



**VILLAGE OF BARTLETT
ZONING BOARD OF APPEALS
AGENDA
228 MAIN STREET
February 3, 2022
7:00 P.M.**

- I. Roll Call
- II. Approval of the January 6, 2022 meeting minutes
- III. **(#21-17) Zoning Ordinance – Chapter 13: Administration and Enforcement
Text Amendment
PUBLIC HEARING**
- IV. Old Business/New Business
- V. Adjournment



Village of Bartlett
Zoning Board of Appeals Minutes
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M. Werden called the meeting to order at 7:02 pm.

Roll Call

Present: M. Werden, B. Bucaro, J. Banno, C. Deveaux, G. Koziol
Absent: M. Sarwas

Also Present: Village Planner, Kristy Stone and Associate Planner, Devin Kamperschroer

Approval of Minutes

A motion was made to approve the December 2, 2021 meeting minutes.

Motioned by: C. Deveaux

Seconded by: G. Koziol

Roll Call

Ayes: G. Koziol, B. Bucaro, J. Banno, C. Deveaux, and M. Werden

The motion carried.



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(#21-10) Wheaton Eye Clinic

Variation - to allow parking in the required side yards

PUBLIC HEARING

The following exhibits were presented:

Exhibit A – Picture of Sign

Exhibit B – Mail Affidavit

Exhibit C – Notification of Publication

Exhibit D – Letter from Forest Preserve District of DuPage County

The petitioner, Steve Hornik, E. P. Doyle & Son Inc, 1100 Wheaton Oaks Ct, Wheaton IL came forward and was sworn in by **M. Werden**. **S. Hornik** stated that the current layout, which is the former Fifth-Third Bank site on Route 59 is currently under parking requirements for the proposed future addition to the building. It is a zero-footprint expansion. It is essentially an enclosure of the existing drive-through canopy. In order to comply, we will need to add additional parking to provide a safer traffic flow along with the additional parking that is needed. That is our intention for the variance. **M. Werden** were there any calls or correspondences from anybody? **D. Kamperschroer** we do have a letter from the Forest Preserve District of DuPage County. **M. Werden** that is because this backs up to the Forest Preserve on the south and they are concerned about the use of plant species that are non-native to the Chicago region which would have a direct negative impact to natural areas that are considered both exotic and invasive. The use of hybrids and cultivars are strongly discouraged. **K. Stone** the landscaping is not within the purview of the Zoning Board. **M. Werden** that will be more of a concern next week at the Plan Commission meeting. **S. Hornik** we have done several projects for the client in the past and the focus is in regards to their patients. I know that is not a zoning matter, but this location will reduce their demographic's travel distance. That is why they moved to this location. Their focus is not on a traditional eye shop where they are selling glasses, it is more medical care. Their patient's physical needs as well as a desire for a safe environment is what has created the need for a more efficient layout. The expansion within the current roof line will be done after the parking lot work. That is also why we are before you now to create that additional space given that many of their clients have vision problems so that we have a safe logistical area for them to route during the physical building portion of the project. The new layout will not incorporate an overabundance of green space. It is going to be removed and we are not extending the existing curb lines. It is just a reorientation because the existing layout does not lend itself to us adding additional parking and the configuration for the change of use. We have tried several layouts to prevent the need for a variance, but it just does not physically fit within the boundaries of the lot. We are aware that there are adjacent sites with similar variances granted for this and again, this is based upon the parking count requirements for the proposed future building addition that we intend to push forward with once the site work is completed. **M. Werden** I have a generally positive view of this for several reasons. You have an unusual configuration beyond your control of the lot. The building was designed to be a bank and not an eye clinic. You are next to forest preserve property, which will never be built on. It does not matter how close you are to the property line as far as I am concerned. Right now, you are going to exceed the parking requirements by 2 parking spaces. I am aware of the services that you are providing and that you will not have a lot of traffic causing a problem. **G. Koziol** I am happy to see that this property is being developed and that there is a strong



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interest and commitment to Bartlett to expand your business and stay here. You do have an irregularly shaped lot. I am in favor of seeing this proceed. **M. Werden** I would encourage you to look at the forest preserve input for the Plan Commission meeting next week. **S. Hornik** I will look at what the plan reflects. **J. Banno** I agree that this is a very good utilization of the lot. I think you have done a good job configuring the parking.

M. Werden opened the public hearing portion of the meeting. No one came forward.

M. Werden closed the public hearing portion of the meeting.

J. Banno made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#21-10) Wheaton Eye Clinic** for a variation to allow parking in the required side yards subject to the conditions and findings of fact outlined in the staff report.

Motioned by: J. Banno

Seconded by: G. Koziol

Roll Call

Ayes: B. Bucaro, J. Banno, M. Werden, G. Koziol, C. Deveaux

Nays: None

The motion carried.



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Old Business/ New Business

K. Stone we will have a meeting next month.

M. Werden asked if there was a motion to adjourn.

Motioned by: C. Deveaux

Seconded by: B. Bucaro

Motion passed by unanimous voice vote.

The meeting was adjourned at 7:15 pm.

PLANNING & DEVELOPMENT SERVICES MEMORANDUM

22-6

DATE: January 27, 2022

TO: The Chairman and Members of the Zoning Board of Appeals

FROM: Roberta Grill, Planning & Development Services Director 

RE: **Amending Municipal Code, Title 10, Chapter 13: Administration and Enforcement**

As directed by the Village Board Committee of the Whole on January 4, 2022, staff has drafted a text amendment to the Zoning Ordinance - Chapter 13: Administration and Enforcement for your review. This proposed amendment repeals the existing Chapter 13 in its' entirety and adds the new Chapter 13 language creating the Planning & Zoning Commission (P & Z). It also states the new P & Z Commission's jurisdiction and authority, abolishes the existing Plan Commission and Zoning Board of Appeals, updates all of the public hearing notification requirements, specifies the special use permit findings for adult-use cannabis dispensing centers and/or adult-use cultivation centers and identifies the Planning & Development Services Director title, power and duties.

RECOMMENDATION

Staff recommends approval of the attached proposed text amendment to the Zoning Ordinance – Chapter 13: Administration and Enforcement, creating the new Planning and Zoning Commission.

