

**AN ORDINANCE CREATING A PLANNING
AND ZONING COMMISSION AND DISSOLVING THE
PLAN COMMISSION AND ZONING BOARD OF APPEALS**

WHEREAS, the City Council has determined that it is in the best interests of the City to dissolve the Plan Commission and Zoning Board of Appeals and create a single Planning and Zoning Commission.

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

SECTION ONE: Chapter 78, "Planning", Articles II and III are hereby repealed and replaced with the following:

ARTICLE II. - PLANNING AND ZONING COMMISSION

Sec. 78-26. - Created.

A planning and zoning commission for the city is hereby created.

Sec. 78-27. - Membership; terms; vacancies; quorum.

(a) The planning and zoning commission shall consist of nine members to be appointed by the mayor and confirmed by the city council. The term of office of each member shall be for three years or until his successor is appointed. The planning and zoning commission shall elect from among its members, its chairman to serve for a term of one year or until his successor has been elected.

(b) If any vacancy occurs during the term of office, appointment shall be made for the unexpired term, only. If any member misses two consecutive regularly scheduled meetings of the commission, other than the president of the board of local improvements, a vacancy may be declared by the mayor and the vacancy filled as provided in this section.

(c) The attendance of five members shall constitute a quorum. A majority of the quorum shall be sufficient to pass on matters before the planning and zoning commission.

Sec. 78-28. - Organization; officers; compensation; technical services.

The members of the planning and zoning commission shall organize by the election of a chairman, vice-chairman, secretary and such other officers as may in their judgment be necessary. All the members and officers of the planning and zoning commission shall

serve as such without compensation, except that if the city council shall deem advisable the secretary may receive such compensation as may be fixed from time to time by the city council. If the planning and zoning commission shall deem it advisable to secure technical advice or service, it may do so upon authority from the city council.

Sec. 78-29. - General Powers.

The planning and zoning commission has the power to:

(1) Prepare and recommend to the city council a comprehensive plan for the present and future development or redevelopment of the city. 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 the city. This plan may include reasonable requirements with reference to streets, alleys, public grounds, and other improvements specified in this chapter. The plan, as recommended by the planning and zoning commission and as thereafter adopted, may be made applicable by the terms thereof to land situated within the corporate limits and contiguous territory not more than 1½ miles beyond the corporate limits and not included in any municipality. Such plan may be implemented by ordinances that:

- a. Establish reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements;
- b. Establish reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, streetlights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, stormwater drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment; and
- c. May designate land suitable for annexation to the city and the recommended zoning classification for such land upon annexation.

(2) Recommend changes, from time to time, in the official comprehensive plan.

(3) Prepare and recommend to the corporate authorities, from time to time, plans for specific improvements in pursuance of the official comprehensive plan.

(4) Give aid to the city officials charged with the direction of projects for improvements embraced within the official plan, further the making of these projects and, generally, promote the realization of the official comprehensive plan.

(5) 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, 30 ILCS 725/1.2, or recommend changes in such schemes.

- (6) To hear and decide appeals in accordance with Section 122-52.
- (7) Exercise such other powers germane to the powers granted by this article as may be conferred by the city council.

Sec. 78-30. - Records.

The planning and zoning commission shall keep written records of its proceedings which shall be open to inspection by the city council at all times.

ARTICLE III. - CITY PLAN

Sec. 78-61. - Part adopted.

(a) That part of the comprehensive plan looking to the present and future development and redevelopment of the city and contiguous unincorporated territory not more than 1½ miles beyond the corporate limits and not included in any other municipality, which part of the plan has been prepared and recommended to this council by the plan commission, has been adopted and shall be known as Part I of the Official City Plan of the City of Rolling Meadows.

(b) Such part I of the official city plan as adopted by subsection (a) of this section consists of one plan attached to Ordinance No. 55 and made a part of this article. The plan, together with all notations, references and other matters shown thereon, shall be as much a part of this article as if the plan notations and references were fully set forth in this article.

Sec. 78-62. - Interpretation.

In interpreting and applying this article and the provisions of the plan adopted by this article, such provisions shall in every instance be held to be the minimum reasonable requirements adopted for the promotion of public health, safety, comfort and convenience of the inhabitants of the city and contiguous territory.

Sec. 78-63. - Changes and amendments.

From time to time the planning and zoning commission may recommend changes in part I of the city plan or any other part of the official city plan which may be subsequently adopted.

Sec. 78-64. - Conformity of maps and plats.

No map or plat of any subdivision presented for record, affecting land within the corporate limits or within contiguous territory that is not more than 1½ miles beyond the corporate limits and not included in any municipality shall be entitled to be recorded or shall be valid unless the subdivision shown thereon provides for streets, alleys, public grounds and other standards of design for subdivision and for resubdivision of unimproved land and of areas subject to redevelopment in conformity with part I adopted in this article or any other part of the official city plan that may be subsequently adopted.

Sec. 78-65. - Variations.

The permissible degree of variation from the literal requirements of the official city plan or any part thereof shall be determined by the city council after receipt of the recommendation of the planning and zoning commission.

Sec. 78-66. - Matters referred to planning and zoning commission.

The plats and all plans for all subdivisions and resubdivisions within the jurisdiction of the city, amendments to chapter 122 of this Code, planned unit developments or other matters and relating to the general development of the community and which may affect or be affected by the official city plan or any part thereof shall be referred to the planning and zoning commission for examination, hearing if required by law, and preparation of a written report before the council shall take action thereon.

Sec. 78-67. - Reimbursement of professional fees and expenses.

- (1) In the event that it is necessary for the city to retain the services of a professional, including, but not limited to, attorneys, engineers, planners, architects, surveyors, traffic or drainage experts, or other consultants, in connection with any petitioner's request for the city to consider or otherwise take action upon any zoning change, special use, planned unit development, variation from the City Code, subdivision or other improvement or development upon real property, then the petitioner and the owner of the property shall be jointly and severally liable for payment of such professional fees and reimbursement shall be made to the city within 30 days of receipt of an invoice for same. Further, any professional fees incurred as a result of the petitioner, owner or other agent requesting an opinion or otherwise requesting relief or assistance from the city, whether or not related to real property, shall be reimbursed in accordance with this section if, in the discretion of the city, a professional opinion is desired.
- (2) Any expenses incurred, including, but not limited to, mailing and copying, as a result of any such request, application, or development application, shall be reimbursed to the city.
- (3) At the time the petitioner requests action from the city, he or she will be required to execute a reimbursement of fees agreement.
- (4) Failure to reimburse the city in accordance with this section may, in the city's discretion, result in the refusal of any board, committee or the city council to consider or take action upon any pending or further requests from the petitioner or owner who has failed to pay in full all amounts due under this section. Further, the city may deny any application for a grading, building or other permit if such amounts have not been paid in full and the city may elect to file a lien against any real property associated with such a petitioner's request. Interest in the amount of one and one-half percent per month shall accrue on all sums outstanding for 30 days or more.

SECTION TWO: Chapter 98, "Subdivisions", Section 98.2 is hereby amended by repealing the definitions of "Conditional Approval", "Official Plan" and "Planning and Zoning Commission" and inserting the following:

Conditional Approval means an approval, with or without recommended alterations, given to a preliminary plat by the planning and zoning commission and providing the necessary authority to proceed with the preparation and presentation of the final plat.

Official Plan means the comprehensive plan or any portion thereof made and adopted by the planning and zoning commission in accordance with the laws of the state and the city ordinances indicating the general or specific locations recommended for streets, parks, public buildings, zoning districts and all other public improvements.

Planning and Zoning Commission means the city planning and zoning commission.

SECTION THREE: Chapter 98, "Subdivisions", Section 98-6, paragraphs (a) through (g) are hereby repealed and replaced with the following:

(a) Whenever any subdivision of land shall be laid out, the subdivider thereof or his agent shall submit a preliminary and a final subdivision plat to the planning and zoning commission. Such plats and plans of proposed improvements and all procedures relating thereto shall in all respects be in full compliance with this chapter.

