



United City of Yorkville

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UNIFIED DEVELOPMENT ORDINANCE ADVISORY COMMITTEE AGENDA

Thursday, August 18, 2022
6:30 PM

Yorkville City Hall Council Chambers
800 Game Farm Road

Meeting Called to Order: 6:30 p.m.

Roll Call:

Establishment of Quorum

Previous meeting minutes: July 14, 2022

Citizen's Comments:

1. Introduction
2. Review of Materials
 - a. Chapter 8: UDO Review and Approval Procedures
3. Committee Comments and Questions
4. Adjournment

**MINUTES OF UNIFIED DEVELOPMENT ORDINANCE
ADVISORY COMMITTEE MEETING**

Thursday, July 14, 2022 6:30pm
City Hall Council Chambers
800 Game Farm Road, Yorkville, IL

NOTE: In accordance with Public Act 101-0640 and Gubernatorial Disaster Proclamation issued by Governor Pritzker pursuant to the powers vested in the Governor under the Illinois Emergency Management Agency Act, the United City of Yorkville is encouraging social distancing by allowing remote attendance at the UDO Advisory Committee meeting due to the ongoing Covid-19 pandemic.

Meeting Called to Order

The meeting was called to order at 6:30pm by Chairman Chris Funkhouser and a quorum was established.

Roll Call & Establishment of Quorum

Committee Members:

Chris Funkhouser, Chairman/Alderman/in-person attendance
Dan Transier, Alderman/in-person attendance
Jeff Olson, PZC Chairman/remote attendance
Deborah Horaz, PZC Member/remote attendance
David Schultz, Engineer-HR Green/remote attendance

Others Present:

Krysti Barksdale-Noble, Community Development Director/remote attendance
Jason Engberg, Senior Planner/in-person

Previous Meeting Minutes May 19, 2022

The minutes were approved as presented.

Citizens Comments None

1. Introduction

Mr. Engberg said there would be a review of Chapters 3, 4, 5 at this meeting. All the comments given prior to this have been reviewed and have been incorporated into the draft. He said further changes can be made if needed and he summarized the changes made for Chapters 3, 4 and 5 below.

2. Review of Materials

a. Chapter 3: District Standards

There had been discussion about a different type of land use zoning for a smaller lot of 6,000 sq. ft. minimum, which would help diversify housing stock. Mr. Engberg surveyed nearby towns and reported on Blackberry Knolls in Oswego which has 7,000-8,000 sq. ft. lots. There are other similar lots in the area and all are PUD's, however, Yorkville's proposed zoning is R2A which may not need a PUD. A table of setbacks was also added. Accessory structures would now be allowed in the side yard, helping reduce variance requests. Also added was an ACU (Accessory Commercial Unit) which would allow for home occupations, addressed on a case-by-case basis. These are not allowed at this time. A section was added for ADU's (Accessory Dwelling Units) which has become a trend allowing for rentals in basements, additions, etc. Only one is allowed.

b. Chapter 4: Use Standards

Regarding RV trailers & boat parking, screening/6-foot fence will be required if parking an RV in the side yard.

c. Chapter 5: Development Standards

Off-street parking standards: added regulations for curbside pick-up, side or back, Zoning Administrator makes final decision on location.

Ride-share pick-up and drop off: on side or rear

Off street parking & electric charging stations: Looking to the future, will require one EV charging station per 50 parking spots.

Parking Pads: would now allow parking in side yard, requires screening with 50% or more opacity.

3. Committee Comments and Questions

Chapter 3 District Standards Questions/Discussion

The committee discussed lot sizes and after much consideration, they decided to recommend a minimum 6,000 sq. ft. lot, 65 ft. lot width, 10 yard setback, 25 ft. rear and front yard setbacks. It was suggested that this would allow a bigger envelope on which to build a home.

Alderman Transier asked if businesses that install electric charging stations, will be allowed to charge fees for usage. Mr. Engberg said there is no language in the zoning code for fees, but any business with more than 50 parking spots will be required to install the stations. Mr. Funkhouser asked if 1 per 50 is an industry standard. Ms. Noble will check with the consultant, however, she is aware of parking lots with less than 50 spots, that provide charging stations and they have the opportunity to charge. Charging station requirements apply to new construction or significant re-development (expansion or renovation of parking lot). Mr. Schultz asked about the enforcement of the stations to be in working order and powered. Ms. Noble replied that since it is private property, it is possible the building permit could be revoked.

Regarding Chapter 10-3-10, Mr. Funkhouser asked for a clarification regarding dimensional standards on the back side of the lot. The minimum lot width is measured at the front yard setback line, but on curves and cul-de-sacs it is measured at the back side of the setback line. Ms. Horaz asked if the street widths had been recommended for reduction. The street widths will be discussed in Chapter 7 and Mr. Engberg added that in Chapter 5, driveway parking stall widths were restored.

Ms. Horaz asked if the number of accessory buildings will be limited on residential lots--currently there are no limits. She also asked about the 3-foot rule for awning and canopies. Ms. Noble gave an explanation of how far canopies and porch/deck can extend into setbacks. Ms. Horaz also noted a spelling error in 10-3-6. She also asked why ornamental lighting is not allowed in the back yard. It is not allowed by the rear buildable area and lot line so that light does not spill over into the neighbor's yard. Ms. Noble clarified that this applies to the required yards.

Side yard accessory structures were discussed and Mr. Engberg asked for feedback. Mr. Transier said he was OK with sheds in the side yard if they don't encroach. Sheds over 100 sq. ft must be permitted. Typically the HOA's govern what a shed must look like. Ms. Horaz said a detached garage should match the house color. This topic will be reviewed further in discussions of garage and shed requirements.

Chapter 4 Use Standards Questions/Discussion

Mr. Engberg said Chapter 10-4-7 (microbreweries/ brewpubs) was just amended in the zoning ordinance and is included in the supplemental material. Regarding Chapter 10-4-2, Ms. Horaz said 1-car garages are not enough and causes more parking congestion on the streets. Others pointed out that it allows for other options and gives more flexibility. Mr. Olson noted there is a development with just one garage on Kirk Rd. that looks nice. Some of the 1-car garages are likely deeper and also allow for another car in the driveway. Chairman Funkhouser said the one-car garages could be addressed along with street width in the final document. Mr. Schultz asked if there are floor plans to see if there is storage in the back of the garage. Staff will try to obtain images for a better visual.

Mobile home parks must be situated on at least 10 acres and conventional home setbacks also apply to mobile homes. Ms. Horaz asked if mobile home parks were necessary as they are sometimes not maintained. At this time, mobile homes are considered special uses and would have to go through a Public Hearing and reviews, said Mr. Engberg.

Ms. Horaz noted that some of the categories in Chapter 4 are blank and she requested additional labeling on some of the diagrams. Some categories were left blank to be able to add new uses or standards in the future. It was noted the red-lined version has more info.

Chairman Funkhouser asked to discuss the 10-foot clearances for free-standing solar energy systems. It was determined that particular language was to have been removed. He addressed ground covers, requirements and maintenance for solar farms. Grasses or low covers are required and no gravel is allowed. Typical covers are tall grasses or prairie grasses. Ms. Horaz asked if solar panels that do not have guide wires, need to have a concrete base to hold them in place in a back yard. That is covered in the building code and is considered an accessory structure. Ms. Noble said there are international standards. She said Building Code Official Pete Ratos could be invited to a future meeting to provide further information. At this time, solar panels can project off the house 5 feet from edge of roof like an awning, on the rear or side. Height and projection will need to be determined if the panels hang off the roof. Ms. Horaz asked for an explanation of mechanical screening. It is any mechanical equipment on the roof, parapet wall etc. Specific language will be provided for awning-mounted panels.

Regarding cannabis sales, the ordinance only allows one wall sign. This topic will be reviewed again since there are still questions. Mr. Transier said the state only allows for one wall sign. It was suggested that a special category may need to be added for cannabis signs and guidance from City Attorney Orr will be requested. Committee member Horaz said it also doesn't mention in-house deliveries which some cities are doing and is in the code. Mr. Engberg cited the ordinance which prohibits drive-through deliveries as well as e-commerce delivery service platforms.

Home occupations and equipment needed were discussed such as home beauty shops. Accessory commercial units would be subject to special use, if incorporated into the code.

Chapter 5 Development Standards Questions/Discussion

Ms. Horaz questioned parking lot landscaping and if ground covers will be eliminated in Chapter 10-5-3. She suggested having bushes in threes or fives with general grouping, but natural looking. She said consideration should be given to how it will look when mature as it is often too dense. Mr. Olson added that ordinances in some towns have both grouping and natural looking.

Replacement trees were discussed and there is an alternative fee that can be paid if the landscaping is already dense. Mr. Funkhouser said he would like to see a "fee in lieu of" for the parkway tree replacement program and this would be a funding mechanism for replacing trees throughout the city. Parkway also need to be able to accommodate trees.

Final Comments

Ms. Horaz commented that she would like more explanations with the illustrations. The consultants are working on Chapter 8 and will be attending the August meeting. If Chapter 8 is ready for review, the committee will discuss it and also Chapter 7.

4. Adjournment

There was no further business and the meeting adjourned at 8:23pm.

Minutes respectfully submitted by
Marlys Young, Minute Taker/in-person attendance

Chapter 8. UDO Review and Approval Procedures

REVIEW GUIDE
Existing Text
New Text
Deleted or Moved Text
References to be updated

Style Definition: TOC 1: Tab stops: 6.49", Right, Leader: ...

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10-8-1. Administrative Authorities

~~A. **Zoning Administrator.** The Director of the Department of Community Development shall be the Zoning Administrator and shall Acting in this capacity, the Director of the Department of Community Development shall administer the provisions of this title.~~

~~B. **A. Duties.** The Zoning Administrator is duly appointed and shall enforce and administer the zoning regulations regulations of this UDO, including the following responsibilities. in addition thereto, and in furtherance of such authority, shall:~~

~~1. Assist in providing public information relative to all matter pertaining to this title and open records for public inspection, as deemed required by law.~~

~~1. Identify all nonconforming structures and uses.~~

~~2. Forward to the Plan Commission Receive and review applications for all procedures related to this UDO.~~

~~2.3. Receive applications for County mile and one-half reviews and forward to Plan Council, the Planning and Zoning Commission and City Council.~~

~~3.4. Forward materials to the Zoning Board of Appeals applicable review and/or decision making applications committees as applicable.~~

~~4.5. Interpret the UDO regulations when questions arise, including but not limited to:~~

Commented [RS1]: It looks like "title" was used in this UDO elsewhere. I searched "title" in Article 3 and found it written in the text.

Commented [RS2]: Global comment - use Planning and Zoning Commission throughout.

Commented [RS3]: From existing Section 10-4-2: - Administration

Commented [RS4]: Add to ZA responsibilities. Mile and one-half reviews should be reviewed by PZC and City Council.

Commented [RS5]: What is this County miles and one-half reviews?

Commented [RS6]: Review and/or decision making committees as applicable.

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- a. Determine which uses, though not contained by name in a zoning district list of permitted uses, are of the same general character and permit their establishment.
- b. Determine the parking or loading class of a use which is not contained by name in a parking or loading class.

~~5.6. Maintain permanent and current records of-pertaining to the UDO, including, but not limited to, all maps, amendments, Variations, Appeals, and publications thereof.~~

~~6. Assist in providing public information relative to all matter pertaining to this title and open records for public inspection, as deemed required by law.~~

7. Initiate, direct, and review, from time to time, a study of the provisions of this UDO and administrative record of ~~variances-~~Variances and Appeals, and make reports of their recommendations to the City Administrator and the appropriate board or commission.

8. Administer the comprehensive plan and ~~make interpretations of~~interpret the provisions ~~which-pertain~~pertaining to building and site design ~~taking-into-consideration~~considering such factors as contextual appropriateness, consistency with the City's general policies, and community need or benefit.

~~8.9. Identify all nonconforming structures and uses.~~

10. Delegate other duties as may be placed upon them by this UDO.

~~C. Zoning Officer: The Chief Building Code Official, hereinafter referred to as the "officer", is designated as the Zoning Officer of the City.~~

Commented [RS7]: From Section 10-4-3: - Enforcement. Per City website, the Building Safety and Zoning Department is still responsible for zoning reviews of all plans, including commercial, residential, industrial, and miscellaneous permits such as signs, decks, fences, and pools.

~~D. B. Duties: The Zoning Officer shall, with the exception of interpretations unless otherwise authorized, be responsible for enforcing this title, including the following responsibilities. Said officer shall have the power and shall see that the provisions of this title are properly enforced and in furtherance of such authority, shall:~~

- 1. Issue all certificates of use ~~and~~ and occupancy and Zoning Compliance Permits, and maintain records thereof.
- 2. Conduct inspections of building, structures, and use of land to determine compliance with the terms of this title.
- 3. Issue violation notices requiring compliance within thirty (30) days and advising suspected violators of their right to appeal; and to issue citations for violations of this title.
- 4. Require that all construction or work of any type be stopped when such work is not in compliance with this title; and revoke any permit which was unlawfully issued.

~~5. Review all cases of encroachment in required yards.~~

~~5.~~

~~6. Enforce all orders of the Zoning Board of AppealsPlanning and Zoning Commission and City Council.~~

~~6. City officers, employees and citizens: It shall also be the duty of all officers, citizens and employees of the City, particularly of all members of the Community Development, Engineering, Public Works and Police Departments, to assist the Zoning Officer by reporting to him any new construction, reconstruction, improved land uses or upon any seeming violation.~~

Commented [RS8]: This doesn't seem necessary to specify.

~~E. C. Plan Council. The Plan Council shall have the following responsibilities and procedures.~~

Commented [RS9]: Add Plan Council back in.

~~1. Purpose: To carry out the site plan review of applications and petitions related to concept plan, county mile and one-half review, annexations, planned unit developments, zoning, special use, preliminary plan and final plat.~~

Commented [RS10]: This is redundant with item four below.

