

**VILLAGE OF FORSYTH
PLANNING & ZONING COMMISSION**



**STANDARD OPERATING &
PUBLIC HEARING PROCEDURES**

**PLANNING AND ZONING COMMISSION (COMMISSION)
STANDARD OPERATING &
PUBLIC HEARING PROCEDURES**

I. Introduction.

This document serves as a primer for new members of the Planning and Zoning Commission (“Commission”), as well as current members, on proper parliamentary procedures and the standard operating procedures necessary to process and approve zoning, annexation, and other petitions that come before the body.

A. Commission Jurisdiction (Section 9.3(B) of Development Ordinance).

The Commission is charged with conducting public hearings on the following land use matters:

- Amendments to the Village’s Zoning Map or text amendments to the Development Ordinance;
- Special use permits;
- Zoning requests for newly annexed property;
- Plats of subdivision; and
- Variations to the Development Ordinance

In addition, the Commission has jurisdiction to:

- (i) Review the recommendations of the Zoning Official as to the effectiveness of the Ordinance;
- (ii) review the Zoning Map for accuracy on an annual basis;
- (iii) review the Comprehensive Plan for accuracy every five years;
- (iv) review site plans;
- (v) to hear and decide appeals from any final order, requirements, decision or determination made by an administrative official charged with enforcement of the Development Ordinance; and
- (vi) to hear, decide, and consider all other matters referred by the Village Board or which the Commission is required to act pursuant to the Development Ordinance or other law.

B. What is a Public Hearing? What is a Public Meeting?

1. A *public hearing* is a formal and structured administrative process that provides a forum for the public to express its opinions and comments about an application or zoning matter. A chart, attached hereto as Exhibit A, details what matters require public hearings and the requirements associated therewith.

One of the keys to holding a successful public hearing is complying with the notice requirements. Section 9.8, see Exhibit B, details what kind of notice is required for the majority of public hearings (i.e., variances, special uses, planned development, and zoning amendments). The notice requirements include posting signs at the property, sending written notification to adjacent landowners, and publishing notice not less than 15 nor more than 30 days prior to the public hearing. Action taken at a public hearing may be void if these notice requirements are not followed.

The procedures for conducting a public hearing are set forth in Section 3 of this primer. After a public hearing, the Board of Trustees are given the Commission's written recommendation, and findings if applicable, to consider.

2. A *public meeting* is a review only by the members of the Commission of zoning-related issues. A public meeting is not typically advertised except on the agenda posted at least 48-hours prior to the meeting of the Commission.

C. Membership

The Commission consists of seven members, with two alternates. See §9.3(A)(1). These members are all appointed by the Village Mayor, with the advice and consent of the Village Board of Trustees. One alternate shall have voting rights when there are six (6) or less regular members in attendance. If there are five or less members present, both alternates will have voting rights.

The members serve 5-year terms and they shall annually elect a Chairman. See §9.3(A)(2) & (3).

II. Definitions.

Annexation	Annexation is a formal process to bring property outside the Village limits into the Village of Forsyth and shall be governed by the provisions of the Illinois Municipal Code, 65 ILCS 5, Article 7, Division 1: Annexation.
Appeal	To make a request to the Planning and Zoning Commission for the rehearing or review of an administrative decision.
Applicant or Petitioner	An owner, developer, or subdivider submitting an application to be reviewed by the Planning and Zoning Commission. Consent shall be required from the legal owner of the premises.