CHAPTER 13

ADMINISTRATION AND ENFORCEMENT

SECTION:

- 10-13-1: Zoning Administrator, Power and Duties**
- 10-13-2: Abolishment of Zoning Board of Appeals and Plan Commission**
- 10-13-3: Planning and Zoning Commission**
- 10-13-4: Appeals**
- 10-13-5: Comprehensive Plan Amendments**
- 10-13-6: Variations**
- 10-13-7: Major Design Exceptions**
- 10-13-8: Text Amendments and Rezonings/Map Amendments**
- 10-13-9: Special Use Permits**
- 10-13-10: Site Plan Review**
- 10-13-11: Administrative Site Plan Review**
- 10-13-12: Notices Of Public Hearing**
- 10-13-13: Fees**
- 10-13-14: Reserved**

10-13-1: ZONING ADMINISTRATOR, POWER AND DUTIES:

- A. The Director of Planning & Development Services shall serve as the Zoning Administrator who shall be responsible for the administration and enforcement of this title. The Zoning Administrator shall:
1. Receive applications required, issue permits and furnish certificates, all as authorized by this title.
 2. Review plans and documents submitted for referral to the P&Z Commission or Village Board under this title and/or title 11 in order to assure conformance of such plans and submittals for the requirements of said title or titles, and apprise petitioners and applicants with respect to deficiencies in submitted plans.
 3. Examine premises for which permits have been issued, and make necessary inspections to determine compliance.
 4. When requested by the Village President or Board of Trustees, or when the interest of the Village so requires, make investigations and render written reports.
 5. Issue such notices or orders as may be necessary.
 6. Keep careful and comprehensive records of applicants, permits, certificates, inspections, reports, notices, orders and all localized actions of the Board of Trustees and shall file the same permanently by street address.
 7. Keep all such records open to public inspection, at reasonable hours, but not for removal from his/her office.
 8. Review and forward petitions for annexations, comprehensive plan amendments (refer to Section 10-13-5, variations (refer to Section 10-13-6), major design exceptions (refer to

Section 10-13-7), text amendments and/or rezonings (refer to Section 10-13-8), special use permits (refer to Section 10-13-9), including without limitation for planned unit developments ("PUDs") (refer to Chapter 9 of this title), planned developments ("PDs") (refer to Chapter 9A of this title), site plan review (refer to Section 10-13-10), and other administrative reviews required by this title to the P&Z Commission or Village Board, as specified.

9. Review and make final decisions on applications for administrative site plan review (refer to Sections 10-9C-1 and 10-13-11).
 10. Review and forward applications for preliminary and final plats of subdivision, and preliminary and final PUD plans.
 11. Recommend rules and procedures consistent with this chapter.
 12. Initiate a petition or application for a comprehensive plan amendment or text amendment.
 13. Request and receive the assistance and cooperation of the Police Department, the Village Attorney and other Village officials.
 14. Inform the Village Attorney of all violations and all other matters requiring prosecution or legal action.
 15. Be entitled to rely upon any opinion of the Village Attorney as to the interpretation of this title and/or title 11 or the legal application of this title and/or title 11 to any factual situation.
 16. Discharge such other duties as may be placed upon the Zoning Administrator by this title or title 11.
- B. Status of Building Permit Application and Necessity for Certificate of Occupancy or Certificate of Completion.
1. Every application for a building permit for new construction, or building addition shall be reviewed and approved by the Zoning Administrator or the Building Official prior to a building permit being issued.
 2. If in the judgment of the Zoning Administrator or the Building Official, the building permit application does not contain sufficient information to enable such Zoning Administrator, or any officer to properly discharge the duties and responsibilities of such office, such officer may request additional information from the applicant.

10-13-2: ABOLISHMENT OF ZONING BOARD OF APPEALS AND PLAN COMMISSION:

- A. The Zoning Board of Appeals, as heretofore created and established under the provisions of the Zoning Ordinance of the Village, also referred to in this title as the Zoning Code, is hereby abolished effective upon the consent by the Board of Trustees to the appointment by the Village President of the last of the nine members of the Planning and Zoning Commission created under Section 10-13-3 of this chapter.
- B. The Plan Commission, as heretofore created and established under the provisions of Zoning Ordinance of the Village, also referred to in this title as the Zoning Code, is hereby abolished effective upon the consent by the Board of Trustees to the appointment by the Village

President of the last of the nine members of the Planning and Zoning Commission created under Section 10-13-3 of this chapter.

10-13-3: PLANNING AND ZONING COMMISSION:

- A. Creation: There is hereby created the Planning and Zoning Commission with such powers and to perform such duties and functions as are hereinafter set forth in this chapter and to replace the former Zoning Board of Appeals and the former Plan Commission upon the abolishment of both said subsidiary bodies as provided in Section 10-13-2 of this chapter. The said Planning and Zoning Commission referred to in this title and in the Bartlett Municipal Code (the "P&Z Commission") shall consist of nine (9) members appointed by the Village President, subject to confirmation by the Board of Trustees, with five (5) members to serve a four (4) year term, and four members to serve a two (2) year term, or such shorter term as the corporate authorities shall determine, and shall retain such office for said term or until his or her successor is appointed and qualified. One member shall be designated by the Village President as chairman at the time of his or her appointment.
- B. Meetings: All meetings of the Planning and Zoning Commission shall be held at the call of the chairman or at such other times as the Planning and Zoning Commission may determine. All testimony by witnesses at any hearing provided for in this title shall be given under oath. The chairman of the P&Z Commission, or in his or her absence the vice-chairman elected by its members, may administer oaths and compel the attendance of witnesses. All meetings of the P&Z Commission shall be open to the public. The P&Z Commission shall keep minutes of its proceedings, including all appeals, comprehensive plan amendments, variations, major design exceptions, text amendments, map amendments/rezonings, special use permits, PUD plans, subdivision plats, site plan reviews and other matters referred to it for consideration by the Village President and Board of Trustees, showing the vote of each member upon every question and matter before the P&Z Commission, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. Findings of fact shall be included in the minutes of each case sustaining or overturning the Zoning Administrator on appeal, and with each recommendation to approve, disapprove, grant, or deny each requested comprehensive plan amendment, variation, major design exception, text amendment, map amendment/rezoning, special use permit, site plan review, or other matter referred to the P&Z Commission for review by the Corporate Authorities or the Zoning Administrator. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the P&Z Commission shall be immediately filed in the Planning and Development Services Department of the Village, and shall be public record. The P&Z Commission shall adopt its own rules of procedure not in conflict with the Illinois Revised Statutes.
- C. Procedures: The Planning and Zoning Commission shall decide matters, make recommendations and/or findings of fact as authorized by this title in a specific case and after public hearing where required by this title or state statute.
- D. Jurisdiction and Authority: The Planning and Zoning Commission is hereby vested with the following jurisdiction and authority:
 - 1. To hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator under this title.
 - 2. To hear all petitions for comprehensive plan amendments, variations, major modifications, text amendments, map amendments/rezonings, special use permits, and

site plan review, PUD plans, and subdivision plats, and make recommendations to the Village Board relative thereto.

3. To hear all other matters referred to it by the Village Board and other matters upon which it is required to conduct hearings under this title or title 11, and to make recommendations to the Village Board relative thereto.