(b) Until plats and plans for the subdivision are approved, properly signed and recorded:

(1) No land shall be subdivided nor shall any street be laid out nor shall any improvements be made to the natural land.

(2) No lot, tract, or parcel of land within any subdivision shall be offered for sale nor shall any sale, contract for sale or option be made or given.

(3) No improvements such as sidewalks, water supply, stormwater drainage, sanitary sewer facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall be made by any owner or his agent or by any public service corporation at the request of such owner or his agent.

(c) All lands offered to the city for use as streets, alleys, schools, parks, and other public uses shall be referred to the planning and zoning commission for review and recommendation before being accepted by the city council or by any other governing authority of the city.

(d) No plat will be approved for a subdivision which is subject to periodic flooding or which contains poor drainage facilities and which would make adequate drainage of the lots and streets impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the city engineer, make the area safe for residential

occupancy, and provide adequate lot and street drainage, the plat of the subdivision may be approved. See subsection 98-132(a)(14).

(e) In all subdivisions due regard shall be given to the preservation of historical sites and natural features such as large trees, watercourses and scenic views.

(f) For preliminary plats for parts of tracts, where it appears necessary to the planning and zoning commission for the satisfactory overall development of an area, an owner may be required to prepare at least a street plan of his entire tract based upon proper topographic surveys before approval of any portion of such plan.

(g) Whenever an area is subdivided into lots of 40,000 square feet or more which may at a later date be resubdivided, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be located which will permit a logical arrangement of smaller lots.

SECTION FOUR: Chapter 98, "Subdivisions", Section 98-36 is hereby repealed and replaced with the following: This chapter shall be administered by the planning and zoning commission acting in lieu of the city council except as specifically provided in this chapter. The Public Works Director or his designee is designated and authorized to enforce of this chapter.

SECTION FIVE: Chapter 98, "Subdivisions", Section 98-40(a) is hereby repealed and replaced with the following:

(a) When the subdivider can show that a section of this chapter, if strictly adhered to, would cause unnecessary hardship and when, in the opinion of the planning and zoning commission, because of topographical or other conditions peculiar to the site a departure may be made without destroying the intent of such section, the planning and zoning commission may recommend a variance or modification to the city council. The subdivider shall apply in writing for such variance or modification of the action. Any variance or modification thus authorized shall be attached to and made a part of the final plat.

SECTION SIX: Chapter 98, "Subdivisions", Sections 98.41(a) and (b) are hereby repealed and replaced with the following:

(a) Procedure. Any party aggrieved by a decision of the city engineer, Public Works Director or his designee or planning and zoning commission may, within 45 days thereafter, appeal therefrom to the city council, and he shall file with the commission a written notice of appeal specifying the decision from which such appeal is taken.

(b) Transcript of proceedings. Upon receiving notice of appeal, the planning and zoning commission shall transmit to the city council a certified copy of the proceedings in the case upon which the appeal is taken.

SECTION SEVEN: Chapter 98, "Subdivisions", Section 98-42(i) is hereby repealed and replaced with the following:

(i) Other certificates, affidavits, endorsements or dedications. Such other certificates, affidavits, endorsements, or dedications as may be required by the planning and zoning commission or the city council in the enforcement of this chapter shall be in the form prescribed by the planning and zoning commission and the city council.

SECTION EIGHT: Chapter 98, "Subdivisions", Sections 98-101(a) through (c) are hereby repealed and replaced with the following:

(a) Preapplication conference. Prior to the filing of an application for approval of the preliminary plat, the subdivider may submit to the planning and zoning commission plans and data in sketch form and as specified in division 3 of this article. This step does not require formal application, fee or filing of the plat.

(b) Advice to subdivider. The purpose of the preapplication conference is to afford the subdivider an opportunity to avail himself of the advice and assistance of the planning and zoning commission and to consult early and informally with the planning and zoning commission staff or consultant before preparation of the preliminary plat and before formal application for its approval, in order to save time and money and to make the most of his opportunities.

(c) Notification. Within 90 days the planning and zoning commission shall inform the subdivider that the plans and data as submitted or as modified do or do not meet the objectives of this chapter. When the planning and zoning commission finds the plans and data do not meet the objectives of this chapter, it shall express its reasons therefor.

SECTION NINE: Chapter 98, "Subdivisions", Sections 98-102(a) through (j) are hereby repealed and replaced with the following:

(a) Preparation. On reaching conclusions informally by the preapplication conference regarding his general program and objectives, the subdivider shall prepare a preliminary plat, together with improvement plans and other supplementary material as specified in division 3 of this article. If a proposed subdivision is three acres or less in area, the subdivider shall have the right to dispense with preparation of the preliminary plat and to proceed directly with submission of the final plat. In such case, the fee of subsection (c) of this section shall be payable upon submission of the final plat.

(b) Submission. An application in writing with one reproducible vellum or mylar and 20 folded paper copies of the preliminary plat shall be filed with the Public Works Director or his designee at the City Hall at least 30 days prior to the regular meeting at which the plat is to be considered. The planning and zoning commission secretary will forward copies of the application with prints to the planning and zoning commission chairman and members of the planning and zoning commission, the city engineer, the city fire chief, the director of public works, and the city manager.

The planning and zoning commission secretary shall determine whether the preliminary plat is in proper form. The planning and zoning commission shall not receive or consider the application as filed until all documents are in accordance with the requirements set in this section.

(c) Fees. At the time of filing for conditional approval of the preliminary plat, the application shall be accompanied by a fee in accordance with the schedule of rates, fees, fines and penalties as adopted by the city council from time to time and found in appendix B to this Code.

(d) General factors for consideration. The planning and zoning commission will study the preliminary plat in connection with division 3 of this article, the official plan, including the major street plan, chapter 122 and the topography of the area, and will take into consideration the general requirements of the community, the particular requirements of the neighborhood, and the best use of the land to be subdivided. Particular attention will be given to specific requirements for parks, playgrounds, school sites, major streets, the adequacy of street connections and the suitability of the land for development. The preliminary plat will also be subject to check and comments to be submitted in writing within 30 days to the planning and zoning commission by the boards and officers listed in subsection (b) of this section.

(e) Planning and zoning commission hearing. After receipt of an application and the filing of all the required data and fees, the planning and zoning commission shall hold a public hearing. Notice shall be given of the time and place of the hearing not more than 30 and not less than 15 days before the hearing by publishing a notice thereof in a newspaper having a general circulation within the city. The applicant shall make written notification by certified mail, return receipt requested, to all property owners or tax bill recipients of property within 250 feet including rights-of-way, stating the date, time, place and nature of the hearing request. This notification is to be not less than 15 and not more than 30 days prior to the hearing. Notification to condominiums need not be mailed to each condominium unit, provided the notification is sent to the board of directors of the condominium association in care of the association president. Certified mail, return receipts (green cards) are to be submitted to the community development department no later than 48 hours prior to the hearing along with a map depicting the properties within the service area. Accompanying the return receipts shall be a sworn statement as to the source of the names and addresses notified.

(f) Planning and zoning commission conditional approval. Following review of the preliminary plat and other material submitted for conformity thereof to this chapter and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the planning and zoning commission shall, within 30 days, act thereon as submitted or modified, and if approved, the planning and zoning commission shall express its approval as a conditional approval and shall state the conditions of such approval, if any, or if disapproved shall express its disapproval and its reason therefor.

(g) Notification. The action of the planning and zoning commission shall be noted on three copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider, one copy forwarded with a report to the city council and the other retained by the planning and zoning commission.

(h) Meaning of conditional approval. Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat, which will be submitted for approval of the planning and zoning commission and for recording upon fulfillment of the requirements of this chapter and the conditions of the conditional approval, if any.