Board of Trustees	The Legislative Department of the Village consisting of six Trustees and the President (also referred to as “Mayor”), all of whom are elected to four-year terms of office.
Chairman	Member of the Planning and Zoning Commission selected to call the meeting to order and run the Commission meetings.
Comprehensive Plan	The plan for the long range growth and development of the Village as adopted and amended from time to time by the Forsyth Village Board.
Conditions or Restrictions	Provisions and limitations which may be imposed on a building, structure, parcel of land, or use at the time the Village Board grants approval of a variation, planned development, or special use.
Development Ordinance	A set of rules adopted by the Village Board that include the zoning regulations, subdivision regulations, and a zoning map.
Findings of Fact	The written reason or reasons for making a recommendation.
Illinois Open Meetings Act (OMA)	An Act that ensures the public has access to information about government and its decision-making process. The state law requires meetings of public bodies be open to the public except in certain specific, limited situations where the law authorizes the public body to close a meeting. The OMA also provides that the public must be given advance notice of the time, place, and subject matter of the meeting of public bodies.
Main Motion	A motion made to bring before the Commission, for its consideration, any particular subject and cannot be made when any other question is before the Commission.
Motion	A movement or a proposal for action.
Municipal Code	Document that contains all ordinances for the Village.
Newspaper of General Circulation	The Village of Forsyth’s newspaper of general circulation is the Decatur, Illinois Herald and Review.
Notice	Notification provided to the public prior to a public hearing.

Planned Development	A parcel of land or contiguous parcels of land of size sufficient to create its own distinct development environment, controlled by a single landowner or by a group of landowners in common agreement as to control.
Planning and Zoning Commission	Residents of the Village of Forsyth, appointed by the Mayor with approval of the Board of Trustees, who conduct regular meetings and provide recommendations to the Village Board as required by the Development Ordinance.
Plats of Subdivision	A map representing a tract of land, showing the boundaries and location of individual properties, easements, and streets.
Quorum	A majority of the full authorized membership of the Planning and Zoning Commission or Village Board.
Use	The purpose of activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained.
Use, Permitted	Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and when applicable, performance standards of this Ordinance for the district in which such use is located. Permitted uses are listed in the Permitted and Special Use Chart in Article IV.
Use, Special	A use, either public or private, which because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such special use may or may not be granted, subject to the terms of the Development Ordinance. Special uses are listed in the Permitted and Special Use Chart in Article IV.
Variance	Permission to depart from the terms of the Development Ordinance where such departure will not be contrary to the public interest and where, owing to conditions peculiar to the property a literal enforcement of this Article would result in unnecessary and undue hardship.
Village Attorney	Attorney under contract with the Village of Forsyth to aid in legal matters.

Village Staff	Village Staff includes, but is not limited to: Village Administrator, Village Attorney, Village Engineer, Zoning Official, Village Clerk, and Building Inspector.
Zoning Amendment	Changes made to the text or zoning map of the Development Ordinance.
Zoning District	A specifically delineated land area within the incorporated area of the Village of Forsyth, as specified on the Zoning Map, within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.
Zoning Map	The boundaries of the various zoning districts and is included as part of the Development Ordinance.
Zoning Official	The individual that has been, or shall be duly appointed by the Village Board, who is in charge of the administration and enforcement of the Development Ordinance.

III. Parliamentary Procedure Issues.

Robert’s Rules of Order and parliamentary procedure will be used when conducting a meeting for the Planning and Zoning Commission. Parliamentary procedure may seem like an overly formal way to go about things, but it is the recommended way to handle most meeting matters. Meetings that follow parliamentary procedure run more smoothly and decisions are more comprehensible. In addition, the record of the meeting is clearer in terms of what was considered and what actions were taken.

A. Quorum.

1. A majority of the Commission members constitutes a quorum. Since there are seven members on the Commission, there accordingly must be 4 members, either regular or alternate, present to constitute a quorum and hold a meeting.
2. If less than a majority of members are present, the only business that can occur is adjournment of the meeting. Any other action is simply void and of no force or effect.

B. Method of Voting.

1. Voice votes are sufficient for any procedural motion on the floor, with the exception of the main motion.
2. A roll call vote of “aye” or “nay” is required for any main motion.

3. A motion maker and person who seconds must not speak against their own motions – but may vote against their motions.

C. Abstentions (“Prosser” Rule).

The Illinois Supreme Court has explained the effect of an abstention in *Prosser v. Village of Fox Lake*. Under *Prosser*, where a concurring vote is required by statute, a vote of “pass”, “present”, or “abstain”, or a failure to vote when present constitutes a concurrence with the majority who did vote. If the statute requires an “affirmative” vote only yes or aye votes count toward passage.

