

**PREPARED BY:**

**CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
630/420-4170**

**RETURN TO:**

**CITY OF NAPERVILLE  
CITY CLERK'S OFFICE  
P.O. BOX 3020  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60566-7020**

**ORDINANCE NO. 11 - 026  
ORDINANCE AMENDING TITLE 2 (BOARDS AND  
COMMISSIONS), TITLE 5 (BUILDING REGULATIONS) AND  
TITLE 6 (ZONING ORDINANCE)  
OF THE NAPERVILLE MUNICIPAL CODE  
IN REFERENCE TO THE PLAN COMMISSION AND  
ZONING BOARD OF APPEALS**

**WHEREAS**, as written Title 2 (Boards and Commissions) establishes the Plan Commission and Zoning Board of Appeals as separate bodies that each consider zoning related matters; and

**WHEREAS**, two separate boards and commissions were imperative during Naperville's high growth era in order to respond to numerous requests for new development (Plan Commission) and requests for variances from Title 5: Building Regulations/Sign Code and Title 6: Zoning Ordinance (Zoning Board of Appeals); and

**WHEREAS**, the City continues to refine its code requirements to improve processes and increase customer service, thus reducing the number of cases that require board and commission review; and

**WHEREAS**, as the City approaches build-out, requests for new development have decreased, as have the City's long-range planning efforts, thus reducing the caseload of each respective commission; and

**WHEREAS**, the Plan Commission currently considers variance requests made in conjunction with development cases; and

**WHEREAS**, at a budget workshop held on November 30, 2010, the City Council concurred with staff's recommendation to eliminate the Zoning Board of Appeals and

**WHEREAS**, the consolidation of the previous Plan Commission and Zoning Board of Appeals functions under one Planning and Zoning Commission will result in the same or better levels of service for petitioners by offering bi-weekly meetings for consideration of all zoning issues.

**SECTION 1:** Title 2 (Boards and Commissions), Title 5 (Building Regulations), and Title 6 (Zoning Ordinance) of the Naperville Municipal Code is hereby amended by deleting the stricken language and adding the underlined language, as follows.

Title 2 (Boards and Commissions)

1. In order to encourage civic responsibility and to provide hands-on learning experiences, student representative positions are established for the following: Planning and Zoning Commission, ~~Board of Zoning Appeals~~, Building Review Board, Fair Housing Advisory Commission, Naper Settlement Museum Board, Board of Library Directors, Financial Advisory Board, Transportation Advisory Board, Public Utilities Advisory Board, Sister Cities Commission, Riverwalk Commission, Historic Sites Commission, Advisory Commission on Disabilities.

In order that adequate provisions be made for the development of a planning program for the guidance, direction and control of the growth and development or redevelopment of the City contiguous territory within one and one-half (1 ½) miles of the corporate limits and not included in any municipality, a Planning and Zoning Commission is hereby created under authority of the Illinois Municipal Code.

1.	*	*	*
2.	*	*	*
3.	To hear, consider and recommend to the City Council variances <u>to Title 6, including those</u> that may be requested in connection with conditional uses, rezoning, subdivisions, and/or annexation requests, <u>street graphics ordinance, tree preservation, and other zoning regulations.</u>		
4. – 15.	*	*	*

2-2-4:           \*                   \*                   \*

2-2-5: IMPROVEMENTS:

The City Manager shall furnish the Planning and Zoning Commission, for its consideration, a copy of all ordinances, plans and data relative to public improvements within the jurisdiction of the Planning and Zoning Commission. The Planning and Zoning Commission may report in relation thereto if it deems a report is necessary or advisable, for the consideration of the City Council.

