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County Executive

WILL COUNTY LAND USE DEPARTMENT, PLANNING AND ZONING DIVISION INSTRUCTIONS FOR MAP AMENDMENT • SPECIAL USE • VARIANCE

Will County Land Use Department
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A. Introduction

The information contained in this package is to help you become familiar with the various requirements that must be met before your application can be accepted. This information will also prepare you to provide testimony and address any questions that might be raised at the public hearing.

Careful and proper preparation of your application is essential to obtaining rezoning and, in the long run, you will save considerable time and expense for both yourself and the County. If you have any questions, please do not hesitate to contact the Will County Land Use Department, Planning and Zoning Division at (815) 727-8850.

B. Before Filing the Application

Before preparing and filing any application, you are strongly urged to meet with the staff of the Will County Land Use Department. Please be able to reference your property by its sixteen (16) digit Permanent Index Number (PIN) that should be identified on your property tax bill. Contact the Will County Supervisor of Assessments office at 815-740-4648 if you have any questions about your PIN. Land Use Department staff can advise you how to complete the application, explain the procedures involved, and attempt to identify potential issues that might be encountered. You may wish to review pertinent sections of the *Will County Zoning Ordinance* and *Land Resource Management Plan* (LRMP) and become familiar with the standards and requirements applicable to the requested zoning. Both documents are available on the Internet (www.willcountylanduse.com) or from the Will County Land Use Department.

If you have any questions concerning any standards or requirements of the *Will County Zoning Ordinance*, recommendations of the *Will County Land Resource Management Plan*, or require an interpretation of any provision of either document, you may wish to consult with the Department's staff. Pre-application meetings are held every Monday and Thursday afternoons at which representatives from the Land Use Department's Planning and Zoning and Subdivision Engineering Divisions, and Health Department are present. A pre-application meeting may be scheduled by contacting the Planning and Zoning Division at (815) 727-8850.

Before filing your application, you should consult with your County Board representatives, the Will County Health Department and local road jurisdiction. You should also discuss the proposal with all adjacent property owners, township supervisor and trustees as well as all municipalities within 1.5 miles of your property. In certain situations, these parties have the right to file official protests, which, if filed, require a $\frac{3}{4}$ affirmative vote of the entire County Board to grant a petitioner's request, as opposed to a simple majority when an objection has not been filed. In addition, you are required to notify most of these affected agencies as part of the formal application process, and it would be in your best interest to consult with each informally prior to filing an application.

C. Filing the Application

The following documents, information, and the correct filing fee must be submitted in proper form before your application will be accepted for processing. A checklist is part of the zoning application.

1. **The Application** – The application must be completed which includes addressing how the request for variance, special use permit or map amendment meets the applicable criteria of the *Will County Zoning Ordinance*. It is expected that responses will include more detail than a simple “yes” or “no”. If you need additional space for responses other than what is provided on the application form, you may include attachments. You or your representative must deliver in person your application to the Will County Land Use Department. (*Note – if an attorney is listed on the application, please specify the relationship of the attorney to the applicant and/or agent*). The legal description of your parcel from the plat of survey must be included on page 2 (Part C) of your application. In addition, you are encouraged to also submit an electronic version of your legal description on a CD-ROM in Microsoft Word compatible format or Adobe Acrobat format.
 - *Planned Unit Developments (PUD)* – Please note that although a zoning application associated with planned unit development preliminary plat will be received and given case number, it will not be considered complete, filed, and scheduled for public hearing until the Chief Subdivision Engineer examines and officially accepts the associated preliminary plat. Both applications must contain all information, including Zoning Ordinance Section 15 requirements, for proper review.
 - *Special Use Permits for Floodplain Development* – Special use permits for floodplain development will not be considered complete, filed, and scheduled for public hearing until the Chief Subdivision Engineer examines the applications and determines they contain all information essential for proper review by the County Board.
2. **Recorded Deed** – A copy of the recorded deed to the subject property (available from the Office of the Will County Recorder of Deeds located on the first floor at 58 E. Clinton St., Joliet, IL) is required in all cases. **NOTE:** Title commitments and various schedules are not acceptable proof of ownership.
3. **Disclosures** – Whenever applicable, the following disclosures must be made:
 - When the applicant is a land trust or trustee of a land trust, the applicant shall identify each beneficiary of such land trust by name and address and define each beneficiary’s interest therein (beneficiary disclosure).
 - When the applicant is a corporation, the applicant shall include the correct names, addresses, and percent interest of all directors and stockholders or shareholders owning any interest in excess of 20 percent of all outstanding stock of such corporation. If the corporation has no shareholders, a statement to that effect shall be submitted.
 - When the applicant is a business entity doing business under an assumed name, the application shall include the names and addresses of all true and actual owners of such business or entity.
 - When the applicant is a partnership, joint venture, syndicate, or an unincorporated voluntary association, the application shall include names and addresses of all partners, joint ventures, syndicate members, or members of the unincorporated voluntary association.
4. **Purchase Contract** – If the property is subject to a contract to purchase, the contract purchaser shall also join as an applicant. A copy of the contract must also be submitted (the purchase price may be deleted) as well as a letter stating that the owner allows the purchaser to act on their behalf, if applicable.

