

## GUIDELINES FOR OBTAINING A CONDITIONAL USE

The following steps are to be taken when applying for a Conditional Use of property. The pages attached are SAMPLES and are for informational purposes only. The wording will need to be changed to fit the petitioner's particular situation. The request for a Conditional Use is a legal procedure and legal counsel is advisable. It is the petitioner's responsibility to fill out all the appropriate forms and give proper public notice.

### **APPLICATION & PROCEDURE**

A Conditional Use shall not be recommended by the Zoning and Planning Commission unless and until:

1. A written application for a Conditional Use is submitted indicating the section of the City's Ordinances under which the Conditional Use is sought and stating the grounds on which it is requested. Application shall be made on forms obtained from the City Engineer's Office.
2. To obtain a date for a Public Hearing before the Zoning and Planning Commission of the City of Mt. Vernon, Contact the Zoning Administrator at 242-6807. The regular meeting date for the Zoning and Planning Commission is the second Monday of each month at 7:00 p.m. at City Hall, 1100 Main Street, Mt. Vernon, although said date is subject to change.
3. Public Notice shall be given not less than 15 or more than 30 days in advance of the Public hearing. The petitioner, his agent, or attorney shall cause such notice to be given in each of the following ways:
  - A. If the owner is not the applicant, the owner of the property for which the Conditional Use is sought or his agent shall be notified by mail as to the time, date, and place of public hearing.
  - B. Notice of such hearing indicating the date, time and place, legal description of the property for which the Conditional Use, shall be published in a newspaper of general circulation within Mt. Vernon, Illinois.
  - C. Notice of such hearing indicating the date, time and place, legal description of the property for which Conditional Use is sought, and the common address and nature of the proposed Conditional Use, shall be posted at City Hall and in a prominent place on the property for which the Conditional Use is sought.

D. The notice required herein to be posted upon the property shall be in the following form:

1. The basic form of notice shall be furnished by the City, shall be a metal or other permanent sign with the main panel there of being not less than 18 inches by 24 inches in bold or black or other conspicuous color. Such sign shall remain the property of the City. The petitioner shall pay the City a deposit of \$50.00 which shall be refunded after the hearing and after the petitioner shall return the metal sign to the City. In the event that the petitioner shall not return the metal sign with in ten (10) days of action by the City Council, then the deposit shall be forfeited to the City of Mt. Vernon.
2. The notice shall bear the legend, "PROPOSED ZONING CHANGES AND/OR CONDITIONAL USE – THIS PROPERTY" and also shall have printed thereon the words "FOR INFORMATION PHONE 618-242-5000." The notice shall further have affixed thereto a copy of the notice which was published which shall be typed and shall further have a plastic cover to protect such notice from the weather.
3. The notice shall be posted so as to be conspicuous and visible from the road or street nearest the principle structure on the property and if there is no structure, then from the principle road or street adjacent thereto. If the lot is a corner lot or through lot as defined by the Zoning Ordinance of the City of Mt. Vernon, then such notice shall be posted on each side of the lot facing the street or road. ***In no event shall the notice be posted more than 10 feet or less than 5 feet from each such street or road.***

E. Proof that each of the notices required herein has been given shall be provided by the petitioner by delivering an authentic certificate of publication of the notice published in a newspaper of general circulation and by providing a verified certificate of posting and certificate of mailing as to the other notices required herein.

F. Each notice shall use both the zoning classification by number and the common designation for describing the current zoning and also the relief requested.

4. The following original TYPED OR LEGIBLY PRINTED forms must be filed with the City Clerk's Office not less than 15 days or more than 30 days in advance of the public hearing.
  - A. Zoning Application Form
  - B. Written Application for Conditional Use
  - C. Public Notice

