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## Chapter 4

### Development Review Procedures

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#### ARTICLE 4.1

##### GENERAL PROVISIONS

**4.1.1. Purpose.** It is recognized that development of vacant land, redevelopment of improved land, subdivision of land, occupancy of structures, and Special Uses creates potential for traffic congestion, overcrowding, adverse environmental effects, overburdened utilities, or poorly designed sites. This Chapter establishes a review process and enumerates standards governing decision making hereunder, and it identifies the required information and documents for applications required by this Title. Site plan review shall be required prior to issuance of a required zoning certificate to ensure that new construction and uses are otherwise in conformance with the intent of Sycamore's Comprehensive Plan and with the provisions of this Title; and that the arrangement of buildings, off-street parking and loading facilities, lighting, landscaping, ingress and egress, drainage, signs, streets, alleys, water distribution systems, sanitary waste collection systems, utilities and other improvements is provided in a manner that will promote safety and convenience for the public and will preserve the value of surrounding property. Article 4.3 shall apply to any subdivision of land in or within one and one-half (1½) miles of the corporate limits of the City of Sycamore, subject to the terms of this Chapter.

Municipalities have no statutory authority to apply their zoning regulations beyond their corporate limits. Since the Unified Development Ordinance includes subdivision requirements as well as zoning requirements, the differentiation between the jurisdiction of zoning and subdivision regulations are separated and explained here.

**The UDO does not include any provisions of the local Building Code. The Building code is a separate layer of regulation that becomes effective only after the review process described in this Chapter is completed.**

**4.1.2. Fees.** The Mayor and City Council shall establish a schedule of fees, charges, and expenses for zoning certificates, engineering review, occupancy certificates, amendments, special uses, appeals, planned unit developments, variations, subdivisions, and other matters pertaining to this Chapter. The schedule of fees shall be posted in the office of the City Clerk and may be altered or amended from time to time by the Mayor and City Council. In the exercise of their sole discretion, the Mayor and City Council shall reserve the right to waive or reduce the fees required for any application required by this Title.

The various fees relating to alterations in land and structures within the corporate limits of the City of Sycamore may be found in the City Code, Titles 7, 8, 9, 10, 11 et passim.

**4.1.3. Reimbursement for Staff Review Time.** Every applicant for rezoning, Special Use permit, planned development, concept plan, site plan, preliminary plat or plan, or final development plat or plan shall reimburse the City for expenses incurred by the City in connection with all legal, engineering, land planning and other professional services required during the review of applications required by this Title and to assure compliance with the standards contained in this Title.

A. Building permit fees and building plan review fees shall normally be paid at the time of permitting.

- B. Engineering review fees pertaining to annexations, planned unit developments, or subdivisions of property shall constitute an additional fee. All petitioners for annexation, planned unit development, subdivision, resubdivision, alterations to planned unit developments, platting and re-platting of property shall pay a nonrefundable deposit of three hundred fifty dollars (\$350.00) for the review of such petitions and related plans. In the event the proposed improvements or alterations are approved by the City Council, this deposit shall constitute a credit in the final accounting of review and inspection fees. In the event the proposed land improvements are not approved by the City Council, the deposit shall be retained by the City. The engineering fee for improvements in public and privately-held land are established in Title 10 of the City Code.
- C. Legal fees and expenses for legal work associated with the review of annexations, planned unit development or subdivision petitions shall constitute an additional fee. The City shall, in its sole discretion, require the petitioner to pay such legal fees either (a) prior to recording the annexation agreement or plat(s); (b) as the legal fees are incurred by billing the petitioner on receipt of the statement; or (c) prior to incurring legal fees and expenses by requiring an escrow deposit from which such fees and expenses can be withdrawn, with provision to make additional deposits to maintain the escrow amount.  
  
Such expenses shall include, but are not limited to, the following:
  - 1. Meetings with the applicant will be charged at prevailing hourly charges of all legal staff deemed necessary by the City; and,
  - 2. The prevailing hourly charges of all consultants deemed necessary by the City Attorney and City Manager, for time spent on the legal review of applications.
- D. All proceedings in connection with a rezoning, special use permit or planned development shall be stayed until designated fees are deposited with the City Clerk as required.

**4.1.4. Zoning Certificates.**

- A. ZONING CERTIFICATE REQUIRED. Unless the Zoning Administrator has certified that a proposed use of land or buildings, or construction, alteration, remodeling or reconstruction complies with the requirements of this Title, no building permit pertaining to the construction, remodeling, moving or reconstruction of any structure shall be issued by the City; no construction, building, moving, remodeling or reconstruction of any structure shall be commenced; no improvement of land preliminary to any use of such land shall be commenced; and no permit pertaining to the use of land or structures shall be issued by any official, officer, employee, or department of the City of Sycamore.

**The “Zoning Certificate” need not be a separate permit and can be synonymous with a Building Permit.**

- 1. APPLICATION FOR ZONING CERTIFICATE. Any application for a building permit that contains the information required by this Article shall be deemed to be an application for a zoning certificate. Every application for a zoning certificate shall be accompanied by the following:
  - a. A Plat of Survey showing the property boundaries and dimensions, and the location and nature of any easements located thereon.
  - b. The certificate of the registered architect or registered engineer licensed by the State of Illinois, or of the land planner or an owner-designer, that

the proposed construction complies with all of the provisions of this Title.

- c. An approved site plan.
- d. All applications for a zoning certificate for the construction, moving, remodeling or reconstruction of any structure to be located in an industrial district shall be accompanied by sufficient information to enable the Zoning Administrator to determine that there will be compliance with all of the applicable performance standards of Article 5.4 of this Title at all times. At the request of the Zoning Administrator, the applicant shall provide, in addition to the foregoing, the following:
  - 1. A description of the activity to be conducted in sufficient detail to indicate the extent to which the proposed operation will produce waste products, conditions, or external effects which are regulated or otherwise limited by Article 5.4 of this Title.
  - 2. A description of the type and location of any abatement devices or recording instruments used to control or measure conformity with any of the standards set forth in Article 5.4 of this Title.
  - 3. Such other data and certificates as may reasonably be required by the Zoning Administrator to reach a determination with respect to whether the proposed use or structure will comply with the requirements of Article 5.4 of this Title.

All information and evidence submitted in an application for a Zoning Certificate to indicate conformity with the performance standards set forth in Article 5.4 of this Title shall constitute a certification and an agreement on the part of the applicant that the proposed structure or use can and will conform to such standards at all times.

- 2. **ISSUANCE OF THE ZONING CERTIFICATE.** Within fourteen (14) days of the receipt of an application for accessory structures or thirty (30) days of the receipt of an application for all other structures and uses, except in the industrial districts, the Zoning Administrator shall either approve or deny an application for a zoning certificate. The Zoning Administrator shall advise the applicant in writing of the reasons for denial.
  - 3. **PERIOD OF VALIDITY.** A zoning certificate shall become null and void six (6) months after the date on which it is issued unless construction, moving, remodeling or reconstruction of a structure is commenced or a use is commenced within such six (6) month period.
  - 4. **ZONING CERTIFICATE ISSUED IN CONFLICT WITH THIS TITLE.** Any zoning certificate issued in conflict with the provisions of this Title shall be null and void.
- B. **OCCUPANCY CERTIFICATE REQUIRED.** Unless an occupancy certificate shall first have been obtained from the Zoning Administrator certifying that the proposed use or occupancy complies with all the provisions of this Title, no structures or additions thereto, constructed, moved, remodeled, or reconstructed after the effective date of this

Title shall be occupied or used for any purpose, and no land vacant on the effective date of this Title shall be used for any other use.

1. APPLICATION FOR OCCUPANCY CERTIFICATE

- a. ALL DISTRICTS, EXCEPT INDUSTRIAL DISTRICTS. Every application for an occupancy certificate for a new or changed use of land or structure(s) where no zoning certificate is required shall be filed with the Zoning Administrator and be in such form and contain such information as the Zoning Administrator shall provide by general rule.

*aa) Residential occupancy certificates for new dwelling units shall not be issued until the new owner(s) shall have completed a brief survey form identifying (1) the number of adults and school-aged children who will move into the new residence, by age group, and (2) the zip code of the owner's previous home address. Such information will assist School officials in identifying facility needs.*

- b. APPLICATION FOR OCCUPANCY CERTIFICATES FOR INDUSTRIAL USES. Every application for an occupancy certificate for any use to be located in an industrial district shall be accompanied by sufficient information to enable the Zoning Administrator to determine that all the applicable performance standards of Article 5.4 of this Title can and will be satisfied at all times. At the request of the Zoning Administrator, the applicant shall provide such information as is specified in Section 4.1.4(A)1 of this Title.

2. ISSUANCE OF OCCUPANCY CERTIFICATE. No occupancy certificate for a structure, or addition thereto, constructed, moved, remodeled or reconstructed after the effective date of this Title shall be issued until such work has been completed, including off-street parking and loading spaces, and the premises have been inspected by the Zoning Administrator and determined to be in full and complete compliance with the plans and specifications upon which the issuance of the zoning certificate was based. No occupancy certificate for a new use of any structure or land shall be issued until the premises have been inspected by the Zoning Administrator and determined to be in full and complete compliance with all the applicable regulations for the zoning district in which it is located.

3. TEMPORARY OCCUPANCY PERMITS. Pending the issuance of a permanent occupancy certificate, a temporary occupancy certificate may be authorized by the Zoning Administrator and shall be valid for a period not to exceed six (6) months from its date pending the completion of any unfinished site work or during partial occupancy of the premises. Temporary occupancy permits shall typically be issued when extraordinary circumstances exist (i.e. unavailability of materials, weather-related delays, etc.) and when it would not jeopardize the life or property of the citizens of Sycamore. In the case of commercial and industrial projects, the Zoning Administrator may require that a letter of credit or check to cover site work that has not been completed at the time of application for an occupancy permit. The amount of the letter of credit or check shall be determined by the Zoning Administrator and shall be deposited with the City Finance Office for the duration of the temporary occupancy permit or until the site work has been completed in accordance with the approved site plan and inspected by the Zoning Administrator.

4. ACTION BY ZONING ADMINISTRATOR. An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, within five (5) days after the receipt of an application thereof or after the Zoning Administrator is notified in writing that the structures or premises are ready for occupancy; provided, however, that the Zoning Administrator shall have a period of seven (7) days within which to issue or refuse a temporary occupancy certificate on all applications which are required to comply with the provisions of Section 4.1.4(B)3 of this Title.

## **ARTICLE 4.2**

### **SITE PLAN REVIEW**

**4.2.1. Site Plan Review.** Two classes shall be established for site plan review and are defined as follows:

- A. MAJOR SITE PLAN REVIEW. Major Site Plan Review shall be required prior to or concurrent with
  1. granting rezoning to any commercial or industrial district,
  2. granting any Special Use Permit, or
  3. granting a planned development; or
  4. approval of a zoning certificate for any commercial or industrial construction involving new buildings, or a change of occupancy which requires additional parking.
- B. MINOR SITE PLAN REVIEW. Minor Site Plan Review shall be required prior to approval of a zoning certificate for any minor improvements, fences, storage buildings and other site alterations in residential, commercial or industrial districts, or for construction of parking spaces or signs in any District. For such site alterations, site plans are useful to verify that the altered parcel will still conform to district zoning provisions.

**4.2.2. Application Requirements for Site Plan Review**

- A. MAJOR SITE PLANS. Every application for Major Site Plan Review shall be accompanied by the following in the number of copies prescribed by the City Engineer:
  1. A complete application form furnished by the City Engineer.
  2. A plat of survey, drawn to scale, showing the actual dimensions of the subject property.
  3. An aerial view using the DeKalb County's base maps.
  4. A site plan, drawn to scale showing the location, dimensions, bulk, ground area and height of all existing and proposed structures, accessory structures, free-standing signs, parking and loading facilities, driveways and parking aisles; adjacent public streets and sidewalks; building lines, and easements; trash enclosures, lighting, existing and proposed topography, existing mature trees, storm water drainage facilities, public water and sewer facilities; and, such other

information as may be required by the City Engineer for the proper enforcement of this Title.

5. A landscape plan.
  6. Architectural drawings showing plan and exterior elevations of all buildings on the site.
- B. **MINOR SITE PLANS.** Every application for Minor Site Plan Review shall be accompanied by the following in the number of copies prescribed by the Zoning Administrator.
1. A complete application form furnished by the Zoning Administrator.
  2. An accurate scaled drawing showing the actual dimensions of the property and the location of any existing structures.
  3. A site plan, drawn to scale, showing the location, dimensions, ground area, height of the proposed structure, easements, and building lines.
- C. **ADDITIONAL SITE PLAN REVIEW APPLICATION REQUIREMENTS FOR INDUSTRIAL DISTRICTS.** In addition to the foregoing, all applications for Major Site Plan and Minor Site Plan review in industrial districts shall provide the following:
1. A description of the activity to be conducted in sufficient detail to indicate the extent to which the proposed operation will produce waste products, conditions, or external effects which are regulated or otherwise limited by Article 5.4 of this Title.
  2. A description of the type and location of any abatement devices or recording instruments used to control or measure conformity with any of the standards set forth in Article 5.4 of this Title.
- D. **WAIVING APPLICATION REQUIREMENTS.** If, in the determination of the City Engineer, certain required application information does not apply or does not come to bear upon the proposed construction to which the application applies, the City Engineer may waive certain application requirements, provided that a record of such determination is attached to and made part of the application.

#### **4.2.3. Site Plan Review Procedures**

- A. **MAJOR SITE PLANS.**
1. **CITY STAFF REVIEW.** Upon receipt of a complete application, copies of the application and supporting documents will be distributed to such City staff as determined by the City Manager for review and comment concerning compliance with City requirements. Within twenty-one (21) days of receipt of a complete application, the applicant shall be advised in writing that the site plan conforms or fails to conform to the requirements of this Title or other provisions of the Municipal Code. If the site plan fails to conform, the reasons the site plan fails to conform shall be specified.
  2. **APPEAL**
    - a. If the City Engineer does not approve a Major Site Plan, the applicant may appeal the decision to the City Manager. A notice of appeal must be filed no later than fifteen (15) days after receipt by the applicant of

the decision. Failure by an applicant to file an appeal in accordance with the foregoing provisions shall be deemed to constitute a withdrawal of the application for Major Site Plan approval.

- b. The City Manager shall act as promptly as practical on any appeal taken in connection with the Major Site Plan. The City Manager shall approve or disapprove the site plan, upon consultation with the City Engineer. If the City Manager approves the site plan, a building permit may then be issued, provided that all other requirements of all other applicable City codes and ordinances are satisfied.

**B. MINOR SITE PLAN**

- 1. **CITY STAFF REVIEW.** Upon receipt of a complete application, the Zoning Administrator shall review the site plan for conformance with the provisions of this Title. Within seven (7) days of receipt of a complete application for accessory structures and signs; or within fourteen (14) days of receipt of a complete application for all other structures except those requiring Major Site Plan review, the Zoning Administrator shall approve or deny the application. If the Zoning Administrator denies an application for a Minor Site Plan approval, he shall advise the applicant of the reasons for denial.

- 2. **APPEAL**

- a. If the Zoning Administrator does not approve a Minor Site Plan, the applicant may appeal the Zoning Administrator's decision to the City Manager. A notice of appeal must be filed with the Zoning Administrator no later than fifteen (15) days after receipt by the applicant of the decision. Failure by an applicant to file an appeal in accordance with the foregoing provisions shall be deemed to constitute a withdrawal of the application for a Minor Site Plan zoning certificate.
- b. The City Manager shall act as promptly as practical on any appeal taken in connection with the Minor Site Plan. The City Manager shall approve or disapprove the site plan. If the City Manager approves the site plan, a building permit may then be issued, provided that all other requirements of all other applicable City codes and ordinances are satisfied.

**4.2.4. Standards for Site Plan Review.** The Zoning Administrator and City Engineer, when evaluating site plans, shall review:

- A. The relationship of the site plan to the policies, goals, and objectives of the Comprehensive Plan.
- B. The traffic and parking layout so as to minimize danger and conflicts between pedestrians and motorists, and otherwise comply with the requirements of this Title.
- C. The location of principal structures, accessory structures and free-standing signs, so that the location of accessory structures and free-standing signs do not impede safe and efficient traffic circulation, storm water drainage, or otherwise adversely impact adjoining land improvements.
- D. Compliance with the provisions of this Title and other provisions of the Municipal Code.
- E. That the proposed use is permitted in the district in which the property is located.

