

**AN ORDINANCE MODIFYING THE CITY'S ZONING ORDINANCE
CONCERNING HEARING AND NOTICE REQUIREMENTS.**

WHEREAS, the City of Rolling Meadows is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Section 122-391 ("Hearing and notice procedures") of Chapter 122 ("Zoning") sets forth procedures for providing public notice of upcoming hearings pursuant to the City's Zoning Ordinance; and

WHEREAS, the City desires to amend the Zoning Ordinance in order to: (i) change the distance from a subject property within which property owners will receive notice by mail; (ii) provide that the City will provide mail notice at the applicant's expense; (iii) clarify that sign and mail notice provisions apply only where an application concerns a specific property; (iv) clarify the sign notice provisions, generally, to the effect that notice by sign is a courtesy to the public, that the City may post signs, that it is a violation to tamper with signs, and that the notice requirement is satisfied even when signage is damaged or destroyed; (v) modify and/or delete various provisions regarding affidavits of notice; and (vi) allow the zoning administrator, in their discretion, to set and notice a hearing date for a matter prior to receiving a complete application. (collectively, these are the "**Requested Amendment**"); and

WHEREAS, the City's Planning and Zoning Commission ("**PZC**"), after notice was provided as required by law, conducted a public hearing on May 2, 2023 at a regular meeting to consider a City-initiated petition to consider the Requested Amendment; and

WHEREAS, after taking and considering all testimony presented at the public hearing, the PZC made the findings of fact enumerated in **Exhibit A** and recommended that the City Council approve the Requested Amendment; and

WHEREAS, the Corporate Authorities of the City of Rolling Meadows have determined that it would be in the best interest of the City to approve the Requested Amendment as set forth in this Ordinance.

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

Section 1: Recitals. The recitals set forth above are incorporated herein by reference as the findings of the Corporate Authorities.

Section 2: Amended Section 122-391. Pursuant to Sections 122-394 ("Amendments") and the City's home rule authority, Section 122-391 ("Hearing and notice procedures") of Division 2 ("Zoning Procedures") of Article VI ("Administration and Development Review") of Chapter 122 ("Zoning") is hereby amended to read as follows [additions are **bold and double-underlined**; deletions are ~~struck through~~]:

"SECTION 122-391 Hearing and notice procedures.

- (1) *Public hearing notice requirements*: The following provisions, in addition to any other specific provisions set forth in the City Code, shall apply to public hearings required by this chapter:

a. Timeframe: When the provisions of this chapter require a public hearing, the zoning administrator shall, upon receipt of a properly completed application, assign the matter a hearing date. Such hearing shall be set no later than 60 days following the submission of a fully complete application, unless the planning and zoning commission hearing agenda for that date is fully committed, as determined by the zoning administrator.

i. An application shall be considered "fully complete" only when all materials identified in this chapter, other relevant city documents, and other pertinent data indicated as necessary by the zoning administrator have been provided. An application shall be considered complete only if the submitted material is deemed by the zoning administrator as sufficiently thorough to provide the information needed by the city to support making a fully informed determination on the requested matter.

ii. Nothing prevents the zoning administrator, in the exercise of their discretion, from assigning a matter a hearing date prior to receipt of a fully complete application.

b. Content of notice: The planning and zoning commission public hearing notice shall contain information as determined by the zoning administrator.

c. Notice by mail: **Where an application concerns a specific property,** ~~The Applicant~~ **zoning administrator** shall give notice of the public hearing by mail to the owners of all properties within ~~250~~ **300** feet, ~~excluding public property and~~ rights-of-way, of the property that is the subject of the application. Such notice shall be post marked not less than 15 days nor more than 30 days in advance of the hearing and shall be sent by first class US Mail. ~~Supplemental or additional notices may be required by the zoning administrator and may include, but not be limited to, all taxing jurisdictions that serve the property, including the city. Proof of mailing shall be provided by the applicant in the form of an affidavit of mailing, in format approved by the city Attorney.~~

d. Notice by newspaper publication: The zoning administrator shall publish notice of the public hearing not more than 30 days nor less than 15 days before the date for the hearing, in a newspaper of general circulation in the city.