10-13-4: APPEALS:

- A. Purpose: Appeals from decisions of the Zoning Administrator are allowed under this title in order to ensure any discretionary action taken by such officer pursuant to duties assigned by this title is consistent with the purposes of this title, and/or title 11 if applicable, and any related policies adopted by the President and Board of Trustees.
- B. Authority: The Planning and Zoning Commission shall hear and decide appeals from and review any administrative order, requirement, decision or determination made by the Zoning Administrator charged with the enforcement of this title and/or title 11.
- C. Initiation and Processing: An appeal may be taken to the Planning and Zoning Commission by any person, firm or corporation, or by any office, department, board, bureau or commission aggrieved by an administrative order, requirement, decision or determination under this title.
- D. The appeal shall be taken within forty-five (45) days of the action complained of by filing with the Zoning Administrator a notice of appeal, specifying the grounds thereof. Such appeal shall be taken upon forms provided by the Village. The Zoning Administrator shall forthwith transmit to the P&Z Commission all the papers constituting the record upon which the action appealed from was taken.
- E. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the P&Z Commission, after the notice of appeal has been filed with him/her, that by reason of facts stated in the certificate a stay would in his/her opinion, cause imminent peril to life or property. In such event, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the P&Z Commission or by a court of record on application and on notice to the officer from whom the appeal is taken, and on due cause shown.
- F. The P&Z Commission shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the appeal within a reasonable time. The Planning and Zoning Commission shall decide the appeal within thirty (30) days after the conclusion of its hearing on the appeal.
- G. Decisions:
 1. The concurring vote of five (5) members of the P&Z Commission shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, to decide in favor of the applicant any matter upon which it is required to pass under this title.
 2. All decisions of the Planning and Zoning Commission from an administrative order, requirement, decision or determination of the Zoning Administrator shall, in all instances, be final and subject to review under the Administrative Review Act of the State of Illinois.

10-13-5: COMPREHENSIVE PLAN AMENDMENTS:

- A. Purpose; Role of Comprehensive Plan in Administration of Chapter. The comprehensive plan of the village shall serve as the basic policy guide for the administration of this chapter. The comprehensive plan serves as the statement of goals and policies to guide new development and redevelopment in the village. It therefore is the intent of the village to administer this chapter in accordance with the comprehensive plan. The goals and policies of the comprehensive plan may be amended from time to time to meet the changing requirements of the village. Such amendments may at times be necessary to accommodate proposed development or redevelopment of property that may not be consistent with the comprehensive plan. This section therefore establishes the procedures for an amendment to the comprehensive plan.
- B. Initiation of Amendments. An amendment to the comprehensive plan may be initiated only by the Zoning Administrator, the Planning and Zoning Commission, or Village President and Board of Trustees, or the owner of property proposing development of such property under this chapter that may be inconsistent with the comprehensive plan.
1. Filing of Applications.
 - a. Where an amendment to the comprehensive plan is proposed by someone other than the Planning and Zoning Commission, or Village President and Board of Trustees, an application requesting the amendment shall be filed with the Zoning Administrator. The application shall be accompanied by a written statement from the applicant stating the basis for the request.
 - b. Within a reasonable time after submission of the application, the Zoning Administrator shall schedule the application for a public hearing before the Planning and Zoning Commission. The Zoning Administrator shall forward copies of the application and all supporting materials to the Planning and Zoning Commission in advance of the public hearing.
 2. Staff Review. Upon receiving an application requesting an amendment, or upon an instruction from the President and Board of Trustees or the P&Z Commission that it will consider a proposed amendment, the Zoning Administrator shall review the proposed amendment to evaluate its effect on the integrity of the comprehensive plan and this chapter. The Zoning Administrator may deliver copies of the proposed amendment to appropriate government agencies for review and comment. Prior to the scheduled public hearing, the Zoning Administrator shall deliver to the P&Z Commission a written report incorporating or summarizing the recommendations of the Planning & Development Services Department and other departments or agencies.
 3. Action by the Planning and Zoning Commission.
 - a. The P&Z Commission shall hold at least one public hearing on the proposed amendment.
 - b. Notice of Hearing. Notice shall follow the procedures for posting notice of public hearings in section 10-13-12 of this chapter.

- c. In considering the amendment, the Planning and Zoning Commission shall review the proposed amendment, the standards set forth in subsection 3.C. below, the report of the Zoning Administrator, and any oral and written comments received by the P&Z Commission before or at the public hearing or otherwise made part of the record of the P&Z Commission on the application. Based on this information, the P&Z Commission shall submit, within a reasonable time, a report and recommendation to the President and Board of Trustees on whether or not the proposed amendment should be adopted.
- C. Standards for Reviewing Amendments. In deciding whether to recommend adoption of a proposed amendment to the comprehensive plan, the Planning and Zoning Commission shall consider whether the amendment is necessary based on one or more of the following factors:
1. There has been a change in projections or assumptions (such as demographic trends or the availability of public facilities) from those on which the comprehensive plan is based; or
 2. The data used as the basis for formulating the comprehensive plan are in error or out of date; or
 3. New issues or needs have presented themselves to the village that are not adequately addressed in the comprehensive plan; and
 4. The amendment will not adversely affect the character of the area in which the proposed development is to be located.
- D. Action by the President and Board of Trustees. Upon receiving the report of the Zoning Administrator and the report and recommendation of the Planning and Zoning Commission, without further public hearing the President and Board of Trustees may adopt the proposed amendment by ordinance, may reject the proposed amendment, or may refer the matter back to the Planning and Zoning Commission for further consideration.
- E. Effect of Denial. No application for an amendment shall be accepted by the village that is proposed by someone other than the Zoning Administrator, the President and Board of Trustees, or the Planning and Zoning Commission, and which is identical or substantially similar to a proposed amendment for the same parcel or parcels of land which have been rejected by the President and Board of Trustees within the previous 365 days.
- F. Typographical or Drafting Errors. Notwithstanding any other provisions set forth above, amendments to correct typographical or drafting errors in the comprehensive plan may be adopted by the President and Board of Trustees at a regular meeting without the posting or personal delivery of prior notice and without a public hearing.

10-13-6: VARIATIONS:

- A. Purpose: The variation process is intended to provide limited relief from the requirement of this title in those cases where the strict application of those requirements will create a practical difficulty or unnecessary hardship prohibiting the use of the land in a manner otherwise allowed under this title. In no event, however, shall the Village Board grant a variation that

would allow the establishment of a use not otherwise allowed in a zoning district or that would change the zoning district classification of any or all of the affected property.