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~~2. Members: The Plan Council is hereby created and may consist of the City Administrator, Community Development Director, City Engineer, Chief Building Code Official, Public Works Director, Director of Parks and Recreation, Police Chief, Sanitary District Director, emergency medical representative, and fire district representative.~~

~~3.1. Meetings: The Plan Council shall meet on an as needed basis and the petitioner(s) shall also be present at the meeting.~~

~~4. Duties: The Plan Council shall have the duties as set forth herein and as follows:~~

~~5.2. Review on all Site Plans and documents related to concept plan, county mile and one-half review, Annexations, Planned Unit Developments, zoning Map Amendments, Text Amendments, Special Use, Preliminary Plan and Final Plat for compliance with City ordinances, standards and policies.~~

~~6.3. Work cooperatively with the applicant(s) to find mutually acceptable site design and improvement solutions to specific site problems, in accordance to City ordinances, standards and policies.~~

~~4. Prepare recommendations based upon review of site plans and documents to commissions and/or boards prior to holding of a public hearing on the application or petition.~~

~~7.5. The Plan Council may consist of the City Administrator, Community Development Director, City Engineer, Chief Building Code Official, Public Works Director, Director of Parks and Recreation, Police Chief, Sanitary District Director, emergency medical representative, and fire district representative.~~

~~6. Final authority: The City Administrator shall have final authority with regard to members and meeting schedule for the Plan Council.~~

~~F.D. Planning and Zoning Commission. The City Planning and Zoning Commission, which has been duly created by the Mayor as defined in section 2-1-1 of this Code, shall have the following authorities, and responsibilities and duties as set forth herein and as follows:~~

~~1. To hear and report findings and make recommendations to the Mayor and City Council on all applications for Text Amendments, map Map Amendments, Planned Unit Developments, and Special Uses, and Subdivision applications permits in the manner prescribed by standards and other regulations set forth herein.~~

~~2. To initiate, direct, and review, from time to time, studies of the provisions of this title, and to make reports of its recommendations to the Mayor and City Council not less frequently than once each year.~~

~~3. To hear and make recommendations to the Mayor and City Council on all matters upon which it is required to pass under this title.~~

~~4. To prepare and recommend to the Mayor and City Council a comprehensive plan or updates thereto for the present and future development or redevelopment of the City.~~

~~5. To hear and act upon requests for Interpretations of this UDO and appeals of decisions made by the Zoning Administrator.~~

~~6. To hear and act upon applications for Variations from the terms of the Zoning Ordinance.~~

~~7. To hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator or Zoning Officer under the zoning regulations of this Code.~~

~~8. To hear and decide all matters referred to it and upon which it is required to pass under the zoning ordinance as prescribed by statute.~~

~~9. To enforce and make all decisions under the sign ordinance.~~

Commented [RS11]: From existing Section 10-4-5: - Plan Commission.

Commented [RS12]: Capitalize processes throughout.

Commented [RS13]: Add mention of the mayor back in.

Commented [JW14]: Question to staff: Should this be the purview of the Zoning Administrator? Should additional clarity be provided regarding when interpretations are the responsibility of the ZA vs. the PC?

Commented [RS15R14]: Interpretation should stay with PC but allow for opportunity to appeal to PZC.

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~~Zoning Board of Appeals, The City Zoning Board of Appeals, which has been duly created by the Mayor as defined in section 2-2-1 of this Code, shall have the authority, responsibility and duties as set forth herein and as follows:~~

~~To hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator or officer under the zoning regulations of this Code.~~

~~To hear and pass upon applications for variations from the terms provided in the zoning ordinance in the manner prescribed by and subject to the standards established therein.~~

~~To hear and decide all matters referred to it and upon which it is required to pass under the zoning ordinance as prescribed by statute.~~

10-8-2. General Application Requirements

A. Authorization.

- ~~1. An application for any UDO procedure, except for amendments, may be filed only by the owner or lessee of the property, or by an agent or contract purchaser specifically authorized by the owner to file such application.~~
- ~~2. An application for an amendment may be filed by an owner, lessee, agent or contract purchaser of property located in the City or by the City Council, Planning and Zoning Commission, Zoning Administrator, or City Administrator.~~

B. Filing.

- ~~1. An application for any UDO procedure shall be filed with the Zoning Administrator.~~
- ~~2. The application shall be on forms provided by the City and shall be filed in such number as the instructions provide.~~
- ~~3. All plans shall be at a scale sufficient to permit a clear and precise understanding of the proposal.~~
- ~~4. The application shall include all information, plans, and data, specified in the UDO Application Requirements Manual and sufficient to determine whether the application will conform to the requirements set forth in this UDO.~~

C. Completeness.

- ~~1. The Zoning Administrator shall determine whether the application is complete.~~
- ~~2. If the application is not complete, the Zoning Administrator shall notify the applicant of any deficiencies and shall take no steps to process the application until the deficiencies are remedied.~~
- ~~3. Dormant Applications.~~
 - ~~a. If the Zoning Administrator determines that the application is incomplete it will become dormant under these circumstances.~~
 - ~~I. The applicant has been notified of such deficiencies and has not responded or provided a time line for completing the application within ninety (90) days from the time of notification.~~
 - ~~II. The applicant has not responded in writing to a request for information or documentation from the initial Planning and Zoning Commission review within six (6) months from the date of that request.~~
 - ~~III. The applicant has not responded to a request for legal or engineering deposit replenishment for City incurred costs and fees within ninety (90) days from the date of the request.~~
 - ~~b. If the Zoning Administrator has sent the required notice and the applicant has not withdrawn their application or brought it into compliance, then the director shall terminate the application. After termination, the application shall not be reconsidered except after the filing of a completely new application.~~

Commented [RS16]: Add these responsibilities under the PZC section responsibilities.

Commented [RS17]: From existing Section 10-4-6: - Zoning Board of Appeals. Per City website the ZBA no longer exists - deleted and responsibilities moved to PZC.

Commented [RS18]: Add in dormant applications to this section. Jason to send.

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c. Withdrawal or termination of an application shall not affect the applicant's responsibility for payment of any costs and fees, or any other outstanding debt owed to the city. The balance of any funds deposited with the city that is not needed to pay for costs and fees shall be returned to the applicant.

4. Once the Zoning Administrator has determined that the application is complete, the application shall be scheduled for consideration at the appropriate meeting, as needed.

D. Fees.

1. Every application shall be accompanied by the required filing fee as established and modified, from time to time, by the City Council and as included in the City Fee Schedule in Section ##-###.

~~Every application for a Special Use, Subdivision, Planned Unit Development, and/or Annexation shall be accompanied by School Transition Fees to provide for the current level and quality of educational service being maintained by the City and local school districts. The transition fees paid to the affected school district(s) shall be used solely in the education fund, or, in cases where a school building is specifically and uniquely attributed to the specific development or subdivision, the fees collected under this section may be used in the school district's education fund, operation and maintenance fund, or otherwise for land or site improvements including school buildings or other infrastructure.~~

~~The failure to pay such fee when due shall be grounds for refusing to process the application and for denying or revoking any permit or approval for the subject property.~~

2. No fees shall be waived, and no fees shall be refunded except those authorized by the City Administrator or their designee in their sole discretion.

~~A current fee schedule is included in the City Fee Schedule in Section #####.~~

E. Withdrawal of Application. An applicant shall have the right to withdraw an application at any time prior to the decision on the application by a City administrator, commission, or board. Such withdrawal shall be in writing.

F. Successive Applications.

1. A subsequent application shall not be reviewed or heard within one (1) year of the date of denial unless there is substantial new evidence available or if a significant mistake of law or of fact affected the prior denial.

2. Such subsequent applicant shall include a detailed statement of the grounds justifying its consideration.

3. The Zoning Administrator shall make a determination as to whether the subsequent application provides substantial new evidence.

4. If the Zoning Administrator finds that there are no grounds for consideration of the subsequent application, they shall summarily and without hearing deny the request.

10-8-3. Administrative Review and Action

A. Summary of Administrative Review and Action. Table ##-##-## summarizes the Administrative review and approval procedures and identifies the administrator that serves as the review and decision-making body.

Commented [RS19]: Remove reference to school transition fees. This is not collected at time of application.

Commented [RS20]: Remove items 2 and 3.

Commented [RS21]: We'll return to how to refer to fee schedule.

Commented [RS22]: Add open circle to represent "on an as needed basis". Add for Zoning review for zoning administrator. Add for site plan review, sign permits, and temporary use permits for Zoning Officer.

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Table 10-8-2(A): Summary of Administrative Review and Approval Procedures

Administrative Review Procedure	Zoning Administrator	Zoning Officer	Plan Council
Zoning Review	○	●	
Building Permit		●	
Certificate of Occupancy		●	
Site Plan Review	●	○	○
Administrative Exception	●		
Sign Permit	●	○	
Temporary Use Permit	●	○	
Interpretations	●		

Key:
 ● = Review and Decision Making Body
 ○ = Review Body On An As-Needed Basis

B. Zoning Review.

1. It shall be unlawful for any person to erect, move, add to, or structurally alter any building or structure, or to use or change the use of any building or land or to permit the aforementioned actions, until a Zoning Review has been conducted by the Zoning Officer.
2. An application for Zoning Review shall be accompanied by a Property Index Number and Plat of Survey which may include a legal description, the location, size and height of any buildings or structures to be erected or altered; the existing and intended use of each building or structure and portion of the lot; the number of dwellings the building is intended to accommodate, if any; and such other information with regard to the lot and neighboring lots as may be requested by the Zoning Officer to determine and provide for the enforcement of this UDO.
3. The Zoning Officer shall act upon each application for Zoning Review after it is filed in compliance with the provisions of Section ###-###. The Zoning Officer shall return one copy of the plans and notify the applicant, in writing, of said official's refusal to issue an approval detailing the reason(s) for the refusal.
4. No approval shall be issued until appropriate fees have been paid. Fees shall be in the amount set forth in the City Fee Schedule.

Commented [RS23]: Shall be accompanied by a Property Index Number and Plat of Survey which may including a legal description...

Commented [RS24]: Replace with "Approval"

B-C. Building Permit.

1. ~~Permit Required. A Building Permit issued by the Zoning Officer shall be required for the construction, reconstruction, enlargement, or relocation of any building or structure. No building or structure shall be erected, reconstructed, enlarged, or moved until a building permit shall have been applied for in writing and issued by the officer. Said The permit shall be posted in a prominent place on the premises prior to and during the period of erectionconstruction, reconstruction, enlargement, or moving.~~
2. ~~Compliance with provisions. Before a permit is issued for the erection, moving, alteration, enlargement or occupancy of any building or structure or use of premises, the plans and intended use shall indicate conformity in all respects to the provisions of this title.~~
3. ~~Site Pplan Requiredand/or plat of survey. Every application for a Bbuilding Ppermit submitted to the Zoning Oofficer shall be accompanied by a site-Site Pplan and/or plat of survey as detailed in Section ###-###.~~
~~Every application for a building permit submitted to the officer shall be accompanied by a site plan and/or plat of survey, drawn to scale, showing the lot and the building site and the location of existing building on the lot, accurate~~

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~~dimensions of the lot, yards and building or buildings, together with locations and uses, together with such other information as may be necessary to the enforcement of this title.~~

C.D. Certificate of Occupancy.

1. A ~~C~~ertificate of ~~O~~ccupancy ~~to be issued by the officer~~ shall be required for any of the following, except buildings incidental to agricultural operations other than residences:
 - a. Occupancy and use of a building hereafter erected or enlarged.
 - b. Change in the use of an existing building.
 - c. Occupancy and use of vacant land except for the raising of crops.
 - d. Change in the use of land to a use of a different classification except for the raising of crops.
 - e. Any change in the use of a nonconforming use.
2. ~~No such occupancy, use or change of use shall take place until a C~~ertificate of ~~O~~ccupancy therefor shall have been issued.

Commented [RS25]: From existing Section 10-4-12 (b). This is typically a building code compliance issue. It seems ok to include in the zoning ordinance if the City wants to continue to but its typical to have a separate zoning compliance permit process specified explicitly.

Commented [RS26]: Question for staff - should this be the zoning administrator or zoning officer?

Commented [RS27]: Add this back in.

- ~~3. Application For Certificate; Action On Zoning Officer Action.~~
- ~~4.3. The Zoning Officer shall act on Written an application for a C~~ertificate of ~~O~~ccupancy ~~for a new building or for an existing building which has been enlarged shall be acted upon within five (5) business days after a written request for the same has been made submitted to the Zoning Officer after the erection or enlargement of such building or part thereof has been completed in conformance with the provisions of this title.~~
 - ~~a. Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the officer. If the proposed use is in conformity with the provisions of this title, the certificate of occupancy therefor shall be issued within five (5) business days after the application for the same has been made.~~
4. **Temporary Certificate of Occupancy.** Pending the issuance of such a certificate, ~~the Zoning Officer may issue a~~ temporary ~~C~~ertificate of ~~O~~ccupancy ~~may be issued by the officer~~ for a period of not more than six (6) months during the completion of the construction of the building or of alterations which are required under the terms of any law or ordinance.
 - ~~b.a. Renewal.~~ Such temporary certificate may be renewed, but it shall not be construed in any way to alter the respective rights, duties, or obligations of the owner or of the City relating to the use or occupancy of the land or building, or any other matter covered by this title, and such temporary certificates shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.
- ~~5. Contents of Certificates. Each certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of this title.~~
5. **Records Kept Of Action.** A record of all certificates of occupancy shall be kept on file ~~in the office of the officer by the Zoning Officer~~ and a copy shall be forwarded, on request, to any person having proprietary or tenancy interest in the building or land affected.

E. Site Plan Review.

1. **Purpose and Applicability.** Site Plan Review is required prior to the issuance of a Building Permit to certify ~~compliance with all applicable provisions of this UDO. Site Plan Review shall be required for any development meeting one of the following criteria.~~

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- a. New development, including the construction or placement of any new building(s) or expansion of any existing building.
- b. Any development subject to off-street parking and loading requirements.

2. Zoning Administrator Review and Action.

- a. Upon determination of completeness, the application shall be reviewed by the Zoning Administrator to determine compliance with the requirements of this UDO. Based upon the review, the Zoning Administrator shall approve or deny the Application, or forward to Plan Council for further review.
- b. If denied, the Zoning Administrator shall report the deficiencies to the applicant. The applicant shall have six (6) months from the date of notification of the deficiencies to correct the deficiencies; otherwise, the Site Plan will be considered abandoned without further notice from the City.

3. Plan Council Review. Plan Council shall meet on an as-needed bases to review site plan and determine compliance with the requirements of this UDO.

4. Concurrent Applications. A Special Use Permit or Variation application may be processed concurrently with a Site Plan.