IV. Public Hearing Standard Operating Procedures.

Rules of procedure have been adopted by the Commission. Such rules shall be kept on file and copies made available for participants at every hearing.

A. Introduction by the Chairman.

The Chairman shall begin each public hearing by announcing the name of the applicant and the relief requested. The Chairman shall explain the procedures for the conduct of the public hearing. An oath shall be administered, by the Chairman, to all persons intending to testify during the course of the public hearing.¹ In a hearing that was continued from a previous meeting, the Chairman should remind those that were previously sworn that they remain under oath.

B. Village Staff’s Summary of Petition.

Village staff shall summarize the basic facts of, and relief requested in, the petition. Staff should also present proof of notification.

C. Applicant’s Presentation.

The applicant shall present the petition with testimony of witnesses and other evidence. In general, the Commission shall allow the applicant to make this presentation without interruption, except for those questions allowed by the Chairman that may be immediately necessary to aid the Commission or the public in understanding the presentation.

¹ For the oath, the Chairman can simply ask the witnesses to raise their right hand and then ask “Do you swear or affirm to tell the truth, the whole truth and nothing but the truth?”

D. Public Testimony and Comment.

1. General. At the start of the period for public testimony and comment, the Chairman shall advise the public of the amount of time permitted for public testimony and comment; ask all speakers to state their names and addresses; request that the public avoid repetition; and remind the public that all information presented is under oath. The Chairman shall allow each speaker to speak one time only, unless the Chairman determines that allowing a speaker to address the Commission again will contribute new testimony or other evidence. Individuals both in favor of and against the application are allowed to speak as well as persons who simply wish to ask questions.
2. Testimony, Evidence, and Questions. Members of the public may address the Commission with their questions, testimony, evidence, and comments about the relief requested and the evidence presented by the applicant and other members of the public. Questions may also be addressed to the applicant.

E. Response by the Applicant.

The Chairman shall allow the applicant a reasonable time to respond to the public testimony and comments presented.

F. Questions by the Commission.

The Commission members may ask such questions of any individual as may be necessary to clarify material presented or the relief requested.

G. Commission Discussion and Deliberation.

During the Commission's discussion, members of the Commission may direct additional questions to the applicant, witnesses for the applicant, or members of the public who testified. The applicant, witnesses for the applicant, or members of the public may not address the Commission during this portion of the meeting without the consent of the Chairman.

H. Commission Action.

1. Based on the discussions, the Commission may: (a) require the applicant, Village staff, and/or the Village Attorney to provide new or additional information and continue the hearing to a date certain; or (b) take action (vote) on the petition and make its recommendation to the Village Board. A vote by the Commission will close the public hearing.

2. In the event that the Commission votes to make a recommendation to the Village Board, the motion may direct the Village Attorney or staff to prepare a sample report incorporating the stated findings of fact and recommendation of the Commission. The Commission may then, or at a later meeting, adopt as presented or with corrections, the written recommendation and findings of fact. Sample templates are attached as Exhibit D and Exhibit E for these documents.

V. Findings of Fact for Zoning Relief.

As set forth in Exhibit A, many actions of the Commission must be accompanied by findings of fact. The findings of fact must specify, in accordance with the standards required by the applicable statute or ordinance, the reason or reasons for making the recommendation. If proper findings are not set forth in the ordinance approving the action, the decision could be rendered void and the decision reversed. It should be noted that findings that simply parrot the standards set forth in the statute and/or a zoning code are also generally insufficient. Accordingly, the best practice for the findings of the Commission is to have them specifically detailed and attributable to each project.