- B. Authority: The Planning and Zoning Commission shall consider variations from the bulk regulations of this title in harmony with its general purpose and intent, and shall recommend that the Village Board vary them only in the specific instances hereinafter set forth, where the Planning and Zoning Commission shall have made a finding of fact based upon the standards hereinafter prescribed.
- C. Initiation: An application for a variation may be made by any person, firm or corporation, or by any office, department, board, bureau or commission requesting or intending to request application for a building permit or occupancy certificate.
- D. Processing: An application for a variation shall be filed with the Zoning Administrator on forms provided by the Village and accompanied by such information as shall be established from time to time by the Village and kept on file with the Zoning Administrator. The Zoning Administrator shall forward such application to the Planning and Zoning Commission for processing in accordance with applicable statutes of the State of Illinois and the provisions of this title.
- E. The Planning and Zoning Commission shall make its recommendation after a public hearing, of which there shall be a notice of public hearing given in accordance with the requirements set forth in Section 10-13-12 of this chapter and indicating the time and place of such hearing published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one or more newspapers published in the Village, or, if no newspaper is published in the Village, then in a newspaper of general circulation within the Village. Notice of the public hearing shall also be mailed and posted on the Village's web site. In addition, at least fifteen (15) days prior to the date of the public hearing, the Village shall cause to be posted on the real estate which is the subject of such variation petition the following notice:

Public Notice. Public Hearing for variation from Bartlett Zoning Ordinance for this site (insert date and time), Bartlett Municipal Building, 228 South Main Street.

The Bartlett Planning and Zoning Commission

The procedure for publication, posting on the Village's website, mailing, and posting the notice on the subject property hereinbefore required shall be governed by Section 10-13-12 hereinafter set forth.

- F. Authorized Variations: Variations from the regulations of this title shall be granted by the Village Board only in accordance with the standards set out in this Section and may be granted only in the following instances:
 - 1. To permit up to a twenty percent (20%) reduction in the front, side or rear yard in residential zoning districts required by this title; provided, however, the corporate authorities may by a vote of a) five (5) Trustees, or b) the Village President and four (4) Trustees, grant a variation which permits more than a twenty percent (20%) reduction in the front, side or rear yards in residential zoning districts required by this title, and to permit an unlimited reduction in the front, rear and side yards in all other zoning districts required by this title.

2. To permit the use of a lot or lots for a use otherwise prohibited solely because of insufficient area of the lot or lots, but in no event shall the respective area of the lot be less than ninety percent (90%) of the required area. The percentage set forth in this subsection is not to be reduced by any other percentage for minimum lot area set forth in this title.
3. To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or twenty percent (20%) of the applicable regulations, whichever number is greater.
4. To increase by not more than ten percent (10%) the maximum gross floor area of any use so limited by the applicable regulations.
5. To extend the period of time a nonconforming use may continue or remain.
6. To exceed any of the authorized variations allowed under this section, when a lots of record or a zoning lot, vacant or legally used on the effective date of this title, is by reason of the exercise of the right of eminent domain by any authorized governmental body or by reason of a conveyance under threat of an eminent domain proceeding so reduced in size that the remainder of said lot does not conform with one or more of the regulations of the district in which said lot of record or zoning lot or structure is located.
7. To permit up to a twenty percent (20%) reduction in landscape planting requirements based on site specific conditions.
8. To eliminate the requirement of enclosing loading spaces located in a front and/or corner side yard for buildings located in an I-2 EDA Zoning district.
9. To grant a variation where the P& Z Commission has recommended and found, and/or the Corporate Authorities find that where, by reason of an exceptional situation, surroundings or a condition of rezoning a lot or lot of record, or by reason of exceptional narrowness or shape of a zoning lot, or by reason of exceptional topographical conditions, the District's application of the provisions of this title would result in a peculiar and exceptional practical difficulties or particular hardship upon the owner of such property, as distinguished from a mere inconvenience to such owner, provided such relief be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations an provisions contained in this Title.
10. To grant a variation from the requirements as outlined in Section 10-3 of this title.

G. Standards for Variations:

1. The variation if granted will not alter the essential character of the property and the surrounding properties, and will be consistent with the goals and objectives set forth in the comprehensive plan.
2. The plight of the owner is due to unique circumstances.
3. For purposes of supplementing the above standards, the Planning and Zoning Commission and the Corporate Authorities, in determining that there are particular

difficulties or hardships shall also take into consideration the extent to which the following standards favorable to the applicant have been established by the evidence:

- (a) That the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
- (b) That conditions upon which the petition for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classifications.
- (c) That the purpose of the variation is not based exclusively upon a desire to receive a greater economic return.
- (d) That the alleged difficulty or hardship is caused by the provisions of this Title and has not been created by any person presently having an interest in the property.
- (e) That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhoods in which the property is located.
- (f) That the proposed 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 of fire, or endanger the public safety, or substantially diminish or impair property values within the general area of the property.
- (g) That the granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this title to other lands, structures or buildings in the same district.
- (h) The design of the development in connection with the proposed variation will minimize adverse effects, including visual impacts of the proposed use on abutting nearby properties.

4. A variation shall be recommended only if the evidence, in the judgment of the Planning and Zoning Commission, sustains all the conditions enumerated above.

H. **Vote Required:** The concurring vote of five (5) members of the Planning and Zoning Commission shall be necessary to recommend any proposed variation to the Corporate Authorities for approval. In the event any proposed variation fails to receive a positive recommendation for approval of the Planning and Zoning Commission, the ordinance proposing to grant the proposed variation shall not be passed except by the favorable vote of two-thirds (2/3) of all trustees of the Village.

I. **Village Board Action:** The Village Board shall review the report and recommendation of the Planning and Zoning Commission and shall either approve the requested variation by ordinance or approve the requested variation with conditions as set forth in the ordinance approving it, or deny it, or send it back to the P&Z Commission for further consideration, and if the underlying site plan or variation request is materially changed to increase density, decrease parking, or in the opinion of the Zoning Administrator is likely to negatively impact any surrounding property from the variation the P&Z Commission considered originally, a new

public hearing shall be held by the P&Z Commission after due notice thereof is given in accordance with this chapter shall be held before a recommendation thereon is forwarded to the Village Board.

10-13-7: MAJOR DESIGN EXCEPTIONS:

- A. Authority: The Planning and Zoning Commission shall hear and consider major design exceptions as part of a Site Plan review as determined by the Zoning Administrator and shall make a recommendation to the Village Board. Major design exceptions shall be authorized or denied by the Village Board by ordinance in accordance with the procedural provisions of this title and the downtown overlay district regulations. No application for a major design exception shall be acted on by the Village Board until after a public hearing held before the Planning and Zoning Commission, and the findings and recommendations of the Planning and Zoning Commission have been reported to the Village Board.
- B. Initiation: An application for a major design exception may be made by any person, firm or corporation, or by any office, department, board, bureau or commission requesting or intending to request application for a site plan review of property lying within the downtown overlay district.
- C. Processing: An application for any major design exception shall accompany the associated site plan application along with the associated fees and shall be filed with the Zoning Administrator. The application shall define the requested exception, reference the applicable code section, and provide supporting material for review by the staff. The Zoning Administrator shall forward such application to the Planning and Zoning Commission for processing in accordance with applicable statutes of the State of Illinois and the provisions of this title.
- D. The Planning and Zoning Commission shall make its recommendation after a public hearing, of which there shall be a notice of a public hearing given in accordance with the requirements set forth in Section 10-13-12 or this chapter, including without limitation, notice indicating the time and place of such hearing published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one or more newspapers published in the Village, or, if no newspaper is published in the Village, then in a newspaper of general circulation within the Village. Notice of the public hearing shall also be mailed and posted on the Village's web site. In addition, at least fifteen (15) days prior to the date of the public hearing, the petitioner shall cause to be posted on the real estate which is the subject of such major exception the following notice:

Public Notice: Public hearing for major design exception from the Bartlett Zoning Ordinance and the downtown overlay district for this site (insert date and time), Bartlett Municipal Building, 228 South Main Street.

