

CITY OF FREEPORT
STEPHENSON COUNTY, ILLINOIS
ORDINANCE NO. 2018-30

**AN ORDINANCE AMENDING THE ZONING CLASSIFICATION
OF PROPERTY LOCATED AT 327 EAST SPRING STREET, FREEPORT, ILLINOIS FROM
M-2 (GENERAL MANUFACTURING) TO (B-1 RESTRICTED RETAIL DISTRICT)**

**ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF FREEPORT, ILLINOIS**

THIS _____ DAY OF _____, 2018

**Published in pamphlet form by authority of the
City Council of the City of Freeport,
Stephenson County, Illinois, this
_____ day of _____, 2018.**

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OF PROPERTY LOCATED AT 327 EAST SPRING STREET, FREEPORT, ILLINOIS FROM
M-2 (GENERAL MANUFACTURING) TO B-1 (RESTRICTED RETAIL)**

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WHEREAS, the City of Freeport, Illinois (“City”) has Codified Ordinances of the City (the “Code”); and

WHEREAS, Section 1240.04 of the Codified Ordinances allows the City Council to change the zoning classification of property located within the corporate limits of the City; and

WHEREAS, the City of Freeport has been requested, by a Petition signed by Luke and Noeha Garard (hereinafter referred to as “Petitioners”), the owners of real property commonly known as 327 East Spring Street, Freeport, Illinois (hereinafter referred to as the “Property”), for a Map Amendment to change the zoning classification of the Property from M-2 (General Manufacturing) to B-1 (Restricted Retail) in order to allow the use of the Property for residential and commercial purposes; and

WHEREAS, pursuant to all due notice required by law, a public hearing was held by the Planning Commission regarding said Application on May 17, 2018; and

WHEREAS, after hearing all evidence presented by the Petitioners, the Planning Commission recommended, by a vote of 7-0, the granting of said Map Amendment, pursuant to findings of Fact as set forth in the Report attached hereto as Exhibit “A”.

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

Section 1. The above-recitals are incorporated herein and made a part hereof.

Section 2. The findings and recommendations of the Planning Commission as set forth in Exhibit A are hereby accepted , and the zoning classification for 327 East Spring Street, Freeport, Illinois, is hereby changed from “M-2” (General Manufacturing) to “B-1” (Restricted Retail). The parcel shall be forthwith designated as “B-1” on the official Zoning Map of the City.

Section 3. This Ordinance shall be effective upon its passage by the City Council, its approval by the Mayor, and its publication as provided by law.

Section 4. All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

Section 5. If any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, and this City Council hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted.

**PASSED BY A ROLL CALL VOTE OF THE CITY COUNCIL OF THE CITY OF
FREEPORT, ILLINOIS** this _____ day of _____, 2018.

Dovie L. Anderson, City Clerk

YEAS: _____
NAYS: _____
ABSTAIN: _____
PRESENT: _____

APPROVED by the Mayor of the City of Freeport this _____ day of _____, 2018.

Jodi Miller, Mayor

Date Published:
Date Effective:

Approved as to form:

City Legal Counsel

EXHIBIT A

CITY OF FREEPORT, ILLINOIS PLANNING COMMISSION

Date of Hearing: May 17, 2018
Petitioners: Luke and Noeha Garard
Property Description: 327 East Spring Street, Freeport, Illinois
PTIN: 18-14-31-234-002
Petition: Approval of a Map Amendment changing Zoning Classification from "M-2" (General Manufacturing) to "B-1" (Limited Retail).

REPORT OF ZONING BOARD OF APPEALS

On May 17, 2018, at 5:00pm, after due notice was provided as required by law, the Planning Commission of the City of Freeport met to conduct a public hearing on the application of Luke and Noeha Garard requesting a Map Amendment pursuant to Section 1240.04 of the Codified Ordinances changing the zoning classification of the parcel from "M-2" (General Manufacturing) to "B-1" (Restricted Retail) in order to allow the use of the property for residential and commercial purposes. This Board received a Staff Report (attached hereto as Exhibit PC1), offered an opportunity for public comment, and heard testimony presented on behalf of the Petitioners. Having heard the evidence, and there being no known objection to the Petition, the Planning Commission voted 7-0 to recommend approval of the requested Map Amendment. The Board made the following findings of fact in relation to their recommendation:

FINDINGS OF FACT

The proposed zoning amendment:

- Does not pose undue hardship;
- Will permit a reasonable use of the property;
- Will alleviate a practical difficulty;
- Will provide a private convenience and necessity of reasonable need and expediency;
- Does not produce a monopoly in the area;
- Is not merely a matter of economic convenience or advantage;
- Does not pose a substantial detriment to the public good or impairs the City's Zoning Code;
- Will not pose a substantial adverse effect upon traffic conditions, property values, public utility service, schools, parks, recreational facilities, or other matters pertaining to the public health, safety, and welfare;
- Will not unduly increase the population or intensity of land use in the area;
- Will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- Is compatible with utilities, access roads, drainage, and other necessary facilities currently provided; and
- Will pose a minimal, if any, effect on adjacent property owners and preserve the essential character of the area.

Respectfully,

Planning Commission, City of Freeport, Illinois

/s/ Nancy McDonald, Director of Community Development