<b>A \$25.00 FILING FEE SHALL BE PAID AT THE TIME OF FILING</b>
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5. The following papers shall be taken to the Zoning and Planning Commission Hearing:
  - A. Three (3) copies of the Resolution of Zoning and Planning Commission of the City of Mt. Vernon, Illinois
  - B. Certification of Publication from the newspaper of general circulation within Mt. Vernon, Illinois
  - C. Certificate of Posting
  - D. Certificate of Mailing to Owner (when applicable)
  - E. Copies of your Zoning Application Forms filed in the City Clerk's Office
6. After the Zoning and Planning Commission Hearing, the following papers will be taken to the City Attorney at Howard, Leggans, Piercy and Howard Attorneys, at 1008 Main Street, Mt. Vernon, Illinois, by the City Zoning Administrator. The City Attorney will place your request on the next available City Council agenda:
  - A. Report of Findings of the Zoning and Planning Commission
  - B. Certificate of Posting
  - C. Certificate of Mailing to Owner
  - D. Certificate of Publication
  - E. Copies of Zoning Application Form
  - F. Signed Report from the Zoning and Planning Commission
  - G. Ordinance Granting Conditional Use

The Ordinance will be presented to the City Council for two readings before passage. You must appear at each meeting.

These steps are given to petitioners as a guideline in order to help individuals fill out the necessary documents. The City will assume no responsibility or liability for mistakes or

omissions. If the petitioner is required to file additional or amended documents, a subsequent \$25.00 filing fee may be charged.

Information pertaining to zoning classifications of properties may be obtained from the City building Inspection Department room 204 at City Hall, Mt. Vernon, Illinois, 618-242-6830.

**APPLICATION FOR CONDITIONAL USE**

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TO: THE CORPORATE AUTHORITIES OF THE CITY OF MT. VERNON, ILLINOIS

The undersigned respectfully petitions the Corporate Authorities of the City of Mt. Vernon, Illinois, to amend Article 21 of the Revised Code of Ordinances to the City of Mt. Vernon, Illinois, as amended, said Article relating to Zoning, so as to permit a Conditional Use of the following described real estate: **(INSERT LEGAL DESCRIPTION)**

The common street address of the property is: \_\_\_\_\_

The following Conditional Use is sought: \_\_\_\_\_

\_\_\_\_\_

The current zoning classification of the property is: CLASS \_\_\_\_, \_\_\_\_\_ DISTRICT

The undersigned further respectfully requests that the Corporate Authorities hold a public hearing as provided by law, that the Zoning and Planning Commission of the City of Mt. Vernon make a finding that the above described Conditional Use is empowered under the aforesaid Ordinance, that it recommend to the City Council such Conditional Use, that it make a finding that the granting of the Conditional Use will not adversely affect the public interest, and that the Zoning and Planning Commission make written finding as required by Ordinance.

\_\_\_\_\_  
Signature of Petitioner

**INSTRUCTIONS**

- 1. Complete Application with your information.**
- 2. Sign the Application.**
- 3. Take original application and one (1) copy to City Clerk's Office for filing.**

FILE NO. \_\_\_\_\_

City of Mt. Vernon, Illinois

**ZONING APPLICATION FORM**

Please type, attach additional sheets if necessary

<b>I - GENERAL DATA REQUIRED</b>		
Name of Applicant	Address	Telephone
Street Address or Location of Property		Area <input type="checkbox"/> Sq. Ft. <input type="checkbox"/> Acres
Legal Description of Property (if more space is required, attach copy)		
Existing Use of Property (if more than one parcel, indicate use of each)		Present Zoning

<b>II - TYPE OF APPLICATION</b>		
X Indicate type of application(s) filed		
<input type="checkbox"/> VARIANCE	<input type="checkbox"/> AMENDMENT	<input type="checkbox"/> TEXT
<input type="checkbox"/> CONDITIONAL USE	<input type="checkbox"/> ZONING MAP	<input type="checkbox"/> CONDITIONAL SIGN USE
		<input type="checkbox"/> PLANNED UNIT DEVELOPMENT (CONDITIONAL USE)

<b>III - AUTHORIZATION</b>		
Name (please type)	Address	Signature
_____	_____	_____
_____	_____	_____
All signatories represent that they have full legal capacity to, and hereby do, authorize the filing of this application		

<b>IV - CERTIFICATION</b>		
I certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge and that I am to file this application and act on behalf of the signatories of the above authorization.		
Name _____	Signed _____	
Address _____	Telephone _____	
Person to contact regarding matters pertaining to this application if other than myself:		
Name _____	Telephone _____	
Address _____		