- F. That the proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses and employs sound site planning principles.
- G. 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; and,
- H. That all outdoor storage areas are screened and are in accordance with standards specified by this Title.

### **Article 4.3**

#### **SPECIAL USES**

**4.3.1. Purpose.** Because of their unique and potentially harmful characteristics, certain uses set forth in this Article shall be located in a district or districts only upon consideration in each case of the impact of such use upon neighboring land and of the public need for such a use at the particular location. Such uses, hereby designated as Special Uses, fall into two categories:

- A. Uses either municipally operated, or operated by regulated public utilities, or traditionally affected by a public interest; and
- B. Uses entirely private in character but of such nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

**4.3.2. Authorized Special Uses.** The City Council may authorize by ordinance (Special Use Permit), the establishment, operation or construction of any Special Use as designated in each of the zoning districts, after a public hearing has been held before the Plan Commission, and the findings of fact and recommendation(s) have been reported to the City Council. All of the other applicable provisions of this Title, including the requirements and restrictions of the zoning district in which the proposed Special Use is to be located, shall be applicable to the establishment and maintenance of such Special Use unless the ordinance authorizing the establishment or construction of the particular Special Use expressly provides otherwise. Subject to the standards contained in this Article 4.3, the City Council shall have authority to permit Special Uses as designated in each of the zoning districts of land or structure, or both, provided it shall find that the proposed Special Use will comply with the standards contained in this Article 4.3.

**4.3.3. Standards.** A Special Use Permit shall be granted only if evidence is presented to establish that:

- A. The proposed structure or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community;
- B. The proposed structure or use will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety, and general welfare; and
- C. The proposed structure or use will be designed, arranged, and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.

- D. Such other standards and criteria as are established by the ordinance for a particular Special Use as set forth in Section 4.3.4 and as applied to Planned Developments as set forth in Article 4.4.

**4.3.4. Additional Standards and Criteria.** In addition to the standards and criteria established in Section 4.3.3, herein, no Special Use Permit shall be granted for the use listed below unless evidence is presented to establish the standards and criteria set forth herein.

**A. ADULT USES**

1. **SPECIAL USE PERMIT REQUIRED.** No person shall establish, operate, or maintain an Adult Use without first obtaining a Special Use Permit authorized and issued by the City Council in accordance with the standards and procedures set forth in this Ordinance.
2. **DEFINITIONS.** As used in this Section 4.3.4(A), the following words and terms shall have the meanings set forth herein.
  - a. **ADULT BOOKSTORE:** shall mean an establishment having as a substantial or significant portion of its sales or stock in trade, books, periodicals, magazines, video tapes, or films for sale, for rental or for viewing on premises which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities,” or “specified anatomical areas,” or an establishment with a segment or section devoted to the rental, sale, or display of such materials; or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, exclusion of minors from the establishment’s premises or any other factors showing the establishment’s primary purpose is to purvey such material.
  - b. **ADULT ENTERTAINMENT CABARET:** shall mean a public or private establishment which (i) features models, topless dancers, strippers, male or female impersonators; (ii) not infrequently features entertainers who display “specified anatomical areas”; or (iii) features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or entertainers who engage in or are engaged in explicit simulation of “specified sexual activities”.
  - c. **ADULT MOTION PICTURE THEATER:** shall mean a building or area used for presenting films, video tapes, or other materials distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
  - d. **ADULT USE:** shall mean adult bookstores, adult motion picture theaters, adult entertainment cabarets, and other similar uses.
  - e. **SPECIFIED SEXUAL ACTIVITIES:** shall mean (i) human genitals in the state of sexual stimulation or arousal; (ii) acts of human masturbation, sexual intercourse or sodomy; and (iii) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

- f. SPECIFIED ANATOMICAL AREAS: shall mean
  - 1. less than completely and opaquely covered: (i) human genitals, pubic region, (ii) human buttock; (iii) human female breasts below a point immediately above the top of the areola; and
  - 2. human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 3. LIQUOR. No liquor license shall be issued for any Adult Use, and no liquor shall be sold or consumed on the premises of any Adult Use.
- 4. LOCATION. Adult Uses may be allowed, upon obtaining a Special Use Permit, in an M-1 Zoning District provided:
  - a. That no Adult Use shall be located within one thousand (1,000) feet of any property which is zoned or used for residences, churches, parks, schools , or another Adult Use; and
  - b. That no Adult Use shall be permitted to operate within one thousand (1,000) feet of the centerline of State Street, Main Street, Somonauk Street, DeKalb Avenue, or Peace Road.
- 5. STANDARDS. In addition to the standards set forth in Section 4.3.3 herein, no Special Use Permit for an Adult Use shall be granted by the City Council unless the Council finds:
  - a. The design and operation of the facility will not adversely effect the public health and safety;
  - b. It will not cause substantial injury to the value of other property in the neighborhood in which it is located;
  - c. It will not unduly increase traffic congestion in the public streets and highways in the area in which it is located;
  - d. It will not cause additional public expense for fire or police protection;
  - e. It will not substantially increase the possibility of criminal acts against persons and properties within five hundred (500) feet of such proposed special use or against persons who regularly use such properties; and
  - f. It is located in a zoning district in which Adult Uses are allowed as a Special Use and meets the location requirements stated in Section 4.3.4(A)4.
- 6. REGISTRATION. The owner of a building or premises, his agent for the purposes of managing, controlling or collecting rents, or any other person managing or controlling a building or premises any part of which contains an Adult Use, shall register the following information with the City Clerk:
  - a. The address of the premises;
  - b. The name(s) of the owner(s) of the premises and name(s) of the beneficial owner(s) if the property is in a land trust;

- c. The addresses of the owner(s) or the beneficial owner(s);
  - d. The name of the business or establishment subject to the provisions of this Section 4.3.4(A);
  - e. The name(s) and address(es) of the owner(s), beneficial owner(s) or the holders of ten percent (10%) or more of the issued shares, partnership or member interest, of the business or establishment subject to the provisions of this Section 4.3.4(A);
  - f. The date of initiation of the Adult Use;
  - g. The nature of the Adult Use; and
  - h. If the premises or building is leased, a copy of said lease.
7. EXTERIOR DISPLAY. No Adult Use shall be conducted in any manner that permits the observation of any material depicting or relating to “specified sexual activities” or “specified anatomical areas” from any public way or from any property not registered as an Adult Use. This provision shall apply to any display, decoration, sign, show window, or other opening.
8. EXISTING ADULT USES. Any Adult Use which existed lawfully, but which became non-conforming upon the adoption of this Ordinance, may be continued as hereinafter provided:
- a. Upon written notice from the City to the owners or tenants therein that any building, structure, lot or use is non-conforming under the provisions of this Ordinance as to Adult Uses, the owners or tenants therein shall, within two months from the date of such notice, apply to the City for a Special Use Permit for an Adult Use.
  - b. Failure to apply for a Special Use Permit for an Adult Use within two (2) months of the notice provided in Section 4.3.4(A)8(a), above, will require the discontinuation of the nonconformance within (6) six months of the notice provided for in Section 4.3.4(E)8(a).
  - c. Non-conformances for which a Special Use Permit for an Adult Use has been requested shall be discontinued within one (1) year of the notice provided in Section 4.3.4(A)8(a), above, unless a Special Use Permit for an Adult Use is issued by the City Council.

**B. PLANNED UNIT DEVELOPMENT**

- 1. SPECIAL USE PERMIT REQUIRED. No person shall create a planned unit development without first obtaining a Special Use Permit authorized and issued by the City Council in accordance with the standards and procedures set forth herein.
- 2. DEFINITIONS.
  - a. PLANNED UNIT DEVELOPMENT: shall mean a tract of land which is planned as a whole for development under single ownership or control and which, by virtue of such unified planning and development, provides greater amenities, convenience or other benefits than normally would be

had in conventional zoning districts. Adequate provisions shall be made for basic community facilities such as schools, parks, playgrounds and churches, among others. The minimum area for a planned development shall be: (a) residential--2 acres; (b) commercial--5 acres; (c) industrial--10 acres; (d) governmental--2 acres; (e) mixed use--10 acres; (f) office/research/industrial--2 acres.

3. PROCEDURES.

- a. The applicant shall petition the City Clerk in writing to call a meeting of the Plan Commission for a review of the proposed Planned Unit Development, and the Plan Commission shall call such meeting, which may be continued from time to time. The petition shall be accompanied by such exhibits and written information as may be necessary to fully acquaint the Plan Commission with the proposed development.
- b. Plan Commission Workshop. Prior to formal application for a special use permit to establish a planned unit development, the applicant(s) may request Plan Commission direction in a workshop session. Such sessions are not mandatory, but are highly recommended. The applicant(s) shall submit a concept plan, showing the location and extent of the types of land uses proposed; building outlines (footprints) of all proposed structures except single family detached dwellings on subdivided lots; internal private circulation drives and parking areas; and open space areas, common areas and buffer areas. This plan shall be submitted at least fourteen (14) days before a regularly scheduled Commission meeting.
- c. Formal Review. To be eligible for a formal review of a planned unit development petition, the applicant(s) shall submit a preliminary plat and plan which shall include, but not necessarily be limited to, the following:
  - (1) A preliminary plat and plan in accordance with the provisions of this Title.
  - (2) A statement and explanation concerning any exceptions or variations to the City zoning or subdivision requirements being requested as part of the Planned Unit Development application.
  - (3) Findings of Fact prepared and formatted as provided by law and in accordance with the standards defined in Section 13.09, paragraph 8 of this Code.
- d. The petition and all supporting documents shall be submitted at least twenty-one (21) days prior to the Plan Commission hearing to allow for staff review and proper public notice in a newspaper of general circulation.
- e. The formal petition for a Planned Unit Development shall be addressed to the City Council and shall be filed with the City Clerk. Twenty-five (25) copies of the petition shall be filed; attached to each copy shall be copies of the supporting documents and exhibits hereinafter provided for.

- f. Filing Fees:
- All petitioners for annexation, planned unit development, or subdivision of property shall pay the city attorney's fees for legal work and expenses associated with the review of such annexations or subdivisions. The City shall, in its sole discretion, require the annexing owner or developer or subdivider to pay the aforementioned legal fees upon the action (either approval or disapproval) of the City Council with respect to the proposed annexation or subdivision.
  - The City shall require all petitioners for annexation, planned unit development, subdivision or resubdivision of land, alterations to planned unit developments, or platting or replatting of property to pay an additional nonrefundable deposit of three hundred fifty dollars (\$350.00) for the staff review of plans pertaining to such actions. In the event the proposed actions or improvements are approved by the City Council, this amount shall constitute a credit in the final accounting of review and inspection fees. In the event the proposed annexation, subdivision, planned unit development, platting or replatting is not approved by the City Council, the deposit shall be retained by the City.
  - Following the approval of the City Council for a particular planned unit development or subdivision, the City shall require an engineering fee for the plan review and inspection of the necessary public and private land improvements, excluding buildings and other structures. That fee shall be two and one-half percent (2.5%) of the total estimated costs of all the required public and private land improvements, excluding buildings and structures, as prepared by the design engineer and approved by the City Engineer. The City's inspection of said improvements shall be periodic and as deemed necessary by the City Engineer. The City shall, in its sole discretion, require the annexing owner, developer, or subdivider to pay the engineering fee (a) prior to recording the annexation agreement or final plat; (b) as the engineering fees are incurred by billing the annexing owner, developer or subdivider; or (c) prior to incurring engineering expenses by requiring an escrow deposit from which such fees and expenses can be withdrawn, with provision to make additional deposits to maintain the initial escrow amount.
- g. The petition shall be heard by the Plan Commission which shall report to the City Council on its findings and recommendations. Such report shall be accompanied by any findings of fact, plats, exhibits and agreements as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein.
- h. The City Council may grant a special use for a Planned Unit Development which shall be by specified ordinance and which shall contain or to which shall be appended all terms and conditions of the grant, including covenants and agreements, guarantees, performance bonds, plats and the like.

4. CONTENT OF PETITION. The formal petition shall contain, in addition to all other requirements, the following:
- a. An outline plan of the planned unit development. This plan will be at a scale of not less than one (1) inch equals one hundred feet (1' = 100') which shall show all proposed streets (public and private), street pavement and driveway widths, right-of-way, all principal and accessory buildings and their use, lot sizes, building lines, easements for utility services, off-street parking, service areas, open space, recreation facilities and any other information necessary to clearly show the proposed elements of the Planned Unit Development.
  - b. Preliminary architectural plans for all residential buildings shall be submitted in sufficient detail to show the basic building planned elevations, the number of units per building and the number of bedrooms per dwelling unit. Preliminary architectural plans are not required for business or other non-residential buildings at the time of this application but must be submitted to the Building Department for its approval when filing an application for a building permit.
  - c. A topographic survey and boundary survey of the subject area, prepared in two (2) foot contour intervals and certified by a registered Illinois surveyor.
  - d. A rendered plan of the planned unit development area showing in contrasting colors or by other means the respective location of all categories of land use.
  - e. A map of the City of Sycamore, Illinois showing the planned unit development area and its relation to the existing roads and streets and use districts within and immediately adjacent to the City.
  - f. Specifications for the following improvements:
    - (1) Roads, streets and alleys, including classifications, width of right-of-way, widths of paved surfaces and construction details.
    - (2) Sidewalks, including widths of paved surfaces and construction details.
    - (3) Sanitary and storm sewer system.
    - (4) Water supply system.
    - (5) Street lighting and public area lighting system.
    - (6) Recommended installation for electric, gas and telephone facilities and distribution.
    - (7) Sequence of phases or stages of development of the planned unit development.
    - (8) A general landscape plan shall be prepared by a landscape architect and shall meet the approval of the Plan Commission.

- g. Estimates of the cost of installation of all proposed improvements, confirmed by a registered Illinois engineer.
- h. Petitioner's proposed covenants, restrictions and conditions to be established as a part of the Planned Unit Development.
- i. A traffic access and impact study if, in the opinion of the City Engineer, the likely result of a subdivision, planned development, rezoning, or special use permit will be the daily generation of an additional three hundred (300) or more trips to or from the subject property. The City Engineer's opinion shall be based on the average trip generation rates published by the institute of Traffic Engineers (ITE) in their most recent trip generation manual. The City Engineer may also require a traffic access or impact study if access to a particular property is likely to cause a significant hazard or congestion due to the proximity to nearby access drives or intersections, or due to current traffic problems in the local area.

5. **CONSTRUCTION OF IMPROVEMENTS.** The petitioner shall construct and install the required improvements and must post with the City a sum of cash, or negotiable securities, or a surety bond running to the City in an amount sufficient to cover the full cost of construction as well as engineering and inspection fees and costs, to assure the satisfactory installation of such improvements; the amount of such deposit or bond shall be based upon the confirmed estimate of cost hereinabove provided for; if a surety bond is submitted, it shall have good and sufficient surety thereupon and shall not be accepted until approved by the Mayor and City Council.

If the Planned Unit Development is to be constructed and developed in stages or phases, the deposit of cash or securities or the bond posted shall be in an amount based upon the confirmed estimated cost of installation of improvements in the respective stage or phase as approved by the City Engineer.

6. **SPECIFICATIONS FOR CONSTRUCTION IMPROVEMENTS.** All improvements shall be constructed in accordance with the City of Sycamore's standards and specifications.

7. **STANDARDS.** No Planned Unit Development shall be authorized unless the Plan Commission shall find and recommend, in addition to those standards established herein for special uses, that the following standards will be met:

a. General

- (1) The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.
- (2) The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.
- (3) Any industrial park areas established in the Planned Unit Development shall conform to all requirements as set forth elsewhere in this ordinance.