e. Notice by sign:

i. Where a public hearing concerns a specific property. ~~The zoning administrator will provide, and the applicant shall cause to be placed on~~ or in a right-of-way adjacent to the subject property of the public hearing a sign containing information regarding the public hearing. The sign shall will be placed on the property a minimum of 15 days prior to the public hearing and shall will remain until after a final determination on the matter is made by the city council, after which the applicant shall remove sign shall be returned to the City. Proof that the sign was posted shall be provided by the applicant in the form of an affidavit, in a form approved by the city attorney.

ii. It is a violation of this Code for any person to tamper with, deface, destroy, or remove a City sign to advertise a zoning public hearing except at the direction of the zoning administrator, whether or not such sign is strictly required by this subsection.

iii. The notice by sign requirements of this subsection are a courtesy to the public. Failure to provide notice by sign as set forth in this subsection shall not delay or invalidate a hearing.

* * *

Section 3: Severability. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

Section 4: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

[Signature page follows.]

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County,

Illinois this 9th day of May, 2023.

AYES: McHale, O'Brien, Vinezeano, Boucher, Reyez, Koehler

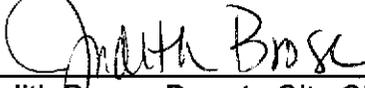
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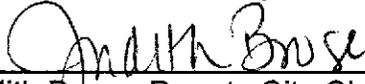
Lara Sanoica, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 12th day of May, 2023.



Judith Brose, Deputy City Clerk

EXHIBIT A

PZC's Adopted Findings of Fact

Text Amendment Standards

Standard 1: Potential impacts: *The amendment shall not adversely impact existing land uses in proximity to a subject property, or, in the case of a text amendment, the overall zoning district purpose or intent of a code section proposed for amendment. The amendment should not unreasonably affect the value, use and enjoyment of nearby properties.*

Findings: The amendment is an administrative change that does not adversely impact the purpose or intent of the Code or the value, use and enjoyment of any property.

Allowing the City to provide notice itself (rather than an applicant or their agent, who may be unknown to a nearby property owner) will improve the likelihood that a noticed party will become aware of and understand the purpose of the hearing, which furthers the intent of the subject code section.

The City's announcement of public hearings by sign is a locally imposed requirement and is not required by state statute. Modifying the sign requirements as proposed will protect the City's zoning decisions from due process arguments that may result from forces outside of the reasonable control of the City or the applicant (such as natural causes, vandalism, etc.). This change is consistent with the purpose or intent of the Zoning Ordinance, as the City must necessarily intend that it will be able to enforce and defend its decisions under the Zoning Ordinance.

Standard 2: Trend of development/consistency: *Map amendments should be a logical extension of the trend of development in the area around the subject property, or consistent with the approved comprehensive plan. In the case of a text amendment, the amendment shall be consistent with the overall zoning district purpose or intent of a code section proposed for amendment.*

Findings: See finding for Standard 1.

Standard 3: Externalities: *Relevant physical or market conditions that may have changed to make the existing zoning of a property inappropriate, or that make the proposed text amendment necessary for this chapter to be in keeping with the desirable development of the city shall be specified.*

Findings: See finding for Standard 1. Improving public notice, the defensibility of the City's zoning decisions, and clarifying the flexibility the City has in scheduling hearings expediently will all support the desirable and orderly development of the City pursuant to the Zoning Ordinance.

Standard 4: City plans: *Amendments should be consistent with the City's Comprehensive Plan, Official Map, and all other plans and policies adopted by the city.*

Findings: The Comprehensive Plan states that the City should “*revise the Zoning Ordinance to be more modern, user-friendly, and supportive of economic development*” (pg. 61). The amendment will implement modern, user-friendly, and flexible zoning practices.

Standard 5: Zoning appropriateness: *The extent to which use of the subject property (or relevant properties in the case of a text amendment) is diminished by the current zoning standards or designation and is no longer suitable for the underlying zoning shall be specified.*

Findings: This Standard does not apply. The amendment is an administrative change that does not modify the potential use of any subject or relevant property.