5. **Authorized Agent** – All owners of the subject property must be the applicants. Your agent or attorney should also be identified on the application. If an agent is used, an original notarized letter giving the agent authorization the authority to act upon the application is required. (*Note – if an attorney is listed on the application, please specify the relationship of the attorney to the applicant and/or agent*).
6. **Application Fee** – The appropriate application fee is to be paid in the form of a check payable to the *Will County Land Use Department*. See the fee schedule as identified in zoning application (*Attachment A*).
7. **Publication Deposit Check** – You are required to submit with the application a \$100 deposit check payable to the *Will County Land Use Department* to cover the cost of publication (in addition to the application fee). After receiving a complete application, the Will County Planning and Zoning Commission Secretary will schedule the public hearing within ordinance requirements and arrange for notice in a local publication. The Secretary will publish your legal notice at least fifteen (15) days prior to your public hearing date. You will receive a letter from the Secretary that notifying you in what newspaper your legal notice was published, the date of your public hearing, and the hearing documents that you are required to bring to the public hearing. You are responsible to pay the publication fee directly to the newspaper the notice appears in. Bring the Certificate of Publication to the public hearing with your hearing documents and proof of payment at which time your \$100 deposit check will be returned.
8. **Maps** – Certain information must be graphically shown on maps that accompany your application. The following are required:

Plat of Survey – Plat of survey (not to exceed 11” x 17”) prepared by a professional land surveyor.

Site Plan (not to exceed 11” x 17”) – Tax maps which show individual parcels at a scale of 1” = 200’ or 1” = 400’, or the plat of survey are useful base maps. The site plan must include the following:

- Scale, north arrow
- Dimensions and acreage of the subject parcel
- Setbacks from all existing and proposed improvements to all property lines
- All site details (including dimensions and location of all existing and proposed structures as well as location of all natural features)
- All land use details (location of all existing and proposed land uses, including those that do not require structures)
- All driveways, sidewalks, curbing, groundcover to be labeled (e.g. sod, asphalt, concrete, paving stones)
- All existing/proposed retaining walls, fences, berms labeling type and height
- All proposed landscaping, including species and quantity
- All existing uses (e.g. “house”, “pastureland”, “gas station”, etc.) and zoning on adjacent properties
- Location of well and septic system

9. **Criteria** – The *Will County Zoning Ordinance* identifies criteria that are considered in the application process. It is your responsibility to ensure that each criterion is addressed in detail in your application that is submitted to the Will County Planning and Zoning Commission (PZC) since the decision of the PZC will be based on your responses. Yes and no answers are not acceptable. Forms including the criteria for map amendments, special use permits, and variances are part of the zoning application and are required to be completed by you and submitted with your application. A separate criteria form must accompany each specific, distinct request for zoning change. The required forms are *Attachments B, C, and D*.
10. **Inventoried Wetland and Regulatory Floodplain Determinations Form** – Inventoried wetland and regulatory floodplain located on your property can significantly affect your petition. The Subdivision Engineering Division will identify inventoried wetland and regulatory floodplain located on a subject property and complete the mandatory form to be submitted with your application. If the subject parcel contains inventoried wetlands and/or regulatory floodplains, further action MAY be required of the applicant. See the Inventoried Wetland and Regulatory Floodplain Determinations form included with the zoning application and identified as *Attachment E*.