- (4) All minimum requirements pertaining to commercial, residential, institutional, or other uses established in the Planned Unit Development shall be subjected to the requirements for each individual classification as established elsewhere in this ordinance, except as may be specifically varied in the ordinance granting and establishing a Planned Unit Development.
  - (5) When private streets and common driveways are made a part of the Planned Unit Development or open space or recreation facilities are provided the applicant shall submit, as part of the application, the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the City Council.
8. **CONDITIONS AND GUARANTEES.** Prior to granting any special use, the Plan Commission may recommend, and the City Council shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein, or as may be from time to time required. In all cases in which special uses are granted, the City Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be, complied with.
9. **EFFECT OF DENIAL OF A SPECIAL USE.** After a public hearing no application for a special use which has been denied wholly or in part by the City Council shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the Plan Commission and the City Council.
10. **TERMINATION OF SPECIAL USE PERMIT.** If work on the proposed development has not begun within one (1) year from the date of the authorization order of the City Council (see Section 4.4.2), the authorization shall become null and void and all rights thereunder shall lapse unless written application, filed prior to the termination of the one (1) year time limit, shall be made to the City Manager, who may authorize a single extension of the time limit for a further period of not more than twelve (12) months without a public notice.
11. **PLANNED DEVELOPMENT: RESIDENTIAL.**
  - a. Residential density for a Planned Unit Development shall not be greater than the recommended density as shown on the Land Use Plan of the Comprehensive Plan for the City.
  - b. Low Density areas shall have a gross density of 0 to 3 housing units per acre and a minimum open space requirement of 10 percent of the gross land area.
  - c. Medium Density areas shall have a gross density of 3 to 6 housing units per acre and a minimum open space requirement of 20 percent of gross land area.

- d. High Density areas shall have a maximum density of 9 units per gross acre and a required open space of 30 percent of the gross land area.
- e. Performance Bonuses may be approved by the City Council, upon the recommendation of the Plan Commission, to encourage residential subdivision designs that more creatively integrate function and appearance. The bonus system is based on the following assumptions:
  - (1) Density in a PUD should never exceed what is consistent with nearby existing developed areas. A minimum buffer area of 30 feet should separate existing and new residential developments. This buffer area shall be kept free of accessory buildings, must be landscaped, and shall not be included as part of the required rear yard.
  - (2) For bonuses, density is calculated on the basis of dwelling units per gross acre.
  - (3) In instances where bonuses are sought for two (2) or more residential land use designations within a residential PUD, density should be calculated separately for the different residential designations.
  - (4) No more than fifty percent (50%) of the residentially zoned area may be eligible for density increases.
  - (5) If the development is to be built in stages, the open space shall be designated in reasonable proportion to the number of dwellings in each phase.
  - (6) The number of constructed dwelling units per gross acre shall never exceed the overall density established for the residential designation.
  - (7) Non-residential uses permitted in the residential districts are subject to all the required lot areas, yards, and setbacks established in the zoning ordinance.

**BONUS CRITERIA:**

Maximum Density Increase	Achieved by the Following Design Considerations:
10%	A minimum of an additional five percent (5%) of the net development area must be devoted to open space (above the minimum requirements) featuring public pedestrian walkways, bike paths, or dedicated recreational park space.
5%	A creative set of building designs featuring variations in facades and groupings that take advantage of natural terrain and that integrate detention basins with an overall landscaping plan.
5%	Additional screening and parking lot landscaping above City requirements; screening plants and trees on the periphery of the development and between uses.

- f. The open areas provided in the part of the planned development containing only residential structures shall be preserved over the life of the Planned Unit Development for use only by the residents of the planned development or shall be dedicated to the Sycamore School District or Park District for school or park purposes through an agreement acceptable to the City Council.
- g. Other Variations. The Plan Commission may recommend and the City Council may approve access to dwellings by a driveway or pedestrian walk easement, and spacing between buildings of less widths or depths than required by applicable district regulations provided (1) adequate provisions are made to perpetuate the access easements and off-street parking spaces for use by residents of the affected dwellings during the period of use; (2) due consideration is given to the openness normally afforded by intervening streets and side yards when the spacing between clustered buildings on the interior of the development might be adjusted; and (3) the yards for principal buildings along the periphery of the development shall never be less in width or depth than required in the district regulations.

12. PLANNED DEVELOPMENT: COMMERCIAL OR INDUSTRIAL

- a. Lot Coverage. The total lot coverage by uses permitted in the commercial or industrial districts shall not exceed seventy percent (70%) except as provided in the bonus provisions of item c, below.
- b. Buffer. When a planned commercial or industrial development abuts residentially zoned property, a minimum fifty (50) foot buffer area should be installed and landscaped.
- c. Lot Coverage Bonus. The Plan Commission may recommend and the City Council may approve an increase in maximum lot coverage from seventy percent (70%) up to eighty percent (80%) if six (6) of the following criteria are met:
  - 1. Storm drainage and detention systems have a capacity significantly in excess of what is required.
  - 2. Storm drainage detention facilities are installed underground.
  - 3. The release rate from the storm drainage detention facilities is significantly and appreciably more restrictive than code requirements.
  - 4. Parking lot landscaping is increased fifty percent (50%) or more than is required.
  - 5. Principal access to property allows for shared access by an adjacent property, thus reducing curb cuts.
  - 6. Pedestrian and bicycle paths are constructed.
  - 7. Loading and unloading areas are screened with landscaping.

8. The development includes a donation of land for community facilities.
9. The development features highly innovative architectural and natural features.
10. Signs have materials that are compatible with architectural and natural features in the development.
11. Open space is not isolated but spread equitably through the development.
12. No more than one quarter (25%) of the required open space is comprised of rights-of-way, floodplain, or storm water drainage facilities.
13. Any other performance criteria that further the goals of the Comprehensive Plan and that, in the opinion of the Plan Commission and Council, warrant the approval of development bonuses.

13. MAINTENANCE OF COMMON LAND AND STRUCTURES.

Subdividers and developers of planned unit developments shall cause language to be placed on their preliminary plan or, alternatively, shall prepare an exhibit to their petition with language that affirms that the operation and maintenance of designated common areas, common facilities, common buildings, and open spaces shall conform with Ordinance 2000.27, approved by the Sycamore City Council on August 21, 2000. Such language will establish that the maintenance of common land and buildings shall be under the control of a homeowner's association in accordance with the laws of the City of Sycamore governing such associations. This section shall apply to all associations created after the August 21, 2000.

**4.3.5 Conditions.** The Plan Commission may recommend and the City Council may impose such conditions or restrictions upon the location, construction, design and operation of a special use as they shall respectively find necessary or appropriate to secure compliance with the standards set forth herein.

**4.3.6. Procedures.**

- A. AUTHORIZATION. The City Council is authorized to issue a Special Use Permit for those uses listed in Article 5.3 and for Planned Developments, subject to the standards set forth in Sections 4.3.4, 4.4.3, and 4.4.4 and such conditions as may be imposed pursuant to Section 4.3.5. Prior to the issuance of any Special Use Permit, a public hearing shall be held and published notice shall be given, in the manner prescribed in Section 4.8.3 of this Title.
- B. APPLICATION FOR SPECIAL USE. Any person having a proprietary interest in the premises may file an application for a Special Use Permit with the Zoning Administrator or City Engineer. The application shall be in such number, in such form, and contain such information as the Zoning Administrator or City Engineer may prescribe from time to time. The City staff shall process such application and hearing shall be held in the manner prescribed for amendments by Article 4.7 of this Title.

- C. **REPORT OF HEARING.** Following the hearing, and under no circumstances more than thirty (30) days after the hearing, the Plan Commission shall transmit to the City Council a written report giving its findings as to compliance of the proposed Special Use with the standards governing Special Uses and giving its recommendations for action to be taken by the City Council.
- D. **CONDITIONS.** The Plan Commission may recommend and the City Council may impose such conditions or restrictions upon the location, construction, design and operation of a Special Use, including but not limited to, provisions for off-street parking spaces and the duration of such permit, as they shall respectively find necessary or appropriate to secure compliance with the standards set forth in Sections 4.3.3 and 4.3.4.
- E. **ACTION BY CITY COUNCIL.** After receiving the recommendations and report of the Plan Commission, the City Council shall, within 30 days, review the Commission recommendations and may accept the findings and recommendations of the Plan Commission in whole or in part or may reject them in whole or in part, or the City Council may refer the matter back to the Plan Commission for further consideration. However, in the event the Plan Commission recommends against the issuance of a Special Use Permit, then it may be issued only upon the favorable two-thirds (2/3) vote of all of the members of the City Council (i.e. the “corporate authorities”).

**4.3.7. Effect of Denial of a Special Use.** After a public hearing, no application for a Special Use which has been denied wholly or in part by the City Council shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the Plan Commission and City Council.

**4.3.8. Termination of Special Use Permit.** If the proposed Special Use is not established within one (1) year from the date of the authorization by the City Council, or if a special use building is abandoned or unfit for occupancy for more than twelve (12) months, or if the special use building is damaged by greater than 50 percent of its replacement value, the authorization shall become invalid and all rights thereunder shall lapse. Upon written application, the City Manager may authorize a single extension of the grace period for no more than one year.

## **ARTICLE 4.4**

### **PLANNED DEVELOPMENTS**

**4.4.1. Purpose.** The development and execution of zoning regulations is based upon the division of the City of Sycamore into districts in which the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized by the City of Sycamore that new types, procedures and relationships in land development are emerging and that the mixing of uses and variations in bulk regulations within districts can produce very satisfactory, desirable and lasting results, if properly designed and planned, without adverse influence upon surrounding property. The following standards are established to provide flexibility to encourage sound and imaginative design, and to guard against the use of the planned development technique solely as a means to intensify the use of land.

**4.4.2. Objectives.** The Planned Development, which is very generally described as a Special Use in Section 4.3.4(B), above, is intended to encourage improved design in the development of land by providing relief from traditional zoning requirements which are designed for conventional development but which may cause undue hardship or complication for desirable but

unconventional development, and to establish standards and procedures for the issuance of a Special Use Permit for a Planned Development in order to obtain the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is normally possible through the strict application of general zoning ordinance requirements.
- B. Diversification in the use permitted and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived as cohesive unified projects.
- C. Provision for functional and beneficial use of open space.
- D. Preservation, to the greatest extent possible, of the archeological and historic resources and natural landscape features and amenities of a development site and to utilize such features in a harmonious fashion in the development.
- E. Provision for a safe and desirable environment characterized by a sensitive and unified building and site development program.
- F. Rational and economic development in relation to public services. Toward this end, the City Council has determined that the pace of new residential development should be carefully managed. Specifically, the Council has imposed a regulatory framework which assures that the existing inventory of platted but unbuilt lots will be permitted more rapidly than new residential lots are permitted. This relationship is illustrated in the table below:

<i>Number of Dwelling Units on the Preliminary Plan</i>	<i>Dwelling Units Permitted Per Year</i>	<i>Time Limit Before New Building Permits Are Issued Following Annexation*</i>
<i>0 to 50 dwelling units</i>	<i>No More Than 25 per Year</i>	<i>No Time Limit</i>
<i>51 to 100 dwelling units</i>	<i>No More Than 30 per Year</i>	<i>One Year</i>
<i>101-200 dwelling units</i>	<i>No More Than 35 per Year</i>	<i>Two Years</i>
<i>201-300 dwelling units</i>	<i>No More Than 40 per year</i>	<i>Three Years</i>
<i>301 to 400 dwelling units</i>	<i>No More Than 50 per Year</i>	<i>Four Years</i>
<i>401-500 dwelling units</i>	<i>No More Than 60 per Year</i>	<i>Five Years</i>
<i>Over 500 dwelling units</i>	<i>No More Than 65 per Year</i>	<i>Six Years</i>

\*For planned unit developments and all other subdivisions annexed after November 1, 2005, no permits shall be issued until January 1, 2010.

This provision shall apply to planned unit developments and all other subdivisions annexed after November 1, 2005. The annual allowance for the issuance of dwelling unit permits shall commence on January 1 of each year.

In its consideration of new residential annexations after November 1, 2005, the Sycamore City Council will be mindful of the fiscal impact of both approved and planned residential subdivisions. The Council will seek to adjust both the timing and the number of new housing permits in any given year in order to approach an overall average of 250 dwelling units per year in the City of Sycamore, from 2010 onward.

The City Council may consider a petition for annexation and preliminary plat approval involving less than the full acreage of a tract of 100 or more contiguous acres. However, in order to plan for orderly growth and to discourage the

submittal of a series of annexation plats and preliminary plats from the same tract of 100 or more acres, the Council will only consider one additional petition for annexation and preliminary plat approval involving the balance of land in said tract, and such Council action may only occur after five years has elapsed from the approval of the initial development plat. The Council may only waive this provision by a two-thirds vote of the corporate authorities.

- G. Creation of a variety of uses, in compatible arrangements, to provide a greater choice of living, employment and shopping environments.
- H. Efficient use of land resulting in more economic networks of utilities, streets and other facilities.
- I. Coordination of architectural styles, building forms and relationships, graphics and other private improvements.

**4.4.3. Modification of District Regulations.** Planned Developments shall be constructed in each zoning district as a Special Use subject to the standards and procedures set forth in this Article:

- A. Except as modified by and approved in the ordinance approving a Final Development Plan and Plat, a Planned Development shall be governed by the regulations of the district or districts in which the said Planned Development is located.
- B. The ordinance approving the Final Development Plan and Plat for the Planned Development may provide for such exceptions from the district regulations governing use, density, area, bulk, parking and signs, and the subdivision design standards as may be necessary or desirable to achieve the objectives of the proposed Planned Development, provided such exceptions are consistent with the standards and criteria contained in this Article. No modifications of district requirements or subdivision design standards may be allowed when such proposed modification would result in:
  - 1. Inconvenient or unsafe access to the Planned Development.
  - 2. Traffic congestion in the streets which adjoin the Planned Development.
  - 3. An undue or disproportionate burden on public parks, recreational areas, fire and police protection, schools, and other public facilities which serve or are proposed to serve the Planned Development.
  - 4. A development which will be incompatible with the purpose of this Title and the goals and objectives of the Sycamore Comprehensive Plan;
  - 5. Alteration, destruction, or diminution of natural landscape features such as floodplains, wetlands, fens, woodlands, prairie, rock outcroppings, seeps, springs, or steep slopes; and
  - 6. Alteration, destruction of archeological and historic features.
- C. The Plan Commission may recommend to the City Council, and the City Council may grant, a Special Use Permit which modifies the applicable district zoning regulations and subdivision regulations upon a written finding by the Plan Commission that the Planned Development meets the applicable objectives and standards and criteria contained in Sections 4.3.4, 4.4.2, 4.4.4, 4.4.5, 4.4.6, and 4.4.7 of this Chapter. Such written findings shall set out the reasons supporting each finding and shall support each of the following standards and the applicable provision of Sections 4.3.4, 4.4.2, 4.4.4, 4.4.5, 4.4.6, and 4.4.7 hereof.

**4.4.4. General Standards and Criteria for Planned Developments.** No Planned Development shall be authorized by the City Council unless the Plan Commission shall find evidence establishing that:

- A. The proposed development will not injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the Sycamore Comprehensive Plan.
- B. The proposed development can be substantially completed within the time specified in the schedule of development submitted by the applicant.
- C. The entire tract or parcel of land to be occupied by the proposed development shall be held in a single ownership, or if there are two or more owners, the application for such proposed development shall be filed jointly by all such owners.
- D. The development plan shall contain such proposed covenants, easements and other provisions relating to the bulk and location of buildings, uses and structures and public facilities as are necessary for the welfare of the Planned Development and are not inconsistent with the best interests of the City of Sycamore. Such covenants, easements, and other provisions, when part of the approved final development, may be modified, removed or released only with the consent of the City Council after a public hearing before, and recommendation by, the Plan Commission as provided in this Article 4.4.
- E. Sanitary sewers, storm sewers and water supply to service the development are adequate to serve the proposed development and will not reduce existing capacity below that necessary to serve existing developments, or overload local facilities beyond the design capacities of municipal utilities.
- F. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities is compatible with the surrounding land uses, and any part of a proposed development not used for structures, parking and loading areas, or access ways, is landscaped or otherwise improved.
- G. The project area is adaptable to unified development and shall have within or through the area no physical features that will tend to destroy the neighborhood or community cohesiveness. The minimum project areas for a Planned Development are: (a) residential--2 acres; (b) commercial--2 acres; (c) industrial--5 acres; (d) governmental--2 acres; (e) mixed use--5 acres; (f) office/research/industrial--2 acres.
- H. The uses permitted in the development are necessary or desirable and the need for such uses is clearly demonstrated by the applicant.
- I. The dominant land use of the proposed Planned Development is consistent with the recommendations of the Sycamore Comprehensive Plan for the area containing the project.
- J. Any modifications of the standards and specifications of this Ordinance or other regulations that would otherwise be applicable to the site are warranted by the design of the development plan, and the amenities incorporated in it, and are not inconsistent with the public general welfare.
- K. Exceptional landscaping features such as larger caliper, varied species and reduced spacing of trees and additional sodding above the minimum requirements specified in Article 6.6 is provided.