(i) City council conditional approval. The city council shall, within 30 days, upon receipt of the preliminary plat and report from the planning and zoning commission, upon motion and majority vote, conditionally approve or disapprove the preliminary plat and notify the planning and zoning commission and subdivider of its action.

(j) Effective period of conditional approval. Conditional approval of the preliminary plat shall be effective for a maximum period of 12 months, except that submission within this period of a final plat applying to a portion of the area covered by the preliminary plat shall extend the effective period of conditional approval to a maximum of 24 months from the date of submission of the preliminary plat. If a final plat has not been submitted to the planning and zoning commission within these time limits, the planning and zoning commission may require that the preliminary plat shall again be submitted to the planning and zoning commission for conditional approval.

SECTION TEN: Chapter 98, "Subdivisions", Sections 98-103(a) through (f) are hereby repealed and replaced with the following:

(a) Submission. After approval of the subdivision preliminary plat by the planning and zoning commission and fulfillment of the required conditions as provided in division 3 of this article, the subdivider shall apply for approval of a final plat. The application for approval shall be submitted in writing to the director of public works at least 30 days prior to the meeting at which it is to be considered. The application shall be in quadruplicate and shall be accompanied by the original inked plat on tracing cloth or vellum, one Van Dyke or sepia reproduction and 20 folded prints. The original and 20 paper copies are also to be accompanied by an electronic file media in a format compatible with the city's CAD capabilities and as approved by the Public Works Director or his designee. Specifications for the plat and for other documents to accompany the application are given in division 3 of this article. The final plat will not be considered as submitted unless in agreement with specifications and accompanied by required documents. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of this chapter.

(b) Planning and zoning commission action. Within 45 days after submission the planning and zoning commission shall approve or disapprove the final plat. If the planning and zoning commission approves, such approval shall be entered upon the tracings by the signatures of the chairman and secretary of the planning and zoning commission. The tracings shall then be transmitted to the city council by the planning and zoning commission with recommendation for council approval. If the planning and zoning commission disapproves, it shall set forth its reasons in its own records and provide the applicant with a copy.

(c) City council action. Within 30 days after receiving the final plat from the planning and zoning commission, the city council shall take action. If the council approves, such approval shall be entered upon the tracings by the signatures of the mayor and city clerk. Approval by the council shall be by resolution setting forth all conditions upon which approval is predicated. If the council disapproves, it shall set forth its reasons in its own records and provide the applicant and planning and zoning commission with a copy.

(d) Filing. The city attorney or city clerk shall record the plat with the county recorder of deeds after approval by the city council and after request of the subdivider that the plat be recorded. After acceptance of the plat by the city, but prior to the recording the plat, the subdivider shall pay to the city the required filing fee in addition to all costs and attorney's fees incurred for the filing of the plat. No building permit shall be issued nor shall any construction be started until evidence of recording has been delivered to the Public Works Director or his designee. A sepia tracing shall be returned to the planning and zoning commission for filing. Appropriate notifications shall be given the planning and zoning commission and the subdivider advising council approval or disapproval and advising document numbers after recording.

(e) Approval not acceptance of improvements. Approval of the final plat shall not be deemed to constitute or effect any acceptance by the city of any improvement shown on the plat.

(f) Failure to record plat. Unless a plat of subdivision approved by the city council is recorded with the county recorder of deeds within two years of the date of city council approval, the approval of the plat automatically expires without further action of the city council. Thereafter, the plat shall be of no force and effect.

SECTION ELEVEN: Chapter 98, "Subdivisions", Section 98-132(15) is hereby repealed and replaced with the following:

(15) Subsurface conditions on the tract, if required by the planning and zoning commission, including location and results of tests made to ascertain subsurface soil, rock and groundwater conditions; depth to groundwater unless test pits are dry at a depth of five feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.

SECTION TWELVE: Chapter 98, "Subdivisions", Sections 98-133(a) and (b) are hereby repealed and replaced with the following:

(a) Final plat. The subdivision final plat shall be drawn in ink on tracing cloth reproducible mylar or vellum. The final plat shall also be submitted on an electronic file media in a format compatible with the city's CAD capabilities and as approved by the Public Works Director or his designee on sheets not to exceed 36 inches wide by 48 inches long. Tracings shall have dimensions that are multiples of nine inches along one side and multiples of 12 inches along the adjacent side. Tracings shall be submitted rolled in a mailing tube, and prints shall be submitted folded to nine inches by 12 inches. The drawings shall be to a scale of one inch equals 50 feet. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions the final plat may be submitted for approval progressively in contiguous sections satisfactory to the planning and zoning commission. The final plat shall show the following:

- (1) Name of the subdivision.
- (2) Evidence of ownership.
- (3) Legal description, including location by township, section, town, and range.
- (4) Scale of not more than one inch to 100 feet (shown graphically) or as agreed by the planning and zoning commission.
- (5) Date and true north arrow.
- (6) Boundary of plat, based on closure accuracy of one foot in 10,000 feet, with angles and lineal dimensions.
- (7) Exact location, right-of-way widths, and names of all streets within and adjoining the plat, and the exact location and widths of all pedestrian easements. Streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets.
- (8) True bearings and distances to the nearest established street lines or official monuments (not less than three), which shall be accurately described in the plat.
- (9) Township or section lines accurately tied to the lines of the subdivision by distances and angles.
- (10) Radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs.
- (11) Reserved.
- (12) Location, dimensions and purpose for all easements. Location, dimensions and purposes for all easements, including, but not necessarily limited to, electric, telephone, gas, cable TV, water main, sanitary sewer, storm sewer, drainage, street lights, pedestrian and ingress and egress.
- (13) All block and lot numbers and lines, with accurate dimensions in feet and hundredths.
- (14) Location and description of permanent monuments or benchmarks.
- (15) Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed covenant for common uses of all property owners.
- (16) Building setback lines accurately shown by dimension.

- (17) Protective covenants which meet with the approval of the planning and zoning commission, lettered on the final plat.
- (18) A summary on its face of all restrictions applicable to any part of the subdivision relating to building restrictions, use restrictions, building lines or otherwise.
- (19) Certification by a state-registered land surveyor to the effect that the plat represents a survey made by him and that the monuments shown thereon actually exist as located and that all dimensional and other details, such as curve data, are correct.
- (20) Notarized certification by the owner of the land or other persons having an interest therein of the adoption of the plat and the dedication of streets and other public areas.
- (21) Certification by signature of the proper officials of the county that there are not tax delinquencies.
- (22) Certification by signature of the city clerk that there are no special assessment delinquencies or other liens.
- (23) Approval by signatures of the Public Works Director or his designee and city engineer indicating that the plat has been checked, that all working drawings and specifications for improvements have been prepared in conformance with city standards and requirements and that engineering fees have been paid.
- (24) A list of and certification by signatures of the Public Works Director or his designee and city attorney that satisfactory provisions have been made for the guarantee of performance for construction of the required improvements. On items where construction has already been completed, there shall be certification by the Public Works Director or his designee and city engineer that construction has been completed and inspected and found to be in accordance with city standards and requirements and that surety has been posted to provide for repair of damage done while the subdivision is being completed.
- (25) Certification by signature of the city attorney that satisfactory conveyances to the city have been provided applying to rights-of-way for streets, alleys and easements, and that the necessary procedure has been established for acquisition of land for parks, playgrounds and other public use.
- (26) Approval by the city fire marshal indicating that the plat has been checked against the city fire code and conforms with the standards set forth therein.
- (27) Space for approval of the planning and zoning commission by date and signatures of the chairman and secretary of the commission.
- (28) Space for approval of the city council by date and signatures of the mayor and city clerk.
- (29) Subsections (a)(19) through (28) of this section shall be executed in the order of listing and shall be in the form set forth in section 98-42.
- (30) Unless waived by the city engineer, there shall be submitted a drainage study containing topographical information and calculations as may be required by the city engineer. The scope of such study shall include the subdivided land and any adjacent land area that may be affected or have storm water tributary to the development. The final plat shall have certification by signature of the subdivider and design engineer that the development of the subdivision shall not adversely affect surrounding property.

