

Ordinance No. 25-01

**AN ORDINANCE TO AMEND PORTIONS OF CHAPTER 17 AMENDING THE USE MATRIX AND PERTAINING TO NOTICE REQUIREMENTS FOR PROPERTIES WITHIN THE EXTRATERRITORIAL BOUNDARY AND JURISDICTION OF THE CITY OF MACOMB**

**Preamble**

**WHEREAS**, the City of Macomb (the "City"), is a municipality duly organized under the laws of the State of Illinois; and

**WHEREAS**, The City has authority to adopt the amendments to the provisions of Chapter 17 of the Code in accordance with Illinois Municipal Code (65 ILCS 5/1-2-1 and 11-71-1); and

**WHEREAS**, pursuant to the Illinois Municipal Code, the City is permitted to exercise extraterritorial jurisdiction within one and one-half miles of its boundaries; and

**WHEREAS**, the Community Development Director, with the recommendation of the Community Development Committee, recommend to the Council for its consideration and approval amendments to portions of Chapter 17 amending the use matrix and increasing the geographical area for required notices when the subject properties are within the City's extraterritorial boundary as set forth in Section 17-6 of Municipal Code of Macomb, Illinois (the "Code"); and

**WHEREAS**, the City Council finds it in the best interests of the City and desires to amend portions of Chapter 17 as set forth herein as recommended by the Community Development Director and Community Development Committee.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MACOMB, McDONOUGH COUNTY, ILLINOIS AS FOLLOWS:**

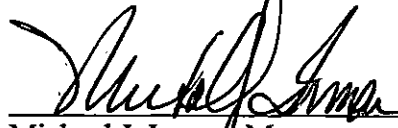
**Section 1. Incorporation of Preamble.** The foregoing recitals are true and correct and are incorporated herein as the findings of the Mayor and City Council.

**Section 2. Amendment to Use Matrix, Chapter 17, Appendix A.** Appendix A of Chapter 17 containing the Use Matrix shall be amended as shown in Exhibit A, attached hereto and incorporated herein.

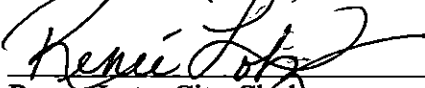
**Section 3. Amendment of Sections 17-289, 329, 330, and 365.** Sections 17-289, 329, 330, and 365 shall be amended as set forth in Exhibit B, attached hereto and incorporated herein.

**Section 4. Effective Date.** This Ordinance shall be effective upon its passage, approval and publication, as provided by law.

Presented this 21 day of January, 2025.  
First Reading: 21 day of January, 2025.  
Second Reading: 3rd day of February, 2025.  
Passed this 3rd day of February, 2025.  
Approved this 4th day of February, 2025.  
Recorded in City records this 4th day of February, 2025.  
Published in pamphlet form this 4th day of February, 2025.

  
Michael J. Inman, Mayor

ATTEST: (SEAL)

  
Renee Lotz, City Clerk

Passed by roll call vote with the name of each City Council member recorded on the appropriate line below:

AYES: Viguzzi, Shabazz, Parrott, Wynn, Moon, Schuch

NAYS: None

ABSENT: Katz

ABSTAIN: None

## Exhibit A

|  | AG | R-1 | R-2 | R-3 | R-3A | R-4 | RMH | ROS | O/I | B-1 | B-2 | B-3 | M-1 | M-2 | AS MU |
|--|----|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| <b>Solar Energy Systems</b>                      |    |     |     |     |      |     |     |     |     |     |     |     |     |     |       |
| Building-Integrated Solar Energy System          | P  | P   | P   | P   | P    | P   | PS  | P   | P   | P   | P   | PS  | P   | P   | P     |
| Roof-Mounted Solar Energy System                 | PS | P   | P   | PS  | PS   | PS  | PS  | PS  | PS  | PS  | PS  | PS  | PS  | PS  | PS    |
| Small-Scale Solar Energy System (Accessory Use)  | PS | P   | P   | PS  | PS   | PS  | PS  | PS  | PS  | PS  | PS  | S   | PS  | PS  | PS    |
| Small-Scale Solar Energy System (Principal Use)  | PS | S   | S   | S   | S    | S   | S   | S   | S*  | PS  | PS  | S   | PS  | PS  | S     |
| Medium-Scale Solar Energy System (Accessory Use) | S  |     |     |     |      |     |     |     |     |     | S   |     | PS  | PS  |       |
| Medium-Scale Solar Energy System (Principal Use) | S  |     |     |     |      |     |     |     |     |     | S   |     | PS  | PS  |       |
| Large-Scale Solar Energy System (Accessory Use)  | S  |     |     |     |      |     |     |     |     |     | S   |     | PS  | PS  |       |
| Large-Scale Solar Energy System (Principal Use)  | S  |     |     |     |      |     |     |     |     |     | S   |     | PS  | PS  |       |