2-2-6:           \*                   \*                   \*

~~CHAPTER 3 — ZONING BOARD OF APPEALS~~

~~2-3-1: PURPOSE AND CREATION:~~

~~There is hereby established a Board of Zoning Appeals, also referenced as the Zoning Board of Appeals.~~

~~2-3-2: MEMBERSHIP:~~

~~The Zoning Board of Appeals shall consist of seven (7) members.~~

~~2-3-3: POWERS AND DUTIES:~~

~~The Board of Zoning Appeals shall have, exercise and perform the following powers, duties, and functions:~~

- ~~1. All the powers and duties are as provided for in the Naperville zoning ordinance and by statute.~~
- ~~2. The power and duty to receive, investigate, hold hearings or make findings of fact, and process any application for appeal on a ruling on, or variation from, the street graphics ordinance, tree preservation, and zoning regulations when not under the jurisdiction of the Plan Commission of the City.~~

5-4-14: VARIANCES:

1.           \*                   \*                   \*
2.           \*                   \*                   \*

3. Review: The Director shall transmit copies of the application to the Planning and Zoning Commission ~~or Zoning Board of Appeals~~, as appropriate for review and public hearing.
4. Public Hearing: The Planning and Zoning Commission ~~or Zoning Board of Appeals~~, as appropriate, shall hold a public hearing within sixty (60) days after the completed application has been filed, unless the parties otherwise agree.

5.           \*                   \*                   \*

6. Hearing and Record: The public hearing shall be conducted by the Planning and Zoning Commission ~~or Zoning Board of Appeals~~, as appropriate and record of such proceedings shall be preserved in such manner as the Planning and Zoning Commission~~Zoning Board of Appeals~~ shall, by rule, prescribe from time to time.
7. Findings and Recommendations: ~~Except for those matters on which the Board of Zoning Appeals is authorized to take final action, t~~The Zoning Board of Appeals Planning and Zoning Commission may make written findings of fact supporting the recommendation

and shall submit same together with its recommendation to the City Council within sixty (60) one hundred twenty (120) days of filing of the application the public hearing at which the case was considered. The Planning and Zoning Commission or Zoning Board of Appeals may impose such conditions and restrictions upon the subject sign and property, the location, the construction, design and use of the sign benefited by such a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values, and ensure traffic safety.

8. Council Decision: After recommendation by the Planning and Zoning Commission or Zoning Board of Appeals, as appropriate, the City Council may, by resolution or ordinance (if approved in conjunction with a development request), grant, or grant with modification, the proposed variance. If the City Council does not approve of a proposed variance after recommendation by the Planning and Zoning Commission or Zoning Board of Appeals, it may deny the proposed variance or refer the proposed variance back to the Planning and Zoning Commission or Zoning Board of Appeals, as appropriate.

9. \* \* \*

10. Effective Period of Variance:

10.1 \* \* \*

10.2 Where conditions have not substantially changed since the date on which the variance was authorized, the owner of a parcel for which a variance has been authorized may ~~within one year prior to expiration of said variance,~~ request the City Council to extend the effective period of said variance for no more than one additional period of up to one year without reapplication to the ~~ZBA or~~ Planning and Zoning Commission.

10.3 \* \* \*

10.4 \* \* \*

11. Standards for Variations: The Planning and Zoning Commission Zoning Board of Appeals shall not recommend or grant a variation unless it shall make findings of fact based upon evidence presented at the hearing in any given case that:

11.1 – 11.6 \* \* \*

~~6-3-3: BOARD OF ZONING APPEALS:~~

- ~~1. Creation and Membership: The Board of Zoning Appeals, as previously established under the provisions of the Illinois State Statutes and Title 2, Chapter 3 of this Code, is the Board of Zoning Appeals referred to in this Title.~~

- ~~2. Jurisdiction: The Board of Zoning Appeals shall discharge the following duties and responsibilities under this Title:~~

~~2.1 Review all appeals from any order, requirement, decision or determination made by the Zoning Administrator under the Zoning Title in the manner prescribed by and subject to the standards established herein and report findings and recommendations to the City Council in accordance with the provisions of Section 6-3-6 of this Chapter.~~

~~2.2 Review all applications for variances from provision of the zoning title in the manner prescribed by and subject to the standards established herein and report findings and recommendations to the city council in accordance with the provisions of section 6-3-5 of this chapter.~~