(b) Accompanying documents. Final plans and specifications for the improvements required by division 2 of article IV of this chapter, in strict conformity with subdivider's preparations for such improvements previously approved by the city engineer and signed by the subdivider and owner, shall be furnished.

SECTION THIRTEEN: Chapter 98, "Subdivisions", Section 98-161(b) is hereby repealed and replaced with the following:

(b) Neighborhood plan. If a suggested plan for the neighborhood or area in which the tract to be subdivided is located has been made by the planning and zoning commission, the street layout of the subdivision shall be in general conformance thereto.

SECTION FOURTEEN: Chapter 98, "Subdivisions", Sections 98-162(d), (e) and (k) is hereby repealed and replaced with the following:

(d) Where a subdivision abuts or contains an existing or proposed major highway or interstate highway, the planning and zoning commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(e) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the planning and zoning commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, for park purposes in residence districts, or for commercial or industrial purposes in appropriate districts. Such distances shall be determined also with due regard for the requirements of approach grades and future grade separations.

(k) No subdivision name or street names shall be used which will duplicate or be confused with the names of existing streets within or near the city. Street names shall be selected by the subdivider subject to the approval of the planning and zoning commission.

SECTION FIFTEEN: Chapter 98, "Subdivisions", Section 98-164(a) is hereby repealed and replaced with the following:

(a) Specifications. In a subdivision, all utilities shall be placed on rear or side property lines and shall be designed to provide continuity from block to block. Where a subdivision is traversed by a watercourse, an appropriate easement shall be provided for the watercourse, as determined by the city engineer. Where water mains, sanitary sewers, storm sewers, gas mains, telephone lines, power lines, or other utilities are located on or adjacent to property lines, adequate easements, in the form set forth in subsection (c) of this section, together with right of ingress or egress thereto and therefrom, shall be

provided and platted. Easements for gas mains, telephone lines, power lines, cable television or other utilities shall not be less than ten feet in width and centered upon the centerline of the utility. Easements for water mains, storm sewers or sanitary sewers shall not be less than 15 feet in width and centered upon the centerline of the utility. If the burial depth of the watermain, storm sewer or sanitary sewer exceeds ten feet, the width of the easement shall be increased to 20 feet. Where more than one utility is to occupy the easement, the easement shall be of such width as to extend five feet at each side beyond the centerline of the outermost utilities. Additional width shall be provided where necessary to accommodate utility pole bracing. The planning and zoning commission may require evidence of approval by the public utility company of easement width. Where side lot easements occur adjacent to a driveway, there shall not be less than five feet clearance between the easement line and the extreme projection of the building structure.

SECTION SIXTEEN: Chapter 98, "Subdivisions", Section 98-165(b) is hereby repealed and replaced with the following:

(b) The maximum lengths of blocks may be permitted up to 1,800 feet. Blocks over 800 feet may require pedestrian easements. Pedestrian easements not less than 12 feet in width shall be provided where deemed necessary by the planning and zoning commission. The use of additional pedestrian easements in any instance to provide safe and convenient access to schools, parks, shopping areas, or other similar destinations may be recommended by the planning and zoning commission. The minimum length of blocks shall be 400 feet.

SECTION SEVENTEEN: Chapter 98, "Subdivisions", Section 98-268 is hereby repealed and replaced with the following:

Sidewalks in pedestrian easements in a subdivision shall be placed where needed as determined by the planning and zoning commission. Materials used and methods of construction shall be the same as for sidewalks generally.

SECTION EIGHTEEN: Chapter 18, "Buildings", Section 18-246 is hereby repealed and replaced with the following:

Any variation request to the width, location, orientation or curbing requirements of this article shall be brought before the planning and zoning commission as per the legal requirements of this chapter.

SECTION NINETEEN: Chapter 18, "Buildings", Section 18-354(9) is hereby repealed and replaced with the following:

(9) Landscaping and site beautification that is required to be installed has a value of not less than \$1,000.00 per dwelling unit and all landscaping and site beautification plans have received prior approval of the planning and zoning commission prior to landscaping and site beautification installation; and

SECTION TWENTY: Chapter 38, "Environment", Sections 38-173(1) and (2) are hereby repealed and replaced with the following:

To further the specific purposes of this article, the following review procedures are established:

(1) Grading work less than 500 cubic yards. Where the aggregate volume of grading on any site or contiguous group of sites is in excess of 100 cubic yards but not over 500 cubic yards, the city Public Works Director or his designee shall review the application for the proposed site development permit. If the city Public Works Director or his designee finds the application for the proposed grading plan in conformance with this article, he may issue a permit with such reasonable conditions as he may deem necessary to secure substantially the objectives of this article or he may in the alternative refer the application to the Soil and Water Conservation District or the city planning and zoning commission in the manner provided in section 38-172.

(2) Grading work more than 500 cubic yards and/or removal of vegetation. Where the aggregate volume of grading on any site or contiguous group of sites is in excess of 500 cubic yards or the proposed cuts and fills exceed five feet at their maximum point or where approval to remove plant cover is required by this article:

a. The Public Works Director or his designee shall refer the application to the planning and zoning commission for review and recommendation. Such recommendation shall be submitted to the Public Works Director or his designee within 30 days.

b. Upon receipt of the recommendations of the planning and zoning commission and after consideration thereof, the Public Works Director or his designee shall approve, approve with such reasonable conditions as he may deem necessary to secure substantially the objectives of this article, or disapprove the application for the site development.

c. Failure of the Public Works Director or his designee to make a determination upon the approval, conditional approval, or disapproval of the application for a site development permit within 60 days after receipt of all necessary information for such action will constitute an approval of the application unless such time is extended with the consent of the applicant.

SECTION TWENTY-ONE: Chapter 38, "Environment", Sections 38-178(a) through (c) are hereby repealed and replaced with the following:

(a) Authority. If any person holding a site development permit pursuant to this article violates the terms of the permit or conducts or carries on the site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood of the property of the permittee or conducts or carries on

the site development so that it is materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Public Works Director or his designee shall revoke or suspend the site development permit.

(b) Procedure for revocation. No site development permit shall be permanently revoked or suspended until a hearing is held by the planning and zoning commission. Written notice of such hearing shall be served upon the permittee, either personally or by registered mail, and shall state the following:

1. The grounds for complaint or reasons for the revocation or suspension, in clear and concise language.
2. The time when and the place where such hearing is to be held. Such notice shall be served by registered mail or personal service on the permittee at least five days prior to the date set for the hearing. At any such hearing the permittee shall be given an opportunity to be heard, and he may call witnesses and present evidence on his behalf. Upon conclusion of such hearing the planning and zoning commission shall determine whether or not the permit shall be suspended or revoked.

(c) Hearing. The planning and zoning commission shall hold the hearing to consider recommendations for revocation or suspension of permits, which have been temporarily suspended, at the next regularly scheduled meeting of the planning and zoning commission at which all conditions of subsection (b) of this section can be fulfilled.

SECTION TWENTY-TWO: Chapter 98, "Subdivisions", Sections 98-6(a), (c) and (f) are hereby repealed and replaced with the following:

(a) Whenever any subdivision of land shall be laid out, the subdivider thereof or his agent shall submit a preliminary and a final subdivision plat to the planning and zoning commission. Such plats and plans of proposed improvements and all procedures relating thereto shall in all respects be in full compliance with this chapter.

(c) All lands offered to the city for use as streets, alleys, schools, parks, and other public uses shall be referred to the planning and zoning commission for review and recommendation before being accepted by the city council or by any other governing authority of the city.

(f) For preliminary plats for parts of tracts, where it appears necessary to the planning and zoning commission for the satisfactory overall development of an area, an owner may be required to prepare at least a street plan of his entire tract based upon proper topographic surveys before approval of any portion of such plan.