### Legend:

S - Special Use

S\* - Special Use, see body of text for additional information

P - Permitted Use

P\* - Permitted Use - see body of text for additional information

AS\* - Accessory Special Use, see body of text for information

## Exhibit B

### Sec. 17-264. Application for a special use permit.

An application for a special use permit shall be filed with the community development ~~coordinator~~director. The application shall be accompanied by the following plans, data or information unless determined otherwise by the community development ~~coordinator~~director or designee:

- (1) A statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth in section 17-268, Standards for Reviewing Special Use Permits, below. Such information should include, at a minimum, a description of the use, days and hours of operation, number of employees, the scope of activities carried on by the proposed special use, and other information as requested by the community development ~~coordinator~~director.
- (2) If the use is not listed as a permitted special use in the district for which it is requested, a statement in writing explaining how it is similar to a use which is listed as a permitted special use in the district for which it is requested.
- (3) A site plan of the proposed use identifying the location of all buildings and structures on the property; buildings, structures and pavement within 100 feet of the property line or within the adjacent property, whichever is less; open space; points of ingress/egress; the location, size and layout of parking; property lines; easements; and scale, north arrow and date.
- (4) A description of the existing use and zoning of land within 300 feet of the subject site, or within 1000 feet of the subject site if the subject site is within the extraterritorial boundary as set forth in Section 17-6.
- (5) A landscape plan showing all proposed and existing landscaping including berming, buffering and screening.
- (6) Estimated traffic generation of the proposed use.
- (7) Floor plans indicating the internal use of structures.
- (8) Architectural elevations.
- (9) An exterior lighting plan indicating the location of all lighting fixtures.
- (10) An accurate legal description of the subject property.
- (11) Other information, including a narrative description or product information as may be required by the planning commission. Such application shall be forwarded from the community development ~~coordinator~~director to the planning commission for review and, if approved, to council for confirmation.

(Ord. No. 2750, § 2, 11-17-97)

### Sec. 17-265. Public hearings.

The planning commission shall hold one public hearing to review, consider, and approve, approve with conditions, or disapprove an application after the following public notification is given by the community development ~~coordinator~~director:

- (1) *Mailing.* Notice shall be provided a minimum of 15 calendar days and no more than 30 calendar days in advance of the public hearing, to all owners of land within 250 feet, or within 1000 feet if the property is within the extraterritorial boundary as set for in Section 17-6, of the periphery of the land subject to the application whose names and addresses are known by reference to the most recently published ad valorem tax records of the county assessor, except that when the land is improved with a

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condominium, notice shall be given to the condominium association. Notice shall be presumed to have been given when mailed in accordance with these provisions.

- (2) *Legal notice.* Legal notice shall be given by advertisement in a local newspaper of general circulation at least 15 and not more than 30 days prior to the public hearing.
- (3) *Posting.* Notice shall also be given by posting a sign in the front yard of said property stating that a special use request on said property is under consideration. The sign shall remain until action is taken by the city council.