- 11. Illinois Department of Natural Resources Proof of Consultation** – Unless the proposed action is exempt, a Consultation Agency Action Report application is required to be filed with the Illinois Department of Natural Resources (IDNR). The former Agency Action Report application format has been replaced by the EcoCAT online reporting system. EcoCAT stands for Ecological Compliance Assessment Tool. EcoCAT is intended to help State Agencies and units of Local Government fulfill their obligations under the Illinois Endangered Species Protection Act [520 ILCS 10/11(b)] and the Illinois Natural Areas Preservation Act [525 ILCS 30/17], as set forth in procedures under Title 17 Ill. Admin. Code Part 1075. To access the EcoCAT reporting system, go to the EcoCAT Internet site at www.dnrecocat.state.il.us/ecopublic. The results report generated by EcoCAT is your proof of notification. **Notification of this agency should not be made more than ninety (90) days prior to the filing of the County application.** Questions regarding EcoCat may be directed to IDNR by E-mail at dnr.ecocat@illinois.gov or by telephone at 815-782-6302. Please see *Attachment F*.
- 12. Will-South Cook Soil and Water Conservation District Natural Resources Information Report Proof of Application** – A Natural Resources Information Report (NRIR) application is required to be filed with the Will-South Cook Soil and Water Conservation District (WSCSWCD). Proof of application (i.e., green card and proof of payment to WSCSWCD) is required to be submitted with your application. Please submit the application directly to the Will-South Cook Soil and Water Conservation District at 1201 South Gougar Road, New Lenox, Illinois 60451. **Filing of the NRIR application should not be made more than ninety (90) days prior to the filing of the County application.** For additional information regarding the report, please see the District's Internet site (www.will-scookswcd.org). For your convenience, see the NRIR request form included as *Attachment G*.
- 13. Jurisdiction Notifications** – Depending upon the location of a subject property, you may be required to make notifications to specific jurisdictions. For map amendments and special use permits, you are required to notify the Will County Health Department, roadway authority, the appropriate fire protection district, the appropriate township review authority (Supervisor, Clerk, and/or Township Plan Commission), municipalities within 1.5 miles of the subject property, and the Federal Aviation Administration (FAA) if applicable. For variances, you are only required to notify the appropriate township, fire protection district, roadway authority, and the Federal Aviation Administration. The FAA need only be contacted if the subject property is located within 2 miles of an airport. Notifications must include at a minimum a cover letter stating your intent and copies of pages 1, 2 and 3 of your zoning application. Proof of required notifications must be submitted with the County application. This proof may include certified mail return receipt (green card), a signed statement from the jurisdiction that your notice was received, or a letter of response. Certified mailing receipts for notifications must be postmarked no more than ninety (90) days prior to the filing of the County application. Certified mailing receipts must be submitted with the County application. In addition to notification, you are *strongly* encouraged to appear before the appropriate township and municipality prior to public hearing. It is your responsibility to contact the appropriate jurisdictions and request to appear before them.

D. Immediately Prior to the Public Hearing

- **Adjoining Property Owner Notification** – Once you receive notification from the PZC Secretary that identifies your public hearing date, you are required to notify all adjoining property owners by certified mail return receipt requested, a minimum of fifteen (15) days prior to your scheduled public hearing. Please *note that it may take up to 30 days after you send the notice for the United States Post Office to provide you a return receipt.* Therefore, it is extremely important that you obtain date-stamped receipts from the United States Post Office verifying that you sent the notice to each adjoining property owner via certified mail with return receipt requested. Adjoining property owner information is available from the Will County Land Use Department. As previously stated, the notice must be sent via certified mail (return receipt requested) and include the date, time, and place of the public hearing, and a copy of pages 1 – 3 of your zoning application. Please see Attachment H for a copy of an adjacent property owner notification letter format.

- **Sign Posting** – For all applications, the applicant is required to erect at least one (1) sign for every five hundred (500) linear feet of street frontage with a minimum of one (1) sign on each street abutting the property. Failure to properly post the appropriate number of signs shall be grounds for deferral or denial of the application. Signs shall be posted upon the subject property at least fifteen (15) days and not more than thirty (30) days prior to the public hearing.

For all applications, except planned unit development applications and those applications for which the Zoning Administrator specifically requires alternative signage, the Department will provide the applicant the required number of signs (*Attachment I*). It is the applicant's responsibility to ensure that they are placed and maintained as required by the Zoning Ordinance. The signs are double-sided and should be posted perpendicular to the street frontage. Signs may be obtained from the Department not more than thirty (30) days prior to the public hearing. Please note that the signs are County property and you are required to submit with the application a \$100 deposit check payable to the Will County Land Use Department for each sign (in addition to the application fee). The deposit check(s) will be returned to you when you return the signs to the Department within the required time, clean, and undamaged. The Department is not responsible for lost or stolen signs. Failure to return signs in a clean and undamaged condition within the required time frame and lost/stolen signs are grounds for forfeiture of the deposit. The applicant is responsible for removing signs provided by the Department and returning them to the Department within five (5) days after the completion of the public hearing. Completion of public hearing means that the PZC has made a decision or recommendation. Signs must remain posted with a continuation.

For planned unit development applications and those applications for which the Zoning Administrator specifically requires alternative signage, it is the applicant's responsibility to prepare and post the number of signs required by the Zoning Ordinance with the required sign format and content (*Attachment J*). It is the responsibility of the applicant to ensure that they are placed and maintained as required by the Zoning Ordinance. These signs may be single-sided and face the street frontage. All expenses incurred to post and remove alternative signage shall be the responsibility of the applicant. Please note that there are sign companies that provide these services.