- ~~2.3 Advise the City Council on all other matters referred to it or upon which it is required to review under this Title.~~
- ~~2.4 Receive and consider the report of the Zoning Administrator as related to the effectiveness of this Title and report the Board's conclusions and recommendations to the City Council not less frequently than once a year.~~
- ~~3. Recommendations of the Board of Zoning Appeals: All recommendations of the Board on any appeals, or on any applications for a variance or on any other matter which they are required to recommend, shall, in all instances, be advisory in nature and shall be subject to final consideration, evaluation and determination by the City Council.~~

#### 6-3-4: PLANNING AND ZONING COMMISSION:

1. Creation and Membership: The Planning and Zoning Commission, as previously established under the provisions of the Illinois State Statutes and Title 2, Chapter 2 of this Code, is the Planning and Zoning Commission referred to in this Title.
2. Jurisdiction: The Planning and Zoning Commission shall discharge the following duties and responsibilities under this Title:
  - 2.1 Review all applications for amendments to the Zoning Title (text or map), in the manner prescribed by and subject to the standards established herein and report findings and recommendations to the City Council in accordance with the provisions of Section 6-3-7 of this Chapter.
  - 2.2 Review all applications for conditional uses, in the manner prescribed by and subject to the standards established herein, and report findings and recommendations to the City Council.
  - 2.3 ~~Review applications for variances that are requested in connection with conditional uses, rezoning, subdivision, and/or annexation requests.~~ Review all applications for variances from provision of the zoning title in the manner prescribed by and subject to the standards established herein and report findings and recommendations to the city council in accordance with the provisions of section 6-3-5 of this chapter.
  - 2.4 Advise the City Council on all matters referred to it or upon which it is required to review under this Title.
  - 2.5 ~~Receive and consider the report of the Zoning Administrator as related to the effectiveness of this Title and report the Commission's conclusions and recommendations to the City Council not less frequently than once a year.~~
  - 2.6 Initiate amendments to the Zoning Title text or map.
  - 2.7 Receive and consider appeals from the Zoning Administrator's interpretation of the provisions of the comprehensive master plan, as adopted in Section 1-11-1 of this Code, pertaining to building and site design taking into consideration such factors as contextual appropriateness, consistency with the City's general policies, and community benefit.
  - 2.8 Review all appeals from any order, requirement, decision or determination made by the Zoning Administrator under the Zoning Title in the manner prescribed by and subject to the standards established herein and report findings and recommendations to the City Council in accordance with the provisions of Section 6-3-6 of this Chapter.

3. Recommendations Of The Planning and Zoning Commission: All recommendations of the Commission ~~on any applications for amendments to the Zoning Title text or map or any application for conditional use or on any other matter~~, shall in all instances, be advisory in nature and shall be subject to final consideration, evaluation and determination by the City Council, except as provided below:

3.1 The Planning and Zoning Commission shall render determinations on any appeals to the Zoning Administrator's interpretation of provisions pertaining to building and site design contained in the City's comprehensive master plan, adopted in Section 1-11-1 of this Code. Such determinations shall be considered final, unless appealed to the City Council.

#### 6-3-5: VARIANCES:

1. Authority: the City Council, after receiving a report from the ~~Board of Zoning Appeals~~ Planning and Zoning Commission containing its findings and recommendations, may vary the regulations of this Title if it finds that the variance requested is in harmony with their general purpose and intent and complies with all of the standards for variances established herein.
2. Standards for Variances: The ~~Board~~ Commission shall not recommend nor shall the City Council grant a variance from the regulations of this Title unless it shall make findings based upon the evidence presented to it in each specific case that:

2.1 – 2.5                      \*                      \*                      \*

The City Council shall not vary the provisions of this Title concerning permitted uses, conditional uses or the regulation of nonconforming uses.

