

**AN ORDINANCE MODIFYING THE CITY'S ZONING ORDINANCE  
CONCERNING APPLICATION REQUIREMENTS FOR AMENDMENTS**

**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 122-394 ("Amendments") of Chapter 122 ("Zoning") sets forth procedures for considering amendments to the map and text of the City's Zoning Ordinance.

**WHEREAS**, the City desires to amend the Zoning Ordinance to clarify that: (i) the City need not submit an application to itself to initiate a hearing to consider text or map amendments and (ii) an applicant need not propose the specific wording of a text amendment in their 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 and June 6, 2023 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 122-394. Pursuant to Sections 122-394 ("Amendments") and the City's home rule authority, Section 122-394 ("Amendments") 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 122-394            Amendments.**

- (1) *Authority:* The regulations established, and the districts created by this chapter may, from time to time, be amended by an ordinance passed by the city council upon receiving a recommendation from the planning and zoning commission. ~~An application for~~ **The consideration of** a text

amendment or a map amendment (Rezoning) may be filed initiated on behalf of the City by the city council, the planning and zoning commission, or the zoning administrator. In addition, the owner of a property or an individual or entity with a contractual interest in a property (with the authorization of the owner) may file apply for an amendment to the zoning map, and any interested person may propose apply for an amendment to the text of this chapter.

\* \* \*

(3) *Procedure:*

- a. Applications for amendments shall be filed with the zoning administrator through procedures indicated in this chapter. Application shall be provided on forms approved by the city attorney. The City is not required to file an application to initiate the consideration of an amendment.
- b. Public hearing: A public hearing shall be set before the planning and zoning commission, noticed and conducted in accordance with the provisions of this chapter.
- c. Action by the planning and zoning commission: Within 35 days of the close of the public hearing, the planning and zoning commission shall make a recommendation that is forwarded to the next available city council meeting for approval, approval with conditions, or denial of the Amendment. Failure to do so within 35 days, or longer period if agreed to by the applicant, shall be deemed a recommendation for denial of the amendment by the planning and zoning commission.
- d. Action by the city council: Following receipt of a recommendation by the planning and zoning commission, the city council will either approve the application Amendment, approve the application Amendment with modifications or conditions, deny the application Amendment, or remand the matter back to the planning and zoning commission for further deliberation.

*[Illustration intentionally omitted and is not altered.]*

- e. If the an application for an Amendment is denied, a similar application for relief may not be brought before the city for a period of one year by any party other than the City.

(4) Standards for amendments: No application for amendments to the City's Zoning Text or Zoning Map shall be approved without a satisfactory finding regarding the following standards. The planning and zoning commission shall submit to the city council a written recommendation and findings of fact for each matter it hears based upon said standards:

\* \* \*

- (5) Materials to be submitted: Applications for an amendment will contain at least the following information:

\* \* \*

c. Text amendments applications shall include:

- i. The general nature of, and if desired, the applicant's proposed wording of the proposed requested text amendment.

\* \* \*

**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.

**PASSED AND APPROVED** by the City Council of Rolling Meadows, Cook County, Illinois this 11<sup>th</sup> day of July, 2023.

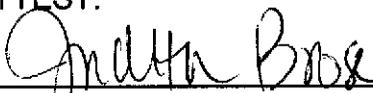
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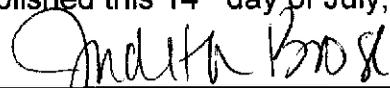
ABSENT: McHale, Budmats

  
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Lara Sanoica, Mayor

ATTEST:

  
\_\_\_\_\_  
Judith Brose, Deputy City Clerk

Published this 14<sup>th</sup> day of July, 2023.

  
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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 a minor administrative change that clarifies the substance of the Zoning Ordinance. It does not adversely impact the purpose or intent of the Code or the value, use and enjoyment of any property.

**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:** The amendment is a minor administrative change that clarifies the substance of the Zoning Ordinance and is not inconsistent with any section of the Zoning Ordinance.

**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:** The amendment is a minor administrative change that clarifies the substance of the Zoning Ordinance. These clarifications will help the City more efficiently update the Zoning Ordinance to reflect changing circumstances and, by making the process more accessible to persons who are not able to draft legal documents, may better facilitate desirable development within the City.

**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 a minor administrative change that clarifies the substance of the Zoning Ordinance.