

ECONOMIC AND URBAN DEVELOPMENT MEMORANDUM  
No. 09-45

June 10, 2009

**TO:** Honorable Mayor Michael T. McElroy and City Council

**FROM:** Ryan P. McCrady, City Manager  
Greg C. Crowe, Assistant City Manager  
Suzan M. Stickle, Senior Planner  
Stephanie E. Ashe, Historic Preservation & Corridors Planner

**SUBJECT:** Amendments to Zoning Ordinance (Ordinance #3512).

**SUMMARY RECOMMENDATION:** Staff recommends approval of the amendments. The City Plan Commission voted 7-0 to recommend approval of this petition at the June 4, 2009 meeting; the minutes of the meeting are attached.

The current City of Decatur Zoning Ordinance was adopted in May of 2002. Since the time of adoption, staff has discovered certain necessary changes, discrepancies and omissions as the new ordinance has been implemented, specifically in SECTION XIII. B-3 PLANNED SHOPPING CENTER DISTRICT and SECTION XIX. PD PLANNED DEVELOPMENT DISTRICT. It is Staff's hope that these changes will make the Zoning Ordinance more comprehensive and applicable to the changing built urban environment all the while keeping the charge of making Decatur a beautiful place to live, work and play.

**BACKGROUND:**

The amendment to the B-3 and the PD will allow the Director of Economic and Urban Development to approve minor amendments to increase the size of the structure administratively. This will allow petitioners an expedited process as opposed to going through Plan Commission and City Council for small increases less than twenty percent (20%) in size.

The proposed amendments are as follows:

Amend SECTION XIII.G.2 (B-3 Planned Shopping Center District) by adding:  
“of twenty percent (20%) or more” and “(excluding signage)”

Amend SECTION XIX.H.2. (PD Planned Development) by adding:  
“of twenty percent (20%) or more”

**POTENTIAL OBJECTION:** There were no known objectors present.

**INPUT FROM OTHER SOURCES:** N/A

**STAFF REFERENCE:** Any additional questions may be forwarded to Stephanie E. Ashe at 424-2781 or at [sashe@decaturil.gov](mailto:sashe@decaturil.gov).

**BUDGET/TIME IMPLICATIONS:** None.

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE AMENDING ZONING ORDINANCE  
- XIII B-3 COMMERCIAL DISTRICT -  
- XIX PD PLANNED DEVELOPMENT DISTRICT -**

WHEREAS, on the 4th day of June, 2009, upon due notice, the Decatur City Plan Commission held a public hearing on the petition of Greg C. Crowe, Assistant City Manager, to modify and amend the Zoning Ordinance of the City of Decatur, the same being Ordinance No. 3512, as amended, and,

WHEREAS, the Decatur City Plan Commission did report its findings and did recommend that said petition be granted and that the Zoning Ordinance be so modified and amended.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR, ILLINOIS:

Section 1. That the report and recommendation of the Decatur City Plan Commission be, and the same are hereby, received, placed on file and approved.

Section 2. That Section XIII.G.2 of the Zoning Ordinance of the City of Decatur (Ord. No. 3512 as amended) be, and the same is hereby, amended so that said Section, as amended shall provide as follows:

**SECTION XIII. B-3 PLANNED SHOPPING CENTER DISTRICT**

...

**G. CONSTRUCTION**

...

2. ...

a. An increase of twenty percent (20%) or more in the size of any building or structure (excluding signage);

Section 3. That Section XIX.H.2 of the Zoning Ordinance of the City of Decatur (Ord. No. 3512 as amended) be, and the same is hereby, amended so that said Section, as amended shall provide as follows:

SECTION XIX. PD PLANNED DEVELOPMENT DISTRICT

...

H. CONSTRUCTION

...

2. ...

a. An increase of twenty percent (20%) or more in the size of any building or structure (excluding signage);

Section 4. That the City Clerk be, and she is hereby, authorized and directed to cause this ordinance to be published in pamphlet form.

PRESENTED, PASSED, APPROVED AND RECORDED this 15th day of June, 2009.

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MICHAEL T. McELROY, MAYOR

ATTEST:

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CITY CLERK

PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2009.

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CITY CLERK

ADDITIONS AND DELETIONS  
ZONING ORDINANCE

SECTION XIII. B-3 PLANNED SHOPPING CENTER DISTRICT

...

G. CONSTRUCTION

...

2. ...

a. An increase of twenty percent (20%) or more in the size of any building or structure (excluding signage);

SECTION XIX. PD PLANNED DEVELOPMENT DISTRICT

...

H. CONSTRUCTION

...