3.                      \*                      \*                      \*
4.                      \*                      \*                      \*
5. ~~Recommendation Of The Board of Zoning Appeals: The favorable vote of four (4) of the seven (7) members of the Board of Zoning Appeals shall be necessary to recommend the granting of a variance. After recommendation by the Board of Zoning Appeals, the City Council may, upon majority vote, and by ordinance, grant, or grant with modification, the variance. If the City Council does not approve of the variance after recommendation by the Board of Zoning Appeals, it may deny the variance or refer the proposed variance back to the Board of Zoning Appeals for further consideration.~~
6. Recommendation Of the Plan Commission: The Plan Commission, by a simple majority, shall provide a recommendation on a variance request to the City Council. After recommendation by the Planning and Zoning Commission, the City Council may, upon majority vote, and by ordinance, grant, or grant with modification, the variance. If the City Council does not approve of the variance after recommendation by the Planning and Zoning Commission, it may deny the variance or refer the proposed variance back to the Planning and Zoning Commission for further consideration.
7. Conditions and Restrictions: The ~~Board of Zoning Appeals~~ Planning and Zoning Commission may recommend and the City Council may impose conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards set forth in this Section. If a time limit is set forth by which conditions and restrictions must be completed, they shall be so completed in the time specified. If no such time limit is specified, then the conditions and restrictions shall be completed within a reasonable amount of time. The applicant shall be obliged to fulfill and maintain all

conditions and restrictions for as long as the variance is utilized or in effect. Such conditions and restrictions shall be reasonably conceived to fulfill public needs emanating from the proposed variance. Changes or alterations of conditions and restrictions shall be processed in the manner set forth in this Section for variances. The variance shall be valid only if the conditions and restrictions imposed upon the premises are fulfilled.

8. Effective Period Of Variance:

8.1 \* \* \*

8.2 Where conditions have not substantially changed since the date on which the variance was authorized, the owner of a parcel for which a variance has been authorized may, within one year prior to expiration of said variance, request the City Council to extend the effective period of said variance for no more than one additional period of up to one year without reapplication to the ~~ZBA~~ or Planning and Zoning Commission.

8.3 \* \* \*

8.4 \* \* \*

**6-3-6: APPEALS:**

4. Procedure For Appeals To A Decision By The Zoning Administrator: An appeal may be taken from any order, requirement, decision or determination of the Zoning Administrator. The appeal shall be made within forty-five (45) days of the action by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Planning and Zoning Commission~~Board of Zoning Appeals~~ all of the papers constituting a record upon which the action appealed from was taken. A hearing before the Planning and Zoning Commission~~Board of Zoning Appeals~~ shall be held within sixty (60) twenty (20) days of the filing of the completed petition, unless otherwise agreed by the parties. ~~In the event a meeting cannot be convened within the twenty (20) days as specified herein, the Board shall consider the matter at the next regularly scheduled meeting.~~

- 4.1 ~~Decision Of the City Council: The Commission~~Board~~ shall transmit to the City Council its written findings and recommendations of the appeal within a reasonable time, but in no event more than sixty (60) days after the hearing before the Planning and Zoning Commission~~filing of the notice of appeal~~, and shall promptly forward a copy of the decision to the parties. The City Council may affirm or may reverse, in whole or in part, or modify the order, requirement, decision or determination of the Zoning Administrator. ~~The favorable vote of four (4) members of the Board of Zoning Appeals shall be necessary to recommend the reversal or modification of the order, requirement, decision or determination of the Zoning Administrator.~~~~

**6-3-7: AMENDMENTS:**

1. Authority: the City Council, after receiving a report from the Planning and Zoning Commission containing its findings and recommendations, may amend the regulations of this Title or may amend the zoning district boundary lines.
2. \* \* \*