<b>V - FOR STAFF USE ONLY</b>			
Received and Reviewed by: _____ Date: _____			
Date Application Received	Date of Notice	Date of Public Hearing	Fee Receipt Number
Soil and Water Conservation District Notification:		Final Action:	By: <input type="checkbox"/> Board of Appeals
Date of Notice _____		<input type="checkbox"/> Approved	<input type="checkbox"/> Planning Commission
		<input type="checkbox"/> Disapproved	<input type="checkbox"/> City Council
Date Comments Received _____	Ordinance # _____ Date _____ (If Amendment, Conditional Use, or Conditional Sign)		

**NOTICE OF PUBLIC HEARING**

Public Notice is hereby given that a hearing will be held before the Zoning and Planning Commission of the City of Mt. Vernon, Illinois, upon the following proposition:

An Application for Conditional Use pursuant to Article 21 of Ordinance N0. 66-12, the Zoning Article, of the Revised Code of Ordinances of the City of Mt. Vernon, Illinois, so as to permit Conditional Use of the following described real estate: **(INSERT LEGAL DESCRIPTION)**

The Common street address of property is: \_\_\_\_\_

The following Conditional Use is sought: \_\_\_\_\_

The Current zoning classification of the property is:

CLASS\_\_\_\_\_, \_\_\_\_\_District

A hearing upon said application for Conditional Use will be held before the Zoning and Planning Commission of the City of Mt. Vernon, Illinois on \_\_\_\_\_, at 7:00 p.m. at City Hall, 1100 Main Street, Mt. Vernon, Illinois, at which time and place all persons interested may appear and be heard in the manner provided by law and the Zoning Ordinance of the City of Mt. Vernon, Illinois.

Zoning and Planning Commission  
City of Mt. Vernon, Illinois

**INSTRUCTIONS**

1. Complete with your information and make six (6) copies of the Public Notice
2. File the original application at the City Clerk's Office.
3. Post copy on bulletin board at City Hall.
4. Post copy in a prominent place on the property.
5. Publish copy in local newspaper (Register News).
6. Mail copy to owner.

**CERTIFICATE OF POSTING**

I do hereby certify that I did post a copy of the attached "Notice of Public Hearing" as follows:

1. Upon the City Hall bulletin board at 1100 Main Street, Mt. Vernon, Illinois on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.
  
2. Upon the property described within the attached notice on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

The Notice posted upon the property was posted on the sign provided by the City of Mt. Vernon, Illinois, and the sign was placed upon the property so as to be conspicuous and visible from each principal road or street adjacent thereto and was placed not more than ten feet (10') nor less than five feet (5') from such street or road.

\_\_\_\_\_  
Signature of Petitioner

Subscribed and sworn to before me on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

**INSTRUCTIONS**

- 1. Attach copy of Public Notice to this Certificate of Posting.**
- 2. Insert date of posting within Certificate.**
- 3. Sign Certificate and have your signature notarized.**
- 4. File original Certificate with Notice attached at City Clerk's Office and take copy of Certificate of Posting to Zoning and Planning Commission meeting.**



**CERTIFICATE OF MAILING**

I do hereby certify that I did mail a true copy of the attached "Notice of Public Hearing" upon all of the owners of the property described within said Notice; said Notice was mailed on \_\_\_\_\_, 20\_\_ by enclosing the Notice in a properly addressed postage paid envelope addressed as follows:

\_\_\_\_\_  
Name

\_\_\_\_\_

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature

Subscribed and sworn to before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**INSTRUCTIONS**

1. **Attach copy of Notice of Public Hearing to this Certificate of Mailing.**
2. **Insert date of mailing within Certificate.**
3. **Sign certificate and have your signature notarized.**
4. **File original Certificate with Notice attached at the City Clerk's Office and take a copy of Certificate of Mailing to Zoning and Planning Commission meeting.**