The Planning and Zoning Commission.

The procedure for publication, posting on the Village's website, mailing, and for posting the notice on the subject property hereinbefore required shall be governed by section 10-13-12 hereinafter set forth.

- E. Authorized Major Design Exceptions: Major design exceptions may include exceptions as outlined in section 10-9C-1 hereinafter set forth.

- F. Conditions And Standards For Major Design Exceptions: The Planning and Zoning Commission shall hold the public hearing and forward its recommendations and findings of fact in the form of a written report to the Village Board within a reasonable time, usually within thirty (30) days following the date of public hearing on each application, unless it is withdrawn by the petitioner. Such findings of fact as to the conditions and standards for major design exceptions shall include all of the following:
1. The exception fulfills the intent defined for in article 10-9C of the zoning regulations (refer to section10-9C-1).
 2. The resulting development is consistent or compatible with the surrounding context or the vision defined in the Village's comprehensive plan, the downtown TOD master plan, and or other planning documents approved by the Village.
 3. The requested exception results in a development of equal or higher quality and durability of design.
 4. The resulting development would not impede adjacent development from complying with the overlay district regulations.
 5. The requested exception results from conditions that are unique to the subject development and would not establish a precedent that would prevent the Board from reasonably denying a similar exception for similarly situated properties.
- G. Decisions: The Village Board, upon receipt of the report and recommendation of the Planning and Zoning Commission, and without further public hearing, may grant by ordinance or deny any proposed major design exception in accordance with this title and the downtown overlay district regulations of this title, or may refer it back to the Planning and Zoning Commission for further consideration.

10-13-8: TEXT AMENDMENTS AND REZONINGS/MAP AMENDMENT:

- A. Purpose: The text of this title and the zoning map may be amended from time to time in accordance with the procedures and standards set forth in this title. The purpose of this section is to provide for a means of amending the text of this title or changing the zoning district classification of any land identified on the zoning map, also referred to in this chapter as rezoning, and to make adjustments to the text of this title and/or the zoning map necessary in light of changed conditions, changes in public policy, or that are necessary to advance the general welfare of the Village.
- B. Authority: The regulations imposed and the districts created under the authority of this title may be amended from time to time by ordinance, in accordance with applicable statutes of the State and the Village's home rule authority. Any proposed amendment shall be considered by the President and Board of Trustees only after a public hearing before the Planning and Zoning Commission, and it has adopted and submitted a written report which may be in the form of minutes of the public hearing of its findings and recommendations to the President and Board of Trustees. Amendments for purposes of this chapter shall mean a petition for a change in the text of this title and/or the rezoning of land shown on the zoning map together with a corresponding amendment to the zoning map.
- C. Initiation Of Amendment: Text amendments may be proposed by the Zoning Administrator, the Planning and Zoning Commission, other governmental bodies, or by any resident of or

by the owner of the property for which the amendment is requested. No rezoning/map amendment shall be proposed unless it is consistent with the comprehensive plan. A comprehensive plan amendment may be proposed concurrently with a zoning map amendment.

- D. Processing: Upon receipt of a complete application, including all required supporting documentation, the application shall be forwarded to the Planning and Zoning Commission with a request to hold a public hearing. All information and documents applicable to the amendment application shall be received by the Zoning Administrator at least three weeks prior to the regularly scheduled meeting of the Planning and Zoning Commission to be scheduled for a public hearing on that date, and shall be forwarded to the Planning and Zoning Commission at least seven days prior to the hearing date.
- E. The Planning and Zoning Commission shall make its recommendation on any text amendment after a public hearing, of which there shall be a notice indicating the time and place of such hearing published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one or more newspapers published in the Village or, if no newspaper is published in the Village, then in a newspaper of general circulation within the Village, and posting on the Village website, the following notice:

Text Amendment Public Notice – Public hearing to for a text amendment of the Zoning Ordinance (brief summary) (insert date and time), Bartlett Municipal Building, 228 south main Street

The Bartlett Planning and Zoning Commission.

In addition, in the case of any rezoning and map amendment, at least fifteen (15) days prior to the date of the public hearing, the applicant shall mail notice to the surrounding property owners as required by Section 10-13-12, and the Village shall cause to be posted on the Village's website and on the real estate which is the subject of the proposed rezoning/map amendment to the Bartlett Zoning Ordinance, the following notice:

The Rezoning/Map Amendment Public Notice – Public Hearing to rezone this property from (insert) to (insert) (insert date and time), Bartlett Municipal Building, 228 South Main Street

The Bartlett Planning and Zoning Commission

The procedure for publication, posting on the Village's website, mailing, and posting the notice on the subject property hereinbefore required for any map amendment/rezoning shall be governed by Section 10-13-12 of this Chapter.

- F. Decisions. The Planning and Zoning Commission shall fix a reasonable time for the hearing of the amendment. The hearing may be continued from time to time by action of the Planning and Zoning Commission. Within 30 days of the adjournment of the public hearing, the Planning and Zoning Commission shall adopt and forward its written recommendations and findings on the amendment to the President and Board of Trustees. The President and Board of Trustees shall make the final decision on the amendment.
- G. Findings of Fact and Recommendation of the Planning and Zoning Commission. The Planning and Zoning Commission shall make written findings of fact that shall be submitted with its recommendations to the President and Board of Trustees for consideration. Where the purpose and effect of the proposed amendment is to change the zoning classification of a

particular property, i.e., a map amendment/rezoning, the Planning and Zoning Commission shall make findings of fact based upon all the evidence presented to it and shall consider and provide specific findings on the following:

1. The proposed rezoning is compatible with existing uses of property within the general area of the property in question.
2. The proposed rezoning is compatible with the zoning classifications of property within the general area of the property in question.
3. The compatibility of the proposed use of the property in question to the uses permitted under the existing zoning classification.
4. The trend and character of development, if any, in the general area of the property in question, including changes, if any, that have taken place in the zoning classifications of property in the general area of the property in question.
5. The depreciatory or appreciatory impact, if any, of the proposed development upon surrounding properties in the general area of the property in question.
6. The environmental impact of the proposed development if a commercial or industrial use is proposed, or any floodway, flood plain, or wetlands is located on or in the general vicinity of the property in question.
7. Compliance with the Bartlett comprehensive plan or its amendment.
8. Fiscal impact.

When a proposed rezoning/map amendment is not in conformance with the comprehensive plan, the Planning and Zoning Commission shall not recommend its adoption unless it finds based upon the specific findings that the adoption of such amendment is in the public interest and is not solely for the financial interest of the applicant, and that either the proposed amendment will correct an existing error or conditions have changed that make the proposed amendment necessary.