5. Expiration and Lapse of Approval. The applicant shall have twelve (12) months from the date of Site Plan approval to secure a Building Permit to carry out the proposed improvements. If a Building Permit has not been obtained within twelve (12) months of the date of approval, the approval shall expire. An extension of the time requirements may be requested in writing and granted by the Zoning Administrator for good cause shown by the applicant, provided a written request is filed with the City at least four (4) weeks prior to the respective deadline.

F. Administrative Exception.

1. Purpose. An Administrative Exception is a process through which certain minor deviations from the requirements of this UDO may be approved by the Zoning Administrator. Administrative Exceptions are intended to allow a limited amount of flexibility in the siting and height of certain buildings and/or structures. The Zoning Administrator shall have the authority to grant or deny applications for Administrative Exceptions for such circumstances as this UDO allows subject to the requirements of this Section.

2. Administrative Exceptions Considered.

- a. An Administrative Exception to certain requirements of this UDO may be granted for the following exceptions:
 - I. A maximum five (5) percent reduction of the interior side and/or rear setback standard for a new principal or accessory building/structure, or an addition to an existing principal or accessory building/structure in any district.
 - II. A maximum five (5) percent increase of the height standard for a new principal or accessory building/structure in any district, and/or
 - III. Other circumstances as detailed in this UDO.
- b. An Administrative Exception shall not be granted for the approval of any use not otherwise allowed as a permitted or Special Use within the subject district.
- c. No Administrative Exception shall be considered where the setback required is five (5) feet or less.
- d. In the case of a requested addition to a structure, no exception shall be considered where the existing structure does not meet the minimum standard setback.

Commented [RS28]: Adjust to five percent.

Commented [RS29]: Adjust to five percent.

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3. **Administrative Exception Review Criteria.** The Administrative Exception shall be approved if the Zoning Administrator finds that the proposed exception:
 - a. Is consistent with the Comprehensive Plan.
 - b. Is consistent with the purpose of the base zoning district.
 - c. Is consistent with adopted building and fire codes.
 - d. Will not result in adverse impacts on adjacent existing or ~~planned development~~Planned Unit Development unless adequately mitigated, and
 - e. Is of a technical nature and is required to achieve at least one of the following:
 - I. Compensate for an unusual site condition.
 - II. Eliminate a minor inadvertent failure to comply with this UDO, or
 - III. To protect a sensitive resource or natural feature.
4. **Zoning Administrator Review and Action.** Upon the determination of completeness, the application shall be reviewed by the Zoning Administrator to ensure the application conforms to the criteria in **Subsection 3** above. Based upon their review, the Zoning Administrator shall approve or deny the Administrative Exception application in writing.
5. **Advancement To Variance.** The Zoning Administrator may advance any Administrative Exception application to a Variance in instances that, in the opinion of the Zoning Administrator, require public input and review by the Planning and Zoning Commission to approve or deny. Any Administrative Exception advanced to a Variance shall follow the procedure in **Section ###-###**.
6. **Expiration.** If a Building Permit is not issued or a Site Plan is not approved within six (6) months of the approval of the Administrative Exception, the Administrative Exception shall be null and void.

G. **Lot Consolidation/Splits.**

1. **Applicability.** A Lot Consolidation/Split is a subdivision which meets any one (1) if the following conditions.
 - a. The consolidation or split of three (3) or fewer lots.
 - b. Subdivisions solely for the creation of public right of way or other public tracts of land.
 - c. Lot line or boundary adjustments to a final ~~F~~iled ~~P~~plat.
 - d. Correction of errors or omissions on a filed ~~F~~inal ~~P~~plat, such as legal description errors, typographical and mapping errors, lot identification errors, and surveyor corrections.
2. **Lot Consolidation/Split Review Criteria.**
 - a. **Comprehensive Plan Alignment.** The Lot Consolidation/Split is consistent with the goals, objectives, and policies set forth in the Comprehensive Plan and other adopted plans and policy documents of the City.
 - b. **UDO Compliance.** The Lot Consolidation/Split is consistent with the provisions of the UDO and the governing zoning district.
3. **Zoning Administrator Review and Action.** Upon the determination of completeness, the application shall be reviewed by the Zoning Administrator to ensure the application conforms to the criteria in **Subsection 2** above. Based upon their review, the Zoning Administrator shall approve or deny the Lot Consolidation/Split application in writing.

Commented [RS30]: Proposing a new lot split procedure to allow the administrative approval of small parcel splits, etc.

4. **Advancement To Variance.** The Zoning Administrator may advance any Lot Consolidation/Split application to a Minor Subdivision in instances that, in the opinion of the Zoning Administrator, require public input and review by the Planning and Zoning Commission to approve or deny. Any Lot Consolidation/Split advanced to a Minor Subdivision shall follow the procedure in [Section ###-###](#).

H. **Sign Permit.**

1. **Purpose.** A Sign Permit shall be required prior to the display, copy change, construction, erection, or alteration of a sign, and its structural components, on any property to verify compliance with all applicable standards of this UDO and the applicable sections of the building code as adopted by the City. All electrical installations associated with the erection and installation of a sign must be done in accordance with the adopted Building and Electrical Codes.
2. **Exemptions.** Signs exempt from a permit are listed in [Section 10-6-4](#) of this UDO.
3. **Sign Permit Review Criteria.** To approve the issuance of a Sign Permit, the Zoning Administrator shall make an affirmative finding that all applicable provisions of this UDO, the Building Code, and all other City ordinances are met.
4. **Zoning Administrator Review and Action.** Based upon their review, the Zoning Administrator shall approve or deny the Sign Permit application in writing.
5. **Expiration and Lapse of Approval.** A Sign Permit shall become null and void, if work authorized under the permit has not been completed within six (6) months of the date of issuance.
6. **Comprehensive Sign Plan.** Signage may also be approved through a Comprehensive Sign Plan as specified in [Section 10-6-8](#).

I. **Temporary Use Permit.**

1. **Purpose.** A Temporary Use Permit shall be required prior to the commencement of a Temporary Use identified in [Table 10-3-12](#).
2. **Temporary Use Permit Review Criteria.** To approve a Temporary Use Permit, the Zoning Administrator shall make an affirmative finding that the following criteria are met:
 - a. **Land Use Compatibility.** The Temporary Use shall be compatible with the purpose and intent of this UDO and the district in which it will be located. The Temporary Use shall not impair the normal, safe, and effective operation of a permanent use on the same site. The Temporary Use shall not endanger or be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements in the immediate vicinity, given the nature of the activity, its location on the site, and its relationship to parking and access points.
 - b. **Compliance with Other Regulations.** A Building Permit or temporary Certificate of Occupancy may be required before any structure used in conjunction with the Temporary Use Permit is approved, constructed, or modified. All structures and the site shall meet all applicable building code, UDO, and fire code standards and shall be promptly removed upon the cessation of the use or event. Upon cessation of the use or event, the site shall be returned to its previous condition, including the removal of all trash, debris, signage, attention attracting devices, or other evidence of the special event or use.
 - c. **Hours of Operation and Duration.** The duration and hours of operation of the Temporary Use shall be consistent with the intent of the event or use, and compatible with the surrounding land uses. The duration and hours of operation shall be established by the Zoning Administrator at the time of approval of the Temporary Use Permit.
 - d. **Traffic Circulation.** The Temporary Use shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections, and traffic controls, as determined by the City Engineer.

Commented [RS31]: New Section - the draft Article 6 specifies that a sign permit be required for various sign types.

Commented [RS32]: Add in a reference to comprehensive sign plan in signs article.

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- e. Off-Street Parking. Adequate off-street parking shall be provided for the Temporary Use, as determined by the Zoning Administrator, and it shall not create a parking shortage for any of the other existing uses on the site.
 - f. Public Conveniences and Litter Control. Adequate on-site restroom facilities and on-site solid waste containers may be required as deemed appropriate by the Zoning Administrator. The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed at no expense to the City.
 - g. Appearance and Nuisances. The Temporary Use shall be compatible in intensity, appearance, and operation with surrounding land uses, and shall not impair the usefulness, enjoyment, or value of adjacent property due to the generation of noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.
 - h. Signs and Attention-Getting Devices. The Zoning Administrator shall review all signage in conjunction with the issuance of the permit, although a Sign Permit is not required. The Zoning Administrator may approve the Temporary Use of attention-getting devices. The number and types of signs and attention-getting devices allowed shall be evaluated on the following criteria:
 - I. Type and size of the proposed event or use.
 - II. Safety considerations (sight distance setbacks, sidewalks in area, etc.).
 - III. Lighting considerations (disturbance of nearby residents or adverse effects to traffic on adjacent streets).
 - IV. Aesthetic concerns (appearance, illumination, number, and size of signs and attention-getting devices proposed).
 - i. Other Conditions. The Zoning Administrator may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, screening/buffering requirements, and guarantees for site restoration and cleanup following the Temporary Use. Conditions may include, but shall not be limited to:
 - I. Modifications or restrictions on the hours of operation, duration of the event, size of the activity or other operational characteristics.
 - II. If the permit applicant requests the City to provide extraordinary services or equipment or if the Zoning Administrator otherwise determines that extraordinary services (e.g., traffic control or security personnel) or equipment should be provided to protect public health or safety, the applicant shall pay to the City a fee sufficient to reimburse the City for the costs of these services if not provided by the applicant. This requirement shall not apply if the event or use has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.
- 6-3. Zoning Administrator Review and Action. Upon determination of completeness, the application shall be reviewed by the Zoning Administrator to ensure the application conforms to the criteria in Subsection 2 above. Based upon their review, the Zoning Administrator shall approve or deny the Temporary Use Permit application in writing.

J. Interpretations.

1. Purpose.

- a. The interpretation authority established by this section is intended to recognize that the provisions of this UDO, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have to be applied.
- b. The Zoning Administrator may issue interpretations of the provisions of this UDO to clarify the standards or requirements as they relate to a particular type of development on a particular property.

- c. The interpretation authority established herein is not intended to add or change the essential content of this UDO but is intended only to allow authoritative application of that content to specific cases.
- 2. Request. The Zoning Administrator may issue an interpretation at the written request of a petitioner who is proposing to take action requiring the issuance of a permit or certificate. The request for an interpretation shall set forth the facts and circumstances, a description of the proposed development, and the precise interpretation claimed by the applicant to be correct.
- 3. Content of Letter. The interpretation does not itself authorize the establishment of a use but provides guidance for any approvals or permits required by this UDO, and the interpretation shall be advisory in nature and shall not be binding upon the Planning and Zoning Commission or the City Council in their functions under this UDO. The interpretation shall specify the facts, reasons, analysis, and standards upon which the interpretation is based.
- 4. Records. A record of all zoning-interpretations shall be kept on file in the Zoning Administrator's office.

10-8-4. Board/Commission General Review and Action Procedures

- A. Summary of Board/Commission Review and Approval Procedures. Table ##-#-## summarizes the Board and Commission Review and Approval procedures and identifies the appropriate boards or commissions that serve as recommending or decision-making bodies.

Table 10-8-3(A): Summary of Board/Commission Review and Approval Procedures

Petition Review Procedure	Plan Council	Planning and Zoning Commission	City Council
Special Use	R	R*	D
Minor Subdivision	R	R	D
Major Subdivision	R	R	D
Planned Unit Development	R	R*	D
Variation		R/D* °	D
Appeal		R	D
Text Amendment	R	R	D
Map Amendment	R	R*	D
Key:			
R = Recommending Body			
D = Decision Making Body			
* = Public Notice Required			
° = The Planning and Zoning Commission is the Final Determination Body For Some Variations as Specified in Section ##-###			

Commented [RS33]: City Council should be final determination body for variances.

Add R/D for Planning and Zoning Commission and add a footnote stating that PZC is final determination for some variations as specified in variation section.

- B. Notice Requirements.

- 1. Notice Requirements by Procedure. Table 10-8-3(B) summarizes the notice requirements per Board and Commission review and approval procedure.

Commented [JW34]: General notice requirements taken from existing Amendment notice requirements

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Table 10-8-3(B): Notice Methods by Board/Commission Review and Action Procedure		
Petition Review Procedure	Published Notice	Mailed Notice
Special Use	●	●
Special Use Major Amendment	●	●
Planned Unit Development	●	●
Planned Unit Development Major Amendment	●	●
Variation	●	●
Map Amendment	●	●
Text Amendment	●	
Key:		
● = Required Notice Method		

4.2. Published Notice. ~~The City shall cause a notice to be published in a newspaper of general circulation within the City. The notice shall include the date, time, place and purpose of such hearing, the name of the applicant and the address of the subject property. Such notice shall be published not less than fifteen (15) days nor more than thirty (30) days in advance of the scheduled hearing date. The City Clerk shall publish notice of a public hearing on such application for amendments, stating the time, place, and purpose of the hearing, at least fifteen (15) but not more than thirty (30) calendar days in advance of the hearing in a newspaper of general circulation in the City.~~

3. Mailed Notice. ~~The Zoning Administrator shall give notice of the public hearing to the applicant. The applicant shall provide notice of the public hearing to all owners of record whose lot or portion of a lot lies within five hundred feet (500) feet of the subject property, measured from the subject property's boundary. The notice shall state the time, place, and purpose of the hearing, and shall be sent not more than thirty (30) calendar days in advance of the hearing. The applicant shall mail send the notice by certified mail properly addressed as shown on the county tax assessor's rolls and with sufficient postage affixed thereto, with return receipt requested, to all owners of record whose lot or portion of a lot lies within five-hundred (500) feet of the applicable site's outermost property line.~~

a. Affidavit Required. ~~The applicant shall also file a sworn affidavit containing a complete list of the names and last known addresses of all property owners of record entitled to notice and served, and attach thereto all United States Post Office return receipts as documentation of compliance with provisions in this subsection 3-B. Such affidavit and the return receipts must be submitted to the Zoning Administrator no later than twenty-four (24) hours in advance of the public hearing.~~

2.4. Cost of Notice. ~~All costs associated with mailed and published notice, as required by this UDO, shall be the responsibility of the applicant.~~

C. Recording of Documents. ~~Recording of documents as required by the City in instances of subdivision, consolidation, amendment, or Planned Unit Development or otherwise required by state statutes, shall be completed by the Zoning Administrator in a timely manner and at the expense of the applicant. Notice of all fees shall be furnished to the applicant by the Zoning Administrator and paid prior to the recording of documents.~~

10-8-5. Special Uses

A. Purpose. ~~The Special Use process is intended to provide the City additional discretion in the approval process for uses. The development and execution of this title is based upon the division of the City into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of require additional consideration due to the potential impact of those uses on neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two (2) categories:~~

Commented [RS35]: From existing Section 10-4-9: - Special Uses.