EXHIBIT A: PLANNING AND ZONING COMMISSION PUBLIC HEARING TABLE

Requirements	Variances	Special uses	Zoning Amendments	Planned Unit Developments	Plats of Subdivision	Appeals
Public Hearing	Commission	Commission	Commission	Commission	Commission	Commission
Notice	§9.8 notice required*	§9.8 notice required*	§9.8 notice required*	§5.6(C)(5)(b) notice required	Newspaper publication not less than 15 days in advance of the hearing.	See §9.9(C) and §9.8
Conditions	Yes, if reasonably necessary**	Yes, if reasonably necessary**	N/A	Yes, if reasonably necessary**	N/A	N/A
Findings of Fact	Yes. Transmitted within 15 days after the close of the hearing. See §9.10(F)(1)	Yes. Transmitted within 15 days after the close of the hearing. See §9.12(G)(1)	Yes. Transmitted within 15 days after the close of the hearing. See §9.11(G)(1)	Yes. See §5.6(C)(7)	Recommendation for a major subdivision must be given within 30days. §11.2(B)(2). Public <i>meeting</i> required for final plats.	Must reach a decision within a “reasonable” time. Should be written. See §9.9(E).
Vote Required	Minimum of 4 concurring votes	Minimum of 4 concurring votes	Minimum of 4 concurring votes	Majority present	Majority present	Minimum of 4 concurring votes
Code Provisions	§9.10	§9.12	§9.11	§5.6(C)(5)	§11.2	§9.9 65 ILCS 5/11-13-12

**Notice*: Section 9.8 requires posting a sign in the front yard of the affected property, mailing written notice via certified mail not more than 30 days nor less than 15 days prior to the public hearing, and publishing notice of the hearing in a newspaper of general circulation within the Village at least 15 days, but no more than 30 days before the scheduled date of the hearing. Notice must also be given to adjacent owners for any appeal, variation, amendment, planned development or a special use to all property owners within 250 feet of the parcel. Review Section 9.8 for specific details on these notice requirements. Note: a hearing can be continued without further notice.

***Conditions*: The Municipal Code does not specifically allow for conditions to be appended to variations. However, if a Zoning Code specifically allows reasonably related conditions, such is arguably permissible. In the Village’s case, the Development Ordinance does allow conditions for variations. The Municipal Code specifically allows conditions to be appended to a special use permit if the conditions are “reasonably necessary” to meet the standards articulated in the Zoning Code. The Development Ordinance likewise allows such conditions under Section 9.10(F)(3).

Annexations: Public hearings are also required for the zoning portions of annexation agreements. Hearings on the annexation agreement itself are held in front of the corporate authorities. However, due to the variety and different nature of annexations, they are not included in this chart.

EXHIBIT B
**NOTICE REQUIREMENTS AND STANDARDS FOR VARIATIONS,
MAP AMENDMENTS, & SPECIAL USES**

NOTICE REQUIREMENTS – SECTION 9.8

- A. **Publication of Notice** -- No public hearing before the Planning and Zoning Commission on any appeal or request or petition for variation, amendment, planned development, or special use shall be held unless the notice of time and place of the hearing is published at least once in one or more newspapers with a general circulation within the Village.
- (1) The notice shall be prepared by the Village.
 - (2) The Zoning Official shall cause said notice to be published not more than thirty (30) nor less than fifteen (15) days before the hearing.
- B. **Notice to Adjacent Owners:**
- (1) The Village shall provide each applicant for an appeal, variation, amendment, planned development, or special use with a list of all owners, as disclosed by the records of the Macon County Recorder of Deeds or the tax records maintained by the Macon County Clerk, of all property within 250 feet of the parcel, exclusive of road rights-of-way.
 - (2) The applicant or petitioner shall cause notice of the public hearing to be mailed to property owners at the addresses identified on the list not less than ten (10) days before the hearing. Said mailing shall be by certified mail, return receipt requested. Return receipts shall be submitted to the Zoning Official no later than the date of the public hearing. An affidavit (in writing with notarized signature or via verbal testimony at the hearing) shall be provided to the Village to verify that required notices to adjacent property owners have been provided.
- C. **Content of Notice** -- The notice of the public hearing shall include at least the following information:
- (1) Owner of the property.
 - (2) The address and/or location of the property for which the appeal, variation, amendment, planned development, or special use is requested.
 - (3) A brief statement of the nature of the request.
 - (4) Existing zoning classification.
 - (5) Proposed zoning, if applicable.
 - (6) Requested exceptions from applicable regulations of this Ordinance, if applicable.
 - (7) The name and address of the legal and beneficial owner of the property for which the variation is requested.
 - (8) A legal description of the subject property.
- D. **Posting:**
- (1) The Village shall post and maintain for a period of not less than fifteen (15) days prior to the hearing, a notice which identifies the time, place, and purpose of the hearing:
 - (a) The notice shall be placed on a placard, and installed not less than fifteen (15) feet, nor no more than twenty (20) feet from the front lot line, and not less than four (4) feet above, and not more than six (6) feet above the ground, and placed in such a manner as to be unobscured from the street.
 - (b) The copy "**NOTICE OF PUBLIC HEARING**" shall also be affixed to the placard, at a size that is large enough to be read by a motorist.
 - (2) The jurisdiction of the Planning and Zoning Commission to hold public hearings shall not be affected by the absence of a posted notice, if such absence is not the result of the applicants or petitioner's act or omission.
- E. **Continuation of Public Hearings** -- The Planning and Zoning Commission shall hold at least one public hearing on the proposed variation, amendment, planned development, or special use. However, public hearings may be continued by the Planning and Zoning Commission, from time to time, without further notices being published.