3.                   \*                   \*                   \*
4. Initiation Of Amendment: An amendment which alters the zoning district boundary line may be proposed by the City Council, Planning and Zoning Commission or by a person being the owner, lessee or contract purchaser of the subject property. Text amendments may be initiated by the City Council; or the Planning and Zoning Commission, ~~or the Zoning Board of Appeals~~.
5. Decision Of the City Council: After recommendation by the Planning and Zoning Commission, the City Council may, by ordinance, grant or grant with modification, an amendment. If the City Council does not approve of an amendment after recommendation by the Planning and Zoning Commission, it may deny the amendment or refer the proposed amendment back to the Planning and Zoning Commission for further consideration. If the City Council does not concur with the recommendation of the Planning and Zoning Commission to deny, the favorable vote of five (5) members of the City Council shall be necessary to pass an ordinance granting the amendment.
6. Conditions And Restrictions: The Planning and Zoning Commission may recommend and the City Council may impose conditions and restrictions upon the premises benefited by an amendment as may be necessary to comply with the standards set forth in this Section. They shall relate directly to the regulations and provisions of this Title. If a time limit is set forth by which conditions and restrictions must be completed, they shall be so completed in the time specified. If no such time limit is specified, then the conditions and restrictions shall be completed within a reasonable amount of time. The applicant shall be obliged to fulfill and maintain all conditions and restrictions for as long as the amendment is utilized or in effect. Such conditions and restrictions shall directly benefit the premises described in the amendment and shall be imposed only if the City Council finds them necessary to prevent circumstances which may be adverse to public health, safety and welfare. Such conditions and restrictions shall be reasonably conceived to fulfill public needs emanating from the proposed land use. Changes or alterations of conditions and restrictions shall be processed in the manner set forth in this Section for amendments.

#### 6-3-8: CONDITIONAL USES:

1. Authority: The development and execution of this Title is based upon the division of the City into zoning districts within which districts the use of buildings, structures and land, and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon adjacent land and of the public need for the particular use in the particular location. The City Council, after receiving a report from the Planning and Zoning Commission containing its findings and recommendations, may allow a conditional use and any variance requested in connection therewith in a particular zoning district or districts.
2.                   \*                   \*                   \*
3. Procedures For And Effective Period Of Applications For Conditional Uses:
  - 3.1               \*                   \*                   \*
  - 3.2 An application for a conditional use shall be valid for a period of two (2) years from the date on which the application is filed with the ~~Department of~~



Community Development Transportation, Engineering, and Development Department.

3.3 \* \* \*

3.4 The ~~Department of Community Development~~ Transportation, Engineering, and Development Department shall send written notice to the last known property owner of record at least thirty (30) days before any application for a conditional use shall lapse.

3.5 \* \* \*

3.6 \* \* \*

4. \* \* \*

5. Decision Of the City Council: After recommendation by the Planning and Zoning Commission, the City Council may, by ordinance, grant or grant with modification, the conditional use. If the City Council does not approve of a conditional use after recommendation by the Planning and Zoning Commission, it may deny the conditional use or refer the proposed conditional use back to the Planning and Zoning Commission for further consideration. If the City Council does not concur with the recommendation of the Planning and Zoning Commission to deny, the favorable vote of five (5) members of the City Council shall be necessary to pass an ordinance granting the conditional use.
6. Conditions And Restrictions: The Planning and Zoning Commission may recommend and the City Council may impose conditions and restrictions upon the premises benefited by a conditional use as may be necessary to comply with the standards set forth in this Section. If a time limit is set forth by which conditions and restrictions must be completed, they shall be so completed in the time specified. If no such time limit is specified, then the conditions and restrictions shall be completed within a reasonable amount of time. The applicant shall be obliged to fulfill and maintain all conditions and restrictions for as long as the conditional use is utilized or in effect. Such conditions and restrictions shall be reasonably conceived to fulfill public needs emanating from the proposed land use. Changes or alterations of conditions and restrictions shall be processed in the manner set forth in this Section for conditional uses.
7. Effective Period Of A Conditional Use: The granting of a conditional use shall be authorized for only one specific conditional use.