**REPORT OF FINDINGS OF THE ZONING AND PLANNING COMMISSION OF THE CITY OF MT. VERNON, ILLINOIS**

WHEREAS on \_\_\_\_day of \_\_\_\_\_, 20\_\_\_\_, after Notice of Public Hearing was published in accordance with law in a newspaper of general circulation published in the City of Mt. Vernon, Illinois, was posted on City Hall’s bulletin board, and was posted upon the following described property, a Public Hearing was held by the Zoning and Planning Commission of the City of Mt. Vernon, Illinois in the City Hall, 1100 Main Street, Mt. Vernon, Illinois on the application for Conditional Use for the following described real estate: **(INSERT LEGAL DESCRIPTION)**

The common street address of the property is: \_\_\_\_\_

The current zoning classification of the property is:

CLASS \_\_\_\_\_, \_\_\_\_\_ DISTRICT

WHEREAS, after the hearing of evidence and being fully advised in the premises, the Zoning and Planning Commission finds:

1. That it is empowered under the rules, regulations, and provisions of Article 21 of the Revised Code of Ordinance of the City of Mt. Vernon, Illinois to recommend to the City Council of the City of Mt. Vernon, Illinois the Conditional Use requested by the applicant.
2. The following items have been complied with by the application(s), if applicable:
  - A. Ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.
  - B. Off-street parking and loading areas where required and economic, noise, glare or odor effects of the Conditional Use or adjoining properties and properties generally in the district.
  - C. Refuse and service areas.
  - D. Utilities, with reference to locations, availability and compatibility.
  - E. Screening and buffering; with reference to type, dimensions, and character.

F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.

G. Required yards and other open spaces.

H. General, compatibility with adjacent properties and other property in the district.

3. That the granting Conditional Use will not adversely affect the public interest.
4. BE IT THEREFORE RESOLVED, that the Zoning and Planning Commission of the City of Mt. Vernon, Illinois does hereby recommend to the City of Mt. Vernon, Illinois that the Applicant be granted Conditional Use: (State the nature of Conditional Use.)

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PASSED BY THE ZONING AND PLANNING COMMISSION OF THE CITY OF MT. VERNON, ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

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Planning and Zoning Commission  
Chairman

**INSTRUCTIONS**

- 1. Complete the Report prior to Zoning and Planning Commission meeting.**
- 2. Take the original Report and two (2) copies to the Zoning and Planning Commission meeting.**
- 3. Have Zoning and Planning Commission Chairman sign each of the Reports.**
- 4. Leave two (2) Reports with Zoning Administrator and keep one Report for your records.**

ORDINANCE NO. 20\_\_\_\_,\_\_\_\_\_

AN ORDINANCE GRANTING CONDITIONAL USE

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WHEREAS, a petition was duly filed before the Corporate Authorities of the City of Mt. Vernon, Illinois, requesting a Conditional Use so as to permit a Conditional Use of the following described real estate: **(INSERT LEGAL DESCRIPTION OF PROPERTY)**

The common street address of the property is: \_\_\_\_\_

The following Conditional Use is sought: **(State the nature of Conditional Use)**

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The current zoning classification of the property is:

CLASS \_\_\_\_\_ DISTRICT; and

WHEREAS said Petition was duly referred to the members of the Zoning and Planning Commission of the City of MT. Vernon, Illinois to conduct a hearing upon said proposed Conditional Use in the manner provided by law; and

WHEREAS, proper public notice of hearing upon said Petition was given within the time and in the manner as required by law; and

WHEREAS, said Zoning and Planning Commission conducted a hearing in the manner provided by law, and said Zoning and Planning Commission has recommended approval of the proposed conditional Use;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MT. VERNON, ILLINOIS, that the requested Conditional Use of the above described real estate is hereby granted.

IT IS FURTHER ORDAINED that all Ordinances or parts Ordinances in conflict herewith be and are hereby repealed.

IT IS FURTHER ORDAINED that this Ordinance shall be effective upon its passage and approval

PASSED by City Council of the City of Mt. Vernon, Illinois this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

APPROVED by the Mayor of the City of Mt. Vernon, Illinois this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**INSTRUCTIONS**

- 1. Complete Ordinance with your information.**
- 2. Keep one (1) copy for your records.**
- 3. Attend Council Meeting.**