- L. All proposed streets and driveways are adequate to serve the residents, occupants, visitors or other anticipated traffic of the Planned Development. Entrance points or locations of streets and driveways upon previously existing public roadways shall be subject to the approval of the City Engineer, and if applicable, the DeKalb County Highway Department, and the Illinois Department of Transportation. If traffic control devices are required to prevent or relieve hazards or congestion on adjacent streets and the proposed control device is not within the normal or scheduled sequence of installations, the City Council/Village Board may require, as a condition of approval of a proposed Planned Development, such devices to be provided at the developer's cost. A traffic access and impact study will be required if, in the opinion of the City Engineer, the likely result of a planned development and related special use permit will be the daily generation of an additional three hundred (300) or more trips to or from the subject property. The City Engineer's opinion shall be based on the average trip generation rates published by the Institute of Traffic Engineers (ITE) in their most recent trip generation manual. The City Engineer may also require a traffic access or impact study if access to a particular property is likely to cause a significant hazard or congestion due to the proximity to nearby access drives or intersections, or due to current traffic problems in the local area.
- M. Off-street parking is conveniently accessible to all dwelling units and other uses in the Planned Development. Where appropriate, common driveways, parking areas, walks, and steps to parking and service areas are to be screened through ample use of trees, shrubs, hedges, land forms and walls.
- N. A pedestrian circulation network is provided, along with a greenways plan to link bike paths and major open spaces within the plan area. Such vital links should be designed to connect with existing links in adjacent developments or properties.
- O. The Planned Development provides for underground installation of utilities (including electrical and telecommunications) in public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm sewer facilities including grading, gutter, piping and treatment of turf to handle storm water, prevent erosion and the formation of dust. Utilities and maintenance of facilities shall be in accordance with the requirements and regulations of the City as set forth in this Ordinance.
- P. The proposed Planned Development satisfies the applicable objectives as provided in Section 4.4.2.
- Q. Existing ponds, creeks, rivers, lakes, wetlands or fens on or adjacent the Planned Development are enhanced and protected from development.

**4.4.5. Application Procedures.** All Planned Developments shall be processed and reviewed in four steps leading to approval for recording and construction: pre-application conference, concept plan, preliminary development plan, and final development plan. Prior to beginning the Planned Development review process, the applicant is encouraged to obtain from the City a copy of the Unified Development Ordinance, and application forms. Applications shall be made on forms supplied by the City and shall be made in accordance with the provisions of Chapter 4, except as specifically provided herein to the contrary.

- A. **PRE-APPLICATION CONFERENCE.** Before submitting an application for Planned Development, the applicant shall confer with the City staff to informally discuss the proposed Planned Development to obtain information and guidance before entering into binding commitments or incurring substantial expense.
- B. **CONCEPT PLAN.**

1. An applicant shall submit a Concept Plan in accordance with the provisions of this Title to the City for tentative review and approval prior to incurring the expenses associated with formal site plan submission in order to discover whether the City will accept, or under what circumstances the City will accept, a Planned Development of the type proposed at the site. The following items shall be required:
  - a. Maps depicting the Concept Plan in general form, containing the proposed land uses, the natural features of the site, the character and approximate density of dwellings, and the approximate location of proposed thoroughfares and water, sewage, and drainage systems.
  - b. A written statement shall containing a general explanation of the size and character of the Planned Development, including a statement of the present ownership of all the land within the Planned Development and expected schedule of construction.
2. The Plan Commission shall review the Concept Plan within thirty (30) days after receipt of such plan, and shall make informal recommendations to the City Staff and the applicant. A consensus in support of the Concept Plan does not guarantee approval of the preliminary development plan.

C. PRELIMINARY DEVELOPMENT PLAN AND PLAT.

1. The Preliminary Development Plan and Plat shall contain all items required for a Preliminary Subdivision Plat as enumerated in Article 4.5. The following additional items shall also be required:
  - a. A plot plan for each building site and planned open area, showing the approximate location of all buildings, structures, and improvements and indicating the open space around the buildings and structures.
  - b. A preliminary drawing indicating the architectural character of all proposed structures and improvements. The drawings need not to be the result of final architectural decisions and need not to be in detail.
  - c. A development schedule indicating:
    1. The approximate date when construction of the project can be expected to begin.
    2. The stages in which the project will be built and the date when construction of each stage can be expected to begin;
    3. An estimate of when the development of each of the stages will be completed; and
    4. The area and locations of planned open space that will be provided at each stage.
    5. Proposed agreements, by-laws, provisions or covenants which govern the use, maintenance and continued protection of the Planned Development and any of its planned open space or other facilities (see Section 4.3.4(B)13).

6. A list of all departures or variances from the district regulations and the subdivision design standards that will be necessary for the proposed Planned Development.
  7. A statement by the applicant demonstrating how the Planned Development conforms to the purpose and the standards and criteria of this Section.
  8. A traffic access and impact study indicating the proposed movement of vehicles, goods and pedestrians within the development to and from existing City thoroughfares.
  9. A comprehensive drainage plan with analysis of the impact that the development creates on the site and on the surrounding area.
2. The Plan Commission shall hold a public hearing after due public notice and review the Preliminary Development Plan and Plat and shall recommend whether it is in substantial compliance with the Concept Plan and whether it complies with all other standards in this Ordinance which were not considered when the Concept was approved.
  3. Findings of fact related to the specific proposal shall be forwarded to the City Council and shall set forth particularly in what respects the proposal would or would not be in the public interest, including, but not limited to, the following:
    - a. In what respects the proposed plan is or is not consistent with the stated purpose of the Planned Development regulations.
    - b. The extent to which the proposed Planned Development departs from the zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, the density, dimension, area, bulk, use and the reasons why such departures are or are not in the public interest.
    - c. The extent to which the proposed Planned Development meets the requirements and standards set forth in this Section 4.4.
    - d. The physical design of the proposed Planned Development and the manner in which said design does or does not provide adequate control over vehicular traffic, provide for and protect designated planned open space and schools, and further the amenities of light and air, recreation and visual enjoyment.
    - e. The Planned Development's conformity with the recommendations of the Sycamore Comprehensive Plan.
  4. Within thirty (30) days of the Plan Commission recommendation, the City Council shall approve, or approve with modifications, or disapprove the Preliminary Development Plan and Plat.
  5. No building permits shall be issued until a Final Development Plan and Plat has been reviewed by the Plan Commission and approved by the City Council.

D. FINAL DEVELOPMENT PLAN AND PLAT.

1. Within one year following the approval of the Preliminary Development Plan and Plat, the applicant shall file with the City a Final Development Plan and Plat for the first phase of development, containing in final form any information required in the Preliminary Plan. The Final Development Plan and Plat shall also include all items required for a Final Subdivision Plat and final engineering as enumerated in Article 4.5. In addition, the following items shall be required:
  - a. A final land use plat, suitable for recording with the DeKalb County Recorded of Deeds. The purpose of the Final Development Plat is to designate the land subdivided into lots as well as the division of other lands not so treated into planned open area and building areas, and to designate and limit the specific internal uses of each building or structures, as well as of the land in general.
  - b. If subdivided lands are included in the Planned Development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a subdivision plat.
  - c. An accurate legal description of each separate unsubdivided use area, including planned open space and retention areas. The location of such retention areas shall not be substantially relocated without the review and recommendation of the Plan Commission.
  - d. Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designated.
  - e. Final agreements, by-laws, provisions or covenants which govern the use, maintenance and continued protection of the Planned Development and any of its planned open space or other facilities conveyed to a homeowners association or similar organization.
  - f. Final development and construction schedule.
  - g. Final architectural elevations for all structures and amenities, such as fences and walls, street furniture, and the like.
2. The Final Development Plan shall be approved as follows:
  - a. The Plan Commission shall, within thirty (30) days of receiving a Final Development Plan and Plat application, recommend approval if it is in substantial compliance with the Preliminary Development Plan. The Plan Commission shall certify to the City Council that the Final Development Plan is in conformity with the previously filed Preliminary Development Plan and meets all the requirements for a Final Development Plan and Plat.
  - b. Prior to Plan Commission consideration, if the City Staff finds that the Final Development Plan does not substantially conform to the Preliminary Development Plan or that it does not meet the requirements for a Final Development Plan, the staff shall so notify the applicant in writing within thirty (30) days of receipt of a proposed Final Development Plan.
  - c. The City Council shall approve the Final Development Plan and Plat if it is in conformance with the Preliminary Development Plan and meets

all the requirements for a Final Development Plan. It shall pass an appropriate ordinance granting the Special Use Permit.

- E. COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN. The City may consider a combined application for preliminary and final development plan and plat approval. In such instance the final development plan shall include all of the information required of a preliminary development plan and a final development plan.

#### **4.4.6. Administration of Planned Developments.**

- A. FAILURE TO BEGIN DEVELOPMENT. If no substantial construction has begun or no use established in the Planned Development within the time stated in the approved final development plan and construction schedule, the Special Use Permit for the Planned Development shall lapse upon written notice to the applicant from the City Engineer and shall be of no further effect. The land use and development regulations applicable before the Special Use Permit for Planned Development was approved shall then be in effect. In its discretion and for good cause, the City Council may extend for a reasonable time, not to exceed one (1) year, the period for the beginning of construction or the establishment of a use, provided such extension is granted during the original period.
- B. PERMITS.
  - 1. The Zoning Administrator shall approve the issuance of permits for site or building construction for that part of the development plan that has been approved in the area covered by the approved Final Development Plan for work in conformity with the approved Final Development Plan and with all other applicable ordinances and regulations.
  - 2. A certificate of occupancy for any completed building or structure located in an area covered by the approved Final Development Plan shall be issued if the completed building or structure conforms to the requirements of the approved Final Development Plan and all other applicable regulations and ordinances of the City. The City reserves the right to deny approval of an occupancy permit for any building or structure shown on the Final Development Plan of any stage of the Planned Development if any planned open space or public facilities allocated to that stage of the development have not been conveyed by dedication, deed or other means to the proper authorities.
- C. ENFORCEMENT OF DEVELOPMENT SCHEDULE.
  - 1. The Zoning Administrator shall periodically review all permits issued for the Planned Development, examine all construction that has taken place on the Planned Development site, and compare actual development with the approved development schedule.
  - 2. If the Zoning Administrator shall find that the owners of the property in the Planned Development area have failed to meet the approved development schedule, or that the rate of construction of dwelling units is greater than the rate at which planned open space and public and recreational facilities have been constructed and provided, the Zoning Administrator shall notify the City Manager in writing.
  - 3. Within thirty (30) days of such notice, the City Council shall either revoke the Special Use Permit, and the land shall revert to its former classification, or, for good cause shown by the landowner, the limits of the development schedule shall be extended for a reasonable time.

- D. AMENDING THE FINAL DEVELOPMENT PLAN. No changes may be made to the approved Final Development Plan during the construction of the Planned Development except upon the application to the Plan Commission under the following procedures:
1. Minor changes in the location, siting and height of buildings and structures may be authorized by the City Engineer or Zoning Administrator if required by engineering or other circumstances not foreseen at the time the Final Development Plan was approved. No change authorized by this Section may increase the cube of any building or structure by more than ten-percent (10%).
  2. All other changes, in time schedule and in use, any rearrangement of lots, blocks and building tracts, any changes in the provision of planned open space and all other changes in the approved Final Development Plan shall be made by the City Council, upon recommendation of the Plan Commission, under the procedure authorized by this Title for approval of the Special Use Permit.
  3. Any changes approved shall be recorded as amendments to the recorded copy of the Final Development Plat.
- E. POST-COMPLETION REGULATIONS.
1. Upon completion of the Planned Development, and as a condition of the City's acceptance of the final public improvements, the Zoning Administrator and City Engineer shall certify said Planned Development has been completed in accordance with the approved Final Development Plan.
  2. After said Certification has been issued, the uses of land and construction, modification or alteration of any buildings or structures within the Planned Development shall be governed by any other provision of this Title.
  3. After said Certification has been issued, no changes may be made in the approved Final Development Plan except upon application to the City under the procedures for seeking changes or amendments, Special Uses and variations with respect to the Sycamore Unified Development Ordinance, as set out in this Title.

## **Article 4.5**

### **SUBDIVISION PLATS AND PROCEDURES**

- 4.5.1. Subdivision Plats and Procedures.** This Article establishes the procedure to be followed by a landowner or developer who proposes to subdivide or develop any land subject to the terms of this Title. Although separate requirements are specified for subdivisions and developments regulated by this Title, to the extent feasible Applicants are urged to consolidate petitions for subdivision, development, zoning relief or annexation in one proceeding. It encourages Applicants to review concept plans with the City staff and the Plan Commission before filing a preliminary plat or plan. This Article identifies the contents of preliminary and final plats, plans and supporting data. This Article establishes a review process, and enumerates standards governing decision making hereunder.

**4.5.2. Major and Minor Subdivisions.**

- A. MAJOR SUBDIVISIONS. Major subdivisions require the approval of a concept plan, preliminary plat and a final plat as required by Sections 4.5.3, 4.5.4, and 4.5.6 of this Article. A major subdivision is one having one or more of the following characteristics:
  - 1. The subdivision has twelve (12) lots or more.
  - 2. The total area of the subdivision is greater than five (5) acres in size.
  - 3. There are proposed public streets, easements, parks, and common areas.
  - 4. There are required improvements to be made within a public right-of-way such as landscaping, monuments, lateral extensions of sanitary and storm sewers, and water mains.
  - 5. There are variances requested from this Title.
  - 6. The subject property is being designed and developed as a planned development.
  
- B. MINOR SUBDIVISIONS. Minor subdivisions require only approval of a final plat in accordance with the requirements contained in Section 4.5.6. A minor subdivision has all of the following characteristics:
  - 1. The subdivision has not more than eleven (11) lots.
  - 2. There are no buildings or significant structures on the land to be subdivided.
  - 3. The total area of the subdivision is less than five (5) acres.
  - 4. There are no proposed dedicated streets, alleys, easements, parks or common areas, except streets and alleys adjacent to the frontage of the subject property.
  - 5. No variances from this Title are requested.

**4.5.3. The Concept Plan.** In order to discuss the general purpose of the subdivision or development in the context of established planning policies and practices of the City of Sycamore and to ensure that required data is properly prepared and presented before expending the time and money in preparation and review of a preliminary plat or plan, any person desiring to subdivide or develop land subject to this Article before filing a preliminary plat or development plan or seeking annexation or rezoning, shall file a concept plan of the subdivision or development with the Zoning Administrator or City Engineer.

- A. PROCEDURES FOR REVIEW OF THE CONCEPT PLAN.
  - 1. INITIAL MEETING WITH APPLICANT. Prior to filing an application for a Plan Commission workshop to review a concept plan, the subdivider or developer shall meet with the City Engineer. This meeting requires no application, fees, or filing of plans. At the pre-application meeting the subdivider or developer shall present a sketch plan and review the following issues as they relate to the proposed subdivision or development: general planning and development policies of the City of Sycamore; existing zoning and land use in the general area of the subject property; the City’s procedures for subdivision and development of land; and other pertinent factors.

2. CITY STAFF REVIEW OF CONCEPT PLAN. The Staff shall determine the completeness of the Concept Plan and whether or not it is sufficiently complete to forward to the Plan Commission for informal review in a workshop. The applicant may request a written statement of the Staff's opinion prior to an application for Commission review. The Staff may request copies of the application and supporting documents for such departments, consultants, and outside agencies as deemed appropriate for review and comment concerning compliance with City development goals and requirements. Within fourteen (14) days of receipt of the complete application, the City Engineer shall advise the applicant, in writing, that the concept plan conforms or fails to conform to the requirements of the City's Comprehensive Plan, the Unified Development Ordinance, or other provisions of the Municipal Code. If the concept plan fails to conform, the City Engineer shall specify the reasons the Concept Plan fails to satisfy City development goals and requirements.
  
  4. PLAN COMMISSION REVIEW OF CONCEPT PLAN. Upon receipt of all the material required by Section 4.5.3(B) for the Concept Plan, the Staff shall circulate the concept plan to the Plan Commission. The Plan Commission shall place the matter on its next regular agenda and the Staff shall serve notice upon the Applicant of the time and place of its meeting at which said matter will be discussed.
  
