

**AN ORDINANCE APPROVING A SPECIAL USE FOR
AN OUTDOOR BUSINESS ACTIVITY AND GRANTING A VARIANCE**

WHEREAS, the Islamic Society Northwest Suburbs of Chicago, “Petitioner,” has requested that the City approve a Special Use to allow a tent as a temporary structure on an annual basis for up to 45 days per year during Ramadan in the front of their building. Petitioner also requests variances from the requirements for the tent to remain in place for not more than eight (8) days, allow the obstruction of a parking space for the disabled and encroach into the front yard setback area; and

WHEREAS, after publication of notice thereof, as provided by law, the Plan Commission has conducted a public hearing on September 4, 2012 at 7:30 p.m. at City Hall, 3600 Kirchoff Road, Rolling Meadows, Illinois, to consider the Special Use and Variances requested; and

WHEREAS, the Plan Commission has made its recommendation to the City Council recommending approval of the Special Use to allow a tent, as a temporary structure, pursuant to section 122-27(d)(8) of the Comprehensive Zoning Code and Variances from the requirements as provided in section 122-27(d)(8)(b) and (d) providing for the obstruction of a disabled parking space and exceeding the maximum time from eight (8) days per year and encroaching into the front yard setback by seven (7) feet; and

WHEREAS, the City Council has reviewed the minutes and recommendations of the Plan Commission; and

WHEREAS, the City Council finds that the evidence is such as to establish the following beyond reasonable doubt:

That the proposed use at the particular location required is necessary or desirable to provide a service of a facility which is in the interest of public convenience and will constitute to the general welfare of the neighborhood or the community; and

That such use will not under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity; and

The proposed use will comply with the regulations and the conditions specified in this chapter for such use and with the stipulations and conditions made a part of the authorization granted by the City Council and;

WHEREAS, the City Council has determined that the Variances from the duration of time the tent will be in place, the obstruction of a disabled parking space and encroachment into the front yard setback requirements, as requested by the Petitioner will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Illinois, as follows:

SECTION ONE: The Petitioner is hereby granted a Special Use for a tent, as a temporary outdoor business activity, as provided in section 122-27(d)(8) of the Code.

SECTION TWO: The Petitioner is hereby granted Variances from the provisions contained in section 122-27(d)(8)(b) and (d) to allow the tent for a period in excess of eight (8) days and to obstruct a disabled parking space, respectively. The Petitioner is also granted a

variance from the provisions of section 122-227 to allow the tent to encroach into the front yard setback for a distance of seven (7) feet.

SECTION THREE: The Special Use and Variance as herein allowed and granted are subject to the following conditions:

- A. The tent is to be erected for no more than a total of 45 continuous days per year for a maximum of three years. During the three year timeframe, the petitioner is to explore alternate arrangements. Should the petitioner continue to need the tent after the three year timeframe, the petitioner is to reapply for additional zoning relief; and
- B. Building, electrical and food service permits shall be sought annually for the erection of the tent; and
- C. Inspections of the structure shall be conducted every two weeks during the duration the tent is erected to ensure the integrity and safety of the temporary structure. The additional inspections shall be paid for by the Islamic Society; and
- D. Additional food service inspections shall be conducted on an as-needed basis and paid for by the Islamic Society; and
- E. Adequate trash receptacles shall be provided for the outdoor area and the premises shall be kept free of any debris; and
- F. Any damage to the parking lot as a result of the temporary structure shall be repaired within 6 weeks of the tent removal.

SECTION FOUR: This Ordinance shall be in full force and effect from and after its date of passage and approval as required by law.

SECTION FIVE: This Ordinance shall be printed and published in pamphlet form by order of the City Council of Rolling Meadows, Illinois.

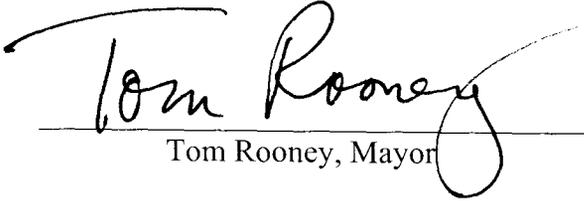
YEAS: Cannon, Allen, Judd, Banger, Larsen

NAYS: D'Astice

ABSENT: Buske

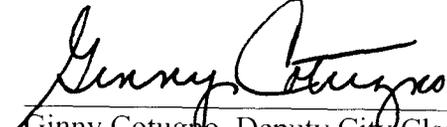
Passed this 9th day of October 2012.

Approved this 9th day of October 2012.



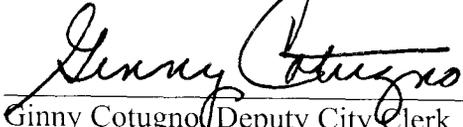
Tom Rooney, Mayor

ATTEST:



Ginny Cotugno, Deputy City Clerk

Published this 10th day of October 2012.



Ginny Cotugno, Deputy City Clerk