

CHAPTER I THE PLANNING PROCESS

A. Introduction

A Comprehensive Plan is an official public document adopted by the Plan Commission and the City Council as a policy guide to decisions about the physical development of the community. It indicates in general how the citizens of the community want the City to develop in the next 10 to 20 years.

B. Comprehensive Plan

The purpose of the Comprehensive Plan is to provide a rational land use guide for development that fosters economic growth and encourages compatible and high quality land development and redevelopment. To implement the plan, the City of Taylorville must follow certain procedures and policies in order to maintain the trust of the public. To start, the City must comply with State statutes, which prescribe the purpose of the plan as follows:

To prepare and recommend to the corporate authorities a comprehensive plan for the present and future development or redevelopment of the municipality. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan, or part thereof, of that municipality. This plan may include reasonable requirements with reference to streets, alleys, public grounds, and other improvements hereinafter specified. The plan, as recommended by the plan commission and as thereafter adopted in any municipality in this state, may be made applicable, by the terms thereof, to land situated within the corporate limits and contiguous territory not more than one and one-half miles beyond the corporate limits and not included in any municipality. Such plan may be implemented by ordinances (a) establishing reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined; (b) establishing reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment; and (c) may designate land suitable for annexation to the municipality and the recommended zoning classification for such land upon annexation.

Following is a description of procedures and policies relevant to plan implementation.

C. Zoning Ordinance

A Zoning Ordinance is a legislative tool used for implementing the Comprehensive Plan. It delineates the boundaries for land use districts to regulate such things as use, density of population, and lot coverage.

The purpose of the zoning ordinance is to provide for:

... adequate light, pure air, and safety from fire and other dangers may be secured, that the taxable value of land and buildings throughout the municipality may be conserved, that congestion in the public streets may be lessened or avoided, that the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters may be lessened or avoided, and that the public health, safety, comfort, morals, and welfare may otherwise be promoted, and to insure and facilitate the preservation of sites, areas, and structures of historical, architectural and aesthetic importance.

D. Subdivision Regulations

Subdivision regulations are another legislative tool to implement the Comprehensive Plan by guiding the subdivision and development of land. Subdivision regulations provide coordination of otherwise unrelated plans as well as internal design of individual sites. Subdivision regulations should be continually reviewed for needed amendments to be drafted and adopted in response to policy and development changes.

The general purposes of the subdivision regulations are to:

- Protect and promote the public health, safety, convenience, comfort and general welfare;
- Guide the future growth and development;
- Provide for the proper location and width of streets, roads, building lines, open space and recreation and to avoid congestion of population;
- Protect and conserve the value of land, buildings, and improvements and to minimize conflicts among the uses of land and buildings;
- Establish reasonable standards of design for subdivision in order to further the orderly layout and use of land;
- Ensure that public facilities, including roads, water, sewer and drainage facilities, are adequate to serve the needs of proposed subdivisions.

E. Role of the Plan Commission

1. To prepare and recommend to the corporate authorities a comprehensive plan for the present and future development or redevelopment of the municipality.
2. To recommend changes, from time to time, in the official comprehensive plan.
3. To prepare and recommend to the corporate authorities, from time to time, a plan for specific improvements in pursuance of the official comprehensive plan.
4. To give aid to the municipal officials charged with the direction of projects for improvements embraced within the official plan, to further the making of these projects, and, generally, to promote the realization of the official comprehensive plan.
5. To prepare and recommend to the corporate authorities schemes for regulating or forbidding structures or activities which may hinder access to solar energy necessary for the proper functioning of solar energy systems, as defined in Section 1.2 of The Comprehensive Solar Energy Act of 1977, or to recommend changes in such schemes.
6. To exercise such other powers germane to the powers granted by this article as may be conferred by the corporate authorities.

F. Role of the City Council

1. Enact and amend the zoning ordinance and zoning district map after considering the Plan Commission's recommendation.
2. Amend the subdivision regulations after considering the Plan Commission's recommendation.
3. Accept or reject dedications of easements, rights-of-way and public lands on subdivision final plats after having been approved by the Plan Commission.
4. Approve engineering plans for construction of public improvements.
5. Approve financial guarantees of financing mechanisms to ensure construction of all public improvements within subdivision plats.

G. Role of Board of Appeals

The Board of appeals serves to protect the property owner from zoning ordinances that on their face may be valid, but which, when applied to particular facts, may result in “unnecessary hardship”. Unlike a Plan Commission, which serves mainly as a recommending body to the City Council, a Board of Appeals has the “final say” in the few matters it rules on at the local government level. The board functions in the following ways:

1. The Board of Appeals is primarily a quasi-judicial body rather than advisory or legislative body.
2. Its role in Zoning Administration is limited to three types of tasks:
 - The appeal of an administrative decision or interpretation where there is an ambiguous provision or an alleged error in the administration of the zoning regulations;
 - The granting of variances for cases of unnecessary hardship; and
 - Other matters referred to it by the city zoning ordinance, as allowed by state statute.
3. The board is not involved in the administering of the subdivision regulations.

H. Text Amendments

Before making any recommendation or decision on a proposed amendment to the text of the zoning or subdivision regulations, the Plan Commission must first hold a public hearing. The purpose of the hearing is to allow both sides to express their views on the proposed amendment. Just as a decision on rezoning request must be based on the best interests of the entire community, and not just the interests of a particular person or group of persons, amendments of the text of the zoning and subdivision regulations must also be based on the best interests of the entire community. The following are factors that are appropriate for consideration of proposed text amendments:

1. Whether the amendment is consistent with the intent and purpose of the zoning regulations and the specific article, section or subsection proposed to be amended.
2. What the impact will be on the areas that are most likely to be directly affected by the amendment.
3. Whether the proposed amendment is made necessary because of changed or changing conditions in the areas and zoning districts affected, or in the area of jurisdiction of such changed or changing conditions.

4. Whether the proposed amendment is consistent with the goals, objectives, policies and recommendations of the adopted Comprehensive Plan.