Commented [RS36]: Remove this

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B. **Plan Council Review.** Plan Council shall review the application and report to the Planning and Zoning Commission its findings and recommendations, including the recommended stipulations of conditions and guarantees as part of the approval.

- ~~1. Uses publicly operated or traditionally affected with a public interest.~~
- ~~2. Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.~~

Commented [RS37]: This seems unnecessary.

C. ~~Initiation of special uses.~~ Any person owning or having an interest in the subject property may file an application to use such land for one (1) or more of the special uses provided for in this title in the zoning district in which the land is situated.

Commented [RS38]: Relocate to authority to authority to file applications section.

D. ~~Application for special use.~~ An application for a special use or expansion of a special use shall be filed with the Zoning Administrator and shall be accompanied by such plans or data as required by the Zoning Administrator from time to time. Such application shall be forwarded from the Zoning Administrator to the Plan Council for review and Plan Commission for public hearing and recommendation to the Mayor and City Council.

Commented [RS39]: This should be stated adequately under 10-8-3 Board and Commission Review Procedures.

C. ~~Hearing on application for special use~~ **Planning and Zoning Commission Hearing and Recommendation.** Upon receipt of the application referred to above, the Planning and Zoning Commission shall hold ~~at least one (1)~~ public hearing and act on in the following manner: on the application. The Planning and Zoning Commission shall report to the City Council its findings and recommendations, including the recommended stipulations of conditions and guarantees as part of the approval.

E.D. **City Council Action.** The City Council shall consider the Planning and Zoning Commission's recommendation, the Zoning Administrator report, and public comment received at the Planning and Zoning Commission public hearing, and shall approve, conditionally approve, or deny the Special Use, or refer the Special Use back to the Planning and Zoning Commission for further consideration.

- ~~1. Protest~~ The City Clerk shall publish notice of a public hearing on such application for a special use, stating the time, place, and purpose of the hearing, at least fifteen (15) but not more than thirty (30) calendar days in advance of the hearing in a newspaper of general circulation in the City.
- ~~2. The Zoning Administrator shall give notice of the public hearing to the applicant. The applicant shall provide notice of the public hearing to all property owners whose lot or portion of a lot lies within five hundred feet (500') of the subject property, measured from the subject property's boundary. The notice shall state the time, place, and purpose of the hearing, and shall be sent not more than thirty (30) calendar days in advance of the hearing.~~
- ~~3. The applicant shall send the notice by certified mail properly addressed as shown on the county tax assessor's rolls and with sufficient postage affixed thereto, with return receipt requested.~~
- ~~4. The applicant shall also file a sworn affidavit containing a complete list of the names and last known addresses of all property owners entitled to notice and served, and attach thereto all United States Post Office return receipts as documentation of compliance with provisions in this subsection D. Such affidavit and the return receipts must be submitted to the Zoning Administrator no later than twenty-four (24) hours in advance of the public hearing.~~

F.E. **Authorization.** For each application for a special use, the Plan Commission shall report to the City Council its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The City Council may grant or deny any application for a special use; provided, however, that in the event of written protest against any proposed Special Use, signed and acknowledged by the owners of twenty (20) percent (20%) of the frontage adjacent thereto, or across an alley, or directly opposite therefrom, such Special Use shall not be granted except by the favorable vote of two-thirds (2/3) of all members of the City Council. In such cases of written protest, a copy of the written protest shall be served by the protestor(s) on the applicant for the proposed Special Use and a copy upon applicant's Attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed Special Use.

Commented [RS40]: Add back in the provision for protest by neighboring property owners and supermajority by City Council needed to overturn.

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~~G.F.~~ **Standards.** No ~~S~~pecial ~~U~~se shall be recommended by the ~~Plan~~ning and ~~Zoning~~ Commission ~~or approved by the City Council unless said commission shall find that~~ the following are found:

Commented [RS41]: From existing Section 10-4-9(F)

1. The establishment, maintenance or operation of the ~~S~~pecial ~~U~~se will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
2. The ~~special-Special U~~se will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within or near the neighborhood in which it is to be located.
3. The establishment of the ~~special-Special U~~se will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage or other necessary facilities have been or ~~are shall be~~ being provided.
5. Adequate measures ~~have been or will~~ shall be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The proposed ~~special-Special U~~se is not contrary to the objectives of the ~~official-City's adopted C~~omprehensive ~~P~~lan ~~of the City as amended~~.

H.—Conditions and ~~G~~uarantees.

~~I.—~~ Prior to the granting of any ~~S~~pecial ~~U~~se, the Plan Commission may recommend and the City Council may require conditions and restrictions, upon establishment, location, construction, maintenance, and operation of the ~~S~~pecial ~~U~~se as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in ~~S~~ubsection ~~F~~ of this section.

~~J.G.~~ In all cases in which ~~special-Special U~~ses are ~~granted-considered~~ the ~~Plan~~ning and ~~Zoning~~ Commission may recommend and the City Council may require such evidence and guarantees as it may deem necessary as proof that the conditions in connection with the ~~S~~pecial ~~U~~se are being and will be complied with as required.

~~K.—Approval. Action of the plan commission.~~

~~L.—~~ The Plan Commission shall make recommendations to the City Council to grant or deny an application for special use, and may establish such conditions and restrictions as defined in subsection G of this section for final action. The City Council may grant or deny, by ordinance, any application for special use or refer back to the Plan Commission for further consideration.

~~M.H.~~ Any application for a ~~S~~pecial ~~U~~se which fails to receive a majority vote for favorable recommendation or favorable recommendation with conditions from the ~~Plan~~ning and ~~Zoning~~ Commission shall not be approved except by the favorable vote of two-thirds (2/3) of all the members of the City Council, and any ~~S~~pecial ~~U~~se application which receives the favorable recommendation or favorable recommendation with conditions from the ~~Plan~~ning and ~~Zoning~~ Commission may be denied by a majority vote of the City Council.

Commented [RS42]: This seems redundant with the procedure established above.

~~N.—~~ **Effect of denial ~~Denial of S~~pecial ~~U~~se.** No application for special ~~Special U~~se, which has been denied wholly or in part by the City Council, shall be resubmitted for a period of one (1) year from the date of said ~~the~~ denial, except on the grounds of new evidence or proof of change of conditions.

~~I.~~ **Revocation ~~Expiration and Lapse of Approval.~~** In any case where a ~~special-Special U~~se has been granted pursuant to the provisions of this chapter, such approval shall become null and void unless it is ~~in-place~~ constructed and in active use within ~~three (3) years~~ of the date of issuance, unless extended by the Zoning Administrator.

Commented [JW43]: Question to staff: Many communities only allow 1-2 years, should this be revised?

~~J.~~ **Amendments to Approved Special Uses.**

Commented [RS44R43]: For now keep as three although committee should discuss.

1. **Determination of Level of Change.** Upon receiving a Special Use amendment application, the Zoning Administrator shall determine whether the amendment is a minor amendment, or a major amendment based on the criteria detailed in Section ##-### and Section ##-### below.
2. **Major Amendment.** A major amendment is any proposed change to an approved Special Use that results in one or more of the following:
 - a. Increase in the intensity of the site's use.
 - b. Additional noise, glare, odor, or other impacts that are detectable from off-site
 - c. Affects the subject property in a manner that inhibits its continued use or reuse, or
 - d. Results in a change inconsistent with any standards or conditions imposed by the City Council in approving the Special Use, as determined by the Zoning Administrator
3. **Minor Amendment.** A minor amendment is any proposed change to an approved Special Use that is consistent with the standards and conditions upon which the Special Use was approved, which does not alter the concept or intent of the Special Use and is not considered a major amendment as detailed in Section ##-###.
4. **Approval Process.** A major amendment to an approved Special Use shall follow the procedure for a Special Use approval set in Section ##-###. A minor amendment to an approved Special Use may be approved by the Zoning Administrator.

10-8-6. Subdivision Procedures

A. **Purpose.** The purpose of this section is to establish the procedures regarding the subdivision, development, and platting of land, the preparation of plats, installation of utilities, and extension of streets and highways.]

B. **General Provisions.**

1. **Zoning District Compliance.** No subdivision shall be approved unless it conforms to all of the requirements of this UDO. Whenever there is a discrepancy between minimum standards or dimensions of this UDO, building codes or other adopted regulations, codes or ordinances, the most restrictive shall apply.
2. **Comprehensive Plan Conformance.**
 - a. All proposed subdivisions shall conform to the most recently adopted Comprehensive Plan.
 - b. The arrangement, character, extent, width, grade, and location of all streets shall conform to all the elements of the Comprehensive Plan and shall be designed in accordance with sound planning and engineering principles as well as the improvement provisions outlined in this Section.
3. **Subdivision Review Criteria.**
 - a. **Comprehensive Plan Alignment.** The Minor or Major Subdivision is consistent with the goals, objectives, and policies set forth in the Comprehensive Plan and other adopted plans and policy documents of the City.
 - b. **UDO Compliance.** The Minor or Major Subdivision is consistent with the provisions of the UDO and the governing zoning district.

C. **Minor Subdivisions.**

1. **Applicability.** A Minor Subdivision is a subdivision involving between four (4) and ten (10) parcels.]

Commented [JW45]: Question to staff: should a public hearing be held at some point in the major and minor subdivision process?

Commented [RS46R45]: No public hearing for now but steering committee can discuss.

Commented [JW47]: Question to staff: Does this range work for the City? 3 or fewer are proposed to be considered lot consolidation/split, more than 10 a major subdivision

Commented [RS48R47]: Staff thinks this works for now but steering committee to discuss,.

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2. **Easements.** Where a Minor Subdivision will result in a lot having inadequate access to utility easements, dedication of easements will be required in accordance with the requirements of the Zoning Administrator and the Planning and Zoning Commission.

3. **Access and Streets.** The splitting of land shall provide each lot with access to a public street or highway, so that access to each lot is assured.

4.4 Procedure.

a. **Concept Plan.** ~~The applicant for a minor~~Minor Subdivision shall meet with the City to review a Concept Plan as described in this subsection. ~~Instructions for subdivision plat processes leading to approval and plat recording:~~

(1) **City Staff Meeting.** The applicant shall schedule a meeting with the City Administrator, City Engineer, and Director of Public Works, to review access, availability of water, sewer, stormwater, and other related technical issues, at least two (2) weeks prior to the targeted Planning and Zoning Commission.

~~(1) —~~

b. **Application:** ~~Petitioners who wish to start the process with a concept plan should at this time submit his application (the original and thirty-five (35) copies) along with thirty-five (35) folded copies of his concept plan, a minimum of fifteen (15) days prior to the targeted Plan Commission meeting. As part of the application, the petitioner shall also provide the names and addresses of all landowners within five hundred (500) feet of the application property to the City's Deputy Clerk for the purpose of sending certified notices of the required public hearing(s).~~

(1) ~~**Park Board:** Petitioner must attend the scheduled Park Board meeting if the development has a residential component. The petitioner (or his duly authorized representative) will present the concept plan, and discuss how it fits into the overall City park plan. The Park Board will make a recommendation regarding the petitioner's plan for parks.~~

(2) **Planning and Zoning Commission:** ~~Petitioner must attend the a~~ scheduled Planning and Zoning Commission meeting, which will involve an informal public comment session after the petitioner ~~(or his a~~ duly authorized representative) presents his ~~concept-Concept P~~lan. ~~The Planning and Zoning Commission shall review and discuss the Concept Plan but is not required to take formal action on the Concept Plan.~~

c. **Committee of the Whole:** ~~Petitioner must attend the scheduled Committee of the Whole meeting, which will involve a presentation of the concept plan by the petitioner (or his duly authorized representative), and informal discussion with the committee members.~~

d. ~~Ordinances in effect on the date of preliminary plan approval shall govern the preparation of the final plan. Ordinances in effect on the date(s) of final plat approval(s) shall govern any fees paid or contributions made by the developer.~~

e. ~~Fees for legal and planning services will be billed based on per hour range of work being performed. These amounts are deducted from the deposit amount invoiced earlier, and a statement of account (reflecting the current credit balance) is sent to the petitioner with the consulting bills enclosed. All fees must be current before proceeding to the next stage of the approval process.~~

b. **Final Plan.** The applicant for a ~~minor~~Minor Subdivision shall submit a Final Plan as described in UDO Application Requirements Manual.

(1) **Plan Council Review.** Plan Council shall review the Final Plan and review and discuss the Concept Plan but is not required to take formal action on the Concept Plan.

f. **Approval of plans:** ~~Approval of the preliminary plan shall entitle the subdivider to approval of the final plan, provided that the final plan:~~

Commented [RS49]: From Existing Section 11-2-1: Concept Plan.

Commented [RS50]: This should be covered adequately in the application requirements.

Commented [RS51]: Remove Park board review. PZC has a park representative.

Commented [RS52]: Question for Staff: Does the Committee of the Whole exist and is it an important step in the review process? I can't find any evidence that it does. I do see a Kendall County committee of the whole.

Commented [RS53]: This doesn't seem necessary to specify.

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- (1) ~~Conforms substantially to the approved preliminary plan;~~
- (2) ~~Meets all conditions of said approval; and~~
- (3) ~~Complies with all applicable, current ordinances.~~
- (4) ~~Disapproval of final plan: Disapproval of the final plan is warranted if:~~
- (5) ~~There are more than minor deviations from the approved preliminary plan; and/or~~
- (6) ~~A new highway, pipeline, or other major improvement shall directly affect the proposed development site.~~
- (7) ~~Proposed improvement plans to be reviewed: The proposed final plat must be accompanied by twelve (12) sets of the proposed improvement plans for review by the Plan Council.~~

Commented [RS54]: Relocate to application requirements.

~~(8)(2) Recommendation in writing: After reviewing the Final Plat and applicable minutes from the Plan Council and any discussions on changes and additions that may be required, the Planning and Zoning Commission shall recommend in writing to the City Council, within forty-five (45) days from receipt of the Plan Council minutes, either approval or disapproval/denial of the Final Plat to City Council in writing and its reasons for such recommendation.~~

~~(3) Further review: The Final Plat then proceeds to the Economic Development Committee which consists of four (4) City Council members for its further review and recommendation. Project then moves to the committee of the whole and then the City Council meeting for approval or disapproval.~~

Commented [RS55]: From 11-2-3 - is EDC and committee of the whole review important?