7.1 ~~No conditional use shall be valid for a period longer than two (2) years from the date of the ordinance granting the conditional use unless a building permit is obtained within such period and the erection or alteration of a building or structure is started or the use is commenced within such period.~~ The conditional use shall be constructed in a timely manner. If a building permit is not obtained, the erection or alteration of a building or structure is not commenced, or the use is not commenced within a two (2) year period, the City may initiate or the owner of the parcel of land on which the conditional use is to be constructed may apply for the revocation of the conditional use. The owner shall be notified, in writing, at least thirty (30) days prior to the City's consideration of the revocation if initiated by the City.

7.2 Where conditions have not substantially changed since the date on which the conditional use was authorized, the owner of a parcel for which a conditional use has been authorized may, ~~within one year prior to expiration of said conditional use,~~ request the City Council to extend the effective period of said

7.3 If the subject property for which a conditional use has been approved has been vacant or not utilized for any continuous period of two (2) years, said conditional use shall, to the extent of such nonutilization, become void.

7.4 Upon voiding or revocation of the conditional use, the parcel of land shall conform to the permitted uses and other regulations of the zoning district in which it is located unless an amendment or other conditional use is applied for and granted. This Section shall be applicable to all conditional uses except planned unit developments for which the provisions of Chapter 4 of this Title shall apply.

8. **Changes To Approved Conditional Uses:** A conditional use shall be constructed/established in accordance with the approved plan attached to the ordinance which granted the conditional use. The site plan referenced in the ordinance shall control and limit the use of the parcel of land (including the general internal use of buildings and structures) and the location of buildings and structures approved as part of the conditional use request. Changes to the conditional use shall be considered to be either a major change or a minor change.

8.1 - 8.3                      \*                      \*                      \*

#### 8.4 Procedure For Amending A Conditional Use:

8.4.1 \* \* \*

8.4.2 An application for a minor change to a conditional use may be approved without the review and recommendation of the Planning and Zoning Commission. This provision shall not prohibit the City Council from requesting the Planning and Zoning Commission for its review and recommendation, and/or a public hearing.

8.4.3 \* \* \*

8.4.4 \* \* \*

1. \* \* \*

2.                   \*                   \*                   \*

### 3. Review: The Zoning Administrator shall

~~Planning and Zoning Commission or Zoning Board of Appeals, as appropriate, for review and public hearing.~~

4. ~~Public Hearing: The Planning and Zoning Commission or the Zoning Board of Appeals, as appropriate,~~ shall hold a public hearing within sixty (60) days after the completed application has been filed.

5. \* \* \*

6. Posting Of Notice: The applicant shall post notice of the public hearing on a sign upon the property for which the variance, amendment or conditional use is requested.

6.1 Where the subject property is ten (10) acres or less, the sign on the property shall:

6.1.1 – 6.14 \* \* \*

6.1.5 Be printed on a white background for Planning and Zoning Commission cases ~~and on a yellow background for Zoning Board of Appeals cases.~~ In either case, ~~t~~The lettering for the title on the sign shall be red and all other lettering on the sign shall be black.

6.2 Where the subject property exceeds ten (10) acres, the sign on the property shall:

6.2.1 – 6.2.5: \* \* \*

6.2.6 Be printed on a white background for Planning and Zoning Commission cases ~~and on a yellow background for Zoning Board of Appeals cases.~~ In either case, ~~t~~The lettering for the title on the sign shall be red and all other lettering on the sign shall be black.

6.2.7 Shall be updated to reflect the date, time and location to which the hearing has been continued in the event the matter is rescheduled or continued to a new date as may appropriately be determined by the Planning and Zoning Commission ~~or Board of Zoning Appeals~~. Any such revision shall be posted on the sign not less than ten (10) days prior to the meeting at which the matter will be considered.

6.2.8 The notice and sign upon which the notice is posted shall be removed within seven (7) days following the conclusion of the public hearing on the matter before the Planning and Zoning Commission ~~or Board of Zoning Appeals~~ as may be appropriate. Failure to remove the sign within the time frame as established under this provision may result in the imposition of a fine not to exceed fifty dollars (\$50.00) per day for each day on which the sign is displayed in violation of this provision.

