoning Office along with the required fees as set by the County Board.

7. The public hearing will be scheduled with the Zoning Hearing Officer.

- a. The Building & Zoning Office will prepare a **"NOTICE OF PUBLIC HEARING"**, determine which newspaper the notice will be published and email or mail them and will also mail all adjoining property owners by certified mail. They will also mail a copy to the proper road authority; and
- b. One copy for the petitioner's files.

**NOTE:** The **"NOTICE OF PUBLIC HEARING"** must be published and mailed no more than thirty (30) days nor less than fifteen (15) days prior to the date of the public hearing held by the Zoning Hearing Officer. This is in accordance with the requirements of the State Statutes.

D. The Building & Zoning Office will also provide the petitioner with meeting dates and times. The petitioner is then responsible for representation of the petition at the public hearing. If no representative for the petition is present, the petition may be tabled.

E. Hearings will be held in the Whiteside County Board Room of the Law Enforcement Center, 400 N Cherry Street, Morrison, Illinois. The petitioner may request (in writing) that the hearing be held in the Township where the rezoning is proposed.

F. The petitioner or the petitioner's representative will appear at the hearing with the Zoning Hearing Officer. The Zoning Hearing Office will review the petition for the proposed rezoning with regard to the LESA report, approval criteria and any other applicable information.

**NOTE:** The approval criteria and other considerations, which the Zoning Hearing Officer will review in reference to the petition, includes the following:

from the Whiteside County Zoning, Planning & Development Ordinance, Chapter 39, Article IV, Sec. 39-145 (f)

1. The existing uses of nearby property.
2. The extent property values will be diminished by the zoning restrictions.

3. The extent to which the destruction of property values promotes health, safety and welfare of the public.
4. The gain to the public versus the hardship to the individual property owner.
5. The suitability of the subject property for zoned purposes.
6. The length of time the property has been vacant as zoned, considered in context of land development in the vicinity of the subject property.
7. Whether the ordinance is based upon adequate planning.
8. Whether there is a public need in the neighborhood for the proposed use.

and will review the proposed rezoning petition as it applies to the Whiteside County Comprehensive Plan

1. Agricultural Quality:

Does the site have a history of productive farming?

Does the site contain prime soils?

Is the site viable for long-term agricultural use?

Is the site too small to be economically used for agricultural purposes?

Is the site inaccessible for machinery needed to produce and harvest products?

2. Land Use Compatibility:

Will the proposed change have a substantial, adverse effect on adjacent properties?

Residential uses

Non-residential uses

3. Natural Resources:

Does the site include any important natural features?

Wetlands, Floodplains, Steep slopes, Scenic vistas, Significant woodlands

Will the development result in pollution of any kind?

Water, Light, Noise

4. Employment:

Does the proposed rezoning contribute to creation or retention of full time jobs?

5. Emergency Vehicle Access:

Will emergency vehicles have any issues accessing the site?

6. Adherence to Other Portions of The Comprehensive Plan.

**PLEASE BE PREPARED TO ADDRESS THESE CRITERIA IN YOUR PRESENTATION TO THE ZONING HEARING OFFICER!**

**ALSO, ANY ITEMS PRESENTED TO THE ZONING HEARING OFFICER IN SUPPORT OF YOUR PETITION, BECOME THE PROPERTY OF THE COUNTY BUILDING & ZONING OFFICE HEARING FILE AND WILL NOT BE RETURNED.**

The recommendation from the Zoning Hearing Officer will be forwarded to the County Board for their final action at the next month's meeting. The petition and recommendation will be accompanied by the Findings of Fact and a resolution for the County Board to act upon. The petitioner or the petitioner's representative has the option of attending the County Board meeting but it is not required as no further comments or evidence can be presented.

#### **COUNTY BOARD FINAL ACTION**

- A. The County Board will act upon the resolution for rezoning at their next meeting following the close of the public hearing and the issuance of the recommendation of the Zoning Hearing Officer.
- B. A simple majority vote is required to approve a resolution for rezoning, however, the County Board must approve the resolution by a three quarters vote of the entire Board (21 members must vote in favor) if any of the following apply:
  - 1. written protest signed by the land owner or owners of at least 20% of the land to be rezoned; or
  - 2. written protest by owners of land comprising 20% of the perimeter of the land to be rezoned; or
  - 3. written protest of a municipality when the property falls within the one and one-half mile extraterritorial planning jurisdiction; provided that such written protests are filed with the County Clerk's office prior to the County Board's meeting at which the petition will be heard.