~~(9)(4) City Council Action. After review and recommendation by the Planning and Zoning Commission, the Final Plat shall be reviewed by the City Council to ensure that the application meets all the applicable review criteria. Based on the review, the City Council shall approve or deny the Final Plat.~~

Commented [RS56]: Add PZC review in before City Council.

~~Prepared by a registered professional engineer: The proposed improvement plans shall be prepared by a registered professional engineer of Illinois, who shall be responsible for the design of all public and land improvements required by this subdivision ordinance, as provided in the Illinois Professional Engineering Act. The submitted plans shall be sealed by said professional engineer, and shall be in conformance with the City's standard specifications for improvements, and these City specifications shall be the only specifications for the improvements.~~

Commented [RS57]: Relocate to application requirements.

~~Final plat submission: The final plat cannot be submitted to the Plan Commission until the improvement plans are approved and signed by the City Engineer and the City Administrator, and all fees are paid, and all required securities are filed.~~

~~(a) -~~

~~D. Major Subdivisions.~~

Commented [RS58]: Search committee of the whole and park board throughout document and remove all references.

~~1. Applicability. A Major Subdivision is a subdivision involving more than ten (10) parcels.~~

~~2. Procedure.~~

~~a. Concept Plan. The applicant for a Major Subdivision shall meet with the City to review a Concept Plan as described in this subsection. Instructions for subdivision plat processes leading to approval and plat recording:~~

Commented [RS59]: From Existing Section 11-2-1: Concept Plan.

~~(1) City Staff Meeting. The applicant shall schedule a meeting with the City Administrator, City Engineer, and Director of Public Works, to review access, availability of water, sewer, stormwater, and other related technical issues, at least two (2) weeks prior to the targeted Plan Commission/Planning and Zoning Commission.~~

~~(+)(2) Plan Council Review. Plan Council shall review and discuss the Concept Plan but is not required to take formal action on the Concept Plan.~~

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~~(2) **Application:** Petitioners who wish to start the process with a concept plan should at this time submit his application (the original and thirty-five (35) copies) along with thirty-five (35) folded copies of his concept plan, a minimum of fifteen (15) days prior to the targeted Plan Commission meeting. As part of the application, the petitioner shall also provide the names and addresses of all landowners within five hundred (500) feet of the application property to the City's Deputy Clerk for the purpose of sending certified notices of the required public hearing(s).~~

Commented [RS60]: This should be covered adequately in the application requirements.

~~(3) **Park Board:** Petitioner must attend the scheduled Park Board meeting if the development has a residential component. The petitioner (or his duly authorized representative) will present the concept plan, and discuss how it fits into the overall City park plan. The Park Board will make a recommendation regarding the petitioner's plan for parks.~~

Commented [RS61]: Remove Park Board Review.

~~(4)(3) **Plan Commission/Planning and Zoning Commission:** Petitioner must attend the a scheduled Plan Commission/Planning and Zoning Commission meeting, which will involve an informal public comment session after the petitioner (or his a duly authorized representative) presents his concept/Concept Pplan. The Planning and Zoning Commission shall review and discuss the Concept Plan but is not required to take formal action on the Concept Plan.~~

~~(5) **Committee of the Whole:** Petitioner must attend the scheduled Committee of the Whole meeting, which will involve a presentation of the concept plan by the petitioner (or his duly authorized representative), and informal discussion with the committee members.~~

Commented [RS62]: Question for Staff: Does the Committee of the Whole exist and is it an important step in the review process? I can't find any evidence that it does. I do see a Kendall County committee of the whole.

b. **Preliminary Plan.** ~~The applicant for a Major Subdivision shall submit a Preliminary Plan as described in t~~ [UDO Application Requirements Manual](#).

Commented [RS63]: From Existing Section 11-2-2: Preliminary Plan.

~~(1) **Plan Council Review.** Plan Council shall review and discuss the Preliminary Plan but is not required to take formal action on the Preliminary Plan.~~

~~(6) **Planning and Zoning Commission Review.** The Planning and Zoning Commission shall evaluate the proposed Preliminary Plan, and after consideration of the Zoning Administrator Report, shall make a recommendation to the City Council to approve, approve with conditions, or deny the Preliminary Plan based on the applicable review criteria. The Planning and Zoning Commission shall transmit a report containing the recommendation to the City Council.~~

~~(7) The preliminary plan is a drawing complying with all provisions of this title, and when considered necessary by the Plan Commission or the Plan Council, should be accompanied by other engineering drawings concerning required improvements on which final review for adherence to design standards and improvement proposals is based, and from which detailed engineering drawings can proceed.~~

~~When the petitioner does not wish to present a concept plan, he will start with his preliminary plan, and at this time submit his application. Petitioner will be invoiced for the required annexation, rezoning, engineering, and other applicable fees, which must be paid in full prior to being placed on the Plan Commission agenda. A deposit for legal and planning services will also be invoiced, and is due at this time. Payment should be made to the Deputy Clerk at the United City of Yorkville administrative offices. As part of the application, the petitioner shall also provide the names and addresses of all landowners within five hundred (500) feet of the application property to the City's Deputy Clerk, for the purpose of sending certified notices of the required public hearing(s).~~

~~(8)(2) Following a written report from the Plan Council, and after review of the preliminary plan and discussion with the subdivider on changes and additions that may be required for the plan, the Plan Commission shall make a recommendation in writing to the City Council.~~

~~(9)(3) **City Council Action.** After review of the Ppreliminary Pplan and the recommendation of the Plan Commission/Planning and Zoning Commission, the City Council shall discuss with the subdivider the~~

Commented [RS64]: Retained from Section 11-2-2 (D): Preliminary Plan.

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proposed plan and shall, within forty-five (45) days, act on the preliminary Preliminary Pplan. The subdivider shall be notified in writing of any conditions of approval or reasons for disapproval.

~~(10)(4)~~ **Time Limit and Expiration.** Approval of the preliminary Preliminary plan Plan is tentative only, and shall be effective for a period of twelve (12) months. If the Final Pplat has not been recorded within this time limit, the preliminary Preliminary Pplan must again be submitted for approval, unless upon application by the subdivider, the City Council grants an extension. An extension period shall not exceed two (2) twelve-month periods.

~~(11)~~ Ordinances in effect on the date of preliminary plan approval shall govern the preparation of the final plan. Ordinances in effect on the date(s) of final plat approval(s) shall govern any fees paid or contributions made by the developer.

~~(12)~~ Fees for legal and planning services will be billed based on per-hour range of work being performed. These amounts are deducted from the deposit amount invoiced earlier, and a statement of account (reflecting the current credit balance) is sent to the petitioner with the consulting bills enclosed. All fees must be current before proceeding to the next stage of the approval process.

Commented [RS65]: This doesn't seem necessary to specify.

c. **Final Plan.** The applicant for a Major Subdivision shall submit a Final Plan as described in UDO Application Requirements Manual.

~~(13)(1)~~ **Plan Council Review.** Plan Council shall review and discuss the Final Plan and recommend either approval or denial to the Planning and Zoning Commission.

b. **Approval of plans:** Approval of the preliminary plan shall entitle the subdivider to approval of the final plan, provided that the final plan:

- ~~(a)~~ Conforms substantially to the approved preliminary plan;
- ~~(b)~~ Meets all conditions of said approval; and
- ~~(c)~~ Complies with all applicable, current ordinances.

~~(2)~~ **Disapproval of final plan:** Disapproval of the final plan is warranted if:

- ~~(a)~~ There are more than minor deviations from the approved preliminary plan; and/or
- ~~(b)~~ A new highway, pipeline, or other major improvement shall directly affect the proposed development site.

~~(3)~~ **Proposed improvement plans to be reviewed:** The proposed final plat must be accompanied by twelve ~~(12)~~ sets of the proposed improvement plans for review by the Plan Council.

Commented [RS66]: Relocate to application requirements.

~~(4)(2)~~ **Recommendation in writing Planning and Zoning Commission Recommendation:** After reviewing the final plat and applicable minutes from the Plan Council and any discussions on changes and additions that may be required, the Plan Commission Planning and Zoning Commission shall review the Final Plan and recommend in writing to the City Council, within forty-five (45) days from receipt of the Plan Council minutes, either approval or disapproval denial of the Final Pplat to City Council in writing and its reasons for such recommendation.

~~(3)~~ **Further review.** The final plat then Following the Planning and Zoning Commission review and recommendation, the Final Plan shall proceed proceeds to the Economic Development Committee which consists of four (4) City Council members for its further review and recommendation. Project then moves to the committee of the whole and then the City Council meeting for approval or disapproval.

Commented [RS67]: From 11-2-3 € - is EDC and committee of the whole review important?

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~~(5)(4)~~ **City Council Action.** After review and recommendation by the Planning and Zoning Commission, the Final Plat shall be reviewed by the City Council to ensure that the application conforms to the approved preliminary plat, addresses all conditions of approval required as part of the Preliminary Plat approval, and meets all the applicable review criteria. Based on the review, the City Council shall approve or deny the Final Plat.

Commented [RS68]: Add PZC review before City Council.

~~(6) Prepared by a registered professional engineer:~~ The proposed improvement plans shall be prepared by a registered professional engineer of Illinois, who shall be responsible for the design of all public and land improvements required by this subdivision ordinance, as provided in the Illinois Professional Engineering Act. The submitted plans shall be sealed by said professional engineer, and shall be in conformance with the City's standard specifications for improvements, and these City specifications shall be the only specifications for the improvements.

Commented [RS69]: Relocate to application requirements.

~~(7) Final plat submission:~~ The final plat cannot be submitted to the Plan Commission until the improvement plans are approved and signed by the City Engineer and the City Administrator, and all fees are paid, and all required securities are filed.

B. Recording of final plat: The Final Plat shall be recorded with the County Recorder of Deeds, within ~~thirty (30)~~ ninety (90) days from the date of final approval, or final approval shall be considered null and void. This requirement shall not apply when delay in recording a plat is due to circumstances beyond the control of the City or developer.

Commented [RS70]: Adjust to 90 days but steering committee should discuss.

~~(5)~~

~~(1) Final engineering plan:~~ Submit three (3) sets of the final engineering plans to the Deputy Clerk at the City administrative offices for review and recommendation by the City Engineer.

E. Required Improvements.

1. **Improvement Requirements Prior to Filing Final Plat.** Upon approval of both the final Final Plan and the plans and specifications for the required subdivision improvements by the ~~Plan Commission~~ Planning and Zoning Commission, Director of Public Works, and the City Engineer, and upon approval of the appropriate agencies as evidenced by state and county permits, where required, the ~~subdivider applicant~~ shall construct and install the required subdivision improvements prior to filing the final plat with the ~~Plan Commission~~ Planning and Zoning Commission for final approval. If construction does not begin within four (4) years of Final Plat approval, the subdivider may be required to revise the plat to comply with new City requirements.

Commented [RS71]: From existing Chapter 5. Question for City - is the text in this section working as intended or are revisions needed?

Commented [RS72]: From existing 11-5-1.

2. **Subdivision Securities.**

a. **Construction guarantee.** In lieu of construction in **section 11-5-1** of this chapter, the subdivider shall post with the City, a construction guarantee in the form of an irrevocable letter of credit or irrevocable performance bond, payable to the United City of Yorkville, sufficient to cover the full cost, plus twenty (20) percent, of the required improvements, as estimated by the engineer employed by the subdivider and approved by the City Engineer, to ~~assure ensure~~ the satisfactory installation of required improvements as outlined in this chapter, and contained in the approved plans and specifications. A surety or bank recognized by the State of Illinois, ~~and carrying a rating sufficient to cover the cost of construction~~, and approved by the City Attorney, shall issue the bond or letter of credit posted, ~~and shall carry a rating sufficient to cover the cost of construction~~. The subdivider shall use the standard bond form or letter of credit form used by the City. Construction guarantee shall not be reduced to below twenty (20) percent of the approved engineer's estimate prior to acceptance of the public improvements by the City. The construction guarantee shall not expire for at least one (1) year. Subsequent renewals of the construction guarantee shall also be for a period of at least one (1) year.

b. **Projects nearing two (2) years:** Projects nearing (2) two years into construction will receive a status inquiry letter from the City Engineer and require an updated public improvement completion (PIC) schedule.