SECTION TWENTY-THREE: Chapter 122, "Zoning", Sections 122-2(n) and (o) are hereby repealed and replaced with the following:

(n) Public hearing for variance requests.

1. The planning and zoning commission shall hold public hearings on all appeals from rulings of the Public Works Director or his designee and requests for variances and shall permit all interested persons to offer oral or written testimony. The applicant shall serve, by certified mail, written notices of the appeals and public hearing to the adjacent owners within 250 feet in all directions at least seven calendar days prior to the hearing. If mailed, such notices shall be deemed to be served and delivered when deposited in the United States mail, addressed to the person at his last known address, with postage thereon paid.
2. After the close of the public hearing, the planning and zoning commission, by a majority vote of a quorum, may affirm, annul, or modify the order or action of the Public Works Director or his designee, and the planning and zoning commission shall recommend to the city council that it grant or deny the variance requested together with any recommendations or conditions it may wish the city council to impose.
3. The city council may accept, reject, or modify the findings and recommendations of the planning and zoning commission and may grant or deny a variance to this section as it may determine. The decision of the city council shall be final and binding on all parties.
4. Notice by sign. An applicant for public hearing for zoning change (other than to R-1, R-2, or R-5) shall, not less than 15 days prior to the date of the public hearing, post a readable sign three feet in height and four feet in width on the subject property adjacent to the public roadway. The sign herein required shall contain the current zoning action requested, date, time, and place where said hearing shall be held, a statement that further information can be obtained from the petitioner and the community development department of the city, the phone number of the petitioner and the community development department. The words "Notice of Public Hearing" must appear at the top of the sign in letters no smaller than two inches. The date, time, location and purpose of the public hearing shall be in letters no smaller than one and one-half inches.

The required sign is to be placed as close to the roadway right-of-way on the subject property as practicable. The sign shall be capable of withstanding all loads and forces as prescribed by the building code of the city. All costs associated with the sign shall be borne by the petitioner. No sign fees are due the city for the required sign.

The applicant shall remove the sign on the date of the first scheduled public hearing on the requested zoning change.

(o) Variances.

- (1) The corporate authorities may vary the application of this section in harmony with its general purpose and intent, in accordance with the procedure set forth in this subsection, where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of the subsections of this section. Any such variance shall be granted only by the adoption of an ordinance by the corporate authorities after a public hearing before the planning and zoning commission as provided in this section.
- (2) A variance may be granted only when special circumstances involving size, shape, topography, location or surroundings affect the property referred to in the application and the sign would not cause substantial injury to the value of other property in the vicinity or be detrimental to the public safety or welfare in the neighborhood in which it is located.
- (3) Variances may be granted only by ordinance passed by at least a majority vote of the city council after an application for a variance has been submitted to the planning and zoning commission and after publication a hearing is scheduled and held by the planning and zoning commission and its findings and recommendations are reported to the city council as provided in this section.
- (4) The planning and zoning commission may recommend and the city council may provide such conditions and restrictions upon the construction, location and use of any sign for which a variance is granted as may be deemed necessary to promote the general objectives of this chapter, and to minimize any injury to persons or property in the neighborhood. Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of the authorizations for such variance, whereupon the permittee or owner shall promptly bring the sign into compliance with this chapter or remove the sign.
- (5) All requests for variances in the requirements set forth in this section or appeals from any rulings of the Public Works Director or his designee shall be directed to the planning and zoning commission by serving written notice on the Public Works Director or his designee who, in turn, shall immediately transmit the notice to the planning and zoning commission. The planning and zoning commission shall set a public hearing date for the appeal or request for variance within 30 days thereafter. The Public Works Director or his designee shall take no further action on the matter pending the commission's decision, except for unsafe signs which present an immediate and serious danger to the public.
- (6) The filing fee for each application for sign variance shall be in accordance with the schedule of rates, fees, fines and penalties as adopted by the city council from time to time and found in appendix B of the Code of Ordinances.
- (7) All actions of the city council taken under this section shall be construed as administrative actions for the purpose of ensuring that inequities in specific

situations may be avoided by granting a variance and shall not be construed as amendments to this chapter unless otherwise provided by the city council.

SECTION TWENTY-FOUR: Chapter 122, "Zoning", Section 122-23(a) is hereby repealed and replaced with the following:

(a) In all zoning districts, except R-1, R-2, R-5 and R-6, off-street parking facilities shall be screened on each side and rear lot by a fence or wall of planted shrubbery not less than six feet in height, plus a planted strip of shrubbery not less than four feet in width in accordance with this subsection or according to an alternate arrangement approved by the planning and zoning commission. Landscaping and ground cover of grass or shrubs shall be provided and maintained on a continuing basis within the planted strip. At least one tree of not less than three-inch diameter size class shall be provided for every 1,500 square feet of pavement area up to 6,000 square feet. At least one tree of not less than three-inch diameter size class shall be provided for every 3,000 square feet of pavement area over 6,000 square feet. These trees shall be planted in islands of sufficient size, in paved areas, to maintain the trees growth.

SECTION TWENTY-FIVE: Chapter 122, "Zoning", Sections 122-25(d) and (e) are hereby repealed and replaced with the following:

(d) All garbage, refuse or grease receptacles existing at the time of the adoption of these provisions shall comply with the provisions hereof, within two years, except as extended by the planning and zoning commission upon appeal.

(e) Any person aggrieved by the decision of the Public Works Director or his designee may appeal that decision to the planning and zoning commission. The planning and zoning commission, after a public hearing, may affirm or reverse the decision of the Public Works Director or his designee. If the decision of the planning and zoning commission is to affirm the decision of the Public Works Director or his designee, an appeal may be made to the city council. Any appeal of a decision of the Public Works Director or his designee or planning and zoning commission shall be filed with the Public Works Director or his designee within 30 days of the date of the decision of the Public Works Director or his designee or planning and zoning commission. Upon receipt of an appeal the Public Works Director or his designee shall notify the planning and zoning commission or the city council of the appeal and cause the appeal to be placed upon the agenda of the planning and zoning commission or city council at their next available meeting.

SECTION TWENTY-SIX: Chapter 122, "Zoning", Section 122-26(e) is hereby repealed and replaced with the following:

(e) Appeals. Any person may appeal the provisions of the Code related to pedestrian and bicycle facilities or decision about same by the Public Works Director or his designee. Such appeal shall be before the planning and zoning commission and after public hearing the commission shall accept, reject or accept with modifications the

appellant's request or affirm or reverse the decision of the Public Works Director or his designee. If the appellant is aggrieved by the planning and zoning commission's decision, an appeal may be made to the city council and such appeal must be filed with the Public Works Director or his designee within 30 days of the planning and zoning commission decision.

SECTION TWENTY-SEVEN: Chapter 122, "Zoning", Sections 122-53(a) through (d) are hereby repealed and replaced with the following:

(a) Zoning commission. The regulations imposed and the districts created by this chapter may be amended from time to time, but no amendment to this chapter shall be made by the city council without prior public hearing before the zoning commission appointed by the mayor with the advice and consent of the city council, nor without a report of recommendations first having been made by the commission to the city council, and every such report shall be accompanied by findings of fact specifying the reasons for the recommendations. The mayor, with the advice and consent of the city council, shall appoint a chairman of the commission.

(b) Procedure for amending chapter.