**NOTE: CONSTRUCTION CANNOT BEGIN WITHOUT A BUILDING PERMIT AND A BUILDING PERMIT CANNOT BE ISSUED WITHOUT APPROVAL OF THE REZONING. BUILDING WITHOUT THE PROPER PERMIT WILL RESULT IN A PENALTY FEE BEING ADDED TO THE COST OF THE PERMIT.**

#### **WAIVING OF HEARING FEES BY THE COUNTY BOARD:**

For those citizens that feel they cannot afford the required fee(s) for a hearing before the Whiteside County Zoning Hearing Officer, the following procedures will be followed:

- A. Such requests will be made in writing and presented in person by the individual or their representative, to the Whiteside County Health and Social Services Committee at a regular meeting. The committee may request any information deemed necessary to determine that a financial hardship exists.

- B. The Health and Social Service Committee, after hearing the request, will prepare a recommendation to be acted upon by the County Board. The individual may be required by the Committee to appear at the County Board meeting.
- C. The final decision of the County Board will be by motion and will be passed on to the Building and Zoning Office for its files.
- D. The Building and Zoning Office will schedule such requests for a hearing by the Zoning Hearing Officer at the next public hearing date that has at least one other petition scheduled to be heard.

**APPLICATION FOR  
A REZONING IN  
WHITESIDE COUNTY**

**I. APPLICANT INFORMATION**

If the applicant is an organization, corporation, partnership or other association of individuals, please list the names and post office addresses of any affiliate of the applicant on the back of this form.

A. Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Address : \_\_\_\_\_

phone #: \_\_\_\_\_

If the applicant will not be the operator of the use, for which this rezoning is being requested, please list the names and post office addresses of the individual, organization, corporation, partnership or other association of individuals, who or which will be the operator, using the back of this form if necessary.

B. Operator: \_\_\_\_\_

Address : \_\_\_\_\_

C. Has the applicant or operator ever:

1. received a rezoning in Whiteside County?

Yes \_\_\_ No \_\_\_ Date received \_\_\_\_\_

2. been denied a rezoning in Whiteside County?

Yes \_\_\_ No \_\_\_ Date received \_\_\_\_\_

**II. PROPERTY INFORMATION**

A. Legal description: Please attach a copy of the recorded deed to the property for which the rezoning is being requested. Also, list the names of any other persons having a proprietary interest in the property on the back of this form.

B. Property size: \_\_\_\_\_

C. Water Supply: Existing \_\_\_ Permit Applied For \_\_\_

D. Sanitary Sewer System: Existing \_\_\_ Permit Applied For \_\_\_

E. Present Use of Property: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**III. FLOODPLAIN INFORMATION**

In a floodplain: Yes \_\_\_ No \_\_\_ Floodplain Zone: \_\_\_ In a floodway: Yes \_\_\_ No \_\_\_

Elevation Certificate required: Yes \_\_\_ No \_\_\_

**REZONING APPLICATION**  
(Cont.)

**III. REZONING INFORMATION**

- A. Proposed Use: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- B. Proposed Hours of Operation: \_\_\_\_ - \_\_\_\_ C. Days: \_\_\_\_ - \_\_\_\_
- D. Number of Persons Employed: \_\_\_\_ E. Number of Vehicles Used: \_\_\_\_
- F. Number of Off-Street Parking Spaces Available: \_\_\_\_\_
- G. Will any flammable or explosive materials be used or stored on site? Yes \_\_\_\_ No \_\_\_\_
- If yes, what are these materials? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IV. ATTACHMENTS**

Please attach copies of the following if applicable:

- A. Any Federal, State or County permits required for the purposed use. If a permit has not as yet been obtained, please attach a completed copy of the application for that permit.
- B. A site plan showing the use, height and location of any buildings or other structures already located on the property or structure(s) which the applicant proposes to locate on the property.
- C. Any other information that may be required by the Development Office.