- H. Action by the President and Board of Trustees. Except as provided herein, the President and Board of Trustees shall not act upon a proposed amendment until it has received the adopted and written report and recommendations from the Planning and Zoning Commission on the proposed amendment. The President and Board of Trustees, upon receipt of the report and recommendation of the Planning and Zoning Commission, without further public hearing, may grant by ordinance or deny any proposed amendment or refer it back to the Planning and Zoning Commission for further consideration.
- I. Typographical or Drafting Errors. Notwithstanding any other provisions set forth above, amendments to correct typographical or drafting errors in the text of this title or on the zoning district map or any ordinances adopted pursuant to the provisions of this title may be adopted by the Board of Trustees at a regular meeting without the posting or personal delivery of prior notice and without a public hearing as otherwise required herein.

10-13-9: SPECIAL USE PERMITS:

- A. Purpose: The development and execution of the Zoning Ordinance is based on the division of the Village into zoning districts, within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses which because of their unique character cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon the public need for the particular use or the particular location. Such special uses fall into two (2) categories:
1. Uses operated by a public agency or publicly regulated utilities, or uses traditionally affected with a public interest.
 2. Uses entirely private in character but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- B. Authority: Special use permits shall be authorized or denied by the Village Board by ordinance in accordance with the procedural provisions of this title and the regulations and conditions set forth herein for special uses and special use permits. No application for a special use or special use permit shall be acted on by the Village Board until after a public hearing is held before the Planning and Zoning Commission, and the findings and recommendations of such body holding such public hearing have been reported to the Village Board.
- C. Initiation: An application for a special use permit may be made by any person, firm or corporation, or by an office, department, board, bureau or commission requesting or intending to request a building permit or occupancy certificate. The application shall include proof of ownership of the property that is the subject of the application for a special use permit. Unless the applicant for a special use permit is the owner of the property that is the subject of the application, the application for a special use permit shall be accompanied by a written consent to the application for the special use permit signed by the owner(s) of the property in question and the title, authority, and capacity in which the petitioner is executing and submitting the application.
- D. Processing: An application for a special use permit shall be filed with the Zoning Administrator on forms provided by the Village and accompanied by such information as shall be established from time to time by the Village and kept on file with the Zoning Administrator. The Zoning Administrator shall upon instruction from the Village Board forward such application to the Planning and Zoning Commission with a request to hold a public hearing.
- E. The Planning and Zoning Commission shall make its recommendation after a public hearing, of which there shall be a notice of a public hearing given in accordance with the requirements set forth in Section 10-11-12 of this chapter, including without limitation, indicating the time and place of such hearing published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one or more newspapers published in the Village or, if no newspaper is published in the Village, then in a newspaper of general circulation within the Village. Notice of the public hearing shall also be mailed and posted on the Village's website. In addition, at least fifteen (15) days prior to the date of the public hearing, the Village shall cause to be posted on the real estate which is the subject of the proposed amendment to the Bartlett Zoning Ordinance, the following notice:

Public Notice. Public Hearing for special use permit under Bartlett Zoning Ordinance for this site (insert date and time), Bartlett Municipal Building, 228 South Main Street.

The Bartlett Planning and Zoning Commission

The procedure for publication, posting on the Village's website, mailing and posting the notice on the subject property hereinbefore required shall be governed by section 10-13-12 of this chapter.

- F. The Planning and Zoning Commission shall hold the public hearing and forward its recommendations and findings of fact in the form of a written report to the Village Board within a reasonable time, usually within thirty (30) days following the date of the conclusion of the public hearing on each application, unless it is withdrawn by the petitioner. Such findings of fact shall include all of the following:
1. That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;
 2. That such use will not under the circumstances of the particular case be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or be injurious to property value or improvement in the vicinity;
 3. That the special use shall conform to the regulations and conditions specified in this title for such use and with the stipulation and conditions made a part of the authorization granted by the Village Board of Trustees.
 4. That special use permits for adult-use cannabis dispensing centers and/or adult-use cannabis cultivation centers shall include the following additional findings of fact:
 - a. The proposed facility will not negatively impact existing or future uses located within the vicinity of the subject property.
 - b. The proposed adult-use cannabis dispensing center property is located a minimum of one thousand feet (1,000') from the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home or pre-existing property zoned or used for residential purposes. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section. The proposed adult-use cannabis cultivation center property is located a minimum of two thousand five hundred feet (2,500') from the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home or pre-existing property zoned or used for residential purposes. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
 - c. The proposed structure in which the facility will be located complies with the Village of Bartlett zoning ordinance and building code.
 - d. The proposed hours of operation for the proposed facility coincide with the hours established by the State of Illinois.

- e. The proposed facility has satisfied all necessary security measures as required by the State of Illinois and the Village, including but not limited to a security plan and security installations.
 - f. The proposed parking for the facility satisfies the parking requirements in the zoning ordinance and is based on one (1) space per two hundred (200) square feet of retail floor area for an adult-use cannabis dispensing center and one (1) space per one thousand (1,000) square feet of growing/warehousing space for an adult-use cannabis cultivation center.
 - g. The proposed traffic generated by the facility will not negatively impact the adjacent roadway capacity nor will it negatively impact access to adjacent roadways.
 - h. The design and layout of the site, including internal site circulation is compatible with adjacent land uses and provides for safe, efficient movement of traffic.
 - i. The proposed signage for the facility complies with the Village of Bartlett sign code regulations as outlined in the zoning ordinance.
 - j. The proposed facility satisfies and complies with all requirements provided in section 10-2-2 of this title.
 - k. Building enhancements, such as security cameras, lighting or other improvements, as set forth in the special use permit, to ensure the safety of employees and customers of the adult-use cannabis dispensing center or adult-use cannabis cultivation center, as well as its environs have been satisfied. Said improvements shall be determined based on the specific characteristics of the floor plan for an adult-use cannabis dispensing center or an adult-use cannabis cultivation center and the site on which it is located, consistent with the requirement of the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
- G. **Vote Required:** The concurring vote of five (5) members of the Planning and Zoning Commission shall be necessary to recommend the approval of any special use permit to the Corporate Authorities. Any special use or special use permit which fails to receive a positive recommendation for approval by the Planning and Zoning Commission shall not be approved or granted by the Corporate Authorities except by a favorable majority vote of all trustees of the Village then holding office.
- H. **Protests:** In the case of written protest against any proposed special use or special use permit, signed and acknowledged by a minimum of 20% of all the property owners directly adjacent to, abutting and/or directly across from the subject property separated only by an alley or road right-of-way, is filed with the Zoning Administrator, the special use or special use permit shall not be approved or granted except by an ordinance passed by a favorable vote of two-thirds (2/3) of the Trustees then holding office.
- I. **Decisions:** The Village Board, upon receipt of the report and recommendation of the Planning and Zoning Commission which conducted the public hearing, and without further public hearing, may grant by ordinance, grant it with conditions, or deny any proposed special use in accordance with this section and the applicable statutes of the State, or may refer it back to the Planning and Zoning Commission for further consideration.