- (1) The zoning commission shall consider from time to time any amendment to regulations imposed and districts created under this chapter which may be presented to the commission by the city council, either upon the council's initiative or in response to a properly prepared petition to the council signed by a majority of the property owners in the area proposed to be affected. The commission shall conduct public hearings with respect to any and all such proposed amendments, and all hearings conducted by the commission shall be open to the public. Notice shall be given of the time and place of the public hearing not more than 30 days nor less than 15 days before the hearing, by publishing a notice in a newspaper having a general circulation within the city.
- (2) The applicant for rezoning and zoning chapter amendments dealing with specific parcels of property shall make written notification by certified mail, return receipt, to all property owners or tax bill recipients within 250 feet, including rights-of-way, stating the date, time, place and nature of the hearing request. This notification is to be not less than 15 nor more than 30 days prior to the hearing date. Notification to condominiums need not be mailed to each condominium unit provided the notification is sent to the board of directors of the condominium association in care of the association president. Certified mail receipts (green cards) are to be submitted to the community development department no later than 48 hours prior to the hearing along with a map depicting the properties within the service area. Accompanying the return receipts shall be a sworn statement as to the source of the names and addresses notified. The source of the names and addresses must be approved by the city attorney.

(3) Notice by sign.

- a. An applicant for public hearing for zoning change (other than to R-1, R-2, or R-5) shall, not less than 15 days prior to the date of the public hearing, post a readable sign three feet in height and four feet in width on the subject property adjacent to the public roadway.
- b. The sign required in subsection (b)(3)a of this section shall contain the current zoning action requested, date, time, and place where such hearing shall be held, a statement that further information can be obtained from the petitioner and the community development department of the city, the phone number of the petitioner and the community development department. The words "Notice of Public Hearing" must appear at the top of the sign in letters no smaller than two inches. The date, time, location and purpose of the public hearing shall be in letters no smaller than 1½ inches.
- c. The required sign is to be placed as close to the roadway right-of-way on the subject property as practicable. The sign shall be capable of withstanding all loads and forces as prescribed by the building code of the city. All costs associated with the sign shall be borne by the petitioner. No sign fees are due the city for the required sign.
- d. The applicant shall remove the sign on the date of the first scheduled public hearing on the requested zoning change.

(c) Recommendations to city council. Upon the completion of the public hearing relating to any proposed amendment, the zoning commission shall report its recommendations to the city council. In considering such recommendations, due allowance shall be made by the commission for existing conditions, for the conservation of property values, for the direction of building development to the best advantage of the entire city, and for the uses to which the property affected is being devoted at the time, and no change shall be recommended unless it is required for the public good.

(d) Opposition to amendment. If a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of 20 percent of the frontage proposed to be altered or by the owners of 20 percent of the frontage immediately adjoining or across an alley therefrom or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered, is filed with the city clerk, the amendment shall not be passed except upon a favorable vote of two-thirds of all the members of the city council then holding office.

SECTION TWENTY-EIGHT: Chapter 122, "Zoning", Sections 122-122(p)(4), (5), (8) and (9) are hereby repealed and replaced with the following:

(p)(4) Municipal or privately owned recreational buildings or community centers. One parking space shall be provided for each three employees plus spaces adequate in number as determined by the planning and zoning commission to serve the visiting public.

(5) Public utility and public service uses. One parking space shall be provided for each three employees plus spaces adequate in number as determined by the planning and zoning commission to serve the public.

(8) Convents, fraternal institutions, rectories, parish houses and swimming pools. The planning and zoning commission shall determine the number of parking spaces to be provided for convents, fraternal institutions, rectories, parish houses and swimming pools.

(9) Uses not provided for. For uses not specifically covered in the schedule of parking requirements in this subsection, parking spaces shall be provided on the same basis as required for the most similar listed use or as determined by the planning and zoning commission.

SECTION TWENTY-NINE: Chapter 122, "Zoning", Sections 122-126(p)(4), (5) and (8) are hereby repealed and replaced with the following:

(p)(4) Municipal or privately owned recreational buildings or community centers. One parking space shall be provided for each three employees plus spaces adequate in number as determined by the planning and zoning commission to serve the visiting public.

(5) Public utility and public service uses. One parking space shall be provided for each three employees plus spaces adequate in number as determined by the planning and zoning commission to serve the public.

(8) Uses not provided for. For uses not specifically covered in this schedule of parking requirements in this subsection, parking spaces shall be provided on the same basis as required for the most similar listed use or as determined by the planning and zoning commission.

SECTION THIRTY: Chapter 122, "Zoning", Sections 122-127(p)(4), (5) and (8) are hereby repealed and replaced with the following:

(p)(4) Municipal or privately owned recreational buildings or community centers. One parking space shall be provided for each three employees plus spaces adequate in number as determined by the planning and zoning commission to serve the visiting public.

(5) Public utility and public service uses. One parking space shall be provided for each three employees plus spaces adequate in number as determined by the planning and zoning commission to serve the public.

(8) Uses not provided for. For uses not specifically covered in this schedule of parking requirements in this subsection, parking spaces shall be provided on the same basis as required for the most similar listed use or as determined by the planning and zoning commission.

SECTION THIRTY-ONE: Chapter 122, "Zoning", Section 122-156 (j)(2) is hereby repealed and replaced with the following:

(j)2. Outdoor recreational open space shall be provided at the rate of 75 square feet per guestroom. The design and landscaping of the open space shall be as approved by the planning and zoning commission.

SECTION THIRTY-TWO: Chapter 122, "Zoning", Sections 122-187 (f) and (g) are hereby repealed and replaced with the following:

(f) Side yards. No side yards are required, except when such use abuts upon the side of a lot in an R district, in which case there shall be a side yard on the lot in the district the same as specified for the adjacent R district, and in addition the yard shall have a six-foot fence or other screen as may be approved by the planning and zoning commission from any adjoining lot in the R district. Such fence or screening will be maintained by the owner.

(g) Rear yards. There shall be a rear yard of not less than 25 percent of the depth of the lot, but such rear yards shall be at least 30 feet, and in addition shall have a six-foot fence or other screen as may be approved by the planning and zoning commission from any adjoining lot in the R district. Such fence or screening will be maintained by the owner.

SECTION THIRTY-THREE: Chapter 122, "Zoning", Sections 122-189(6)(b), (7), (8) and (9) are hereby repealed and replaced with the following:

(6) Community service uses. Community service uses shall provide parking as follows:

b. Public utility and public service uses. One parking space shall be provided for each three employees, plus spaces adequate in number as determined by the zoning commission to serve the public.

(7) Mixed uses. When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the planning and zoning commission.

(8) Theaters (indoor). One parking space shall be provided for each four seats, plus one space for each six seats over 400 seats.

(9) Other uses. For uses not listed in subsections (1) through (8) of this section, parking spaces shall be provided on the same basis as required for the most similar listed use, as determined by the planning and zoning commission.

SECTION THIRTY- FOUR: Chapter 122, “Zoning”, Section 122-190(g) is hereby repealed and replaced with the following:

(g) Special uses. For special uses other than prescribed in this division, loading berths adequate in number and size to serve such uses shall be as determined by the planning and zoning commission or Public Works Director or his designee.

SECTION THIRTY-FIVE: Chapter 122, “Zoning”, Section 122-193(f) is hereby repealed and replaced with the following:

(f) Side yards. No side yards shall be required, except where such use abuts upon the side of a lot in an R district, in which case there shall be a side yard on the lot in the commercial district the same as specified for the residence district, and in addition the yard shall have a six-foot fence and/or screening from any adjoining lot in the R district, as approved by the planning and zoning commission. Such fence or screening will be maintained by owner.

SECTION THIRTY-SIX: Chapter 122, “Zoning”, Sections 122-194 (f) and (h) are hereby repealed and replaced with the following:

(f) Side yards. There shall be a side yard not less than 15 feet, and it shall have a six-foot fence or other screen as may be approved by the planning and zoning commission from any adjoining lot in the R district. Such fence or screening will be maintained by the owner of the commercially zoned property.

(h) Rear yards. There shall be a rear yard of not less than 25 percent of the depth of the lot, but such rear yard shall be at least 30 feet and, in addition, shall have a six-foot fence or other screen as may be approved by the planning and zoning commission from any adjoining lot in the R district. Such fence or screening will be maintained by owner.

SECTION THIRTY-SEVEN: Chapter 122, “Zoning”, Sections 122-223(7) and (9) are hereby repealed and replaced with the following:

(7) Public utility and public service uses. One parking space shall be provided for each three employees, plus spaces adequate in number, as determined by the planning and zoning commission, to serve the public.