VARIATION STANDARDS – SECTION 9.10(E)

- (1) The Planning and Zoning Commission shall not recommend, and the Village Board shall not vary, the provisions of this Ordinance, unless it shall find that the:
 - (a) Property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district.
 - (b) The plight of the owner is due to unique circumstances.
 - (c) The variation, if granted, will not alter the essential character of the locality.

- (2) For the purpose of supplementing the above standards, the Planning and Zoning Commission, in making a recommendation that there are practical difficulties or particular hardships, shall also take into consideration the extent to which the evidence establishes, or fails to establish, the following:
 - (a) That the particular physical surroundings, shape, or topographical condition of the specific property involved would bring particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out.
 - (b) That the conditions upon which the petition for variation is based would not be generally applicable to other property within the same zoning district.
 - (c) That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.
 - (d) That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property, or by the applicant.
 - (e) That the granting of the variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
 - (f) That the proposed variation will not:
 - (i) Impair an adequate supply of light and air to adjacent properties.
 - (ii) Substantially increase the hazard from fire or other dangers to said property or adjacent properties.
 - (iii) Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of the Village.
 - (iv) Diminish or impair property values within the neighborhood.
 - (v) Unduly increase traffic congestion in the public streets and highways.
 - (vi) Create a nuisance.
 - (vii) Result in an increase in public expenditures.
 - (g) That the variation is the minimum variation necessary to make possible the reasonable use of the land, building, or structure.

MAP AMENDMENT STANDARDS – SECTION 9.11(F)

Standards --The Planning and Zoning Commission shall not recommend, nor the Village Board grant, an amendment to alter the zoning district boundary lines, unless it shall determine, based upon the evidence presented to the Planning and Zoning Commission, that:

- (1) The amendment promotes the public health, safety, comfort, convenience, and general welfare of the Village, and complies with the policies, Comprehensive Plan, and other official plans of the Village of Forsyth.
- (2) The trend of development in the area of the subject property is consistent with the requested amendment.
- (3) The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification.
- (4) The property cannot yield a reasonable return if permitted to be used only under the conditions allowed under the existing zoning classification.
- (5) The amendment, if granted, will not alter the essential character of the neighborhood, and will not be a substantial detriment to adjacent property.

SPECIAL USE STANDARDS – SECTION 9.12(F)

- (1) The Planning and Zoning Commission shall not recommend, nor the Village Board approve a special use, unless it shall find, based upon the evidence presented to the Planning and Zoning Commission in each specific case, that the special use:
 - (a) Will be harmonious with and in accordance with the general objectives of the Comprehensive Land Use Plan and/or this Ordinance.
 - (b) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not alter the essential character of the same area.
 - (c) Will not be hazardous or disturbing to existing or future neighborhood uses.
 - (d) Will be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
 - (e) Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Village of Forsyth.
 - (f) Will not involve uses, activities, processes, materials, equipment, and/or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
 - (g) Will have vehicular approaches to the property which shall be so designed as to not create an undue interference with traffic on surrounding public streets or highways.
 - (h) Will not increase the potential for flood damage to adjacent property, or require additional public expense for flood protection, rescue, or relief.
 - (i) Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance to the Village of Forsyth.