**REZONING APPLICATION**  
(Cont.)

**I., A.** (Cont)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

**I., B.** (Cont)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

**II., A.** (Cont)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

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**OFFICIAL USE ONLY**

P. I. N.: \_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_

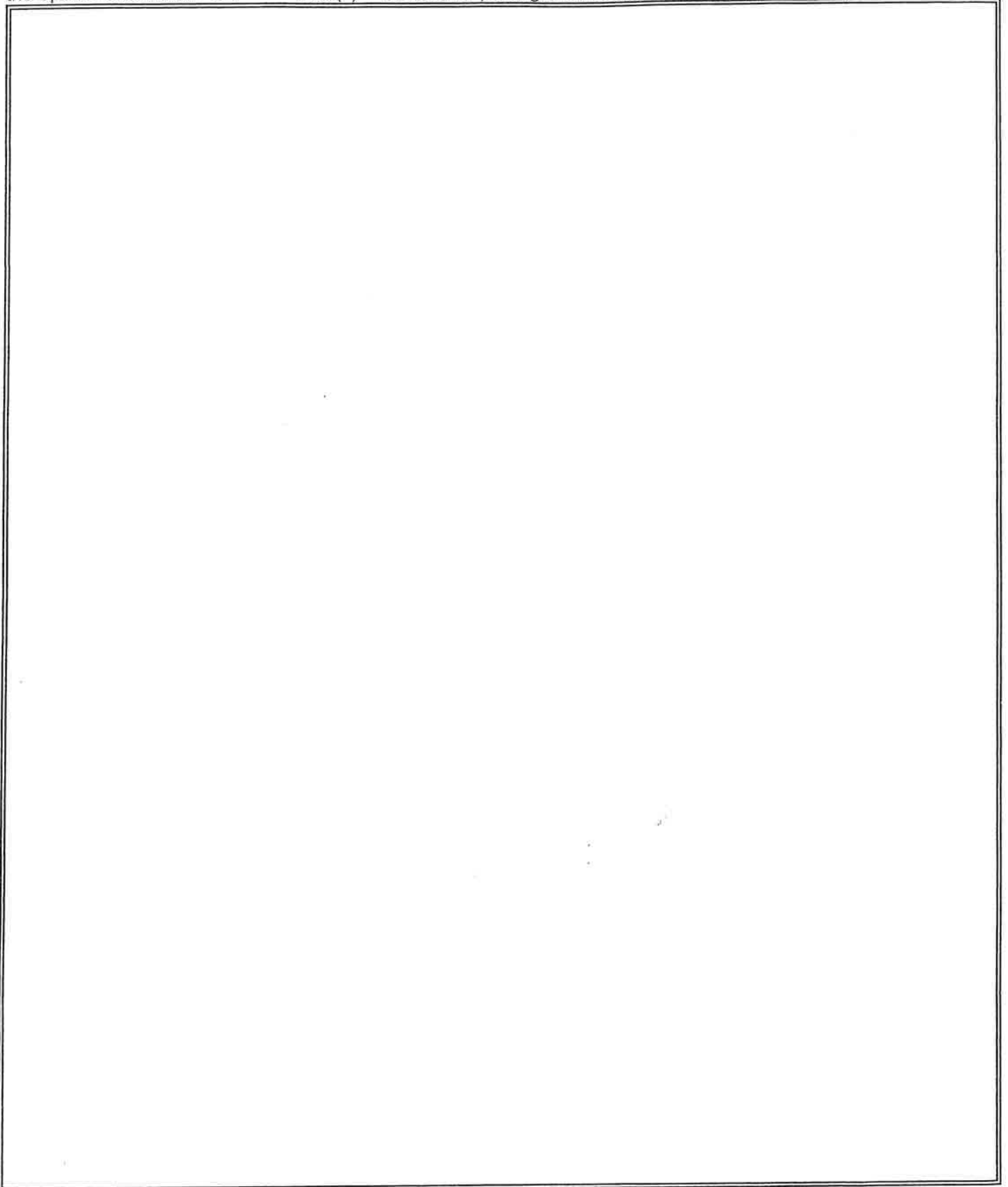
Case #: \_\_\_\_ Zone \_\_\_\_ - \_\_\_\_ Hearing Date: \_\_\_\_\_

Approved: Yes\_\_ No\_\_



## PLOT PLAN INSTRUCTIONS

Draw out the entire tract of land as described in the Legal Description on the front of the application, giving the exact size of said tract, and showing the access road(s). Draw all existing buildings or structures as they are now located on the property. Also, any buildings that are proposed to be built and mark them with a "P". Mark all buildings that will be used in the Special Use with an "X". Show area(s) to be used for parking and indicate the location(s) of sanitary facilities.



STATE OF ILLINOIS )  
 ) SS.  
WHITESIDE COUNTY )

TO THE COUNTY BOARD  
OF SAID COUNTY

IN THE MATTER OF THE PETITION

OF

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PETITION TO CHANGE  
CLASSIFICATION UNDER  
ZONING ORDINANCE

Your Petitioner respectfully states:

1. That (I am) (we are) the (owner(s) (Lessee(s)) of, and in possession of the following described real estate:

2. That the premises described above are presently classified as " - " as defined in Division 6 of the Whiteside County Zoning Ordinance, effective July 15, 1959, as amended, and that your Petitioner desire to have the aforescribed premises re-classified from said " - " district to a(n) " - " district as defined in Division 6 of said Zoning Ordinance

3. In support hereof, your Petitioner(s) state: (State reasons for desiring re-classification)

WHEREFORE, your Petitioner(s) pray that the above described premises be re-classified from the " - " district to a(n) " - " district.

Respectfully submitted,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Petitioner(s)