

**ORDINANCE NO. 2941**

**AN ORDINANCE AMENDING THE CITY CODE OF ORDINANCES,  
CHAPTER 90, ARTICLE I, SECTION 90-15, DEFINITIONS,  
TO INCLUDE A DEFINITION FOR “HARDSHIP”**

WHEREAS, the City of Highland, Madison County, Illinois (hereinafter “City”), is a non-home rule municipality duly established, existing and operating in accordance with the provisions of the Illinois Municipal Code (Section 5/1-1-1 et seq. of Chapter 65 of the Illinois Compiled Statutes); and

WHEREAS, City has determined there is no definition for “Hardship” in the City Code of Ordinances; and

WHEREAS, City has determined the Combined Planning and Zoning Board (“CPZB”) would be able to better assess the need to grant a zoning variance with Hardship defined in the City Code; and

WHEREAS, the Planning and Zoning Administrator has informed the City Council that without Hardship defined in the City Code variances can be misused and become a process for “wants” that do not adhere to the zoning code, rather than for their intended purpose which is to address circumstantial “needs” that require special consideration; and

WHEREAS, the Planning and Zoning Administrator has informed the City Council that by defining Hardship there will be a clearer understanding of the unique circumstances that may be addressed through the variance process; and

WHEREAS, City has determined Chapter 90, Article I, Section 90-15, Definitions, shall be amended, in pertinent part to include a definition for Hardship as follows:

Hardship: As applied in association with zoning area variances, a circumstance that, by reason of exceptional shape of a lot, topographic conditions, or other physical conditions of a parcel of land, strict conformity to the dimensional

standards is unnecessarily burdensome or unreasonable in light of the purpose of this code.

and

WHEREAS, City Staff recommended to the CPZB that it should approve the text amendment in Chapter 90, Article I, Section 90-15, Definitions (*See* Staff Report attached hereto as **Exhibit A**); and

WHEREAS, the Combined Planning and Zoning Board recommended to the City Council that it approve the text amendment in Chapter 90, Article I, Section 90-15, Definitions (*See* CPZB Report attached hereto as **Exhibit B**); and

WHEREAS, the City Council finds it should approve the text amendment in Chapter 90, Article I, Section 90-15, Definitions, to include a definition for Hardship.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND AS FOLLOWS:**

- Section 1.* The foregoing recitals are incorporated herein as findings of the City Council of the City of Highland, Illinois.
- Section 2.* City has determined City Staff recommended to the Combined Planning and Zoning Board that it approve the text amendment in Chapter 90, Article I, Section 90-15, Definitions. *See* **Exhibit A**..
- Section 3.* City has determined the Combined Planning and Zoning Board recommended to the City Council that it approve the text amendment in Chapter 90, Article I, Section 90-15, Definitions. *See* **Exhibit B**.
- Section 4.* City Council approves the text amendment in Chapter 90, Article I, Section 90-15, Definitions, as stated in this Ordinance, to include a definition for “Hardship.”
- Section 5.* Chapter 90, Article I, Section 90-15, Definitions, shall now include a definition for Hardship, stating:
- Hardship: As applied in association with zoning area variances, a circumstance that, by reason of exceptional shape of a lot, topographic conditions, or other physical conditions of a parcel of land, strict conformity to the dimensional standards is unnecessarily burdensome or unreasonable in light of the purpose of this code.
- Section 6.* This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed by the City Council and approved by the Mayor of the City of Highland, Illinois and deposited and filed in the office of the City Clerk on the 17<sup>th</sup> day of June, 2019, the vote being taken by ayes and noes and entered upon the legislative record as follows:

AYES: Sloan, Frey, Bellm, Hipskind

NOES: None

APPROVED:

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Joseph R. Michaelis  
Mayor  
City of Highland  
Madison County, Illinois

ATTEST:

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Barbara Bellm  
City Clerk  
City of Highland  
Madison County, Illinois



# City of Highland

## Building and Zoning

**Meeting Date:** June 5, 2019 (Continuation of May 1, 2019)

**From:** Breann Speraneo, Planning & Zoning Administrator

**Text Amendment:** Section 90-15. – Definitions

**Description:** Definition of “Hardship”

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### Proposal Summary

The City of Highland (1115 Broadway) is requesting a text amendment to Chapter 90, Article I “In General,” Section 90-15. – Definitions of the Zoning Code add the definition of “hardship.”

### Purpose

One of the Standards for variances from Section 38-60 of the Zoning Code states, “Strict application of this article would result in great practical difficulties or **hardship** to the applicant, and prevent a reasonable return on the property.”

When this standard is not applied, variances can be misused and become a process for “wants” that do not adhere to the zoning code, rather than for their intended purpose, which is to address circumstantial “needs” that require special consideration.

By defining “hardship,” there will be a clearer understanding of the unique circumstances that are eligible to be addressed through the variance process.

### Proposed Text

**Hardship:** As applied in association with zoning area variances, a circumstance that, by reason of exceptional shape of a lot, topographic conditions, or other physical conditions of a parcel of land, strict conformity to the dimensional standards is unnecessarily burdensome or unreasonable in light of the purpose of this code.



City of Highland  
Building and Zoning

**Exhibit "C"**  
**Determination for Zoning Text Amendment**

On June 5, 2019, the City of Highland Combined Planning and Zoning Board at its regular meeting approved/denied a Zoning Text Amendment for the following:

**The City is of Highland (1115 Broadway) is requesting a text amendment to Chapter 90, Article I "In General," Section 90-15- Definitions of the Zoning Code to add the definition of "hardship."**

The City Council will consider the recommendation of the Combined Planning and Zoning Board at the June 17, 2019 meeting of the City Council.

In recommending APPROVAL (action) of this Zoning Text Amendment, the Combined Planning and Zoning Board considered all standards listed in the zoning regulation and all other conditions listed for that use in other sections of these regulations. In addition, the Combined Planning and Zoning Board found that the proposed use did/did not provide safeguards to assure its compatibility with the surrounding area.

Conditions (if any): NONE

[Signature]  
Chairperson of the Combined Planning and Zoning Board

6/5/19  
Date