  5. EFFECT OF PLAN COMMISSION SUPPORT FOR CONCEPT PLAN. Consensual support of the concept plan by the Plan Commission shall not obligate the City to approve the subsequent preliminary plat or plan, but shall be considered permission to prepare the preliminary plat or plan with detailed plans and specifications for the proposed subdivision or development.
- B. CONTENTS OF THE CONCEPT PLAN. Any person proposing to subdivide or develop any parcel of land shall file a Concept Plan with the Staff in a quantity and form as required by the City Engineer. The Concept Plan shall include the following:
1. REQUIRED INFORMATION.
    - a. Name of the proposed subdivision.
    - b. A location map showing its location in the City of Sycamore.
    - c. Acreage and zoning classification of the proposed subdivision and the configuration and number of lots, including all proposed public and private streets, storm water retention areas, parks, and other open spaces.
    - d. The names and addresses of adjoining property owners, and the zoning classifications of adjacent property
    - e. Name, address and telephone number of the owner, subdivider, engineer, and any other contact person.
    - f. A north arrow and scale. The recommended scale is 1 inch equal to one hundred feet (1"=100").

It is advisable that the subdivider contact other agencies, as appropriate, to obtain their requirements that may affect the proposed subdivision. Such agencies include the Illinois Department of Transportation c/o District Engineer; DeKalb County Highway Department; DeKalb County Soil and Water Conservation District; Water Resource

Division (DNR); State of Illinois Environmental Protection Agency; State of Illinois Historic Preservation Agency; State of Illinois Department of Natural Resources; and, local public utility companies.

The concept plan may contain other information as suggested by the Staff in order to delineate, explain or convey the concept of the subdivision or proposed development.

**4.5.4. The Preliminary Subdivision Plat or Development Plan.** No person shall subdivide or develop any parcel of land until a preliminary subdivision plat or development plan shall have been reviewed and recommended by the Plan Commission and approved by the City Council as set forth herein. At the time the Concept Plan is approved the Staff may authorize the simultaneous filing of an application for preliminary and final subdivision plat or development plan approvals without compliance with separate procedures in particular cases where the nature and scope of the proposed subdivision or development does not require separate review procedures.

A. PROCEDURES FOR REVIEWING THE PRELIMINARY SUBDIVISION PLAT OR DEVELOPMENT PLAN.

1. CITY STAFF REVIEW OF PRELIMINARY PLAT/PLAN. Upon receipt of a complete application, the Staff shall distribute copies to such City departments and consultants as appropriate for review and comment concerning compliance with City requirements. Within fourteen (14) days of receipt of the complete application, the Staff shall advise the applicant, in writing, that the preliminary plat/plan conforms or fails to conform to the requirements of this Chapter or other provisions of the Municipal Code. If the preliminary plat/plan fails to conform, the Staff shall specify the reasons the preliminary plat/plan fails to satisfy City development goals and the requirements of this Title.
2. PLAN COMMISSION REVIEW OF PRELIMINARY PLAT/PLAN. Upon receipt of all the material required under Section 4.5.4(C) for the preliminary plat, the Staff shall circulate the preliminary plat/plan to the Plan Commission. The Plan Commission shall place the matter on its next regular agenda and shall serve notice upon the Applicant of the time and place of its meeting at which said matter will be discussed. The Plan Commission recommend approval or disapproval of the preliminary plat/plan to the City Council, assuming the plat and plan are complete in terms of the required features within sixty (60) days from the date of the filing of a complete application. If the recommendation is to disapprove, the report shall set forth the reasons for its disapproval and specify with particularity the aspects in which the proposed plat/plan fails to satisfy City development goals and requirements of this Title.
3. CITY COUNCIL REVIEW OF PRELIMINARY PLAT/PLAN. The City Council, by ordinance, shall accept or reject the preliminary plat/plan within thirty (30) days after its next regularly scheduled meeting following the date of action of the Plan Commission. If it rejects the plat/plan, the Staff shall set forth the reasons for its disapproval in writing and specify with particularity the aspects in which the proposed plat/plan fails to satisfy City development goals and the requirements of this Title.
4. EFFECT OF CITY COUNCIL APPROVAL OF PRELIMINARY PLAT/PLAN. Approval of the preliminary plat by the City Council shall be considered permission to prepare the final plat/plan with detailed plans and specifications for the proposed subdivision or development, but shall not constitute approval of any final plan/plat.

5. CITY RECORD. A certified copy of the ordinance approving or disapproving the preliminary plat/plan shall be filed in the office of the City Clerk and shall be attached to said preliminary plat/plan.
- B. STANDARDS FOR REVIEW OF PRELIMINARY SUBDIVISION PLAT OR DEVELOPMENT PLAN. The Plan Commission shall recommend approval and the City Council shall approve a preliminary plat/plan of subdivision unless it makes written findings specifying the manner in which:
1. The design and layout of the subdivision does not conform to the provisions of this Title.
  2. The Applicant has not made adequate provision to install improvements required by the Plan Commission or City Council under authority of this Title.
  3. The preliminary subdivision plat or development plan fails to comply with an approved Concept Plan.
  4. The plat does not conform to the Comprehensive Plan, the Official Map, this Title, City ordinances, or established planning and development policies of the City.
- C. CONTENTS OF PRELIMINARY SUBDIVISION PLAT OR DEVELOPMENT PLAN. Any person proposing to subdivide any parcel of land shall file with the City Engineer a preliminary plat in a quantity and form as required by the City Engineer. The preliminary plat or development plan shall include the following:
1. GENERAL INFORMATION. The following general information, where applicable, shall be shown on the preliminary plat or development plan.
    - a. The name of the proposed subdivision and shall include the words “(Subdivider’s Name)’s Addition the City of Sycamore” in the name and shall not duplicate or resemble the name of any existing subdivision within the City or the Township in which the subject property is located.
    - b. Date of preparation, north arrow, and graphic scale of drawing which shall be no less than 1 inch = 200 feet for areas over one hundred (100) acres and 1 inch = 100 feet for areas under one hundred (100) acres.
    - c. An identification clearly stating that the map is a preliminary subdivision plat or development plan.
    - d. Legal description of the parcel.
    - e. The name and address of the record owner, the Applicant, the surveyor, licensed professional engineer, land planner, or architect who prepared the plat or development plan.
    - f. A vicinity map showing the general location of the parcel within the City and environs.
    - g. Completed application form signed by the owner of the land to be subdivided or developed and the required application fees.
    - h. The name and address of the owner(s) of record of all adjacent parcels.

- i. A Table of Subdivision Data indicating the number of lots; the total acreage of the property stated in hundredths (0.01) of an acre; the acreage of any public open spaces; the acreage of all right-of-way; the minimum lot size stated in square feet; the average lot size; and, the existing and proposed zoning.
2. EXISTING CONDITIONS. The following conditions, if found to exist on the parcel and on all adjacent land within one hundred (100) feet of the boundaries of the subject property, shall be shown on an Exhibit that shall be a separate drawing from the preliminary plat:
  - a. The location, width and names of all streets within or adjacent to the parcel together with easements and public utilities and other important features such as adjacent lot lines, municipal boundary lines, section lines, corners and monuments.
  - b. The location of all existing structures, showing those that will remain on the parcel after the final plat is recorded.
  - c. Topographic data, including contour lines at vertical intervals of not more than one (1) foot with reference to USGS datum.
  - d. The location and direction of all rivers, seeps, springs, flowings and wells; lakes, ponds, wetlands and any detention basins showing their normal shorelines, flood limits and lines of inflow and outflow, if any; and, watercourses and the location of all areas subject to flooding, including the flow lines of rivers, streams and channels showing their normal shorelines and the 100 year floodplain and floodway limits certified by either the Illinois State Water Survey, the Illinois Department of Transportation, the Army Corps of Engineers, or by the National Flood Insurance Rate Program.
  - e. Natural features such as rock outcroppings, wooded areas, and trees greater than six (6) inches in diameter as measured at breast height.
  - f. A map showing the location, size, material, and condition of all agriculture drain tile and laterals on the property. To determine this, an investigation shall be conducted making rational assumptions as to where tiles are typically located based on the topography of the site. A slit trench by backhoe or tractor shall be a minimum of three (3) feet wide, five (5) feet deep and six (6) feet in length. To fully map field tile locations, slit trench excavation and field staking should occur at a minimum one hundred (100) foot intervals with confirmation of the route between each interval through the use of additional slit trench, hand probes, or electronic location devices.
  - g. The location and size of existing sanitary and storm sewers, water mains, culverts, drain pipes, catch basins, manholes, hydrants within the parcel and in adjacent streets or rights-of-ways, and fire flow information from the proposed source.
  - h. Zoning classifications of the subject property and of adjacent lands.
  - i. Present uses of the subject property including the location of all existing structures, indicating which structures will be removed and

which will remain on the subject property after the development is complete.

- j. The location on and within one hundred (100) feet of the subject property of all property lines, easements of record; the uses, zoning and ownership of all parcels; bridges, culverts, storm sewers, sanitary sewers, water main, detention/retention facilities, also indicating surface and invert grade elevations of catch basins, manholes, culverts and fire hydrants; existing buildings and their use(s) and foundation elevations and their future disposition; buried structures; and, location of significant natural features and areas of likely archaeological significance or habitat for endangered flora and fauna species.
  - k. The location and elevation of any floodplain as shown on the Federal Emergency Management Administration's flood boundary and floodway maps.
  - l. A copy of the wetland delineation report.
  - m. The locations of existing monuments or survey markers on or adjacent the subject property.
  - n. The location and description of all other existing improvements, including, but not limited to, culverts, towers, poles, and other above ground and underground utilities.
3. PROPOSED IMPROVEMENTS. The following improvements, if proposed or required, shall be shown on the plat or in supporting documents:
- a. The location, dimension and names of all proposed street and alley right-of-ways. The preliminary plat or development plan shall show the relationship between existing and proposed streets.
  - b. Lots showing approximate dimensions, minimum lot sizes and proposed lot numbers.
  - c. Sites to be dedicated for school, park, playground or other public purposes, together with appropriate acreage of each.
  - d. Proposed building setback lines with dimensions.
  - e. If the proposed subdivision will be constructed in phases, the limits and location of proposed units shall be shown.
  - f. The location, dimensions and area (in square feet) of all proposed lots.
  - g. Lot and block numbers clearly shown.
  - h. The location, dimension and purpose of all proposed easements.
  - i. APPROVAL CERTIFICATES. The following certificate shall be shown in the lower right hand corner of the preliminary plat.

**APPROVAL OF PRELIMINARY PLAT/PLAN**

The preliminary plat/plan shown hereon has received approval by the City Council of the City of Sycamore, Illinois, and upon compliance by the subdivider or developer with the requirements or qualifications governing the approval of the preliminary plat/plan and with other revisions and stipulations that may be required, the City Council will receive the final subdivision plat or development plan for consideration when submitted by the subdivider/developer in such form and with in such time as required by this Ordinance, and approved by the Plan Commission.

The City Council of the City of Sycamore, Illinois.

_____ MAYOR	_____ DATE
ATTEST: _____ CITY CLERK	_____ DATE

- 4. SUPPORTING DATA. The following information shall be submitted either in separate statements and/or maps accompanying the preliminary plat/plan or, if practical, such data may be shown on the preliminary plat/plan.
  - a. Proof of ownership of the parcel and Applicant’s interest therein. Include names of all parties with beneficial interest in trusts and options to purchase.
  - b. Existing or proposed annexation agreements which pertain to the parcel.
  - c. A list of all lot sizes.
  - d. Text of proposed covenants and conditions restricting or controlling use of the subject property.
  - e. A copy of the Natural Resources Opinion Report from the DeKalb County Soil and Water Conservation District.
  - f. A copy of the Illinois Department of Natural Resources’ Endangered Species Consultation application.
  - g. A comprehensive drainage plan with analysis of the impact that the development creates on the site and on the surrounding area.
  - h. Proposed agreements, by-laws, provisions or covenant which govern the use, maintenance and continued protection of the subdivision and any of its planned open spaces or other facilities as may be required.
  - i. Traffic access and impact study.
  - j. The results of any tests made to ascertain subsurface rock and soil conditions and characteristics, and the seasonal water table.

- k. An executed copy of the Preliminary Plat/Plan Checklist indicating all of the items provided on the preliminary plat or in the supporting documents submitted.
5. PRELIMINARY ENGINEERING REPORT. A Preliminary Engineering Report shall be submitted by the Applicant along with the Preliminary Subdivision Plat or Development Plan to provide supplemental engineering data regarding factors that will affect the final design of the subdivision or development. The Preliminary Engineering Report may contain separate drawings. Items that might be addressed specifically in the Preliminary Engineering Report include:
- a. A comprehensive storm water management plan for the land to be subdivided, including the general alignments of the proposed storm sewer system, points of connection of existing storm sewer systems, detention (or retention), stage/storage relationship of the discharge structure to identify the varying release rates due to inlet and outlet control, off-site areas of contribution, points at which off-site flows will be intercepted, and all the necessary maps, computations and field data supporting the engineer's storm water management plan. The proposed storm water management plan shall identify an overland flow route to accommodate flows in excess of storm sewer design levels.
  - b. The location, normal and high water elevations, and outflow of proposed storm water management facilities.
  - c. Proposed site grading, and a statement that the subdivider or developer will provide such temporary facilities during construction as are necessary or required to prevent soil erosion or the siltation of watercourses, and that adequate measures will be taken during construction for dust control. The subdivider or developer shall also agree to clean and restore streams, ditches or watercourses of any kind if protective measures prove inadequate.
  - d. Location and description of all existing and proposed sanitary and storm sewers, water mains, wells, lift stations, and culverts along with an appropriate schedule of calculations supporting the quantity of flow, sewer sizing and grades, as well as population equivalent for the subdivision in its developed state.
  - e. The location, size and inverts of all existing and proposed storm sewers, bridges, culverts, drain tiles, drainage ways, ditches, creeks or rivers on the site, or within one hundred (100) feet of the site.
  - f. The location and size of existing and proposed water main to be installed within the proposed subdivision, along with general hydrant and valve spacing.
  - g. When a lift station is required, supporting documentation regarding its size (gpm), pumping heads, (TDH), force main size, general description of the control system, description of the alternate power source, and the location and accessibility of the station.
  - h. The structural design (thickness and material types) to be used for the construction of the road way system, projected traffic volumes, soils data and IBR values shall be submitted to support the roadway design including widths, crown, thickness, type of curb and gutter. This

information and data can be represented by a typical section for each street type to be constructed.

- i. The size, dimensions and location of miscellaneous items such as parkway trees, street lights, sidewalks, bike paths and driveway approaches shall be identified in the report and shown in typical section and/or typical plan view drawings.
6. The applicant shall submit copies of each plat, plan, map and supporting document required by this section in a number prescribed by the City Staff. All drawings, plans and reports submitted to the City shall be folded to approximately nine (9) inches by twelve (12) inches.

**4.5.5 Engineering Approval.** Before submitting the final plat/plan for review, the Applicant shall submit engineering plans, details and specifications for all proposed improvements regulated by Chapter 6 hereof for approval by the City Engineer.

- A. Upon the approval of the preliminary plat/plan, the Applicant shall have prepared and certified by a licensed professional engineer, engineering drawings for said improvements which shall be submitted in a form and in a number of copies as required by the City Engineer.
- B. The City Engineer shall review all engineering drawings in order to determine whether such drawings are consistent with the approved preliminary plat/plan and comply with the specifications of this Title and sound engineering practice. Such drawings shall be distributed to such City staff, consultants, and other persons as may be necessary. Within forty-five (45) days after receipt of a complete set of the required plans, details or specifications, the City Engineer shall review said plans, details or specifications and comment as necessary. Once the plans and specifications are accepted by the City Engineer, he shall notify the applicant by letter of the approval.
- C. The Plan Commission shall not act upon the final plat/plan until the engineering drawings have been reviewed and approved by the City Engineer.

**4.5.6. The Final Subdivision Plat or Development Plan.** No person shall subdivide or develop any parcel of land until a final plat/plan shall have been reviewed by the Plan Commission and reviewed and approved by the City Council as set forth herein.