2. ...

a. An increase of twenty percent (20%) or more in the size of any building or structure (excluding signage);



**City of Decatur, Illinois**

**PETITION FOR REZONING**

*Petition before the Mayor, City Council and Members of the Plan Commission of Decatur, Illinois*

Economic and Urban Development Department  
 One Gary K. Anderson Plaza  
 Decatur, Illinois 62523-1196

424-2793  
 FAX 424-2728

**Please Type**

**SECTION ONE: PETITIONER / OWNER / REPRESENTATIVE INFORMATION**

<b>Petitioner</b>	Greg C. Crowe, Assistant City Manager				
<b>Address</b>	#1 Gary K. Anderson Plaza				
<b>City</b>	Decatur	<b>State</b>	Illinois	<b>Zip</b>	62523
<b>Telephone</b>	217-424-2793	<b>Fax</b>	217-424-2728	<b>E-mail</b>	gcrowe@decaturil.gov
<b>Property Owner</b>					
<b>Address</b>					
<b>City</b>		<b>State</b>		<b>Zip</b>	
<b>Telephone</b>		<b>Fax</b>		<b>E-mail</b>	
<b>Representative</b>					
<b>Address</b>					
<b>City</b>		<b>State</b>		<b>Zip</b>	
<b>Telephone</b>		<b>Fax</b>		<b>E-mail</b>	

**SECTION TWO: SITE INFORMATION**

<b>Street Address</b>	N/A					
<b>Legal Description</b>	N/A					
<b>Present Zoning</b>	<input type="checkbox"/> R-1	<input type="checkbox"/> R-2	<input type="checkbox"/> R-3	<input type="checkbox"/> R-5	<input type="checkbox"/> R-6	Is this property a Planned Unit Development? <input type="checkbox"/> YES      Approval Date: _____ <input type="checkbox"/> NO
	<input type="checkbox"/> B-1	<input type="checkbox"/> B-2	<input type="checkbox"/> B-3	<input type="checkbox"/> B-4	<input type="checkbox"/> O-1	
	<input type="checkbox"/> M-1	<input type="checkbox"/> M-2	<input type="checkbox"/> M-3	<input type="checkbox"/> PMR-1		
Please list all improvements on the site:						
<b>Size of Tract</b>	<input type="checkbox"/> SF <input type="checkbox"/> AC					

**SECTION THREE: REQUESTED ACTION**

<b>Rezoned Property To:</b>	<input type="checkbox"/> R-1	<input type="checkbox"/> R-2	<input type="checkbox"/> R-3	<input type="checkbox"/> R-5	<input type="checkbox"/> R-6	Will this property be a Planned Unit Development? <input type="checkbox"/> YES <input type="checkbox"/> NO
	<input type="checkbox"/> B-1	<input type="checkbox"/> B-2	<input type="checkbox"/> B-3	<input type="checkbox"/> B-4	<input type="checkbox"/> O-1	
	<input type="checkbox"/> M-1	<input type="checkbox"/> M-2	<input type="checkbox"/> M-3	<input type="checkbox"/> PMR-1		
<b>Other:</b>						

Section Three Continued

**Purpose** Please state the purpose of the proposed rezoning.

Amendments to Zoning Ordinance (Ordinance #3512, as amended)

**SECTION FOUR: JUSTIFICATION**

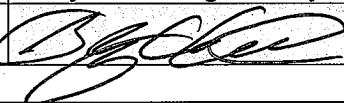
The petitioner submits to the City Plan Commission and City Council the following facts (additional pages may be attached):

Since its adoption in May 2002, staff has discovered certain necessary changes or omissions as the Ordinance has been implemented.

**SECTION FIVE: CERTIFICATION**

To be placed on the agenda of the regular meeting on the first Thursday of the month at 3:00 PM in the City Council Chambers, petition must be received on the first Thursday of the preceding month. Failure of the petitioner or the petitioner's representative to attend the Plan Commission hearing may result in items being tabled. Incomplete or erroneous petitions may delay items being heard by the Plan Commission.

**Petitioner's  
Signature**



**Date** May 7, 2009

**NOTES:**

1. Please forward this completed form and attachments to the Economic and Urban Development Department, Third Floor, Decatur Civic Center. Please make checks payable to the City of Decatur. See Schedule "A" for fees.
2. Signature of this petition grants permission to City staff to place a sign, indicating a request for zoning action, on the subject property at least 10 days prior to the Decatur City Plan Commission hearing. Said sign will be removed within 15 days of final action by City Council.
3. In the event a petition for rezoning is denied by the Council, another petition for a change to the same district shall not be filed within a period of one year from the date of denial, except upon the initiation of the City Council or the City Plan Commission after showing a change of circumstances which would warrant a renewal.
4. All petitions before the Decatur City Plan Commission are reviewed through the Development Technical Review (DTR) Process. Please consult the DTR Brochure for information related to this process.