- **Affidavit of Adjoining Property Owner Notification and Sign Posting** – You are required to complete the form (*Attachment K*) attached to the zoning application entitled "Affidavit of Adjoining Property Owner Notification and Sign Posting." You will be required to submit the notarized form at your scheduled PZC public hearing. If you do not submit the certification and associated documentation, including certified mail return receipts, your case will not be heard as scheduled.

E. The Public Hearing

The public hearing is generally held approximately 10 weeks after an application is filed, accepted, and scheduled for public hearing by the Secretary of the Will County Planning and Zoning Commission (PZC). The PZC meets the first and third Tuesdays of every month at 6:30 p.m. in the County Board room and these meetings are open to the public. The County Board Chambers are located at 302 North Chicago St., Joliet, Illinois, 60432.

- **What to Bring to the Public Hearing** – The applicants at public hearings commonly present the following information. This list is advisory only and certain items may not be applicable in every given case. However, if the Will County Planning and Zoning Commission feels that certain information is essential, it may require that such information be submitted prior to arriving at a decision on the case. These recommended items are:
 - ✓ Copies of all materials submitted with your application, including your site plan
 - ✓ Copies of any and all contracts, leases, deeds, deed restrictions, trust agreements, title reports, covenants, and easements, etc., which in any way affect the ownership or use of the subject property.

- ✓ Photos or an architectural drawing of a typical or a proposed building(s) to be constructed on the subject property.
- ✓ Any market reports, studies, or other evidence or testimony to substantiate that there exists a public need for the proposal.
- ✓ The results of on-site soil borings conducted on the subject property. In those cases in which private well and septic systems will be utilized, the results of these borings should be confirmed with the Will County Health Department. If private wells are to be utilized, any testimony or evidence in regard to the quality and quantity of available groundwater.
- ✓ If public water and/or sewers are to be utilized, documentation should be submitted to substantiate the availability of this service.
- ✓ Comments from jurisdictions required to be notified by you.
- **Public Hearing Decorum** – The public hearing should be an orderly meeting that allows all individuals an opportunity to be heard. Please adhere to the following guidelines:
 - ✓ Plan your presentation.
 - ✓ Sign the speaker list at the table near the podium in the front of the hearing room.
 - ✓ Speak only from the podium. To ensure that you are adequately heard, please adjust the microphone to your height and speak directly into it. Plan on introducing yourself, giving your name and address.
 - ✓ To ensure that everyone who wants to testify is able to do so, the Chair limits oral testimony to a reasonable time frame. Therefore, you should organize your comments so that your major points are clear and concise.
 - ✓ Anything submitted to the PZC for consideration, such as letters, plats, photographs, videotapes, or petitions, becomes part of the public record and cannot be returned.
 - ✓ The Planning and Zoning Commission understands that issues that could impact your property or way-of-life can be very emotional. However, a public hearing should be a civil proceeding where it is inappropriate to cheer, boo, or applaud while a speaker has the floor. Citizens of Will County won't always agree on an issue, but can make an effort to respect the public hearing process so that all viewpoints can be heard.
 - ✓ All comments should be addressed to the Chair. Questioning and arguing between individuals in the audience are not only inappropriate, but aren't an effective way to make a case to support your views on an issue.
 - ✓ Please refrain from reading long documents that can just as easily be submitted in advance and made a part of the record. Summarize your comments wherever possible and avoid repeating prior testimony.

F. After the Public Hearing

Once the public hearing is conducted, the PZC will make its recommendation after the closing of testimony. A concurring vote of five (5) of seven (7) PZC members is required in order to approve a variance request. Unless appealed, the decision of PZC regarding most variance requests is final and the request does not proceed to the Land Use, Planning, Zoning, and Development Committee (LUPZDC) or County Board.

A concurring vote of five (5) of seven (7) PZC members is required in order to recommend approval of petitions for special use permits and map amendments. The PZC recommendation will be formalized, signed, and transmitted to the Land Use, Planning, Zoning, and Development Committee (LUPZDC) of the County Board for review.

The LUPZDC meets the second and fourth Tuesday of every month at 11:30 a.m. in the County Board Chambers and these meetings are open to the public. For map amendments and special use permits, the LUPZDC prepares a recommendation, which, along with the recommendation of the PZC, is presented to the full County Board. The County Board meets the third Thursday of every month and will take final action and either approve or deny the special use permit or map amendment petition. Both the LUPZDC and County Board meet in the County Board Chambers that are located at 302 North Chicago St., Joliet, Illinois, 60432.