- A. PROCEDURES FOR REVIEWING THE FINAL SUBDIVISION PLAT OR DEVELOPMENT PLAN.
  1. CITY STAFF REVIEW OF THE FINAL SUBDIVISION PLAT/PLAN. Within ten (10) business days after receipt of an application, the City Engineer shall determine the completeness of the application and shall notify the applicant in writing that the application has or has not been accepted for review. If the application is determined to be incomplete the City Engineer shall include in his written notice the reasons why the application is not complete and how the applicant can make the application acceptable for submission and distribution. Only upon receipt of a complete application shall the City Engineer distribute copies of the application and supporting documents to such City staff, consultants, and outside agencies as deemed appropriate for review and comment concerning compliance with City development goals and requirements. Within fourteen (14) days of receipt of the complete application, the City Engineer shall advise the applicant, in writing, that the Final Plat/Plan conforms or fails to conform to the requirements of this Title or the approved preliminary plat/plan. If the final plat/plan fails to conform, the City Engineer shall specify with particularity the

manner in which the final plat/plan or plan fails to satisfy City development goals and requirements.

2. **PLAN COMMISSION REVIEW.** Upon receipt of the complete final plat/plan, the City Engineer shall circulate the final plat/plan among various City departments for their review and comment. The Plan Commission shall place the matter on its agenda and serve notice upon the Applicant of the time and place at which said matter will be discussed. After its review of the plat, the Plan Commission shall forward its written recommendation to the City Council recommending approval or disapproval, of the final plat/plan. If the recommendation is to disapprove, the recommendation shall set forth the reasons for its disapproval, specifying with particularity the manner in which the proposed plat/plan or plan fails to satisfy City development goals and requirements.
3. **ACTION BY THE CITY COUNCIL.** After receiving the recommendation of the Plan Commission, the City Council shall approve or disapprove the final plat/plan at the next regular meeting following the final recommendation by the Plan Commission unless the Applicant and the City Council agree to extend the Council review for no more than a sixty (60) day period. If the final plat/plan is disapproved, the ordinance shall state the reasons for the disapproval, specifying with particularity the aspects in which the final plat or plan fails to satisfy City development goals and requirements.
4. **CITY RECORD.** A certified copy of the ordinance approving or disapproving the final plat/plan shall be filed in the office of the City Clerk attached to said final plat/plan. The final subdivision plat, together with all covenants and restrictions, shall be promptly recorded by the applicant with the DeKalb County Recorder's office. A copy thereof, bearing the certificate of the Recorder that the final plat has been recorded in his office and that the copy is a true and correct copy of the final plat so recorded shall be promptly thereafter filed in the City Clerk's office. All recording fees shall be paid by the Applicant.

B. **STANDARDS FOR REVIEW OF A FINAL SUBDIVISION PLAT/PLAN.** The Plan Commission shall recommend approval and the City Council shall approve a final subdivision plat/plan unless it makes written findings specifying the manner in which:

1. The design and layout of the subdivision does not conform to the provisions of this Title.
2. The Applicant has not made adequate provision to install improvements required by the Plan Commission or City Council under authority of this Title.
3. The final subdivision plat/plan fails to comply with an approved preliminary plat/plan.
4. The plat/plan does not conform to the Comprehensive Plan, the Official Map, this Chapter, City ordinances, or established planning policies of the City.

C. **CONTENTS OF FINAL SUBDIVISION PLAT/PLAN.** After receiving preliminary subdivision plat/plan approval by the City Council, the Applicant shall file with the City Engineer a final plat/plan in a quantity and form as required by the City Engineer. The final plat/plan may include all or only part of the approved preliminary subdivision plat/plan. The final plat/plan shall include the following:

1. **GENERAL INFORMATION.** The following general information, where applicable, shall be shown on the final plat/plan:

- a. The date of preparation, north point, and a graphic scale. The scale of the drawing shall be no less than 1 inch = 200 feet for areas over one hundred (100) acres and 1 inch = 100 feet for areas under one hundred (100) acres. The final plat/plan shall be drawn with a waterproof, non-fading black ink on mylar or equivalent drafting material no more than twenty-four (24) inches by thirty-six (36) inches in size. When more than one sheet is used for any plat/plan, each sheet must be numbered consecutively. A small scale drawing of the subdivision or development shall be shown on the first sheet, identifying portions of the subdivision according to its respective sheet number. The subdivider/developer shall also provide the plat/plan in a digital format acceptable to the City, and shall also provide 11" by 17" reductions of the larger plan sheets for easy duplication. .
- b. Legal description of the parcel, the parcel's acreage, and property index numbers. The legal description should note that the parcel is in Sycamore, Illinois.
- c. The name and address of the Illinois registered surveyor who prepared the plat with his seal affixed.
- d. Reference points of existing surveys related to the plat by distances and bearing, and reference to a field book or map as follows:
  - 1. All stakes, monuments or other evidence found on the ground and used to determine the boundaries of the parcel.
  - 2. Adjoining corners of all adjoining parcels.
  - 3. When the City has established the centerline of the street adjacent or within the proposed parcel, the location of such centerline and monument found or reset shall be shown.
  - 4. All other monuments found or established in making the survey of the parcel or required to be installed by the provisions of this Chapter or by an Act revising the law of plats, adopted March 21, 1874, as amended, Illinois Revised Statutes Chapter 109.
  - 5. All property corners will be staked. A minimum of two major corners of the subdivision shall have monuments with stone or concrete markers.
- e. Lot and block lines with dimensions, bearings or deflection angles, and radii, arcs, points of curvature and tangent bearings. Sufficient geometrical data shall be given for all lots to enable retracing and restoration of all corner positions in the field.
- f. All distances shall be shown to the nearest hundredth (0.01) foot. No ditto marks shall be used. Angles shall be expressed in degrees, minutes and seconds.
- g. The width of the portion of any streets being dedicated and the width of any existing rights-of-way, all shown each side of the centerline.

- h. All curve data shall consist of radius, degree of curve, tangent length, and central angle.
- i. All easements shall be denoted by fine dotted lines, clearly identified, and if already of record, the recorder's references to such easement. The width of the easement, its length and bearing, and sufficient ties to locate it definitely with respect to the plat must be shown. If an easement is not precisely located of record, a description of such easement shall be included. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate for identification.
- j. Lot and block numbers beginning with the number one, and numbered consecutively.
- k. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purpose indicated thereon, and of any area to be reserved by deed covenant for common use of all property owners.
- l. The name of each street shown on the plat.
- m. The name of the subdivision.
- n. Grantees of all lands dedicated for public use, except roads, shall be clearly noted.
- o. Abutting highway and road right-of-way lines and adjacent subdivisions shall be shown in their proper location.
- p. All restrictions which will run with the land and covenants, or references to covenants where declared separately.
- q. The following certificates (all signatures shall be no more than ninety [90] days old):

1. SURVEYOR'S CERTIFICATE.

This is to certify that I, \_\_\_\_\_,  
 an Illinois Professional Land Surveyor, have surveyed,  
 subdivided and platted for the owners thereof the following  
 described property:

*(Legal Description)*

containing \_\_\_\_\_.\_\_\_\_\_ acres more or less.

I further certify that iron stakes have been set at all lot corners, points of curvature and tangency, except where concrete monuments are indicated, and that the plat hereon drawn correctly represents said survey and subdivision. All dimensions are given in feet and decimal parts thereof.

I further certify that the foregoing property falls within the corporate limits of the City of Sycamore, and I further certify



3. Notary Certificate

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF DEKALB )

I, \_\_\_\_\_, a notary public in and for the aforesaid State and County do hereby certify that \_\_\_\_\_, personally known to me to be the same person(s), whose name(s) is(are) subscribed to the foregoing certificate as such owner(s), appeared before me this day in person and acknowledged the execution of the annexed plat and accompanying instruments for the uses and purposes therein set forth as his(their) own free and voluntary act.

Given under my hand and Notary Seal this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

4. COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF DEKALB )

I, \_\_\_\_\_, County Clerk of DeKalb County, Illinois, do hereby certify that there are no delinquent general taxes, no unpaid current taxes or special assessments, no unpaid forfeited taxes, and no redeemable tax sales against any of the land included in this plat. I further certify that I have received all statutory fees in connection with the plat.

Given under my name and seal of the County Clerk at Sycamore, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
COUNTY CLERK

5. RECORDER CERTIFICATE

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF DEKALB )

This instrument No. \_\_\_\_\_, was filed for record in the Recorder's Office of DeKalb County, Illinois, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_\_ o'clock \_\_ .m.

\_\_\_\_\_  
COUNTY RECORDER

6. PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF DEKALB )

Reviewed by the Plan Commission of the City of Sycamore this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20 \_\_\_\_.

BY: \_\_\_\_\_  
PLAN COMMISSION CHAIRMAN

ATTEST:

\_\_\_\_\_  
SECRETARY

7. CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF DEKALB )

Plat approved by the City Council of the City of Sycamore this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20 \_\_\_\_.

BY: \_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

8. COUNTY HIGHWAY CERTIFICATE. Required when subdivision is adjacent to a County highway.

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF DEKALB )

This plat has been approved by the DeKalb County Highway Department with respect to access to County Highway No. \_\_\_\_\_, also known as (Street Name), pursuant to Illinois Revised State Statutes, Chapter 109, Paragraph 2; however, a highway permit for access is required of the owner of the property prior to construction within the County right-of-way.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

BY: \_\_\_\_\_  
COUNTY ENGINEER

9.. ILLINOIS DEPARTMENT OF TRANSPORTATION CERTIFICATE. Required for subdivisions adjacent a State highway.

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF )

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ , as to roadway access to State Highway No. \_\_\_\_\_ also known as \_\_\_\_\_.

BY: \_\_\_\_\_  
DISTRICT ENGINEER  
ILLINOIS DEPARTMENT OF TRANSPORTATION

10. EASEMENTS

**General**

Easements are hereby reserved for and granted to the City of Sycamore, Illinois, Com Ed, NICOR, Comcast, Verizon and their respective successors and assigns within the areas shown by dashed lines on the plat and marked "Utility Easement" or "U.E." to install, lay, construct, renew, operate, and maintain drainage facilities, cables, pipes, sewers, wires, manholes and other appurtenances and equipment required for the purpose of serving the subdivision and other property with electricity, telephone, gas, water, sanitary sewers, cable t.v. and drainage. Also granted is the right to enter upon the lots at all times to install, lay, construct, renew, operate and maintain within said easement areas said conduits, cables, pipes, sewers, wires, drainage and other equipment, and finally the right is hereby granted to cut down and remove or trim and keep trimmed any tree, shrub, or saplings that interfere or threaten to interfere with any public utility equipment. No permanent buildings or trees shall be placed on said easement, but the same may be

used for gardens, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses or rights herein granted.

Relocation of facilities will be done by grantees at the cost of grantor/lot owner, upon written request.

#### **Electric and Communication Services**

An easement for serving the subdivision and other property with electric and communication service is hereby reserved for and granted to Com Ed and Verizon, grantees, their respective successors and assigns, jointly and severally, to install, operate, maintain, and remove, from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and sounds and signals in, over, under, across, along and upon the surface of the property shown within the dotted lines on the plat and marked "Easement", the property designated in the Declaration of Condominium and/or on this plat as "Common Elements" ,and the property designated on the plat as "Common Area or Areas", and the property designated on the plat for streets and alleys, whether public or private, together with the rights to install required service connections over or under the surface of each lot and common area or areas, to serve improvements thereon, or on adjacent lots, and common area or areas, the right to cut, trim or remove trees, bushes and roots, that may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. Obstructions shall not be placed over grantees' facilities or in, upon, or over the property within the dotted lines marked "Easement" without the prior written consent of grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof.

The term "Common Elements" shall have the meaning set forth for such term in the "Condominium Property Act," Chapter 765 ILCS 605/2, as amended from time to time.

The term "Common Area or Areas" is defined as a lot, parcel, or area of real property, the beneficial use and enjoyment of which is reserved in whole as appurtenant to separately owned lots, parcels or areas within the planned development, even though such be otherwise designated on the plat by terms such as "Outlets," "Common Elements," "Open Space," "Open Area," "Common Ground," "Parking," and "Common Area." The terms "Common Area or Areas" and "Common Elements" include real property surfaced with interior driveways and walkways, but excludes real property physically occupied by a building, service business district, or structures such as a pool, retention pond or mechanical equipment.

Relocation of facilities will be done by grantees at the cost of the grantor/lot owner, upon written request.

## 11. DRAINAGE EASEMENTS

A permanent non-exclusive easement is hereby reserved for and granted to the City of Sycamore (hereinafter “the Grantee”), and to its successors and assigns in, upon, across, over, under and through the areas shown by dashed lines and labeled “Drainage Easement” on this plat of subdivision, or where otherwise noted in the above legend for the purpose of installing, constructing, inspecting, operating, replacing, renewing, altering, enlarging, removing, repairing, cleaning, and maintaining storm sewers, drainage ways, storm water detention and retention facilities, subsurface drainage systems and appurtenances, and any and all manholes, pipes, connections, catch basins, and without limitations, such other installations as the Grantee may deem necessary, together with the right of access across the real estate platted hereon for the necessary personnel and equipment to do any or all of the above work.

In furtherance of the foregoing affirmative rights, the following covenants shall run with said land in perpetuity:

- No permanent buildings shall be placed on said drainage easements;
- No trees or shrubs shall be placed on said drainage easement, but the premises may be used for landscaping, and other purposes that do not then or later interfere with the aforesaid uses and rights;
- There shall be no dredged or fill material placed upon said drainage easement; and,
- Fences shall not be erected upon said drainage easements in any way which will restrict the uses herein granted.

The right is also hereby granted to the Grantee to remove any buildings or structures, to cut down, trim or remove any trees, fences, shrubs or other plants that interfere with the operation of or access to such drainage facilities in, on, upon, across, under or through said drainage easements.

The Grantee shall not be responsible for replacement of any such buildings, structures, improvements, fences, gardens, shrubs or landscaping removed during exercise of the herein given rights. Replacement of items so removed shall be the responsibility of the then lot owner.

Where drainage easements are also used for electric, telephone, cable television, or natural gas distribution systems or components, such other utility installations shall be subject to the prior approval of the City of Sycamore so as not to interfere with the maintenance of gravity flow and stabilization of vegetation ground cover on the above-mentioned drainage facilities.

2. SUPPORTING DATA. The following supporting data, where applicable, shall be supplied in separate statements or maps, or, if practical, may be shown on the final plat/plan.
  - a. A note on the plat/plan stating that City ordinances supersede any private covenants and restrictions.
  - b. A certificate signed and acknowledged by all parties having any interest in the land, dedicating all parcels of land intended for any public use.
2. GUARANTEES. The Applicant shall provide in a form acceptable to the City a subdivision improvement guarantee in the manner prescribed in Article 4.7 of this Title.

## **Article 4.6**

### **Variations and Appeals**

#### **4.6.1. Variations**

- A. AUTHORIZATION. The Zoning Board of Appeals may recommend and the City Council may authorize such variations from the terms of this Title as are hereinafter set forth in harmony with their purpose and intent and will not be contrary to the public interest. Variations may be authorized only on the specific instances enumerated in Section 4.6.1(D) and then only when the Zoning Board of Appeals has made findings of fact, based upon the standards set out in Section 4.6.1(E), that owing to special conditions a literal enforcement of the provisions of this Title will, in an individual case, result in practical difficulties or particular hardship for the owner, lessee or occupant of land or a structure.
- B. APPLICATION FOR VARIATION. An application for a variation shall be filed with the Zoning Administrator who shall forward without delay a copy to the Zoning Board of Appeals for variations governed by Section 4.6.1(D)2. The application shall contain the following information as well as such additional information as may be prescribed by rule of the Zoning Board of Appeals:
  1. The particular requirements of this Title which prevent the proposed use or construction;
  2. The characteristics of the subject property which prevent compliance with said requirements of this Title;
  3. The reduction of the minimum requirements of this Title which would be necessary to permit the proposed use or construction; and,
  4. The practical difficulty or particular hardship which would result if said particular requirements of this Title were applied to the subject property.
- C. HEARING AND NOTICE. No variation shall be recommended by the Zoning Board of Appeals except after a public hearing of which notification of time and place of hearing shall be provided. The required hearing shall be held within forty-five (45) days of receipt by the Zoning Administrator of the application for variation. The Zoning Board of Appeals shall select a reasonable time and place for the hearing, all within the limitations imposed by Section 4.6.1(E) of this Title. Public notice of such hearing shall

be published at least once in one or more newspapers with a general circulation within the City of Sycamore. Such notice shall contain the date, time, and place of the hearing, the street address or common description of the property involved, the legal description of the property involved and a brief description of the relief sought. Written notice shall be mailed to all owners of property abutting or lying across a street, stream or river, or an alley from the property subject to the variation request. Any party of interest may appear and be heard at the hearing in person, by agent, or by attorney.