**OFFICE USE ONLY**

Date Filed

By

**STAFF REPORT**  
**Decatur City Plan Commission**

**COMMON NAME:** City of Decatur Zoning Ordinance

**GENERAL INFORMATION**

<b>Hearing Date</b>	June 4, 2009
<b>Calendar No.</b>	09-27
<b>Requested Action</b>	Amendments to Zoning Ordinance (Ordinance #3512)
<b>Petitioner</b>	Greg C. Crowe, Assistant City Manager

**BACKGROUND**

The current City of Decatur Zoning Ordinance was adopted in May of 2002. Since the time of adoption, Staff has discovered certain necessary changes, discrepancies and omissions as the new ordinance has been implemented, specifically in SECTION XIII. B-3 PLANNED SHOPPING CENTER DISTRICT and SECTION XIX. PD PLANNED DEVELOPMENT DISTRICT. It is Staff's hope that these changes will make the Zoning Ordinance more comprehensive and applicable to the changing built urban environment all the while keeping the charge of making Decatur a beautiful place to live, work and play.

The amendment to the B-3 and the PD will allow the Director of Economic and Urban Development to approve minor amendments to increase the size of the structure administratively. This will allow petitioners an expedited process as opposed to going through Plan Commission and City Council for small increases less than twenty percent (20%) in size.

Staff recommends the following amendments:

**DESCRIPTION**

Amend SECTION XIII.G.2 (B-3 Planned Shopping Center District) by adding:  
"of twenty percent (20%) or more" and "(excluding signage)"

Amend SECTION XIX.H.2. (PD Planned Development) by adding:  
"of twenty percent (20%) or more"

**STAFF RECOMMENDATION**

1. Staff recommends approval of the amendments as proposed.

**PLAN COMMISSION ACTION**

1. Section XXIX.G. of the Zoning Ordinance requires the Plan Commission to hold a public hearing and make recommendations to the City Council on amendments to the Zoning Ordinance. A motion to forward Calendar Number 09-27 to City Council with a recommendation of approval is suggested.

The above report constitutes the testimony and recommendation of the Planning and Economic Development Division, Economic and Urban Development Department, City of Decatur.

Stephanie E. Ashe  
Historic Preservation & Corridors Planner

**ATTACHMENTS**

1. Petition
2. Mark up of Ordinance

## Excerpts from Plan Commission Minutes of June 4, 2009

Cal. No. 09-27

Petition GREG C. CROWE, ASSISTANT CITY MANAGER, for amendments to the City of Decatur Zoning Ordinance (Ord. #3512, as amended).

Ms. Ashe presented the recommendation of staff:

The current City of Decatur Zoning Ordinance was adopted in May of 2002. Since the time of adoption, Staff has discovered certain necessary changes, discrepancies and omissions as the new ordinance has been implemented, specifically in SECTION XIII. B-3 PLANNED SHOPPING CENTER DISTRICT and SECTION XIX. PD PLANNED DEVELOPMENT DISTRICT. It is Staff's hope that these changes will make the Zoning Ordinance more comprehensive and applicable to the changing built urban environment all the while keeping the charge of making Decatur a beautiful place to live, work and play.

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Staff recommends approval of the amendments as proposed.

Section XXIX.G. of the Zoning Ordinance requires the Plan Commission to hold a public hearing and make recommendations to the City Council on amendments to the Zoning Ordinance. A motion to forward Calendar Number 09-27 to City Council with a recommendation of approval is suggested.

Mr. Greg Crowe was sworn in by Mrs. Poland.

Mr. Crowe stated that currently the Ordinance for PD's and B-3's allow the Director to make some minor changes. Currently any size change to a building has to go back through the Plan Commission and then on to City Council. This change will allow a size change of less than twenty percent (20%) to be approved by the Director. The developer will have to submit a site plan that would go through all staff levels as the original site plan does.

Mr. Edwards stated the Boards, Commissions and Council have a purpose and would rather the percentage increase for Director approval to be ten percent (10%).

Chairman Smith stated that City staff knows what they are doing and the Commission is here to facilitate their process. He does not want staff to have to come back with every issue that requires a minor change. He feels this is a waste of time for staff, the Commission, the developer's time and the taxpayer's money.

It was moved and seconded (Jackson/John) to forward Cal. No. 09-27 to the City Council with recommendation for approval as presented by staff. Motion carried unanimously.