(9) Other uses. For uses not listed in the schedule of parking requirements in this section, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the planning and zoning commission.

SECTION THIRTY-EIGHT: Chapter 122, “Zoning”, Section 122-224(f) is hereby repealed and replaced with the following:

(f) Special uses. For special uses other than prescribed for in this division, loading berths adequate in number and size to serve such use, as determined by the zoning commission, shall be provided.

SECTION THIRTY-NINE: Chapter 122, "Zoning", Section 122-227 (c) is hereby repealed and replaced with the following:

(c) Side or rear yards. All buildings or structures and open storage areas, other than off-street parking areas and signs used to identify the districts, must set back on any lot at least 15 feet from any side lot line, and at least 25 feet from any rear yard line. On a corner lot the setback from the secondary street shall be 30 feet. The side and/or rear of M-1 zoned property must be screened from any adjacent residential property by a wood fence a minimum of six feet in height or treated in some other manner as approved by the planning and zoning commission.

SECTION FORTY: Chapter 122, "Zoning", Sections 122-265(b) and (c) are hereby repealed and replaced with the following:

(b) Guarantees. The developer shall enter into an appropriate contract or agreement with the city to guarantee the development and operation in accordance with the terms and conditions established between the city and the developer for the development of the project. Any changes or additions to the original approved development site, structures or plans of operation shall require resubmittal and approval by the planning and zoning commission, and if such changes or additions are substantial in the opinion of the planning and zoning commission, approval shall also be required by the city council.

(c) Failure to comply. Failure to comply with the conditions, commitments, guarantees or the recommendations established in the approval of such development project shall be cause for rescinding the approval of the project. Upon notice given by the Public Works Director or his designee, the developer then shall be required to appear before the planning and zoning commission to explain any such failure to comply. The planning and zoning commission, at such hearing, may set a time limit for compliance or recommend specific steps to be taken.

SECTION FORTY-ONE: Chapter 122, "Zoning", Sections 122-268(b), (c) and (d) are hereby repealed and replaced with the following:

(b) The city manager shall inform the planning and zoning commission of such intent and shall secure a date from the planning and zoning commission secretary for a preliminary discussion between the developer, and the planning and zoning commission and shall notify the developer of such date.

(c) The planning and zoning commission, after preliminary discussion, may approve or disapprove the proposed development or modify the provisions of the development and approve the development as modified. Such approval shall be known as the preliminary approval.

(d) The following information shall be provided by the applicant in adequate detail to satisfy the planning and zoning commission for preliminary approval; a minimum of 20 sets of the following shall be submitted:

- (1) A statement describing the general character of the intended development.
- (2) An accurate map of the project area, including its relationship to surrounding properties and existing topography and key features.
- (3) A general development plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in section 122-266 of this chapter.
 - a. The pattern and dimensions of public and private roads, driveways, parking facilities, sidewalks and lighting.
 - b. The size, arrangement and location of lots and/or proposed building groups.
 - c. The type, size and location of structures.
 - d. The location of recreational and open space areas reserved or dedicated for public uses such as schools, parks, etc.
 - e. The location of sewer and water mains.
 - f. The general landscape treatment.
 - g. The type, size, height, location and illumination of all signs.
 - h. Pedestrian and bicycle facilities. (Developments five acres or more in size.)
- (4) Appropriate statistical data on the size of the development, residential density, ratio of various land uses, economic analysis of the development, and any other data pertinent to an evaluation under the criteria of section 122-266 of this chapter.
- (5) Architectural drawings and sketches illustrating the design and character of proposed structures.
- (6) General outline of intended organizational structure related to property owners' association, deed restrictions and private provision of common services.

SECTION FORTY-TWO: Chapter 122, "Zoning", Section 122-269 is hereby repealed and replaced with the following:

If the planning and zoning commission has approved in principle the preliminary plan, pursuant to subsection 122-268(e), the developer may file with the city manager a statement of intent executed by the owner of the property to be developed or his agent, stating that he seeks to develop such property under this article. Such statement of intent shall include the following:

- (1) The names of the owners and developers of the development site and the mailing addresses and the telephone numbers of all parties.
- (2) A fee shall accompany the petition. Such fee is to be in accordance with the schedule of rates, fees, fines and penalties as adopted by the city council from time to time and found in appendix B of the Code of Ordinances.
- (3) A certified survey of the building site.
- (4) An accurate topographical map showing topographical data at two-foot intervals and extending within 100 feet beyond the exterior boundaries of the site, showing all public rights-of-way and all buildings accurately located within 100 feet of the exterior boundaries of such site. Such map shall contain all available utilities, including drainage and the capacities thereof and high water elevations along streams.
- (5) Twenty copies of the scale plat showing the location, type and size of every proposed structure and its proposed use; also driveways, driveway access roads, parking facilities, lighting appliances, recreation areas, loading docks, open spaces, screening, fencing and landscaped areas and pedestrian and bicycle facilities.
- (6) A statistical table showing the size of the site in square feet, the acreage exclusive of public streets, population densities and open areas.
- (7) Architectural drawings of all buildings and structures and sketches showing the design characteristics and treatment of exterior elevations and typical floor plans of proposed structures; architectural drawing or sketch showing the design characteristics, size, height, location and illumination of all signs.
- (8) A table showing the approximate costs of structures.
- (9) A statement showing the starting and completion dates of the project.
- (10) An analysis containing population status, market status, the general economics of the development and also details of proposed uses and manner of operation.
- (11) The municipal services that may be required to serve the site.
- (12) Proposed deed restrictions and other general provisions affecting the site.
- (13) The following shall be required for commercial and industrial developments:
 - a. Square feet of buildings.
 - b. Square feet of sales offices, general offices, production areas and the number of employees in each such area.

- (14) Twenty copies of any other pertinent data, statements, drawings of plans which may be required by the planning and zoning commission or the city council.
- (15) The original drawing of the planned development shall be furnished (linen, sepia, Mylar, etc.).
- (16) The following certifications or approvals shall appear on the plat:
 - a. Approval of the planning and zoning commission by date and signatures of the chairman and secretary of the commission.

The required certifications and approval shall be executed as nearly as possible in the order listed and shall be in a form set forth in section 98-42 of the subdivision chapter of this Code. Such other certificates, affidavits, endorsements or dedications as may be required by the planning and zoning commission or the city council in the enforcement of this chapter shall be in the form prescribed by the planning and zoning commission and the city council.

SECTION FORTY-THREE: Chapter 122, "Zoning", Section 122-270(a) is hereby repealed and replaced with the following:

- (a) After receipt of a statement of intent and the filing of all the required data and fees, the planning and zoning commission shall hold a public hearing.

SECTION FORTY-FOUR: Chapter 122, "Zoning", Section 122-271(a) is hereby repealed and replaced with the following:

- (a) Upon receipt of the recommendations of the planning and zoning commission pursuant to section 122-270, the city council shall grant or deny final approval to the proposed planned development project. Final approval of the planned development by the city council shall, without further action of the city council, be rescinded unless the city has issued a building permit and substantial construction has actually commenced on the property pursuant to the approved planned development within two years of the date of the city council's final approval of the planned development.

SECTION FORTY-FIVE: Chapter 122, "Zoning", Sections 122-273(a) through (e) are hereby repealed and replaced with the following:

- (a) Changes, additions and amendments to approved planned developments are allowed only after planning and zoning commission and city council approval.
- (b) Amendments, changes and additions to planned developments must be presented at a public hearing before the planning and zoning commission in the same manner as prescribed in section 122-270.

(c) The filing fee for public hearing to amend a planned development shall be in accordance with the schedule of rates, fees, fines and penalties as adopted by the city council from time to time and found in appendix B to this Code.