D. AUTHORIZED VARIATIONS.

1. The City Council may grant variations from the regulations of this Title upon recommendation by the Zoning Board of Appeals after due notice and hearing as set forth in Section 4.6.1(C) and then only in accordance with the standards set out in Section 4.6.1 (E).
2. The Zoning Board of Appeals may recommend variations from the regulations of this Title be granted, but only in accordance with the standards set out in Section 4.6.1 (E), and may be granted only in the following instances, and in no others:
  - a. To vary the applicable lot area, lot width, and lot depth requirements, subject to the following limitations:
    1. The minimum lot width and lot depth requirements shall not be reduced more than twenty-five percent (25%).
    2. The minimum lot area for a single family or two-family dwelling shall not be reduced more than (20%).
    3. The minimum lot area per dwelling unit required for multiple family dwellings shall not be reduced so as to permit more dwelling units than would be permitted by strict application of minimum lot area requirements.
  - b. To vary the applicable bulk regulations, including maximum height, lot coverage, and floor area ratio and minimum yard requirements in Section 6.2 and Section 6.5.
  - c. To vary the applicable off-street parking and off-street loading requirements contained in Article 6.7 of this Title, except those in Section 6.7.5(F), Table of Parking Requirements.
  - d. To vary the regulations relating to restoration of damaged or destroyed non-conforming structures contained in Chapter 5 of this Title.
  - e. To vary the regulations relating to signs contained in Article 6.8.
3. The Plan Commission may recommend variations from the requirements of this Title be granted but only in accordance with the standards set forth in Article 4.4.4.

E. STANDARDS FOR VARIATIONS

1. The regulations of this Title shall not be varied unless the Zoning Board of Appeals and City Council shall make findings of fact based upon the evidence as presented that:

- a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the district in which it is located.
- b. The plight of the owner is due to unique circumstances.
- c. The variation, if granted, will not alter the essential character of the locality.

A variation may be granted only if the evidence convinces a majority of the City Council, upon the recommendation of the Zoning Board, that each of the three conditions enumerated above is met. For the purpose of determining conformance with such rigorous standards of variation, the Zoning Board of Appeals shall also take into consideration the extent to which the following facts may be established by the evidence:

- The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations were carried out and which is not generally applicable to property within the same district.
  - The alleged hardship has not been directly created by any person presently having a proprietary interest in the premises.
  - The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.
  - The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.
  - The proposed variation is in harmony with the spirit and intent of this Title.
  - The existence of any non-conformity anywhere in the City shall not itself be considered grounds for granting a variation for other property.
2. CONDITIONS. The Zoning Board of Appeals may recommend, and the City Council may impose, such conditions and restrictions upon the location, construction, design, and use of the property benefited by a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values.

F. FINDINGS OF FACT. No variations shall be recommended or granted unless said variation is supported by findings of fact, which statement and findings shall be transmitted to the applicant not less than thirty (30) days from the date for the decision thereon.

1. The findings of fact shall specify the reason or reasons for making the variation, and shall refer to any exhibits containing plans and specifications for the proposed variation which have been made a part of the application or which were introduced at the public hearing as evidence. Such exhibits shall remain part of the permanent record of the Board of Appeals.

2. The terms of relief granted shall be specifically set forth in conclusions or statements separate from the findings of fact.
- G. DECISIONS FOR VARIATIONS. The Zoning Board of Appeals shall consider the variation request and shall recommend whether the variation should be granted to the City Council. The Zoning Board of Appeal shall transmit its findings of fact and recommendation to the City Council no more than thirty (30) days after the Zoning Board has made its recommendation.
- H. ACTION BY THE CITY COUNCIL. Within thirty (30) days of receipt of the recommendation from the Zoning Board of Appeals, the City Council shall approve, approve with modifications, or disapprove the variation request.
- I. NOTICE OF DECISION. All final orders, requirements, and decisions of the City Council shall be in the form of an ordinance. A copy of the ordinance approving or denying the variation shall be transmitted by the City Clerk to the applicant within five (5) business days of the City Council's final action.
- J. PERIOD OF VALIDITY. No decision granting a variation shall be valid for a period longer than eighteen (18) months from the date of such decision unless:
1. An application for a zoning certificate is obtained within such period and construction, reconstruction, moving and remodeling is started, or
  2. An occupancy certificate is obtained and a use is commenced.

The City Council may defer action for a period not exceeding one-hundred eighty (180) days, upon written request by the petitioner, in order to allow the petitioner an additional opportunity to prepare his or her Council presentation. However, such extension shall not include the right to additional relief by an expansion of the scope of the variation. Nothing in this Section shall limit or affect the validity of a variation granted under the terms of this Section 4.6.1 if the relief sought and obtained herein does not require the issuance of a zoning or occupancy certificate or the commencement of use, construction, reconstruction, moving or remodeling.

**4.6.2. Appeals.** An appeal to the Zoning Board of Appeals may be made by a person, firm, or corporation, or by any office, department, or bureau aggrieved by a decision of the Zoning Administrator under this Title in accordance with the Illinois Compiled Statutes and the following:

- A. APPLICATION. An application for an appeal shall be filed with the Zoning Administrator within five (5) days of the date of the action from which the appeal is being filed, and thereafter the Zoning Administrator shall forward such application to the Zoning Board of Appeals. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals an overview of the nature of the appeal; all the papers, plans and correspondence constituting the record upon which the appeal is based; and a recommendation for approval or disapproval.
- B. EFFECT OF APPLICATION FOR APPEAL. The appeal stays all the proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of appeal has been filed with the Zoning Board of Appeals that a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

- C. HEARING AND NOTICE. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Said hearing shall be held within forty-five (45) days of receipt by the Zoning Administrator of the application for appeal. Any party of interest may appear and be heard at the hearing in person, by agent, or by attorney.
- D. DECISIONS. The Zoning Board of Appeals may affirm or may reverse wholly or in part, or may modify, the determination of the Zoning Administrator, and to that end shall have all of the powers of the office from which the appeal was taken.

## Article 4.7

### Public Improvement Guarantees and Acceptance Procedures

- 4.7.1. **Purpose and Intent.** In order to guarantee the completion of public improvements, including parks and common areas, and the performance of all other obligations required by these regulations, no final plat of subdivision or final development plan shall be approved, no plat of subdivision shall be recorded, and no installation or construction of such improvements shall commence until the requirements of this Article 4.7 have been satisfactorily provided. The requirements of this Article 4.7 shall also apply to construction of City-maintained public improvements within the City's one and one-half (1-1/2) mile extraterritorial jurisdiction unless the City obtains written evidence from the developer that the developer has provided the other applicable governmental unit with security equivalent to that required under this section for the completion of such improvements.
- 4.7.2. **Guarantee Amount.** The amount of the performance guarantee shall cover all construction costs for public improvements and all costs for performing the obligations for which this Part requires financial security. The guarantee shall be in the amounts of one hundred percent (100%) of the contract costs of construction of all public facilities in the unit or stage, or one hundred ten-percent (110%) of the estimated construction cost of all public improvements, and one hundred ten-percent (110%) of the performance of all other obligations which may be secured to be approved by the City Engineer unless the developer or subdivider can show that certain costs have already been paid or construction has been satisfactorily completed. Estimates of cost for public improvements shall be provided by the subdivider's or developer's engineer. Public improvement guarantees shall be submitted to the City Engineer.
- 4.7.3. **Security Methods.** One of the following security methods shall be utilized to guarantee the completion of public improvements and the performance of all other obligations for which financial security is required by this Part:
  - A. LETTER OF CREDIT
    - 1. FORM: The developer or subdivider shall file an irrevocable letter of credit issued by any financial institution approved by the City Manager or designee, in accordance with guidelines established by the City Council. The irrevocable letter of credit shall be in a written form approved by the City Attorney.
    - 2. TERMS: The letter of credit shall be in an amount sufficient to pay for the cost of one hundred percent (100%) of the contract cost or one hundred and ten percent (110%) of the estimated construction cost of all public improvements, including entry features in the public way and all other obligations for which the developer or subdivider is required to provide financial assurance pursuant to these regulations. The letter of credit shall provide that the issuing bank or financial institution shall honor City drafts for such amounts as may be required to

complete the improvements and perform the relevant obligations according to the approved specifications and these regulations. The letter of credit shall provide that its amount will be reduced from time to time as payments for improvements approved by the City Engineer are made, but at no time shall the available balance be less than ten percent (10%) of the total original principal balance plus the estimated cost to complete the required public or private improvements and to perform any other obligations for which the developer or subdivider is required to provide financial security pursuant to these regulations, any annexation agreement, or any performance guarantee agreement.

3. **TIME LIMIT:** The letter of credit shall be irrevocable for up to two (2) years and shall have an expiration date of not less than ninety (90) days after the date of completion specified for the improvements or other obligations guaranteed thereby. The letter of credit may be renewed by the City Engineer for additional periods of one (1) year unless the bank or issuing financial institution notifies the City Engineer ninety (90) days prior to the expiration date that it does not intend to renew. If the bank or issuing financial institution will not renew the obligation, the subdivider or developer shall provide an equal financial assurance or letter of credit within sixty (60) days of the date on which the original letter of credit will lapse.

- B. **OTHER METHODS.** The City Engineer may from time to time consider the use of other security methods such as a land subdivision bond or pre-paid cash escrow agreement, and shall approve any such other method that it finds to provide substantially equivalent security for the completion of public improvements and performance of other obligations for which financial security is required.

**4.7.3.1 Public Improvements Completion Agreement.** In addition to the financial security described in Section 4.7.3, above, the developer or subdivider shall execute a “Public Improvements Completion Agreement” in such form as provided by the City Engineer. This form shall establish the intent of the developer or subdivider to construct the public improvements in a good and workmanlike manner, to maintain them during the maintenance period until acceptance by the City Council, and to complete said improvements in accordance with a schedule established through the mutual agreement of the developer/subdivider and the City.

**4.7.4. Insufficient Fund Balance.** If, at any time before the construction of all required improvements and the completion of performance of all other obligations for which financial security is required under these regulations, the balance of funds that are remaining and not disbursed under any irrevocable letter of credit or other guarantee are not sufficient, in the sole judgment of the City Engineer, to cover the costs of construction of said improvements and the performance of said obligations, or if by reason of any order, decree or writ of any court, or for any other reason, the said non-disbursed balance of funds shall be withheld, diminished or otherwise unavailable for the purposes provided herein, the developer or subdivider agrees to cause the balance to be increased to such amount as shall be required by the City Engineer for such purpose, or shall provide such other and further irrevocable letter of credit, land subdivision bond, or cash escrow as may be required by the City Engineer to cover said insufficiency.

**4.7.5. Default.** In the event the City Engineer determines, in the sole exercise of his judgment, that the developer or subdivider has failed to install proposed improvements in accordance with the approved plans and specifications, or has failed to perform the other obligations secured hereunder, within ninety (90) days of the date on which the surety guarantee shall lapse, the City Engineer shall advise the developer or subdivider in writing of the failure to install improvements, and give the developer or subdivider thirty (30) days to cure such failure. If the developer or subdivider fails to cure said failure, the City may, at its option, declare the developer or subdivider in default, and all monies necessary to cure such default may be drawn on by the City in accordance with the terms of the letter of credit or other security and used to effect such cure.

**4.7.6. Procedures for Reducing the Amount of Guarantee.**

- A. The developer or subdivider may from time to time as the public improvements are constructed and the other guaranteed obligations are performed, request a reduction in the amount of guarantee furnished, whether a letter of credit, or other security method approved under these regulations. The developer or subdivider shall make said request to the City Engineer by filing the following documents:
  - 1. A request for reduction certified by the project engineer indicating the work has been completed in substantial compliance with the approved plans and specifications and the specified amount of the reduction;
  - 2. A new or substitute letter of credit or other security method for the reduced amount, once annually if required (to be filed within seven [7] days after the approval of the reduction);
  - 3. An estimate of the City Engineer containing the following information:
    - a. The estimated cost to complete the construction of the public improvements not then completed; and,
    - b. The estimated cost to complete the performance of all other obligations secured by the letter of credit or other security filed with the City.
  - 4. Evidence acceptable to the City Engineer that the cost of the public improvements constructed to the date of the requested reduction is either paid or otherwise adequately provided for.
- B. The City Engineer and City Attorney shall review the above documents. The City shall either recommend approval or denial of said request. No reduction in the guarantee furnished shall be recommended or granted which would reduce said guarantee below a sum which equals the total of the estimated cost of the public improvements then remaining uncompleted less sidewalks on buildable lots, plus ten-percent (10%) of the original principal balance of the letter of credit or other guarantee provided. The City Engineer may act on the request for reduction, or may present the request for reduction to the City Council together with the recommendation of the City Engineer with respect thereto for its review and approval.
- C. In the event the reduction in the amount of guarantee is approved by the City, such approval shall not become effective unless a new letter of credit is received by the City. Until then, the original letter of credit or other guarantee provided to the City remains in effect, modified in amount to reflect the amount of the reduction approved by the City.

**4.7.7. Inspection and Certification of Improvements.**

- A. GENERAL. Unless otherwise specifically provided, periodic inspection of the construction of the improvements shall be by the City Engineer, and shall be paid for by the developer or subdivider. No public improvements shall be constructed, and therefore no improvements shall be inspected, prior to the approval of the final plat of subdivision or final development plan.
- B. CERTIFICATION. Upon completion of all required construction, the developer's or subdivider's engineer shall certify that the public improvements comply in all respects with the plans and specifications approved by the City Council. All work shall at all times be subject to inspection by the City Engineer, other City officials, and their representatives. Regardless of contracts, agreements, or inspections performed, the final responsibility for the construction of all public improvements in accordance with the applicable standards rests with the developer or subdivider. A recommendation by the City Engineer shall not constitute a waiver by the City of the right to draw funds under the security provided herein on account of defects in, or failure of, any public improvements that are detected or which occur following such certification.

- C. **NOTICE OF DEFECTS.** The City Engineer shall provide timely notice to the developer or subdivider whenever inspection reveals that a public improvement does not conform to the standards and specifications required by these regulations. The developer or subdivider shall have thirty (30) days from the issuance of such notice to cure such defect.
- D. **INSPECTION FEE.** The plans and specifications for all public and private improvements that shall be made under the provisions of these regulations shall be submitted to the City Engineer for the City for inspection and review. The City Engineer shall inspect all public and private improvements located within the City's corporate limits that are guaranteed under the provisions of this Ordinance during the course of construction. An inspection fee equal to a percentage of the total cost of all public and private improvements shall be applied to all subdivisions and developments subject to the requirements of this Ordinance (see Sycamore City Code, Section 10-5-4B).

**4.7.8. Maintenance, Damage and Nuisance Guarantee.**

- A. **GENERAL.** The developer or subdivider shall guarantee the public improvements against defects in materials and workmanship for a period of two (2) years from the date of acceptance of public improvements by the City. The developer or subdivider agrees to repair or replace any of said public improvements, including landscaping, which, during said two (2) year period after acceptance, shall become damaged or deficient due to defective materials or workmanship.
- B. **DAMAGE AND NUISANCE.** The developer or subdivider shall also guarantee the repair of any damages and the abatement of any nuisances created by the developer or subdivider, or the successors or assigns thereof, including but not limited to the repair or replacement of landscaping, streets, curbs, sidewalks, tree banks, water facilities, sanitary sewer facilities, culverts, catch basins or other storm sewer facilities, which are damaged or adversely affected by development or construction, and the clean-up and removal of debris and discarded or abandoned materials resulting from any construction or development-related activities.

**4.7.9. Custodian of Guarantees.** The City Engineer or Finance Office shall be the custodian of all public improvement guarantees and shall monitor the expiration dates of guarantees.

**4.7.10. Acceptance of Public Improvements.** The approval of a subdivision plat by the City shall not constitute an acceptance by the City of any public improvements constructed therein. A subdivider or developer shall not make an offer to dedicate public improvements unless Sections 4.7.12(A)1 thru Section 4.8.12(A)6, inclusive, are completed. The City shall accept the dedication of any validly certified improvement within sixty (60) days of the developer's offer to dedicate the improvement.