- (2) The special use shall, in all respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified, in each instance, by the Village Board, pursuant to the recommendations of the Planning and Zoning Commission.

EXHIBIT C
RULES OF PROCEDURE

RULES OF PROCEDURE
FORSYTH PLANNING & ZONING COMMISSION

The Planning and Zoning Commission has adopted the following rules of procedure for its public hearings:

I. General Guidelines

- A. Hearings of the Commission shall be subject to the provisions of the Illinois Open Meetings Act.
- B. A record of the hearing may be made by tape recording the procedures.
- C. Proof that notice has been given in accordance with state statute and local laws shall be introduced at the beginning of the hearing and placed on file with the Zoning Official.
- D. The petitioner or other representative or both may appear on behalf of the petitioner.
- E. In addition to the petitioner, any person may appear and participate at the hearing.
- F. With the exception of Village officials and staff, each person participating shall sign the public comment registration sheet. Each participant shall speak in turn as called by the Chairman. When testifying or cross-examining, each person shall identify himself or herself for the record, spell his or her name, give his or her address, and indicate whether an attorney or someone else represents him or her.
- G. The Chairman shall take such actions as are required to maintain an orderly and civil hearing. Individuals or Commission members may be removed for disrupting the meeting.
- H. These rules for public hearing may be amended by the vote of a majority of the Commission.

II. Order of Presentation

- A. The order of presentation of evidence at a public hearing shall generally be as follows:
 - (1) Summation of the application by the Village staff or Chairman;
 - (2) Presentation by the petitioner including testimony and evidence;
 - (3) Examination of same by the Commission members and then any interested third-parties;
 - (4) Presentation of testimony and other evidence by interested third-parties;
 - (5) Examination of same by the Commission members and then the petitioner;
 - (6) Recommendation of staff;
 - (7) Closing statement by interested parties; and
 - (8) Closing statement by petitioner.
- B. After the presentation of evidence, the Commission may deliberate.

III. Time Limits

- A. The Chairman may impose reasonable limitations on testimony or evidence such as time limits and barring repetitious, irrelevant, or immaterial testimony. Time limitations shall be based on the following factors: (1) the complexity of the issue; (2) whether a witness possesses special expertise; (3) whether the testimony concerns a disputed issue or reflects a matter of taste or personal opinion; (4) the degree to which the witness' testimony relates to the factors to be considered in approving or denying the proposal; and (5) other factors appropriate for a hearing.
- B. Should a time limit be imposed on testimony, the time limit shall be fair and equally administered. The Commission shall not be bound by strict rules of evidence. The Chairman shall rule on all questions related to the admissibility of evidence, provided that the Chairman's ruling may be overruled by a majority of at least a quorum of the Commission.

IV. Decision

- A. At the conclusion of the testimony, the Commission may, among other decisions, move to close the hearing and deliberate its decision on the evidence presented or continue the hearing to a certain date, time, and location.
- B. A written decision shall be prepared, which shall include, if required, findings of fact.

APPROVED by the members of the Planning and Zoning Commission this 26th day of March, 2015.

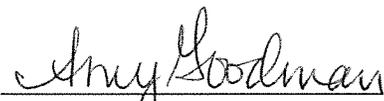

Village Clerk

EXHIBIT D
ZONING FORMS

VARIANCE RECOMMENDATION & FINDINGS OF FACT

To: Village of Forsyth Board of Trustees
From: Planning & Zoning Commission
Re: Recommendation for [insert applicant information]
Date: [insert date]

On _____, 20____, the Planning and Zoning Commission (“Commission”) held a public hearing for a variance at [insert location and type of variance]. The notice of the public hearing was published in the Herald & Review on _____, 20____. A copy of the certificate of publication is attached.

[Insert details of application, the applicable Village Code provisions, and the relief requested]. [Insert any applicable details of the public hearing and any staff recommendations]. [Detail any applicable conditions].