(d) The planning and zoning commission shall review the proposal for amendment using the contents of section 122-266 as a guide for the preparation of a recommendation to the city council. Within 60 days of the public hearing, the planning and zoning commission shall report its findings and recommendation to the city council.

(e) Upon receipt of the recommendation from the planning and zoning commission, the city council shall either accept or reject the proposed planned development amendment by ordinance in accordance with section 122-271.

SECTION FORTY-SIX: Chapter 122, "Zoning", Section 122-303 is hereby repealed and replaced with the following:

The planning and zoning commission or committee appointed by the mayor and city council may recommend and the city council may impose such restrictions upon the height and bulk and area of occupancy of any structure so approved for special use as may be reasonable under the particular circumstances, provided that such restrictions and stipulations shall not be more restrictive than the requirements established for the district in which such structure is proposed to be located or as may be required in any city ordinance. Off-street parking facilities as well as off-street loading and unloading spaces pedestrian and bicycle facilities may also be stipulated in the order permitting special uses.

SECTION FORTY-SEVEN: Chapter 122, "Zoning", Sections 122-304(1), (2) and (3) are hereby repealed and replaced with the following:

The procedure to be followed in considering applications for special uses shall be as follows:

(1) Application. An application verified by the owner of record or authorized agent of the owner of the property involved shall be filed with the city clerk for the attention of the planning and zoning commission or committee, upon a form prescribed therefor, which shall contain or be accompanied by all required information. A fee shall be paid in accordance with the schedule of rates, fees, fines and penalties as adopted by the city council from time to time and found in appendix B to this Code.

(2) Public hearings. Upon receipt of such verified application, the planning and zoning commission or committee shall hold a public hearing. Notice shall be given of the time and place of the hearing not more than 30 nor less than 15 days before the hearing by publishing a notice in a newspaper having a general circulation within the city. The applicant shall make written notification by certified mail, return receipt, to all property owners or tax bill recipients of property within 250 feet including rights-of-way, stating the date, time, place, and nature of the hearing request. This notification is to be not less

than 15 nor more than 30 days prior to the hearing date. Notification to condominiums need not be mailed to each condominium unit provided the notification is sent to the board of directors of the condominium association in care of the association president. Certified mail, return receipts (green cards) are to be submitted to the community development department no later than 48 hours prior to the hearing along with a map depicting the properties included in the service area. Accompanying the return receipt shall be a sworn statement as to the source of the names and addresses that were notified. The source of the names and addresses must be approved by the city attorney.

(3) Determination. The planning and zoning commission or committee shall then make its findings and recommendations to the city council within 30 days following the date of public hearing on each application. The city council may then authorize a special use, as defined in this chapter, by special ordinance, provided the evidence is such as to establish beyond reasonable doubt that:

- a. The proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or the community;
- b. 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
- c. 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.

SECTION FORTY-EIGHT: Chapter 122, "Zoning", is hereby amended by repealing Section 122-52 and replacing with the following:

(a) Appeal and review.

- (1) An appeal may be taken to the planning and zoning commission by any person or by an officer, department, board or bureau of the city aggrieved by a decision of the Public Works Director or his designee. Such appeal shall be taken within such time as shall be prescribed by the commission by general rule, by filing with the Public Works Director or his designee and with the commission a notice of appeal, specifying the grounds thereof. The Public Works Director or his designee shall forthwith transmit to the commission all of the papers constituting the record upon which the action appealed from was taken.
- (2) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Public Works Director or his designee certifies to the planning and

zoning commission, after the notice of appeal has been filed with him, that because of facts stated in the certificate the stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, granted by the commission or by a court of record on application and on notice to the Public Works Director or his designee and on due cause shown.

- (3) The commission shall select a reasonable time and place for the hearing of the appeal and shall give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appeal and testify at the hearing, either in person or by duly authorized agent or attorney. A fee shall be collected in accordance with the schedule of rates, fees, fines and penalties as adopted by the city council from time to time and found in appendix B of the Code of Ordinances. The Public Works Director or his designee shall collect the fee at the time the notice of appeal is filed and prior to each subsequent hearing and shall forthwith transmit the fee to the city treasurer to the credit of the general revenue fund of the city.

(b) Jurisdiction.

- (1) The planning and zoning commission shall have the following powers and it shall be its duty to hear and decide appeals where it is alleged there is error in law in any order, requirement, decision or determination made by the Public Works Director or his designee in the enforcement of this chapter and articles II, III, IV, V, VI, VII, and VIII of chapter 18.
- (2) In hearing and deciding appeals the commission shall have the authority to grant such variations therefrom as may be in harmony with its general purpose and intent so that the function of this chapter be observed, public safety and welfare secured and substantial justice done, including the following:
 - a. Interpret the sections of this chapter in such a way as to carry out the intent and purposes of the plan, as shown upon the zoning map accompanying and made part of this chapter, where street layout actually on the ground varies from the street layout as shown on such map.
 - b. Permit the erection and use of a building or the use of premises for public utility purposes.
 - c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
 - d. Permit the modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or is so located with relation to surrounding development or physical characteristics that it cannot otherwise be appropriately improved without such modification.

- e. Permit temporary buildings and uses for periods not to exceed two years in undeveloped sections of the city and for periods not to exceed six months in developed sections.
- f. Permit a limited increase in the number of employees permitted in processing activities in the commercial districts, but only when such increase will not adversely affect the character of the establishment, will not be detrimental to or affect the character of surrounding residential development and will not increase traffic or parking congestion.

(3) In consideration of all appeals and all proposed variations to this chapter, the commission shall, before making any variations from this chapter in a specific case, first determine that the proposed variation 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. The attendance of five members shall constitute a quorum. The concurring vote of a majority of the quorum shall be necessary to reverse any order, requirement, decision or determination of the Public Works Director or his designee or to decide in favor of the applicant any matter upon which it is authorized by this chapter to render a decision.

(4) Nothing contained in this subsection shall be construed to give or grant to the commission the power or authority to alter or change this chapter, articles II, III, IV, V, VI, VII, and VIII of chapter 18 or the zoning map, such power and authority being reserved to the mayor and city council in the manner provided by law.

(c) Notice. The commission shall make no decisions except in a specific case and after a public hearing conducted by the commission. A notice of the time and place of such public hearing shall be published in a paper of general circulation in the city at least 15 days prior to the hearing. Such notice shall contain the address or location of the property for which the variation or other ruling by the commission is sought, as well as a brief description of the nature of the appeal. The applicant shall make notification, in writing and by certified mail, to the property owners within 250 feet of the subject property, excluding public rights-of-way, within seven days of the hearing date, advising the owners of the date, time and place and nature of the request.

(d) Time limits of commission orders. No order of the commission permitting the erection or alteration of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. No order of the commission permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection

or alteration of a building, such order shall continue in force and effect if a building permit for the erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(e) Finality of decisions. In exercising the powers in this section, the commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Public Works Director or his designee from whom the appeal is taken. All decisions and findings of the planning and zoning commission, on appeal or upon application for a variation after a hearing, shall in all instances be final administrative determinations and shall be subject to review by court as provided by law, including application of the provisions of the Administrative Review Law, 735 ILCS 5/3-101 et seq.

SECTION FORTY-NINE: To the extent not specified herein wherever the Code of Ordinance refers to the "Plan Commission", "Planning Commission" or "Board of Appeals", the same shall be changed to "Planning and Zoning Commission".

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

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

YEAS: Cannon, Hill, Majikes, Gallo, Banger, D'Astice, Veenbaas

NAYS: 0

ABSENT: 0

Passed and Approved this 13th day of June 2017.

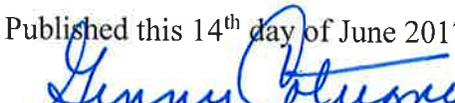


Len Prejna, Mayor

ATTEST:


Ginny Cotugno, Deputy City Clerk

Published this 14th day of June 2017.


Ginny Cotugno, Deputy City Clerk