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- c. Projects nearing three (3) years:** Projects nearing (3) three years into construction will receive a status inquiry letter from the City Engineer with a punchlist of uncompleted improvements and will require an updated PIC schedule.
- d. Projects nearing four (4) years:** Projects nearing four (4) years into construction will receive a status inquiry letter from the City Engineer with a punchlist of uncompleted improvements, require an updated PIC schedule and formal notification that the project will be in default if an extension is not requested and approved prior to the four-year construction deadline.
- e. Projects over four (4) years:** Projects over four (4) years into construction will receive notification of default from the City Engineer, at the City Council direction, indicating that the letter of credit or performance bond is subject to a demand for call within sixty (60) days of the date of the notice should the developer not seek an extension for completion.
- f. Reduction of Subdivision Securities:** Final acceptance, approval of land improvements and corresponding reduction or release of letters of credit and/or performance bonds shall be as follows:
- (1) The City Engineer shall issue a written recommendation including the basis for approving, denying, or modifying a request for reduction. The recommendation shall include the amount of the reduction based upon the engineer's estimate of probable cost as adjusted by an inflation factor from the initial date of issuance of the letter of credit or performance bond to the date of reduction. In order to calculate the inflation factor, the "Engineering News Record" construction cost index shall be used. The City Engineer shall also determine the remaining amount of the letter of credit and/or performance bond after the reduction.
 - (2) The City Engineer's written recommendation shall be forwarded to the City Administrator for approval.
 - (3) ~~Upon Following~~ the City Administrator's concurrence with the City Engineer's recommendation, the reduction shall be deemed approved or denied and the City Engineer is authorized to issue a letter to implement the decision.
 - (4) In the event the City Administrator does not concur with the City Engineer's recommendation, the Mayor shall have the final authority to approve or deny the City Engineer's recommendation.
 - (5) A developer may appeal the decision of the City Administrator to the Mayor, who shall review and make a final determination to affirm or reverse the City Administrator's initial decision.
 - (6) The City Administrator or designee shall issue reports quarterly or more frequently as deemed appropriate, to the Mayor and City Council that summarize letter of credit and/or performance bond reduction requests that have been received and actions taken pursuant to those requests.
- 3. Construction Warranty.**
- a. The subdivision irrevocable performance bond or letter of credit shall be released after an appropriate City Council action accepting the improvements for public ownership. Except as provided in **subsection B** of this section, this subdivision letter of credit or performance bond will not be released until a one-year maintenance bond or letter of credit is posted with the City Clerk for ten (10) percent of the land improvement cost, to ensure that ~~any and~~ all improvements will properly function as designed, with no defects before the City Council formal acceptance.
 - b. A maintenance guarantee shall be required for all landscaping but shall not be required for improvements that are on private property that do not serve, benefit, or impact properties other than the one (1) being developed.
 - c. It is a violation of this Code to fail to complete an infrastructure component that results in harm to the public improvement system or in the potential failure of the system.
- 4. Procedure.** Not more than ten (10) months after ~~preliminary-Preliminary P~~ plan approval, four (4) copies of the proposed ~~F~~ final ~~P~~ plans and specifications, engineer's estimates prepared and sealed by a professional engineer

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currently registered with the State of Illinois, and subdivision bond or letter of credit, shall be filed with the City Engineer, and shall provide all necessary information for the following, as applicable:

- a. Streets.
- b. Curbs and gutter.
- c. Storm drainage, including storm sewers and stormwater detention, building storm drains (footings, roof, etc.).
- d. Comprehensive drainage plan, including grades of surface drainageways.
- e. Sanitary sewerage system.
- f. Water supply and distribution.
- g. Public utility locations.
- h. Streetlights.
- i. Sidewalks.
- j. Street signs, guardrails, and other special requirements.
- k. Parkway trees and
- l. Payment in full of all City fees.

5. **Construction and Inspection.**

- a. Written notice to proceed shall be obtained from the City Engineer prior to beginning any work covered by the approved plans and specifications for the above improvements. Authorization to begin work will be given upon receipt of all necessary permits, including all culvert permits required when proposed new or changed subdivision roads intersect any presently existing road, and work must proceed in accordance with construction methods of this section through **Section 11-5-16** of this chapter, and the City's standard specifications for improvements.
- b. Construction of all improvements required by this title must be completed within four (4) years from the date of approval of the **Final Plat**, unless good cause can be shown for granting an extension of time.
- c. The subdivider shall pay all expenses incurred by the City of Yorkville to provide field inspections and testing of all construction work and materials before, during, and after construction.
- d. On-street parking during build out of the development shall be limited to one (1) side only of all streets. In general, parking will not be allowed on the side of the street where fire hydrants are located. The developer shall post signage, as required by the Yorkville Police Department.
- e. Dumpsters, work trailers, and construction materials shall not be stored or located in roadways or public rights-of-way at any time, without exception.
- f. The subdivider is required to submit an acknowledgment of public improvement completion (PIC) schedule in a form approved by the City Attorney and City Engineer. The PIC schedule shall include the following information:
 - (1) The schedule when public improvements are to be completed.
 - (2) The schedule shall state that the City will place as a condition in the **Final Plat** of subdivision approval ordinance or PUD ordinance that the development must have all streets, sewers, water mains, streetlights, and other public improvements installed in a workmanship-like manner within four (4) years of initial construction.

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(3) The schedule will require the subdivider/developer to provide proof by a title search that all accepted infrastructure is free and clear of all liens and encumbrances.

(4) The schedule shall state that the subdivider/developer will maintain the public improvements until they are approved and accepted by the City.

6. **As-Built Plans.** After completion of all public improvements, and prior to final acceptance of said improvements, the subdivider shall make, or cause to be made, a map showing the actual location of all valves, manholes, stubs, sewer and water mains, and such other facilities as the Director of Public Works shall require. This map shall bear the signature and seal of an Illinois registered professional engineer. The presentation of this map shall be a condition of final acceptance of the improvements, and release of the subdivision bond or letter of credit assuring their completion. The coordinate system for as built drawings shall be NAD27 Illinois State planes, east zone, U.S. foot (IL-E). The "as built" plans shall be submitted on reproducible Mylar, and ~~also on computer diskette~~ digitally in a format acceptable to the City.

7. **Acceptance of Dedication, Improvements.**

- a. Final acceptance of the dedication of open space or other public areas shall mean the responsibility for the maintenance of the same. Approval of the ~~F~~inal ~~P~~lat does not constitute final acceptance.
- b. Approval of the ~~F~~inal ~~P~~lat shall be dependent on presentation of proof of responsibility for the maintenance of all community improvements.
- ~~c.~~ All public improvements shall be accepted only by resolution of the City Council, after a formal petition for approval has been submitted by the subdivider to the City Clerk. Such petition shall be filed after completion of the public improvements. The City Engineer and the Director of Public Works shall, ~~within thirty (30) days from receipt of such petition,~~ make recommendations in report form to the City Council. All petitions shall be acted upon by the City Council within thirty (30) days from receipt of such recommendations of the City Engineer and Director of Public Works. A maintenance bond will then be required in the amount of ten (10) percent of the cost of the land improvements, as specified in this title, after City Council acceptance.

~~c.~~

10-8-7. Planned Unit Development

A. Purpose and Intent. The purpose of the regulations, standards, and criteria contained in this Section is to provide an alternate procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this Section. The objective of the Planned Unit Development process is to accommodate a higher level of design and amenity than is possible to achieve under otherwise applicable UDO regulations. The end result can be a product which fulfills the objectives of City plans and policies, including but not limited to the Comprehensive Plan, while departing from the strict application of the regulations of this UDO. The Planned Unit Development is intended to permit and encourage such flexibility and to accomplish the following purposes:

- 1. To promote long term planning pursuant to the City of Yorkville Comprehensive Plan and other relevant plans and City policies.
- 2. To stimulate creative approaches to the commercial, residential, and mixed-use development of land.
- 3. To provide more efficient use of land.
- 4. To preserve natural features and provide open space areas and recreation areas in excess of that required under this UDO.
- 5. To develop new approaches to the living environment through variety in type, design and layout of buildings, transportation systems, and public facilities.

6. To unify buildings and sites through design.

B. General Provisions.

1. The following must be approved as a Planned Unit Development in accordance with this UDO:
 - a. Any multifamily, mixed use, or nonresidential development on a lot or lots greater than ##### square feet.
 - b. Any development encompassing three (3) or more acres in area.
2. Each Planned Unit Development shall be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a Planned Unit Development solely upon an already existing Planned Unit Development except to the extent such Planned Unit Development has been approved as part of a development master plan.
3. The burden of providing evidence and persuasion that any Planned Unit Development is necessary and desirable shall rest with the applicant.

C. Planned Unit Development Relation to Base District Standards.

1. A Planned Unit Development, if approved, shall be applied as an overlay district, and all base district designations shall be maintained.
2. A Planned Unit Development, if approved, may allow for modifications to the standards of the base district. All such modifications shall be referred to as site development allowances.
3. Notwithstanding any limitations on variations which can be approved as contained elsewhere in this UDO, site development allowances may be approved provided the applicant specifically identifies each site development allowance in the Planned Unit Development application and demonstrates how each site development allowance would be compatible with surrounding development; is necessary for proper development of the site; and is aligned with a minimum of one (1) of the modification standards detailed in Section #-#-#.
4. All approved site development allowances shall be delineated in the ordinance approving the Planned Unit Development and shall be considered the standards of the Planned Unit Development overlay district as it applies to the subject property.

D. Modification Standards. An applicant seeking a site development allowance shall be required to justify their request through the provision of tangible benefits to the City of Yorkville by meeting a minimum of two (2) of the modification standards detailed below.

1. **Landscape Conservation and Visual Enhancement.** The Planned Unit Development preserves and enhances existing landscape, trees, and natural features such as rivers, streams, ponds, groves, and landforms.
2. **Sustainable Design.** The Planned Unit Development is designed with consideration given to various methods of site design and building location, architectural design of individual buildings, and landscaping design capable of reducing energy consumption and improving onsite stormwater management.
3. **Public Gathering Space.** The Planned Unit Development includes public gathering space, the amount of which is proportional to the size of buildings or number of dwelling units. The public gathering space is activated through the use of moveable tables and chairs, a fountain or other water feature, a sculpture or other public art feature, benches, seat walls, raised landscape planters, pedestrian scale, and celebratory lighting such as string or Tivoli lights, and/or other features. The public gathering space is integrated into the overall design of the Planned Unit Development and has a direct functional or visual relationship to the main building(s) and is not of an isolated or leftover character.
4. **Placemaking.** The Planned Unit Development has a distinctive identity and brand that is utilized in the signs, streetscape, architecture, public gathering spaces, open spaces, etc.

Commented [RS73]: City wants to require development over 3 acres.

Commented [JW74]: Question to staff: Is the City interested in requiring a PUD in any circumstances? Many communities will require it for development over a certain size.

Commented [RS75]: Remove this limitation.

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5. **Affordability.** The Planned Unit Development includes residential dwellings that are deed restricted for households that make less than or equal to eighty (80) percent of the Kendall County median income.
6. **Universal Design.** the Planned Unit Development includes buildings designed with accessible features such as level access from the street and/or zero entry thresholds.
7. **High Quality Building Materials.** The Planned Unit Development utilizes time and weather tested building materials that are of a higher quality than what is otherwise required by this UDO.

E. **Standards of Review.** The following standards for review shall be utilized in the review of a Planned Unit Development application as a whole, including any requested site development allowances and the modification standards proposed to justify those requests. No application for a Planned Unit Development shall be approved unless the City Council finds that the application meets all of the following standards:

1. **Plan and Policy Alignment.** The Planned Unit Development is consistent with the goals, objectives, and policies set forth in the Comprehensive Plan and other adopted plans and policy documents of the City.
2. **Integrated Design with Identifiable Centers and Edges.** The Planned Unit Development shall be laid out and developed as a unit in accordance with an integrated overall design, in which the various land uses function as a cohesive whole and support one another. The design shall provide identifiable centers, which form focus areas of activity in the development, and edges, which define the outer borders of the development, through the harmonious grouping of buildings, uses, facilities, public gathering spaces, and open space.
3. **Public Welfare.** The Planned Unit Development is designed, located, and proposed to be operated and maintained so that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety, and welfare.
4. **Compatibility with Adjacent Land Uses.** The Planned Unit Development includes uses which are generally compatible and consistent with the uses of adjacent parcels. If the uses are not generally compatible, all adverse impacts have been mitigated through screening, landscaping, public open space, and other buffering features that protect uses within the development and surrounding properties.
5. **Impact on Public Facilities and Resources.** The Planned Unit Development is designed so that adequate utilities, road access, stormwater management, and other necessary facilities will be provided to serve it. The Planned Unit Development shall include such impact fees as may be reasonably determined by the City Council. These required impact fees shall be calculated in reasonable proportion to the impact of the Planned Unit Development on public facilities and infrastructure.
6. **Archaeological, Historical or Cultural Impact.** The Planned Unit Development does not substantially adversely impact an archaeological, historical, or cultural resource, included on the local, state, or federal register, located on or off the parcel(s) proposed for development.
7. **Impact on Viewsheds.** The Planned Unit Development is designed to preserve the integrity of viewsheds from the perspective of viewers located on-site or off-site.

F. **Procedures.**

1. **Pre-Filing Staff Conference and Transmittal of Application.**

- a. **Pre-Filing Staff Conference(s).** A prospective applicant, prior to submitting a formal application for a Planned Unit Development, shall meet for a pre-filing conference(s) with the Zoning Administrator. The purpose of the conference(s) is to help the applicant understand: City plans and policies, including but not limited to the Comprehensive Plan; the UDO; site development allowances; the standards by which the application will be evaluated; and the application requirements.

Commented [RS76]: Procedures are new - taken from Jenks and Homewood combined.

Commented [RS77]: B and C - remove.

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- b. Filing of Application. After completing the pre-filing staff conference, the applicant may file an application for a Planned Unit Development including all of the information required in Section ## ###.
 - c. Deficiencies. The Zoning Administrator shall determine whether the application is complete. If the Zoning Administrator determines that the application is not complete, they shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied. If the Zoning Administrator determines that the application is complete they shall deliver copies of the application to other appropriate City departments or agencies for review and comment.
 - d. Staff Report. A copy of the complete application and a written report incorporating the comments of Village staff and other agencies regarding the compliance of the proposed Planned Unit Development with the requirements and standards of this Article shall be delivered to the Planning and Zoning Commission prior to the public hearing.
2. Plan Council Review. Plan Council shall review and discuss the Planned Unit Development and make a recommendation to approve, approve with modifications, or deny the Planned Unit Development based on the applicable review criteria to the Planning and Zoning Commission.
 3. Public Hearing, Review, and Recommendation by the Planning and Zoning Commission. The Planning and Zoning Commission shall hold a public hearing on the proposed Planned Unit Development, and, at the close of the public hearing and after consideration of the staff report and public comment, make a recommendation to the City Council to approve, approve with modifications, or deny the Planned Unit Development based on the applicable review standards. The Zoning Administrator, on behalf of the Planning and Zoning Commission, shall transmit a report containing its recommendation to approve, approve with modifications, or deny the application to the City Council.
 4. City Council Action. The City Council shall hear the proposed Planned Unit Development, and, at the close of the meeting and after consideration of the Planning and Zoning Commission recommendation, Zoning Administrator Report, and public comment either:
 - a. Approve the application,
 - b. Approve the application with modifications,
 - c. Deny the application,
 - d. Refer the application back to the Planning and Zoning Commission for further review, or
 - e. Postpone further consideration pending the submittal of additional information, including any application requirement previously waived.
 5. Zoning Map Amendment. Upon approval of the Planned Unit Development by the City Council, the zoning map shall be amended to reflect the PD-O Planned Unit Development Overlay District.