Based on the public hearing, the Commission voted to [insert details of the vote taken and the recommendation to the Village Board]. The Commission further made the following findings of fact:

1. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the existing zoning district. [Describe why failing to approve the variance will result in the inability to yield a reasonable return on the property]; and
2. The plight of the owner is due to unique circumstances. [Describe why the special circumstances relate only to the property in the application]; and
3. If granted, the variation will not alter the essential character of the locality. [Explain why the variance will not alter the local character of the property].

The Commission further found as follows:

1. That the particular physical surroundings, shape, or topographical condition of the specific property involved would bring particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;
2. That the conditions upon which the petition for variation is based would not be generally applicable to other property within the same zoning district;
3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
4. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property, or by the applicant;
5. That the granting of the variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located; and
6. That the proposed variation will not:
 - (i) Impair an adequate supply of light and air to adjacent properties.

- (ii) Substantially increase the hazard from fire or other dangers to said property or adjacent properties.
 - (iii) Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of the Village.
 - (iv) Diminish or impair property values within the neighborhood.
 - (v) Unduly increase traffic congestion in the public streets and highways.
 - (vi) Create a nuisance.
 - (vii) Result in an increase in public expenditures.
7. That the variation is the minimum variation necessary to make possible the reasonable use of the land, building, or structure

Chairman, Planning & Zoning Commission

MAP AMENDMENT RECOMMENDATION & FINDINGS OF FACT

To: Village of Forsyth Board of Trustees
From: Planning & Zoning Commission
Re: Recommendation for [insert applicant information]
Date: [insert date]

On _____, 20____, the Planning and Zoning Commission (“Commission”) held a public hearing for a map amendment [insert location for map amendment]. The notice of the public hearing was published in the Herald & Review on _____, 20____. A copy of the certificate of publication is attached.

[Insert details of application, the applicable Village Code provisions, and the relief requested]. [Insert any applicable details of the public hearing and any staff recommendations]. [Detail any applicable conditions].

Based on the public hearing, the Commission voted to [insert details of the vote taken and the recommendation to the Village Board]. The Commission also made the following findings of fact:

1. The amendment promotes the public health, safety, comfort, convenience, and general welfare of the Village, and complies with the policies, Comprehensive Plan, and other official plans of the Village of Forsyth;
2. The trend of development in the area of the subject property is consistent with the requested amendment;
3. The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification;
4. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed under the existing zoning classification; and
5. The amendment, if granted, will not alter the essential character of the neighborhood, and will not be a substantial detriment to adjacent property.

Chairman, Planning & Zoning Commission

SPECIAL USE RECOMMENDATION & FINDINGS OF FACT

To: Village of Forsyth Board of Trustees
From: Planning & Zoning Commission
Re: Recommendation for [insert applicant information]
Date: [insert date]

On _____, 20___, the Planning and Zoning Commission (“Commission”) held a public hearing for a special use [insert property location and proposed special use]. The notice of the public hearing was published in the Herald & Review on _____, 20___. A copy of the certificate of publication is attached.

[Insert details of application, the applicable Village Code provisions, and the relief requested]. [Insert any applicable details of the public hearing and any staff recommendations]. [Detail any applicable conditions].

Based on the public hearing, the Commission voted to [insert details of the vote taken and the recommendation to the Village Board]. Based on the public hearing, the Commission found the special use will:

1. Be harmonious with and in accordance with the general objectives of the Comprehensive Land Use Plan and/or this Ordinance;
2. be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not alter the essential character of the same area;
3. not be hazardous or disturbing to existing or future neighborhood uses;
4. be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Village of Forsyth;
6. not involve uses, activities, processes, materials, equipment, and/or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
7. have vehicular approaches to the property which shall be so designed as to not create an undue interference with traffic on surrounding public streets or highways;
8. not increase the potential for flood damage to adjacent property, or require additional public expense for flood protection, rescue, or relief; and
9. not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance to the Village of Forsyth.

Chairman, Planning & Zoning Commission