

RESOLUTION NO. 26-53

**A RESOLUTION ESTABLISHING AN INTERIM ZONING APPLICATION
PROCEDURE AND DIRECTING ZONING MATTERS TO THE FORD
COUNTY ZONING BOARD OF APPEALS DURING THE PERIOD IN
WHICH THE FORD COUNTY REGIONAL PLANNING COMMISSION IS
UNABLE TO CONDUCT BUSINESS**

WHEREAS, Ford County, Illinois, has adopted and maintains a County Zoning Ordinance governing the use and development of property within the County's zoning jurisdiction; and

WHEREAS, the County Zoning Ordinance establishes the Ford County Regional Planning Commission (the "Regional Planning Commission" or "Commission") and the Ford County Zoning Board of Appeals (the "Zoning Board" or "ZBA") as components of the County's zoning administration process; and

WHEREAS, the current County Zoning Ordinance provides, among other things, for the referral of certain zoning matters to the Regional Planning Commission for review and/or an advisory report prior to further consideration by the Zoning Board of Appeals or the County Board; and

WHEREAS, Section 9(E) of the Ford County Zoning Ordinance presently provides that the County Board may amend, supplement, or change zoning regulations or district boundaries after public notice and hearings as provided by law and after report by the Regional Planning Commission and Zoning Board; and

WHEREAS, Section 9(A)(4)(d) of the County Zoning Ordinance provides for referral of certain conditional-use applications to the Regional Planning Commission for an advisory report concerning matters including neighborhood character, traffic conditions, public utilities, public health, public safety, and general welfare; and

WHEREAS, the Illinois Counties Code, including 55 ILCS 5/5-12001 et seq., authorizes counties to establish and administer zoning regulations and provides for the duties and authority of boards of appeals with respect to zoning variations, special uses, zoning amendments, and related matters; and

WHEREAS, pursuant to 55 ILCS 5/5-12009, a county zoning ordinance may provide for a board of appeals to determine and vary the application of zoning regulations in cases involving practical difficulties or particular hardship, subject to the terms of the applicable zoning ordinance; and

WHEREAS, pursuant to 55 ILCS 5/5-12009.5, special uses may be established by county zoning ordinance and may be granted only following the public hearing requirements established by law; and

WHEREAS, pursuant to 55 ILCS 5/5-12014, amendments to county zoning regulations and zoning district boundaries may be made by ordinance or resolution following the notice and public-hearing requirements established by law; and

WHEREAS, the County's zoning procedures must continue to comply with all applicable provisions of Illinois law, including all requirements concerning public notice, public hearings, due process, and the substantive standards established by the County's Zoning Ordinance; and

WHEREAS, the Regional Planning Commission currently does not have a sufficient number of duly appointed members to constitute a quorum necessary to conduct a meeting or take official action; and

WHEREAS, the County Board has diligently sought qualified individuals willing and able to serve on the Regional Planning Commission, but has been unable to locate a sufficient number of members necessary to constitute a quorum and permit the Commission to conduct business; and

WHEREAS, there is presently no current, formally adopted comprehensive plan for Ford County against which proposed zoning applications can be evaluated for consistency; and

WHEREAS, the County recognizes that planning for the orderly development and growth of Ford County is an important governmental function and that the eventual establishment of a properly constituted Regional Planning Commission and the development and adoption of a comprehensive plan are matters of importance to the County; and

WHEREAS, the present inability of the Regional Planning Commission to establish a quorum, together with the absence of a current comprehensive plan, has created an administrative impediment to the timely processing of zoning applications and amendments; and

WHEREAS, continued delay in the processing of zoning applications, including special-use applications, zoning variations, map amendments, text amendments, and other matters requiring consideration under the County Zoning Ordinance, may unnecessarily delay the County's ability to administer its zoning regulations and comply with applicable statutory and regulatory requirements; and

WHEREAS, the County Board finds that it is presently infeasible to require applicants to await review or consultation by a Regional Planning Commission that is unable to lawfully convene and conduct business; and

WHEREAS, the County Board further finds that an interim procedure is necessary to permit zoning matters to proceed in an orderly and timely manner while preserving all public-notice, public-hearing, due-process, and substantive zoning requirements imposed by State law and the Ford County Zoning Ordinance; and

WHEREAS, the County Board intends that this Resolution shall establish an interim administrative procedure and shall not be construed to waive, eliminate, or diminish any hearing,

notice, due-process, or other requirement imposed upon the County by Illinois law or otherwise required by the Ford County Zoning Ordinance, except as expressly modified by this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Ford County Board as follows:

Section 1. Findings

The foregoing recitals are hereby adopted as findings of the Ford County Board and are incorporated into this Resolution by reference.

