

CITY OF O'FALLON, ILLINOIS
ORDINANCE NO. 3857

**ORDINANCE AMENDING
ORD. 3319, DEVELOPMENT
MANUAL, CHAPTER 155, APPENDIX
A; ORD. 3471 AND 3665, PLANNED
USES, CHAPTER 158, SECTION 119;
ORD. 623, 3587 AND 3786, SIGNS
AUTHORIZED WITHOUT PERMIT**

WHEREAS, the Staff of the Community Development Department of the City have made the following recommendation to the City Council and believes such recommended regulations would be beneficial to the health, safety and welfare of the citizens of the City of O'Fallon; and

WHEREAS, the Planning Commission held a public hearing on December 16, 2014, and recommended to approve the proposed text amendments with a vote of 6 ayes to 0 nays; and

WHEREAS, the Community Development Committee reviewed the proposed text amendments at a meeting on December 22, 2014 and recommended approval with a vote of 5 ayes to 0 nays; and

WHEREAS, the City seeks to ensure zoning regulations are consistent and reasonable; and

WHEREAS, the City Council, after careful and due deliberation, and duly noticed public hearings as may be required for changes in zoning regulations, has concluded that adoption of the proposed amendments to the zoning regulations of the City's Code of Ordinances would be in the interests of the health, safety and welfare of the citizens of the City of O'Fallon.

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: Chapter 155 of the City Code of Ordinances and the corresponding Official Zoning Map are hereby amended by amending Appendix A: Approved Street Tree List to remove the following trees:

Callery (Bradford) Pear – *Pyrus calleryana*
Norway Maple – *Acer platanoides*
Gray Dogwood – *Cornus Kousa*
White Ash – *Frazinus americana*
Green Ash – *Fraxinus pennsylvanica*

Section 2: Chapter 158 of the City Code of Ordinances (previously Chapter 42 thereof) and the corresponding Official Zoning Map are hereby amended by repealing Section 158.119(F) of Article 6 “Planned Use” thereof and adopting a new Section 158.119(F) as follows:

Section 158.119 Consideration of a Planned Use.

(F) Duration of validity. The approval may specify the duration of a planned use’s validity, but in no event shall an approved preliminary site plan be valid for a period longer than 2 years from the date of such approval. The City Council may grant no more than three extensions not exceeding 12 months each upon written request. The approval of a revised preliminary site plan shall not automatically extend the time period during which the planned use is valid. In instances where there is another binding agreement between the city and the development with a longer duration of validity, the provisions of this section will not apply.”

Section 3: Chapter 158 of the City Code of Ordinances (previously Chapter 42 thereof) and the corresponding Official Zoning Map are hereby amended by repealing Section 158.163(B) of Article 8 “Signs” thereof and adopting a new Section 158.163(B) as follows:

Section 158.163 Signs Authorized without Permit; All Zoning Lots; Exemptions.

(B) Temporary signs; all non-residential zoning lots. In lieu of such temporary non-commercial signs as are permitted without a sign permit elsewhere in Section 12.040, each establishment may display one (1) temporary sign made of paper, cardboard or other lightweight materials with comparable support materials designed for temporary display of Messages under this subsection without a Permit. Such Temporary Sign may be displayed on Fridays, Saturdays, and Sundays, as well Monday when it is a federally-recognized holiday. Such temporary sign shall not exceed twenty-four (24) square feet if affixed to the building wall or six (6) square feet if affixed to the ground. Such temporary sign must be located entirely on the zoning lot where the establishment is located and must be outside of the sight distance triangle.

Section 4: Except as expressly amended herein, all other provisions of Title XV, Land Usage, Chapter 155 and Chapter 158 of the City Code of Ordinances (previously Chapter 42 thereof) and corresponding Official Zoning Map shall remain in full force and effect.

Section 5: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof or any portion adopted by reference therein is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof or any portion adopted by reference therein. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

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

Passed by the City Council this 20th day of January 2015.

ATTEST:

(seal)



Philip A. Goodwin, City Clerk

Approved by the Mayor this 20th day
of January 2015.

Gary L. Graham, Mayor

ROLL CALL:	McCoskey	Meile	True	Albrecht	Mouser	Hagarty	Drolet	SUB TOTALS
Aye	X	X	X	X	X	X	X	7
Nay								0
Absent								0

ROLL CALL:	Roach	Bennett	Cardona	Hursey	Holden	Cozad	Gerrish	SUB TOTALS	SUM OF TOTALS
Aye	X	X	X	X	X		X	6	13
Nay								0	0
Absent						X		1	1