G. Amendments to Approved Planned Unit Development.

1. Determination of Level of Change. Upon receiving a Planned Unit Development Amendment application, the Zoning Administrator shall determine whether the amendment is a major amendment, or a minor amendment based on the criteria detailed in Section ## ### and Section ## ### below.
2. Major Amendment. A major amendment is any proposed change to an approved Planned Unit Development that results in one or more of the following changes:
 - a. Increase density,
 - b. Increase the height of buildings,
 - c. Reduce open space by more than five (5) percent,

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- d. Modify the proportion of housing types.
 - e. Change parking areas in a manner that is inconsistent with this UDO.
 - f. Increase the approved gross floor area by more than five hundred (500) square feet.
 - g. Alter alignment of roads, utilities, or drainage, or
 - h. Result in any other change inconsistent with any standard or condition imposed by the City Council in approving the Planned Unit Development and/or the approved Site Plan, as determined by the Zoning Administrator.
3. **Minor Amendment.** A minor amendment is any proposed change to an approved Planned Unit Development that is consistent with the standards and conditions upon which the Planned Unit Development was approved, which does not alter the concept or intent of the Planned Unit Development and is not considered a major amendment as detailed in Section ##-###.
4. **Approval Processes.** A major amendment to an approved Planned Unit Development shall follow the procedure set in Section ##-###. A minor amendment to an approved Planned Unit Development may be approved by the Zoning Administrator.
- H. **Expiration and Lapse of Approval.** For any Planned Unit Development in which there has been no Building Permit issued nor any portion of the property platted after three (3) years since approval by the City Council, the Planned Unit Development shall be considered null and void and shall be brought back before the Planning and Zoning Commission and the City Council for consideration prior to any development on the property. The underlining zoning of the Planned Unit Development shall not expire, only the Planned Unit Development overlay shall expire.

Commented [RS78]: Three years - should match the expiration for special uses.

10-8-4-10-8-8. Variations

- A. **Authority.** The Zoning Board of Appeals/Planning and Zoning Commission, after a public hearing, may recommend a Variation to the regulations of this title/the UDO in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Zoning Board of Appeals/Planning and Zoning Commission holds a public hearing and makes findings of fact in accordance with the standards hereinafter prescribed of this section, and further finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this title/UDO. Unless otherwise specified herein, the Mayor and City Council shall have the final decision on variations.
- B. **Application and Notice of Hearing.** An application for a variation shall be filed in writing with the Zoning Administrator. The application shall contain such information as the Zoning Board of Appeals may from time to time, by rule, require. Variations other than those authorized by this section on which the Zoning Board of Appeals may act shall be submitted to the Zoning Administrator and acted on in the following manner:
- 1. The City Clerk shall publish notice of a public hearing on such application for variation, stating the time, place, and purpose of the hearing, at least fifteen (15) but not more than thirty (30) calendar days in advance of the hearing in a newspaper of general circulation in the City.
 - 2. The Zoning Administrator shall give notice of the public hearing to the applicant. The applicant shall provide notice of the public hearing to all owners of record whose lot or portion of a lot lies within five hundred feet (500') of the subject property, measured from the subject property's boundary. The notice shall state the time, place, and purpose of the hearing, and shall be sent not more than thirty (30) calendar days in advance of the hearing.
 - 3. The applicant shall send the notice by certified mail properly addressed as shown on the county Tax Assessor's rolls and with sufficient postage affixed thereto, with return receipt requested.
 - 4. The applicant shall also file a sworn affidavit containing a complete list of the names and last known addresses of all property owners entitled to notice and served, and attach thereto all United States Post Office return receipts as

Commented [RS79]: From existing Section 10-4-7.

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~~documentation of compliance with provisions in this subsection B. Such affidavit and the return receipts must be submitted to the Zoning Administrator no later than twenty-four (24) hours in advance of the public hearing.~~

Commented [RS80]: This should be covered adequately in the notice requirements and general application requirements subsections.

C. Authorized Variations.

Commented [RS81]: Remove all references to ZBA.

~~D.B.~~ Variations from the regulations of this title shall be granted by the Zoning Board of Appeals~~Plan Commission~~Planning and Zoning Commission only in accordance with the standards established in subsection C of this section and may be granted only in the following instances ~~and in no others~~:

1. To permit any yard or setback less than the yard or setback required by the applicable regulations~~zoning district~~, but by no more than twenty-five percent (25%) percent.
2. To permit the use of a lot or lots for a use otherwise prohibited solely because of insufficient area or widths of the lot or lots, ~~but in~~ no event shall the respective area and width of the lot or lots be less than ninety percent (90%) percent of the required area and width. The percentage set forth in this subsection is not to be reduced by any other percentage for minimum lot width and area set forth in this title.
- ~~3. To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses provided the substantial use of such facility by each use does not take place at approximately the same hours of the same days of the week.~~
- ~~4.3.~~ To reduce the applicable off-street parking or loading facilities required by not more than one (1) parking space or loading space, or twenty percent (20%) percent of the applicable regulations, whichever number is greater.
- ~~5.4.~~ To increase by not more than twenty-five percent (25%) percent the maximum distance that required parking spaces are permitted to be located from the use served.
- ~~6.5.~~ To allow for the deferment, or land banking, of required parking facilities for a reasonable period ~~of time, such period of time to be specified in the variance.~~
- ~~7.6.~~ To increase by not more than ten percent (10%) percent the maximum gross floor area of any use so limited by the applicable regulations.
- ~~8.7.~~ To exceed any of the authorized variations allowed under this subsection when a lot of record or a zoning lot, vacant or legally used on the effective date hereof, is, by reason of the exercise of the right of eminent domain by any authorized governmental domain proceeding, reduced in size so that the remainder of said lot of record or zoning lot or structure on said lot does not conform with one (1) or more of the regulations of the district in which said lot of record or zoning lot or structure is located. ~~2. The concurring majority vote of the Zoning Board of Appeals members shall be necessary to grant a variation. 3. Variations other than those listed may be granted by the City Council, but only after a public hearing as set forth herein for an authorized variation.~~

Commented [RS82]: This should be covered adequately under shared parking provisions.

Commented [RS83]: This seems unnecessary.

E.C. Standards for Variations.

1. The Zoning Board of Appeals~~Planning and Zoning Commission~~ shall not ~~vary the regulations of this title~~ grant a Variation from the regulations of this UDO, nor recommend to the City Council variation of this title, unless it shall make findings based upon the evidence presented ~~to it in each specific case~~ that the standards for hardships set forth in the Illinois Municipal Code are complied with in addition to the following:
 - a. ~~A particular hardship to the owner would result b~~Because of the ~~particular~~ physical surroundings, shape, or topographical conditions of the ~~specific property involved~~subject property, ~~a particular hardship to the owner would result,~~ as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
 - b. The conditions upon which the petition for a variation~~Variation~~ is based are unique to the property for which the variation is sought~~subject property~~ and are not applicable, generally, to other propert~~ies~~y within the same zoning classification~~district~~.

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- c. The ~~alleged~~ difficulty or hardship is ~~caused by this title and has not been~~not created by any person presently having an interest in the property.
- d. The ~~granting of the v~~variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- e. The proposed ~~variation~~Variation will not impair an adequate supply of light and air to adjacent property, ~~or~~ substantially increase the congestion in the public streets, ~~or~~ increase the danger to the public ~~safety~~, or substantially diminish or impair property values within the neighborhood.
- f. The proposed ~~v~~variation is consistent with the official comprehensive plan and other development standards and policies of the City.

~~2. The Zoning Board of Appeals~~Planning and Zoning Commission may impose such conditions and restrictions upon the premises benefited by a ~~variation~~Variation as may be necessary to comply with the standards established in this subsection to reduce or minimize the effect of such ~~variation~~Variation upon other property in the neighborhood and to better carry out the general intent of this title.

Commented [RS84]: Replace with Planning and Zoning Commission.

~~2.~~

3. ~~Action of the Zoning Board of Appeals~~Planning and Zoning Commission Hearing and Action. ~~The Planning and Zoning Commission shall hold a public hearing and shall render a decision to approve, approve with conditions, or deny the application based on all applicable standards of this UDO.~~

- a. ~~The Zoning Board of Appeals, on those matters defined as authorized variations, shall render a decision of approval, approval with conditions, or disapproval based upon the findings of fact as defined in subsection C of this section for final action.~~
- b. ~~The Zoning Board of Appeals, on all other variations which shall be granted by the City Council, shall make recommendations to the City Council for approval, approval with conditions, or disapproval based upon the findings of fact as defined in subsection C of this section for final action or for referral back to the Zoning Board of Appeals for further consideration.~~

4. **Revocation Expiration and Lapse of Approval**. Where a ~~variation~~Variation has been granted pursuant to the provisions of this ~~chapter~~section, such approval shall become null and void unless construction thereon is substantially under way within twelve (12) months of the date of issuance, unless extended by the Zoning Administrator.

F. ~~Variations~~. Where the Zoning Board of Appeals finds that extraordinary hardships or particular difficulties may result from the strict compliance with this title, the Zoning Board of Appeals is hereby empowered to consider such matters after receiving written application from the subdivider. If applicable, the Zoning Board of Appeals may recommend, in writing, to the City Council, variations or exceptions to the regulations, subject to specified conditions, so that substantial justice may be done and the public interest secured, provided that such variations or exceptions shall not have the effect of nullifying the intent and purpose of this title or the comprehensive plan.

Commented [RS85]: Redundant variation process in Section 11-6-3 deleted.

G. The standards and requirements of this title may be modified in the case of large scale developments when the Zoning Board of Appeals finds that a plan and program for a new village, complete community, shopping center, industrial park, or neighborhood unit provides adequate public open spaces and improvements for circulation, recreation, and service needs of the tract when fully developed, and which also provides such covenants or other legal provisions to assure conformity and achievement of the plan.

H. The Zoning Board of Appeals shall not recommend variations or exceptions to the regulations of this title unless it shall make findings based upon the evidence presented in each specific case, that:

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1. ~~Due to the particular physical surroundings, shape, or topography conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.~~
 2. ~~The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally to other properties within the same zoning classification.~~
 3. ~~The alleged hardship was not created by any person presently having an interest in the property.~~
 4. ~~The granting of the variation will not be detrimental to the public safety, health, welfare, or interest to other properties or improvements in the neighborhood in which the property is located.~~
- I. ~~Variation requests that affect surrounding properties under the circumstances below shall not be approved:~~
1. ~~Impairment of an adequate supply of light and air to adjacent properties;~~
 2. ~~Substantial increase in the traffic congestion in public streets;~~
 3. ~~Increase the danger of fire;~~
 4. ~~Endanger the public safety;~~
 5. ~~Significantly diminish or impair property values within the neighborhood; or~~

10-8-9. Appeals

- A. **Purpose.** An Appeal may be taken to the Zoning Board of Appeals~~Planning and Zoning Commission~~ ~~for~~ any order, requirement, decision, interpretation or determination of the regulations of this title made by the enforcing officer~~Zoning Administrator~~, by any person~~individual~~ aggrieved by the action taken under the regulations of this title. The Zoning Board of Appeals~~Planning and Zoning Commission~~ shall hear the Appeal, hold a public meeting, and forward its recommendation(s) to the Mayor and City Council for final determination.~~render a decision.~~
- B. **Initiation.** An appeal~~Appeal~~ may be taken within thirty (30) days of the action ~~complained of the Zoning Administrator of~~ by filing ~~with the enforcing officer~~ a notice of Appeal specifying the grounds thereof, who shall forward such Appeal to the Zoning Board of Appeals~~Planning and Zoning Commission~~.
- C. **Public hearing**~~Planning and Zoning Commission Hearing and Action~~. A public hearing shall be conducted by the zoning board~~Planning and Zoning Commission~~ ~~upon every~~ for each Appeal.
- C. **Decisions.** The Zoning Board of Appeals~~Planning and Zoning Commission~~ may recommend to reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination relating to this title, made by the Zoning Administrator~~enforcing officer~~ and said recommendation shall be forwarded to the Mayor and City Council for final determination.]
- D. **Mayor and City Council Action.** The Mayor and City Council shall consider the Planning and Zoning Commission recommendation and revise or affirm, wholly or partly, or may modify the order, requirement, decision, or determination made by the Zoning Administrator.
- E. **Appeal Review Criteria.** An Appeal of administrative decisions shall be granted only if the Planning and Zoning Commission makes one of the following findings.
1. The decision constituted an erroneous application or interpretation of this UDO.
 2. The decision constituted an abuse of the administrative official's discretion to interpret or apply this UDO.
 3. The decision was rendered based upon an erroneous material fact.

Commented [RS86]: From the existing Section 10-4-8.

Commented [RS87]: Does this really need to go to City Council?

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F. ~~Record of Action.~~ The Mayor and City Council's decision shall be filed and recorded with the City Clerk.

10-8-5-10-8-10. Text Amendments

A. ~~Initiation of Text Amendments.~~ Text ~~A~~ amendments to this UDO may be proposed by the Mayor and City Council, the ~~Plan Commission~~ Planning and Zoning Commission, the ~~Zoning Board of Appeals~~, ~~City official~~ staff, majority beneficiary of land trust, contract purchaser, ~~or any property owner~~, or an authorized agent.

B. Text Amendment Review Criteria.

1. The proposed Text Amendment is consistent with the purpose of this UDO and the City's Comprehensive Plan.
2. The Text Amendment will not adversely affect the public health, safety, or general welfare.

A.C. Plan Council Review. Plan Council shall review and discuss the Text Amendment and recommend approval or denial to the Planning and Zoning Commission.

B. ~~Map amendments may be proposed by the owner of the property involved, the Mayor and City Council, the Plan Commission, the Zoning Board, or other City official.~~

C. ~~Processing:~~

D. ~~Filing of application; contents:~~ An application for an amendment shall be filed with the Zoning Administrator. The application shall be accompanied by such plans or data and such other information as specified by the ~~Plan Commission~~, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed amendments will conform to the standards set forth herein. Copies of such application shall be forwarded to the ~~Plan Commission~~ with the request to hold a public hearing.

E. ~~Hearing:~~ Upon receipt in proper form of the application and statement referred to above, the ~~Plan Commission~~ shall hold at least one (1) public hearing on the proposed amendment. However, the ~~Plan Commission~~ may continue from time to time the hearing without further notice being published.