(Ord. No. 2750, § 2, 11-17-97)

### **Sec. 17-289. Public hearings.**

The board of zoning appeals shall hold one public hearing to review, consider, and approve, approve with conditions, or disapprove an application after the following public notification is given by the community development ~~coordinator~~director:

- (1) *Legal notice.* By publication in a newspaper of general circulation within the community not more than 30 nor less than 15 days before the hearing. Said notice shall contain the legal description, the address and location of the property, and a brief description of the nature of the intended change.
- (2) *Mailing.* By mailing a written copy of said notice to the owner or agent of all property within 250 feet, or within 1000 feet if the property is within the extraterritorial boundary as set for in Section 17-6, of the property in question, whose names and addresses are known by reference to the most recently published ad valorem tax records of the county assessor, except that when the land is improved with a condominium, notice shall be given to the condominium association.
- (3) *Posting.* By posting a sign in the front yard of said property stating that a variance on said property is under consideration. Said sign shall remain until action is taken by the board of zoning appeals

(Ord. No. 2750, § 2, 11-17-97)

### **Sec. 17-329. Application for an amendment.**

An application for an amendment shall be filed with the community development ~~coordinator~~director on an official, prescribed form. The application shall be accompanied by the following plans, data or information:

- (1) A statement in writing by the applicant and adequate evidence showing that the proposed amendment will conform to the standards set forth in section 17-333, Standards for Amendments, below.
- (2) Applications for map amendments shall include the following:
  - a. A locational map of the subject site, identifying the location of all buildings and structures on the property; buildings, structures and pavement contiguous to the property; a description of the land use and zoning within 250 feet of the property, or within 1000 feet if the property is within the extraterritorial boundary as set for in Section 17-6; points of ingress/egress; the location, size and layout of parking; property lines; easements; and scale, north arrow and date.
  - b. An accurate legal description of the subject property.
  - c. Other information, including a narrative description, as may be required by the planning commission.

Such application shall be forwarded from the community development ~~coordinator~~director to the planning commission for their review and action.

(Ord. No. 2750, § 2, 11-17-97)

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### **Sec. 17-330. Public hearing by the planning commission.**

The planning commission shall hold at least one public hearing in accordance with this chapter after the following public notification is given by the community development ~~coordinator~~director:

- (1) *Mailing.* Notice shall be provided via first class mail, a minimum of 15 days and a maximum of 30 days in advance of the public hearing, to all owners of land within 250 feet, or within 1000 feet if the property is within the extraterritorial boundary as set for in Section 17-6, of said property whose names and addresses are known by reference to the most recently published ad valorem tax records of the county assessor, except that when the land is improved with a condominium, notice shall be given to the condominium association. Notice shall be presumed to have been given when mailed in accordance with these provisions.
- (2) *Legal notice.* Legal notice shall be given by advertisement in a local newspaper of general circulation at least 15 days and no more than 30 days prior to the public hearing.
- (3) *Notification to organizations.* Notification a minimum of no less than 15 days prior to the public hearing shall be given by first class mail to any organization which requests notice.
- (4) *Posting.* A sign shall be posted in the front yard of said property stating that a zoning amendment for said property is under consideration. The sign shall remain until action is taken by the city council.

(Ord. No. 2750, § 2, 11-17-97)

### **Sec. 17-365. Public hearing.**

The board of zoning appeals shall hold one public hearing in conformance with the requirements of section 17-330, Public Hearing Procedures, to review, consider, and approve, approve with conditions, or disapprove an appeal after the following public notification is given by the community development ~~coordinator~~director.

- (1) *Mailing.* Notice shall be provided a minimum of 15 calendar days and no more than 30 calendar days in advance of the public hearing, to all owners of land within 250 feet, or within 1000 feet if the property is within the extraterritorial boundary as set for in Section 17-6 (exclusive of intervening streets and alleys), of the periphery of the land subject to the application whose names and addresses are known by reference to the most recently published ad valorem tax records of the county assessor, except that when the land is improved with a condominium, notice shall be given to the condominium association. Notice shall be presumed to have been given when mailed in accordance with these provisions.
- (2) *Legal notice.* Legal notice shall be given by advertisement in a local newspaper of general circulation a minimum of 15 calendar days and no more than 30 calendar days in advance of the public hearing.

(Ord. No. 2750, § 2, 11-17-97)