Section 2. Interim Referral Procedure

Effective upon adoption of this Resolution and continuing until the conditions described in Section 4 are satisfied, any application or petition for a:

1. **Special Use Permit;**
2. **Variance or Variation;**
3. **Zoning Map Amendment or Rezoning;**
4. **Zoning Text Amendment; or**
5. **Other zoning matter requiring consideration by the Ford County Zoning Board of Appeals**

shall be processed and forwarded by the County Zoning Enforcing Officer directly to the Ford County Zoning Board of Appeals for consideration in accordance with the applicable provisions of the Ford County Zoning Ordinance and Illinois law.

Section 3. Suspension of Regional Planning Commission Consultation

During the interim period established by this Resolution, **no zoning application identified in Section 2 shall be delayed or held solely for the purpose of obtaining a report, recommendation, consultation, or other action from the Ford County Regional Planning Commission when the Commission is unable to lawfully convene and conduct business due to the absence of a quorum.**

The absence of a Regional Planning Commission report or recommendation shall not, by itself, prevent the Zoning Board of Appeals from conducting any public meeting or public hearing otherwise required by law or the Ford County Zoning Ordinance.

Nothing in this Resolution shall be construed to confer upon the Zoning Board of Appeals authority to take an action reserved by statute or ordinance to the County Board, nor shall this Resolution alter the final approval authority applicable to any particular zoning matter.

Section 4. Duration of Interim Procedure

The interim procedure established by this Resolution shall remain in effect until such time as:

1. The Ford County Regional Planning Commission has been duly constituted with a sufficient number of members to establish a quorum and lawfully conduct business; **and**
2. Ford County has established and adopted a current comprehensive plan, or such other comprehensive planning document as may lawfully serve the purposes for which the County's planning process requires a comprehensive plan.

Upon satisfaction of both conditions, the County Board may, by subsequent action, restore the Regional Planning Commission's review and consultation responsibilities consistent with the County Zoning Ordinance and applicable Illinois law.

Section 5. Preservation of Statutory and Ordinance Requirements

Nothing contained in this Resolution shall be interpreted to waive or modify:

- any statutory public-notice requirement;
- any required public hearing before the Zoning Board of Appeals;
- any required notice to affected property owners or members of the public;
- any substantive standard applicable to the granting of a variance, special use, map amendment, text amendment, or other zoning action;
- any requirement concerning due process;
- any requirement concerning review or final action by the County Board; or
- any other requirement imposed by applicable Illinois law.

All zoning matters shall continue to be processed in accordance with the applicable provisions of the Ford County Zoning Ordinance, except that the Regional Planning Commission referral or consultation contemplated by County procedure shall not be required during the interim period established herein when the Commission lacks a quorum to conduct business.

Section 6. Administrative Direction

The Ford County Zoning Enforcing Officer, and any other County official responsible for the administration of the County Zoning Ordinance, is hereby directed to implement the interim procedure established by this Resolution and to forward qualifying zoning applications to the Ford County Zoning Board of Appeals without unnecessary delay.

Section 7. Severability

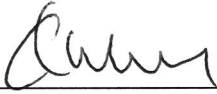
If any provision of this Resolution is determined to be invalid or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity or enforceability of the remaining provisions of this Resolution.

Section 8. Effective Date

This Resolution shall be effective immediately upon its adoption by the Ford County Board.

ADOPTED this 14th day of September, 2026.

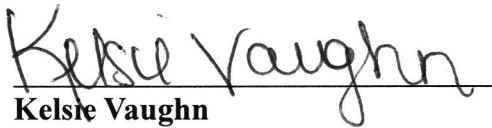
FORD COUNTY BOARD



Chase McCall

Chairman, Ford County Board

Attest:



Kelsie Vaughn

Ford County Clerk & Recorder