10-13-10: SITE PLAN REVIEW:

Prior to obtaining a building permit, a site plan review shall be required as part of a development application for a comprehensive plan, amendment, variation, major design exception, rezoning/map amendment and/or special use permit on any property located within an SR-5, SR-6, MH-1, P-1, Commercial, Downtown Overlay, Office/Research, Industrial, PUD, or PD Zoning District.

- A. Purpose And Intent: The purpose and intent of requiring a site plan review is to ensure that site plans associated with a variation, major design exception, map amendment/rezoning, and/or special use permit is/are otherwise in conformance with this title. The site plan should include the compatible arrangement of buildings, off-street parking, lighting, landscaping, ingress and egress, and stormwater control of the site and shall be designed in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties.
- B. Procedure: The applicant shall file the required items as outlined in the development application packet provided by the Village, as well as all supporting documents and fees. Once the Zoning Administrator has determined that the development application packet is complete, the review process outlined in the packet shall be followed.
- C. Findings And Conditions Of Approval: The Planning and Zoning Commission shall review and make recommendations on a site plan, subject to the following findings of fact and any other conditions included in their recommendation:
 - 1. That the proposed use is a permitted or special use in the district in which the property is located;
 - 2. That the proposed arrangement of buildings, off-street parking, access lighting, landscaping and stormwater control is compatible with adjacent land uses;
 - 3. That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site, but on adjacent roadways as well;
 - 4. That the site plan provides for the safe movement of pedestrians with the site;
 - 5. That there is sufficient landscaping within the interior parkway and perimeter (including the public right-of-way) of the site so that the proposed development will be in harmony with adjacent land uses and will satisfy the requirements outlined in this title. Any part of the site not used for buildings, structures, parking or access ways shall be landscaped with a mixture of grass, trees and shrubs;

All landscape improvements shall be in compliance with chapter 11A of this title, landscape requirements.
 - 6. That all trash enclosures and outdoor storage areas are, or will be, screened and are, or will be, in accordance with standards specified in chapter 11A of this title, and as otherwise specified in this title.
- D. Assurance Of Performance: As a condition of approval, the Village Engineer and/or Building Official may recommend that the applicant be required to file with the Village a performance

guarantee approved by the Village Attorney to ensure completion of approved landscaping, fencing, utilities, parking and loading, and if there are any public improvements to be constructed or installed, including without limitation, stormwater control and other items specified by the Village Engineer, a public improvement completion agreement in form as set forth as an Appendix to the Subdivision and PUD Ordinance (Title 11), except for such modification thereto as approved by the Village Attorney, even if the development does not include the subdivision of land. The amount of the performance guarantee and the required completion date for the various categories of the public improvements as set forth in the public improvements agreement shall be recommended by the Village Engineer based on the Village Engineer's approval of the estimate of costs submitted by the applicant's professional engineer.

If upon inspection of the completed project by the Village Engineer, if it is found that the conditions of the site plan have been met, the Village Engineer shall write a letter to the applicant and the performance guarantee shall be released.

If the applicant does not complete the development of the items specified on the site plan within the time specified in its guarantee, the Village Engineer shall give written notice of the incomplete items to the applicant and the surety or other issuer or guarantor. If the site is not in conformance with the conditions of the site plan the Village will not approve of the release of the performance guaranty, and in the case of public improvements, will not accept the public improvement(s) and will not release the performance guarantee.

- E. Building Permits: A building permit for earthmoving, construction, alteration, or any other purpose shall not be issued for a site until a site plan is approved by the Village Board. Any earthmoving, construction or alteration determined not to be in substantial compliance with the approved site plan, in the opinion of the Building Official shall be a violation of this title.
- F. Amendments To An Approved Site Plan: Amendments to an approved site plan may be submitted to the Building Department as part of a building permit application and reviewed in accordance with section 10-13-11, "Administrative Site Plan Review", of this chapter. If a variation, major design exception, rezoning, and/or special use is/are requested as part of the amendment request, the site plan will be reviewed in accordance with this section.

10-13-11: ADMINISTRATIVE SITE PLAN REVIEW:

An administrative site plan review may be submitted to the Building Division of the Bartlett Planning and Development Services Department as part of a building permit application if no comprehensive plan amendment, variation, major design exception, map amendment/rezoning, and/or special use permit is/are requested.

- A. Purpose And Intent: The purpose and intent of requiring an administrative site plan review is to ensure that site plans are otherwise in conformance with this title, include the compatible arrangement of buildings, off-street parking, lighting, landscaping, ingress and egress and stormwater control of the site, and shall be designed in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties.
- B. Procedure: The applicant shall file a site plan as part of the required building permit application with all supporting documents and fees. Once the Building Official has determined that the building permit application is complete, the review process outlined in title 9, chapter 2 of the Bartlett Municipal Code shall be followed.

- C. Assurance Of Performance: As a condition of approval, the Village Engineer and/or Building Official may recommend that the applicant be required to file with the Village a public and/or private improvements completion agreement in form approved by the Village Attorney, and a performance guaranty, and if improvements will be on public property, a payment guaranty as well, in the form of a surety bond(s) or letter of credit or cash bond (the "performance and payment guaranty") in form as approved by the Village Attorney to ensure completion of, and payment for, the approved landscaping, fencing, utilities, parking and loading, stormwater control and other items specified by the Village Engineer. The amount of the performance and payment guaranty and the required completion date shall be recommended by the Village Engineer based on the Village Engineer's approval of the estimate of costs submitted by the applicant's professional engineer.

If upon inspection of the completed project by the Village Engineer it is found that the conditions of the site plan, and the public and/or private improvements completion agreement, if applicable, have been met, the Village Engineer shall write a letter to the applicant, and the performance, and if applicable, the payment guaranty shall be released.

If the applicant does not complete the development of the items specified on the site plan and/or engineering plans within the time specified in the public and/or private improvements completion agreement, if any, and/or within the time specified in its performance and payment guaranty, the Village Engineer shall give written notice of the incomplete items to the applicant, and if a performance and payment bond was furnished as the performance and payment guaranty, to the surety on said bonds, or if a letter of credit was furnished as the performance and payment guaranty, to the issuer thereof. If the site is not in conformance with the conditions of the site plan, the improvements completion agreement, if any, the approved engineering plans, the building permit, and/or the performance guarantee, the Village will not approve of the release of the performance security, or accept the public improvement(s), if applicable, and will not in the case of public improvements, release the performance and payment guaranty, but may take action against the applicant and the surety on any surety bond, or draw upon any letter of credit, or cash bond, and may withhold the issuance of any occupancy permit.