7. Notice to Adjacent Owners: The applicant shall also give written notice to the owners of record, as determined by the records of the local real estate tax collector, for all lots lying within two hundred fifty (250) feet of the subject property, exclusive of public rights-of-way.

7.1 \* \* \*

7.2 All required written notices shall include the number assigned to the application; the place, the nature and the purpose of all variances, amendments or conditional uses requested; the date and time of the scheduled hearing before the Planning and Zoning Commission ~~or Zoning Board of Appeals~~; the common address or location of the subject property; the name and address of the applicant and owner of the subject property; and the office address of the City Clerk where full information concerning the application, including a legal description, may be obtained.

7.3 \* \* \*

7.4 \* \* \*

8. Hearing And Record: The public hearing shall be conducted by the Planning and Zoning Commission ~~or Zoning Board of Appeals~~, as appropriate, and a record of such

proceedings shall be preserved in such manner as the Planning and Zoning Commission ~~or Zoning Board of Appeals~~ shall, by rule, prescribe from time to time.

9. Findings And Recommendations: ~~Except for those matters on which the Board of Zoning Appeals is authorized to take final action, t~~The Planning and Zoning Commission or Zoning Board of Appeals, as appropriate, shall make written findings of fact and shall submit same together with its recommendations to the City Council within one hundred twenty (120) days of filing of the application.
10. Council Decision: ~~Except for those matters on which the Board of Zoning Appeals is authorized to take final action, a~~After recommendation by the Planning and Zoning Commission or the Zoning Board of Appeals, as appropriate, the City Council may, by ordinance, grant, or grant with modification, the proposed variance, amendment or conditional use. If the City Council does not approve of a proposed variance, amendment or conditional use after recommendation by the Planning and Zoning Commission or Zoning Board of Appeals, as appropriate, it may deny the proposed variance, amendment or conditional use or refer the proposed variance, amendment or conditional use back to the Planning and Zoning Commission or Zoning Board of Appeals, as appropriate.
11.       \*                       \*                       \*
12. Zoning Title Text Amendments And City Initiated Map Amendments: Except for the revocation of a planned unit development pursuant to Section 6-4-8 of this Title, the following procedures and requirements shall be applicable to any request for a Zoning Title text amendment or a City-initiated map amendment:
  - 12.1   Either the Planning and Zoning Commission, Zoning Board of Appeals or the City Council may initiate a Zoning Title text amendment.
  - 12.2   An amendment to the City's zoning map may be initiated by the Planning and Zoning Commission or the City Council.
  - 12.3   In all cases, the Planning and Zoning Commission shall review such proposed amendments and hold a public hearing. A record of such proceedings shall be preserved in the manner as the Planning and Zoning Commission shall, by rule, prescribe from time to time.
  - 12.4   \*                       \*                       \*
  - 12.5   \*                       \*                       \*
  - 12.6   \*                       \*                       \*
    - 12.6.1       \*                       \*                       \*
    - 12.6.2   All required written notices shall include the number assigned to the application; the affected zoning district(s); the nature and the purpose of the amendment; the date and time of the scheduled hearing before the Planning and Zoning Commission; and the office address of the City Clerk where full information concerning the application may be obtained, including the boundaries of the zoning district.
  - 12.7   After recommendation by the Planning and Zoning Commission, the City Council may, by ordinance, approve, disapprove, or approve with modification, any proposed City-initiated Zoning Title text amendments or zoning map amendments.

**SECTION 2:** This Ordinance shall be in full force and effect on May 1, 2011.

PASSED this 1ST day of February, 2011

AYES: FURSTENAU, HINTERLONG, KRAUSE, MILLER, WEHRLI  
PRADEL, BRODHEAD

NAYS: FIESELER

ABSENT: BOYAJIAN

APPROVED this 3RD day of February, 2011

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A. George Pradel  
Mayor

ATTEST:

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Pam LaFeber, Ph.D.  
City Clerk