

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

<b>Hearing Date</b>	October 5, 2023
<b>Calendar No.</b>	23-07
<b>Proposal</b>	Amendments to Zoning Ordinance (Ordinance #3512, as amended) including but not limited to Section XXX Zoning Board of Appeals
<b>Petitioner</b>	Cordaryl Patrick, Director of Economic and Community Development

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**NOTE**

This item was brought to the Plan Commission August meeting for a public hearing. However, because of a procedural issue the item must be heard again before Plan Commission before a recommendation is sent to the City Council.

**BACKGROUND**

The current City of Decatur Zoning Ordinance was adopted in May of 2002. Over time, Staff has determined certain amendments are necessary to make the Zoning Ordinance more comprehensive and applicable to the changing built urban environment while keeping the charge of making Decatur a quality place to live, work and play.

This proposed amendment to the Zoning Ordinance reduce the quorum for the ZBA meetings from 5 members to 4 members and allow for a Hearing Officer to perform the power and duties of the Zoning Board of Appeals, if needed.

**DESCRIPTION/ANALYSIS**

The City has recently had difficulty meeting the quorum requirements to hold ZBA meetings to perform their power and duties including holding needed public hearings. The ZBA does not meet on a regular basis because of a lack of petitions which makes it difficult to maintain a full board membership of 7 members. The Board of Appeals had no petitions and meetings in 2022 and five meetings in 2021. The proposed changes will provide the City options to meet the ZBA's requirements in a timely manner.

State Statute allows for a minimum quorum of 4 members for Board of Appeals (65 ILCS 5/11-13-3.(g)) and allows for a Hearing Officer to perform the power and duties of the ZBA (65 ILCS 5/11-13-14.1(C)). The proposed language for the Heating Officer is in compliance with State Statute.

**STAFF RECOMMENDATION**

City staff recommend approval of the proposed amendments.

**PLAN COMMISSION ACTION**

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 23-07 to the City Council with a recommendation of approval is suggested.

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

**ATTACHMENTS**

1. Petition
2. Mark-Up



**City of Decatur, Illinois**

**PETITION FOR REZONING**

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

Community 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>	Cordaryl Patrick, Director of Economic & Community Development				
<b>Address</b>	#1 Gary K. Anderson Plaza				
<b>City</b>	Decatur	<b>State</b>	IL	<b>Zip</b>	62523
<b>Telephone</b>	217-424-2727	<b>Fax</b>		<b>E-mail</b>	cpatrick@decaturil.gov
<b>Property Owner</b>	N/A				
<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>	N/A				
<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		
<b>Please list all improvements on the site:</b>						
<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>	Amend Zoning Ordinance (Ord. #3512, as amended)					

<i>Section Three Continued</i>	
<b>Purpose</b>	<i>Please state the purpose of the proposed rezoning.</i>
<p>This proposed amendment to the Zoning Ordinance would reduce the quorum for the ZBA meetings from 5 members to 4 members and allow for a Hearing Officer to perform the power and duties of the Zoning Board of Appeals, if needed.</p>	

<b>SECTION FOUR: JUSTIFICATION</b>	
<i>The petitioner submits to the City Plan Commission and City Council the following facts (additional pages may be attached):</i>	
<p>The City has recently had difficulty meeting the quorum requirements to hold ZBA meetings to perform their power and duties including holding needed public hearings. The proposed changes will provide the City options to meet the ZBA's requirements in a timely manner. State Statute allows for a minimum quorum of 4 members for Board of Appeals (65 ILCS 5/11-13-3.(g)) and allows for a Hearing Officer to perform the power and duties of the ZBA (65 ILCS 5/11-13-14.1(C)).</p>	

<b>SECTION FIVE: CERTIFICATION</b>			
	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.		
<b>Petitioner's Signature</b>	<i>Corbett</i>	<b>Date</b>	<i>7/28/2023</i>

<b>NOTES:</b>	
<ol style="list-style-type: none"> <li>1. Please forward this completed form and attachments to the Community Development Department, Third Floor, Decatur Civic Center. Please make checks payable to the City of Decatur. See Schedule "A" for fees.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>	

<b>OFFICE USE ONLY</b>	
Date Filed	
By	

## ADDITIONS AND DELETIONS

### - ZONING ORDINANCE -

## **SECTION XXX. ZONING BOARD OF APPEALS**

### **A. ORGANIZATION**

#### 1. Composition of Zoning Board of Appeals

A Zoning Board of Appeals is hereby established. Said Board shall consist of seven (7) members appointed by the Mayor with the approval of the Council. The term of office of each member shall be three (3) years. Vacancies shall be filled for the unexpired term of the member whose place has become vacant. The Mayor shall have the power to remove any member of the Board for cause, after notice and hearing. One of the members of the Board shall be elected as Chair of the Board by the other members annually in October or at the retirement of the Chair. No member shall serve more than two (2) terms as Chair.

#### 2. Conduct of meetings.

Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine. The Chair, or in his/her absence the acting chair, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board.

#### 3. Hearing Officer

The position of Hearing Officer is hereby established and given the authority to conduct public hearings and provide determinations in matters otherwise required to be heard by the Zoning Board of Appeals listed in Paragraph B. Power and Duties of this Section. When a hearing officer is designated to conduct a public hearing or provide determination in matters otherwise required to be heard by the Board:

- a. Notice of hearing shall be given in the same time and manner as is provided by this Ordinance for the giving of notice of hearing when any such matter is to be heard by the Board;
- b. The Hearing Officer in passing upon and determining any matter otherwise within the jurisdiction of the Board shall be governed by all of the standards, rules and conditions imposed by this Ordinance to govern the Board when it passes upon and determines any such matter; and
- c. The Hearing Officer shall exercise and perform all the powers and duties of the Board in the same manner and to the same effect as provided in this Ordinance with respect to the Board.

## C. PROCEDURE

### 10. Quorum

~~Five-Four~~ (~~54~~) members of the Board shall constitute a quorum for the conduct of business as described in this Section. All decisions of the Board will be considered final, and may not be appealed to City Council.