- D. Building Permits: A building permit for earthmoving, construction, alteration, or any other purpose shall not be issued for a site until a site plan is approved by the Zoning Administrator, engineering plans have been approved by the Village Engineer (if applicable), and building plans have been approved by the Building Official, and an improvements agreement if determined required by the Village Attorney, and a performance guaranty and, if applicable, a payment guaranty in form approved by the Village Attorney, has been posted or deposited with the Village. Any earthmoving, construction or alteration determined not to be in substantial compliance with the approved site plan, engineering plans, building plans, and/or the building permit(s), or any of them, in the opinion of the Building Official, shall be a violation of this chapter and cause for revocation of the building permit and entitle the Village to take action on the performance and/or payment guaranty.
- E. Amendments To An Approved Administrative Site Plan: Amendments to an approved administrative site plan may be submitted as part of a building permit application and reviewed in accordance with this section. If a comprehensive plan amendment, variation, major design exception, map amendment/rezoning, and/or special use permit is/are requested, then the plans will be reviewed in accordance with this section 10-13-1.

10-13-12: NOTICES OF PUBLIC HEARING:

The Planning and Zoning Commission conducting a public hearing or making a recommendation or decision shall not hear or review a zoning application unless the applicant complies with the notice requirements of this section. Table 10-13-12.1 , Types of Required Notice, indicates the type of notice required prior to public hearings, recommendations or decisions by the Planning and Zoning commission based on the zoning relief sought by the applicant on its or each of its zoning application(s).

Table 10-13-12.1. Types of Required Notice.

Zoning Application	Code §	Published	Village Website	Mailed/Delivered	Posted
Appeals	10-13-4				
Comprehensive Plan Amendments	10-13-5	•	•		
Variations	10-13-6	•	•	•	•
Major Design Exceptions	10-13-7	•	•	•	•
Text Amendments	10-13-8	•	•		
Map Amendments/Rezoning	10-13-8	•	•	•	•
Special Use Permits	10-13-9	•	•	•	•
Planned Development	10-13-8/9	•	•	•	•
Preliminary PUD Plan	10-13-8/9	•	•	•	•

Each applicant for one or more variations, major design exceptions, rezoning/map amendments, special use permits, PUD, PUD plan approval, and approval of amendments thereto, shall provide notice of the public hearing as follows and present proof of such notice at or before the public hearing:

- A. **Published Notice:** Published notice shall be given of the subject, time and place of the hearing not more than thirty (30) nor less than fifteen (15) days before the hearing as set forth in subsection 10-13-6E, 10-13-7E, 10-13-8E, and 10-13-9E of this chapter. Upon completion of the application form and submission of all required information and fees by the applicant the Village Clerk shall publish such notice.
- B. **Posting on the Village’s Website:** When the Zoning Administrator determines that an application is complete and a hearing date is set, the Village shall post on the Village’s website not less than 15 days before the hearing, the public hearing date, time, location and purpose of the public hearing before the Planning and Zoning Commission.
- C. **Personal Notice:** Not more than thirty (30) nor less than fifteen (15) days before the hearing, the applicant, his agent or attorney, shall notify the person who last paid the general real estate taxes on each property located within two hundred fifty feet (250') of the boundaries of the subject hearing site excluding right-of-way: 1) by personal service upon the taxpayer or by leaving a copy with an adult member of such taxpayer’s household, 2) by certified mail, or 3) by first class mail, addressed to such taxpayer at the address shown on the most recent records of the county treasurer. Such notification shall include the subject, time and place of

the hearing. The applicant responsible for mailed or delivered notice shall provide an affidavit to the Zoning Administrator stating that notice was provided to every property owner per the applicable County Collector's records as well as the names, addresses and permanent index numbers ("PINs") for all recipients. The requirement of this subsection shall not prevent the applicant from giving additional notice to properties located more than 250 feet from the property line of the subject property as the applicant may deem appropriate. The notice shall include the date, location and purpose of the hearing, the name of the body holding the hearing, the name of the applicant and the address of the subject property.

- D. Posting Of Notice On The Subject Property: Notice shall be posted on the real estate which is the subject of the application by the Village, not less than fifteen (15) nor more than thirty (30) days prior to the public hearing date, setting forth the time, place and purpose of such public hearing on a sign, the size and location of which shall be determined by the frontage of such real estate on a public street or streets in accordance with the following requirements:
1. Non-Residential or unimproved (Vacant) Real Estate: A four foot by four foot (4' x 4') sign shall be set back 10 feet from the front property line.
 2. Residential Improved Real Estate: A two foot by three foot (2' x 3') sign shall be set back 5 feet from the front property line or as required for unimproved real estate, as the Zoning Administrator may direct.

The sign hereinbefore required to be posted shall be so placed as to be fully visible from the public street on which the subject real estate is located or, if the subject real estate has frontage on more than one public street on each such street.

The sign shall be white and black print as follows:

"PUBLIC NOTICE" (PURPOSE AND HEARING) DATE AND TIME

*Bartlett Municipal Building
228 South Main Street*

Bartlett Planning and Zoning Commission

The size of the lettering shall be large enough to be read from each public street on which the subject real estate has frontage at the setback distances established above.

10-13-13: FEES:

- A. Schedule Of Fees: A schedule of fees, charges and expenses for appeals, applications for comprehensive plan amendments, variations, major design exception, text amendments, map amendments/rezonings, special use permits, site plan review, administrative site plan review and other matters pertaining to the Bartlett Zoning Ordinance shall be established by ordinance by the Corporate Authorities.
- B. Consultant Fees: The Village uses an outside attorney, an engineer, traffic engineer, environmental consultant, or other technical consultants during the review of any development activity, and/or to review reports and studies submitted by an applicant and its consultants. These attorney's fees and consultant fees are based on the time spent by the individual attorney or consultant(s) in the review of the project, and include such Village consultant(s) attendance at staff, Planning and Zoning Commission, committee of the whole Village Board

meetings at which time such application is reviewed, and/or to review reports and studies submitted by an applicant and its consultants. All consultant fees will be billed directly to the developer, builder, subdivider, owner and/or any person or entity which submits an application and shall be paid prior to the completion of the project's review.

- C. Petition: No petition shall be forwarded by the Zoning Administrator to the Planning and Zoning Commission or any hearing body heretofore or hereafter established by the Corporate Authorities, and no notice of such hearing shall be published unless and until such development fees have been paid, if then known and billed, and the zoning application is complete, as determined by the Zoning Administrator.
- D. Final Action: Until all applicable fees, charges and expenses known and billed have been paid in full, no final action shall be taken on any application by the Village Board for a comprehensive plan amendment, variation, and/or design exception, text amendment, zoning map amendment/rezoning, special use permit, site plan review, and/or administrative site plan review, planned development, PUD and/or PUD plan amendment, plat of subdivision, and the ordinance approving or granting of such zoning requested may be contingent upon the payment of all of such attorney's fees and consultant's fees in full.