F. ~~Notice of public hearing:~~

G. ~~The City Clerk shall publish notice of a public hearing on such application for amendments, stating the time, place, and purpose of the hearing, at least fifteen (15) but not more than thirty (30) calendar days in advance of the hearing in a newspaper of general circulation in the City.~~

H. ~~The Zoning Administrator shall give notice of the public hearing to the applicant. The applicant shall provide notice of the public hearing to all owners of record whose lot or portion of a lot lies within five hundred feet (500') of the subject property, measured from the subject property's boundary. The notice shall state the time, place, and purpose of the hearing, and shall be sent not more than thirty (30) calendar days in advance of the hearing.~~

I. ~~The applicant shall send the notice by certified mail properly addressed as shown on the county tax assessor's rolls and with sufficient postage affixed thereto, with return receipt requested.~~

J. ~~The applicant shall also file a sworn affidavit containing a complete list of the names and last known addresses of all property owners entitled to notice and served, and attach thereto all United States Post Office return receipts as documentation of compliance with provisions in this subsection B. Such affidavit and the return receipts must be submitted to the Zoning Administrator no later than twenty-four (24) hours in advance of the public hearing.~~

D. Findings of fact ~~Hearing and R~~ recommendation of by the Plan Commission ~~Planning and Zoning Commission.~~ The Planning and Zoning Commission shall hold at least one (1) public hearing on the proposed Text Amendment. ~~Within forty-five (45) days after the close of the hearing on a proposed Text Amendment, the Plan Commission~~ Planning and Zoning Commission shall make written findings of fact and shall submit the same, together with its recommendation to approve, modify, or deny the Text Amendments to the Mayor and City Council. Where the purpose and effect of the proposed

Commented [RS88]: From existing Section 10-4-10.

Commented [RS89]: Review criteria established as used in Jenks.

Commented [RS90]: This will be covered adequately under the notice requirements section.

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amendment are to change the zoning classification of a particular property, the Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

K. City Council Action.

L. ~~The existing uses and zoning of nearby property.~~

M. ~~The extent to which the property values are diminished by the particular zoning restrictions.~~

N. ~~The extent to which the destruction of property values of plaintiff promotes the health, safety, morals or general welfare of the public.~~

O. ~~The relative gain to the public as compared to the hardship imposed upon the individual property owner.~~

P. ~~The suitability of the subject property for the zoned purposes.~~

Q. ~~The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property.~~

R. ~~The community need for the proposed use.~~

S. ~~The care to which the community has undertaken to plan its land use development.~~

T. ~~Decisions:~~

U. ~~Plan Commission:~~

V. ~~The Plan Commission may hear a request for any change in zoning and may recommend a zoning classification more restrictive than that requested. A concurring vote of a majority of those members present at the meeting shall be required to recommend granting or denying an application for an amendment.~~

W. ~~Report to the City Council shall contain number present and number of votes for or against the motion.~~

X. ~~Mayor and City Council:~~

Y. ~~The Mayor and City Council, upon receiving the recommendation of the Plan Commission~~ Planning and Zoning Commission, may grant approve or deny any proposed Text A amendment in accordance with applicable Illinois Statutes or may refer to the Plan Commission Planning and Zoning Commission for further consideration.

Z.E. ~~If an application for a proposed amendment is not acted upon finally by the City Council within six (6) months of the date upon which such application is received by the Mayor and City Council, it shall be deemed to have been denied.~~

10-8-11. Map Amendments

A. ~~Initiation of A amendments: Text amendments may be proposed by the Mayor and City Council, the Plan Commission, the Zoning Board of Appeals, City official, majority beneficiary of land trust, contract purchaser or any property owner.~~

B.A. ~~Map amendments~~ Amendments may be proposed by the ~~owner of the property involved~~ subject property owner, the Mayor and City Council, the Plan Commission Planning and Zoning Commission, Zoning Administrator, ~~the Zoning Board~~, or another City official.

C. Processing:

D. Filing of application; contents: An application for an amendment shall be filed with the Zoning Administrator. The application shall be accompanied by such plans or data and such other information as specified by the Plan Commission, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed amendments will

Commented [RS91]: From existing Section 10-4-10. Split the existing section into map amendments and text amendments separately.

Commented [RS92]: Subject property owner.

Commented [RS93]: Add Zoning Administrator in.

Commented [RS94]: This should be covered adequately in the board/commission application procedures, and notice requirements.

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conform to the standards set forth herein. Copies of such application shall be forwarded to the Plan Commission with the request to hold a public hearing.

E. ~~Hearing:~~ Upon receipt in proper form of the application and statement referred to above, the Plan Commission shall hold at least one (1) public hearing on the proposed amendment. However, the Plan Commission may continue from time to time the hearing without further notice being published.

F. ~~Notice of public hearing:~~

G. ~~The City Clerk shall publish notice of a public hearing on such application for amendments, stating the time, place, and purpose of the hearing, at least fifteen (15) but not more than thirty (30) calendar days in advance of the hearing in a newspaper of general circulation in the City.~~

H. ~~The Zoning Administrator shall give notice of the public hearing to the applicant. The applicant shall provide notice of the public hearing to all owners of record whose lot or portion of a lot lies within five hundred feet (500') of the subject property, measured from the subject property's boundary. The notice shall state the time, place, and purpose of the hearing, and shall be sent not more than thirty (30) calendar days in advance of the hearing.~~

I. ~~The applicant shall send the notice by certified mail properly addressed as shown on the county tax assessor's rolls and with sufficient postage affixed thereto, with return receipt requested.~~

J. ~~The applicant shall also file a sworn affidavit containing a complete list of the names and last known addresses of all property owners entitled to notice and served, and attach thereto all United States Post Office return receipts as documentation of compliance with provisions in this subsection B. Such affidavit and the return receipts must be submitted to the Zoning Administrator no later than twenty-four (24) hours in advance of the public hearing.~~

~~K.B. Findings of fact and recommendation of the Plan Commission~~ **Map Amendment Review Criteria:** ~~Within forty-five (45) days after the close of the hearing on a proposed amendment, the Plan Commission shall make written findings of fact and shall submit same, together with its recommendations to the Mayor and City Council. Where the purpose and effect of the proposed amendment are to change the zoning classification of a particular property, the Plan Commission Planning and Zoning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters approve Map Amendments only if the following criteria are satisfied.:~~

1. ~~The proposed Map Amendment is consistent with the Comprehensive Plan and the purposes of this UDO.~~

2. ~~The proposed Map Amendment is consistent with the Comprehensive Plan and the purposes of this UDO.~~

4. ~~The proposed Map Amendment is consistent with the existing and planned uses and zoning of nearby properties.~~

2.3. ~~The extent to which the property values are diminished by the particular zoning restrictions.~~

3. ~~The extent to which the destruction of property values of plaintiff promotes the health, safety, morals or general welfare of the public.~~

4. ~~The relative gain to the public as compared to the hardship imposed upon the individual property owner.~~

5.4. ~~The suitability of the subject property is suitable for the purposes of the proposed zoning district for the zoned purposes.~~

6. ~~The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property.~~

7. ~~The community need for the proposed use.~~

8. ~~The care to which the community has undertaken to plan its land use development.~~

5. ~~The proposed Map Amendment will not result in an individual parcel zoned in one zoning district that is not shared by any adjacent parcels, and~~

Commented [RS95]: New criteria added from Jenks.

Commented [RS96]: Rezoning won't specify a use.

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6. The proposed parcel(s) to be rezoned shall meet the minimum frontage and area requirements of the requested zoning district as specified in Section ##-###.

C. Plan Council Review. Plan Council shall review and discuss the Map Amendment and recommend approval or denial to the Planning and Zoning Commission.

L. Decisions.

M. Plan Commission/Planning and Zoning Commission Hearing and Recommendation.

N. The Plan Commission/Planning and Zoning Commission may hear and hold a public hearing on a request for any change in zoning/Map Amendment and, at the close of the public hearing and consideration of public comment and the Zoning Administrator report make a recommendation to the City Council to approve, approve with conditions, or deny the Map Amendment based on the established review criteria. The Planning and Zoning Commission may also recommend a zoning classification district more restrictive than that requested. A concurring vote of a majority of those members present at the meeting shall be required to recommend granting or denying an application for an amendment.

~~O.D.~~ The Planning and Zoning Commission shall transmit a rReport containing its written findings to the City Council shall contain number present and number of votes for or against the motion.

P. Mayor and City Council Action.

E. The Mayor and City Council, upon receiving the recommendation of the Plan Commission/Planning and Zoning Commission, may grant or deny any proposed Map amendment/Amendment in accordance with applicable Illinois Statutes or may refer to the Plan Commission/Planning and Zoning Commission for further consideration.

10-8-12. Annexations

A. Petition for Annexation. All Annexations shall be initiated by the filing of a petition with the Zoning Administrator. Such petitions shall be verified under oath by all the record title owners, including mortgage holders, of all the lands included within the Annexation.

B. Request for Zoning Map Amendments or Variations.

C. Process. All petitions for Annexation agreement requesting a zoning classification other than the R-1, Single-Unit/family Suburban Residence Zoning District zoning classification which is assigned to lands annexed to the City not requesting a rezoning, or for variations shall be processed in the same manner as a petition for a request for a zoning Map Amendments or variations, as provided herein in Section ##-###, for lands within the jurisdictional limits of the City. All such requests for zoning a Map Amendments or Variations shall be accompanied by the fees as provided in section 10-4-13 of this chapter, and the said fees shall be paid at the time of filing the petition for Annexation agreement.

D. Public Notice and Hearing For Zoning Amendments and Variations in Annexation Agreements. The Plan Commission shall hold a public hearing on the zoning ament aspects of annexation agreements in the following manner: The City Clerk shall publish notice of a public hearing on such application for annexation, stating the time, place, and purpose of the hearing, at least fifteen (15) but not more than thirty (30) calendar days in advance of the hearing in a newspaper of general circulation in the City.

~~The Zoning Administrator shall give notice of the public hearing to the applicant. The applicant shall provide notice of the public hearing to all owners of record whose lot or portion of a lot lies within five hundred feet (500') of the subject property, measured from the subject property's boundary. The notice shall state the time, place, and purpose of the hearing, and shall be sent not more than thirty (30) calendar days in advance of the hearing.~~

~~The applicant shall send the notice by certified mail properly addressed as shown on the county tax assessor's rolls and with sufficient postage affixed thereto, with return receipt requested.~~

Commented [RS97]: Is this important to establish here? I believe its often in by-laws.

Commented [RS98]: From existing Section 10-4-11.

Commented [RS99]: This seems relevant to keep - to specify a process to allow requests for zoning districts other than R-1 with annexed land.

The applicant shall also file a sworn affidavit containing a complete list of the names and last known addresses of all property owners entitled to notice and served, and attach thereto all United States Post Office return receipts as documentation of compliance with provisions in this subsection B. Such affidavit and the return receipts must be submitted to the Zoning Administrator no later than twenty-four (24) hours in advance of the public hearing.

In the event that a zoning variation is being requested as part of the annexation agreement, the Zoning Board of Appeals shall hold a public hearing on the zoning variation request in the annexation agreement.

E.B. Other Annexation Agreement Requests. In all cases of petitions for annexation agreement which do not include requests for zoning classifications, other than those assigned to property annexed to the City, or a request for variations, the City Council may refer the petition to such committees or bodies as it deems appropriate, or as required by law, for study and recommendations. Upon receiving the recommendations of such committees or bodies, or, if no such referral is made, the City Council and Mayor of the City shall set the time and place of public hearing and the City Clerk shall cause notice of the said hearing to be published in the manner specified in subsection B of this section. At the conclusion of the hearings before the Plan Commission and Zoning Board of Appeals, and upon those bodies reporting their specific findings and recommendations, the Mayor and City Council shall set the time and place for hearing on the petition for annexation agreement.

1. If an application for a proposed amendment is not acted upon finally by the City Council within six (6) months of the date upon which such application is received by the Mayor and City Council, it shall be deemed to have been denied.

10-8-6. House Numbering

A. Numbering Houses Required. It is hereby made the duty of all owners of lots, buildings and structures situated in the City, excepting barns and outbuildings, to number them in the manner herein provided.

B. Numbering Plan. All lots, buildings or structures in the City shall be numbered in accordance with the following plan:

1. **Determination of Numbers.** The baseline for streets running northerly and southerly shall be the Fox River; the baseline for streets running easterly and westerly shall be Bridge Street. Numbering shall begin with the baselines, based upon the unit system; that is, each block and street shall be 100 and multiples of 100.
 - a. All of said spaces on the east or south side of any street shall be numbered with even numbers commencing at the baseline with numbers 102 and numbering consecutively therefrom to the next starting point.
 - b. All of said spaces on the west or north side of any street shall be numbered with odd numbers commencing at the baseline with number 101 and numbering consecutively therefrom to the next starting point and then, in each case, the second multiple of 100 shall be used and so on along the length of said streets.
2. **Prefixes to Street Names.** All east and west streets, or streets running in an easterly or westerly direction, which cross the base street, namely Bridge Street, shall, east of the base street, bear the prefix "East" and west of said base street, the prefix "West".
3. **Numbering in Business Districts.** All blocks in the area presently zoned business district uses shall be divided into as many twenty foot (20') spaces as possible, and each such space shall be given its proper number, said measurement and numbering shall be continued along each street in the business district, and in case there is a fraction left over exceeding one half (1/2) of such twenty foot (20') space, then such fraction is to be considered and treated as a full space, but if said fraction left over does not exceed one half (1/2) of such space, then such fraction is to be considered and treated as part of the space adjoining it.
4. **Numbering in Other Zoning Districts.** In all other areas of the City, except those areas zoned business district uses, numbers shall be assigned and established for each lot or fraction of a lot, and in the event there is more than one (1) building or structure situated on any one (1) lot, said additional building or structure shall carry a fractional number such as 101 1/4 or whatever the case may be.

Commented [RS100]: I'm not sure I understand what this subsection is supposed to do. It's wordy and unclear and doesn't seem to establish any real clear meaning.

Commented [RS101R100]: This will be reviewed with the City Attorney.

Commented [RS102]: From existing Chapter 3 - House Numbering. Per Diagnostic Memo Recommendation.

Commented [RS103]: Transfer this to development standards article.

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- C. ~~Street Map or Plat.~~ The City Council shall cause to be prepared a map or plat of all the streets and public highways within the City showing the proper numbers of all lots, buildings or structures fronting upon said streets and highways, which map or plat shall be open to the public and used by the public in determining the proper number for lots, buildings or structures.
- D. ~~Penalties.~~ No such person shall be liable for the penalty herein provided until after he has received a notice from the City Clerk, by mail or in person, of the fact that a building owned or occupied by him does not have the proper number to comply with this chapter.