

CITY OF O'FALLON, ILLINOIS
ORDINANCE NO. _____

AN ORDINANCE FOR THE CREATION OF THE OFFICE OF HEARING OFFICER AND ASSIGNMENT OF ITS DUTIES, THE EXPANSION OF PLANNING COMMISSION POWERS, AND NEW PROCEDURES FOR APPLICATIONS FOR ZONING AMENDMENTS AND REPEALING ARTICLES V, VII, VIII, AND XI AND REPLACING SUCH ARTICLES WITH NEW ARTICLES VII, VIII, AND XV OF THE ZONING CODE.

WHEREAS, the Mayor and City Council desire to have the Planning Commission study proposed changes to the City zoning and development rules and procedures and review processes to address the growing population, economic activity and changing needs of our City; and

WHEREAS, to facilitate interim measures to streamline and better control the zoning procedures during this review process, the Council desires to implement various interim changes to the zoning code, reviewing boards, and processes pending a final recommendation by the Planning Commission of any permanent changes if any from the existing or interim code provisions;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

Section 1: **Article V** Variances and Special Permits, of the City of O'Fallon Zoning Code of Ordinances is hereby repealed and replaced with **Article XV** Variances and Appeals, attached as Exhibit 1 and incorporated by reference herein.

Section 2: **Article VII** Board of Zoning Appeals and **Article VIII** Amendments of the City of O'Fallon Zoning Code are hereby repealed and replaced with **Article VIII** Amendments, Hearings, and Applications, attached as Exhibit 2 and incorporated by reference herein.

Section 3: **Article XI** Special Uses – Special Permits of the City of O'Fallon Zoning Code is hereby repealed and replaced with **Article VII** Special Uses, attached as Exhibit 3 and incorporated by reference herein.

Section 4: **Chapter 33, Section 33.09** of the O'Fallon Municipal Code is hereby established as follows:

Notwithstanding any provision contrary in the Zoning Code, the authority for review and decision on special permits and uses shall hereby and hereinafter reside in the Planning

Commission with all procedures and appeals relating to such decisions to be otherwise applicable to the Planning Commission as previously applied to the Board of Zoning Appeals for special uses and permits in such articles.

Section 5: Article IX, Section 9.02 of the City of O’Fallon Zoning Code of Ordinances is hereby amended to read as follows:

Section 9.02 ZONING PERMITS

(a) COSTS AND APPLICATIONS. For individual applications for Zoning Permits, a fee established by the City Council shall be charged the applicant, payable to the City, for the cost of processing and review of the application. There shall be submitted with all applications for Zoning Permits, two copies of a site development plan drawn to accurate scale showing the actual dimensions of the subject lot, the size and location of the lot, buildings, structures and uses existing and/or proposed and such other information as may be necessary to determine and provide for the administration and enforcement of this Ordinance.

(b) ZONING PERMITS, WHEN REQUIRED. No building or other structure shall be erected, moved, added to, placed, reconstructed, extended, enlarged, raised, or structurally altered without a Zoning Permit therefor issued by the Zoning Official. A Zoning Permit shall not be issued by the Zoning Official except in conformity with the provisions of this Ordinance, unless said Official receives a written order from the Hearing Officer (i) in the form of an interpretation involving a formal appeal proceeding as provided by the applicable provisions of Article XV herein, or (ii) in the form of a variation from those regulations relating to the use, construction, or alteration of buildings or structures or the use of land as provided by the applicable provisions of Article XV herein; or an order from the Planning Commission in the form of a Special (Use) Permit as provided by the applicable provisions of Articles VII herein; or upon receipt of a written order from a Court with jurisdiction under an Administrative Review proceeding.

Section 6: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.