**4.7.11. Acceptance Procedures**

- A. **COMPLETION OF PUBLIC IMPROVEMENTS**
  - 1. All public improvements required under the provisions of this Ordinance to be provided at the subdivider's/developer's expense shall be fully completed by the owner or subdivider/developer, or both, in accordance with final plans and specifications approved by the City Engineer. However, at the discretion of the City Building Department a building permit application for any structure to be erected on any lot in the subdivision and/or development may be denied until such time as the subdivider shall have completed such public improvements as are determined by the City Engineer to be necessary to provide reasonable access, adequate drainage, and proper water (including fire protection) and sanitary sewage facilities to serve the lot on which the structure is to be built.
  - 2. All contracts for the construction of any public improvements shall be subject, upon request, to review and approval by the City Engineer prior to the commencement of construction, and all such contracts shall contain contractor

warranties of material and workmanship in form and substance approved by the City Engineer. The obligation of the owner or subdivider/developer to provide public improvements shall include, without limitation, the furnishing of all necessary surveys, engineering drawings, working drawings, determinations of grade and location, communications with contractors, review and approval of periodic payment estimates, and all other services customarily performed by a registered professional engineer providing general supervision of such work, and the City shall have no liability or responsibility for any such services. At all times during the progress of construction of public improvements, the owner or subdivider/developer shall permit the City Engineer or duly authorized representatives to inspect any portion thereof. If the City Engineer determines that the improvements or any portion thereof are not being constructed in accordance with the final plans and specifications previously approved by the City Engineer, the City Engineer shall have the right, with notice to the owner, to stop the work of any contractor. The work shall not be resumed until the contractor shall receive authorization from the City Engineer for the resumption of the work.

3. Grading and implementation of measures to control erosion and ponding of water shall be accomplished at the subdivider's/developer's expense in accordance with the City's standards and specifications and as advised by the City Engineer.
4. During the construction phases of the subdivision and/or development, and prior to acceptance by the City of the public improvements, the subdivider/developer shall maintain in good condition and restore all existing public improvements to prevent the material deterioration thereof, and to assure that no imminent hazard to life or property within the subdivision and/or development or the areas adjacent thereto shall exist. In the event that the subdivider/developer fails to properly maintain or restore existing public improvements, as required herein, the City may, upon ten (10) days prior written notice to the subdivider/developer, perform or have performed on its behalf any maintenance or restoration work reasonably necessary to assure that material deterioration of existing public improvements will not occur. In the event that it is determined by the City Engineer or his authorized representative that failure of the subdivider/developer to properly maintain or restore existing public improvements will result in imminent hazard to life or property within the subdivision and/or development or the areas adjacent thereto, the City may, without prior notice to the subdivider, perform or have performed on its behalf any maintenance or restoration work reasonably necessary to prevent such hazards. Within ten (10) days thereafter, the subdivider/ developer shall be notified in writing by the City of the performance of such work by the City, and the cost thereof. In the event that maintenance or restoration work is performed by or on behalf of the City, the City may withdraw the security required by this Part in an amount equivalent to the cost of that work.
5. FINAL INSPECTIONS. It is the responsibility of the subdivider or developer to initiate final inspection of public improvements. Upon completion of the public improvements required under the provisions of this Part, the owner or developer/ subdivider shall file with the City Engineer a certificate, certified by a registered professional engineer licensed to practice engineering in this state, to the effect that all such public improvements have been completed substantially in accordance with the final plans and specifications approved by the City Engineer. In addition, the owner or developer/ subdivider shall furnish to the City four (4) copies of complete sets of as-built engineering plans, and two digital copies. The subdivider/developer shall submit all as-built information in a digital format approved by the City Engineer.

6. If the public improvements as required have been completed and the owner/subdivider/developer has filed the certificate and as-built engineering plans required herein, the City Engineer shall inspect the public improvements. If he determines that the public improvements are in conformance with the as-built engineering plans, other approved plans, agreements and all codes of the City, the City Engineer shall forward to the City Council his recommendation that the public improvements be approved and accepted by the City Council as satisfactory, together with a statement of any extraordinary costs incurred by the City in connection with the construction of the public improvements other than the review of the plans, specifications, and normal customary inspections of the work. Within forty-five (45) days following receipt of such recommendation, the City Council shall consider the approval and acceptance of the public improvements, and may authorize the City Staff to release or refund to the depositor thereof, security for said public improvements as may be accepted. The City Council may authorize deductions therefrom of any extraordinary costs incurred by the City; and further provided that the City Council shall condition its acceptance of the public improvements upon the owner or subdivider providing the security required herein.
7. If the owner or subdivider/developer fails to complete all required public improvements, or fails to complete these improvements in conformance with approved plans and specifications the City Engineer may withdraw all funds provided as security pursuant to Section 4.7.3 and may utilize those funds to cause the performance of any work necessary to complete the public improvements or to bring them into conformance with approved plans and specifications, and the codes of the City. The owner or subdivider/developer shall be obligated to reimburse the City for any costs incurred in excess of those funds in order to complete the required public improvements.

B. ACCEPTANCE OF STREETS AND IMPROVEMENTS. Final approval of a plat by the City Council shall not constitute an acceptance of any dedicated streets and improvements for maintenance purposes, irrespective of any act or acts by an officer, agent, or employee of the City with respect to those streets or improvements. Final acceptance of all streets and improvements for maintenance shall be made only by the adoption of a resolution by the City after the City Engineer has filed a letter with the City Manager indicating that all improvements required to be constructed or installed in connection with the approval of the final plat of subdivision or development plan have been fully completed and the construction or installation thereof has been approved by the City Engineer.

1. CITY ENGINEER'S CERTIFICATE. The City Engineer shall state in writing that all required improvements have been fully completed, and that said improvements meet the design and operating standards and requirements of the City and other agencies, including the Illinois Environmental Protection Agency, and the Illinois Department of Transportation. Prior to a recommendation for approval, the City Engineer shall receive "as built" drawings in a digital format on a micro-computer CD-ROM that is compatible with AutoCADD. All utilities and public improvements located in the subdivision, including rights of way lines, lot number, lot lines, and other subdivision mapping data typical to the City's GIS, shall be included as overlay maps.
2. REVIEW OF CITY ATTORNEY. The City Attorney shall review the City Engineer's certificate and such legal documentation as is necessary in his opinion to protect the interests of the City. An example of such documents may include, among others, a disclosure by the developer of any beneficial interest in any land trusts. The City's acceptance of dedication shall be expressly conditioned on the presentation by the developer of a policy of title insurance for the benefit of the City showing that the developer owns the improvement in fee simple and that

there are no liens, encumbrances, or other restrictions on the improvement unacceptable to the City Attorney in his reasonable judgment.

3. RESOLUTION. Upon receipt of the certificate of the City Engineer after the review of the City Attorney, the City Council shall adopt a resolution accepting the public improvements, with the recommendation of the City Manager.

## **Article 4.8**

### **Changes and Amendments to This Title**

#### **4.8.1. General Requirements for Changes and Amendments.**

- A. PUBLIC HEARING REQUIRED. The regulations imposed and the districts covered by this Title may be amended by the City Council from time to time, but no such amendments shall be made until a public hearing has been held, and a report and recommendation has been made thereon by the Plan Commission.
- B. REPORT OF PUBLIC HEARING. Following a public hearing, the Plan Commission shall transmit within thirty (30) days to the City Council a report thereon containing its findings of fact and recommendations for action to be taken by the City Council.
- C. ACTION BY THE CITY COUNCIL. After receiving the recommendations and report of the Plan Commission, the City Council shall within thirty (30) days review the recommendation and report and may pass the proposed amendment without change, may reject it, or may recommit it to the Plan Commission for further consideration. When the Plan Commission does not recommend approval of the proposed change or amendment, such proposed change or amendment shall not be passed except upon a favorable vote by two-thirds (2/3) of all members of the City Council.
- D. EFFECT OF DENIAL. After a public hearing, no application for a proposed change or amendment which has been denied wholly or in part by the City Council shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of substantial new evidence or proof or changed conditions found to be valid by the Plan Commission and City Council.

#### **4.8.2. Additional Standards and Criteria for Amending the City Comprehensive Plan**

- A. THE ROLE OF THE COMPREHENSIVE PLAN IN ADMINISTRATION OF THIS CHAPTER. The Comprehensive Plan of the City Council shall serve as the basic policy guide for the administration of this Chapter. The Comprehensive Plan is a statement of goals and policies to guide new development and redevelopment in the City. Therefore, it is the intent of the City 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 City. Such amendments may at times be necessary to accommodate proposed development or redevelopment of property that may be inconsistent with the Comprehensive Plan. This Section therefore establishes the procedures for amending the Comprehensive Plan.
- B. INITIATION OF AMENDMENTS. An amendment to the Comprehensive Plan may be initiated only by the Plan Commission, the City Council, or the Owner of property proposing development of such property under this Chapter that may be inconsistent with the Comprehensive Plan.

- C. NOTIFICATION REQUIREMENTS. No hearing shall be held on an application unless at least fifteen days notice of the time and place of such hearing shall be published in an official paper of general circulation in the City of Sycamore.
- D. APPLICATION FOR AMENDING THE COMPREHENSIVE PLAN.
1. FILING AN APPLICATION. Where an amendment to the Comprehensive Plan, Land Use Map, or other maps that are adopted as part of the Comprehensive Plan is proposed by someone other than the Plan Commission or City Council, an application requesting the amendment shall be filed with the Zoning Administrator or City Manager. The application shall be accompanied by a written statement from the applicant stating the basis for the request.
  2. STAFF REVIEW. Upon receiving an application requesting an amendment, or upon an instruction from the City Council or Plan 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 Plan Commission a written report incorporating or summarizing the comments of the Zoning Administrator, Planner, or other City departments, and other agencies.
  3. ACTION BY THE PLAN COMMISSION.
    - a. The Plan Commission shall hold a public hearing on the proposed amendment.
    - b. In considering the amendment, the Plan Commission shall review the proposed amendment, the standards set forth in Section 4.8.2.(D)4 below, the report of the Zoning Administrator, and any oral and written comments received by the Plan Commission before or at the public hearing or otherwise made part of the record of the Plan Commission on the application. Based on this information, the Plan Commission shall submit, within a reasonable time, a report and recommendation to the City Council on whether or not the proposed amendment should be adopted.
  4. STANDARDS FOR REVIEWING PROPOSED COMPREHENSIVE PLAN AMENDMENTS. In deciding whether to recommend adoption of a proposed amendment to the Comprehensive Plan, Land Use Map, or other maps that are adopted as part of the Comprehensive Plan, the Plan Commission shall consider whether the amendment is necessary based on one or more of the following factors:
    - a. 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
    - b. The data used as the basis for formulating the Comprehensive Plan are in error or out of date; or
    - c. New issues or needs have presented themselves to the City that are not adequately addressed in the Comprehensive Plan; and

- d. The amendment will not adversely affect the character of the area in which the proposed development is to be located.
5. ACTION BY THE CITY COUNCIL. After receiving the recommendations and report of the Plan Commission, the City Council shall, within thirty (30) days, review the recommendations and may accept the findings and recommendations of the Plan Commission in whole or part or may reject them in whole or in part, or the City Council may refer the matter back to the Plan Commission for further consideration. However, in the event the Plan Commission recommends against an amendment of the Comprehensive Plan, then it may be approved only upon the favorable vote of two-thirds (2/3) of all of the members of the City Council (the “corporate authorities”).
- E. 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 City Council at a regular meeting without the posting or personal delivery of prior notice and without a public hearing.

**4.8.3. Additional Standards and Criteria for Amending the Unified Development Ordinance.**

- A. INITIATION OF AMENDMENTS. Amendments to the text of this Title may be proposed in writing by the City Council, by the Plan Commission, by any person having proprietary interest in property in the City, or by any interested citizen of the City.
- B. APPLICATION FOR AMENDING THE UNIFIED DEVELOPMENT ORDINANCE.
  - 1. APPLICATION FOR UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT. Where an amendment to text of this Title is proposed by someone other than the Plan Commission or City Council, an application requesting the amendment shall be filed with the Zoning Administrator. The application shall be in a form determined by the Zoning Administrator and shall include the section of this Title to be amended and the proposed text.
  - 2. APPLICATION FOR ZONING MAP AMENDMENT. Every application for an amendment to the Zoning Map shall be accompanied by the following, in a number prescribed by the Zoning Administrator:
    - a. The certificate of a registered architect or registered structural engineer licensed by the State of Illinois, or of an owner-designer, that the proposed construction, remodeling, or reconstruction complies with all of the provisions of this Title subject to the proposed amendment;
    - b. A plat, in duplicate, of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions of the subject property, according to the recorded plat of such land;
    - c. A site plan, drawing to scale and in such form as may from time to time be prescribed by the Zoning Administrator showing the location, ground area, height, and bulk of all present and proposed structures, drives and off-street parking and loading spaces, the building lines in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land, and such other information as may be required by the Zoning Administrator for the proper enforcement of this Title;

- d. A legal description of the subject property;
  - e. Evidence of ownership of the subject property and, if the applicant is not the record owner of the subject property, written consent of the record owner to make such application;
  - f. A description of the activity to be conducted in sufficient detail to enable the Zoning Administrator to determine that there will be compliance with all of the applicable standards of this Title; and
  - g. CERTIFICATION OF NOTICE. The applicant shall furnish, at or before the time of hearing, a written statement certifying that he has complied with the requirements of this subsection. Attached to the written statement shall be a list of all property owners notified in accordance with the above, the returned notices that are undeliverable by the post office, a copy of the notice sent to each of the individuals therein specified, and an affidavit, witnessed by a notary public that an informational sign was erected according to the requirements of this subsection.
3. STAFF REVIEW. Upon receiving an application requesting an amendment, or upon an instruction from the City Council or Plan Commission that it will consider a proposed amendment, the Zoning Administrator shall review the proposed amendment to evaluate its conformity with the Comprehensive Plan and this Chapter. The Zoning Administrator may deliver copies of the proposed amendment to appropriate City departments and government agencies for review and comment. Prior to the scheduled public hearing, the Zoning Administrator shall deliver to the Plan Commission a written report incorporating or summarizing the comments of the Zoning Administrator, Planner, or City departments, and other agencies.
4. ACTION BY THE PLAN COMMISSION.
- a. The Plan Commission shall hold a public hearing on the proposed amendment.
  - b. In considering the amendment, the Plan Commission shall review the proposed amendment, the report of the Zoning Administrator, and any oral and written comments received by the Plan Commission before or at the public hearing or otherwise made part of the record of the Plan Commission on the application. Based on this information, the Plan Commission shall submit, within a reasonable time, a recommendation to the City Council on whether or not the proposed amendment should be adopted.
5. ACTION BY THE CITY COUNCIL. After receiving the recommendations of the Plan Commission, the City Council shall, within 30 days, review the recommendations and may accept the findings and recommendations of the Plan Commission in whole or part or may reject them in whole or in part, or the City Council may refer the matter back to the Plan Commission for further consideration. However, in the event the Plan Commission recommends against an amendment of this Ordinance, then it may be approved only upon the favorable vote of two-thirds (2/3) of all of the members of the City Council (the "corporate authorities").

C. NOTIFICATION REQUIREMENTS. No hearing shall be held on an application for an amendment (including a zoning variation, which shall constitute a specific form of zoning amendment) unless the applicant complies with the requirements of this Section.

1. PUBLISHED NOTICE. At least fifteen (15) days notice of the time and place of such hearing shall be published in an official paper of general circulation in the City of Sycamore.
2. WRITTEN NOTICE. In addition to the notice requirements otherwise provided by law, for any public hearing required by this Ordinance the City Clerk shall, not less than fifteen (15) days and not more than thirty (30) days prior to the date set for the public hearing, mail notices by first class mail to the owners of all property within five hundred (500) feet in each direction of the property lines of the subject property for which the public hearing is requested; provided, the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the five hundred (500) foot requirement.

A copy of the notice with a copy of the list of names and addresses shall be mailed to the Zoning Administrator at the time notice is given to the adjoining property owners.

The notices herein required shall contain the address of the location for which the public hearing is requested, a brief statement of the nature of the request, the name and address of the legal and beneficial owner of the property, and time and date on which said hearing shall be held. If, after a bonafide effort to determine such ownership by the applicant, the owner cannot be found, the notice requirements of this section shall be deemed satisfied upon filing by the applicant of an affidavit evidencing the inability to serve such notice.

3. NOTICE BY SIGN. The Zoning Administrator shall post a readable sign(s) on each adjacent roadway in a number and location as determined by the Zoning Administrator not less than fifteen (15) days prior to the date before the public hearing. Sign(s) must be removed by the applicant no later than ten (10) days after conclusion of the hearing.

Each sign shall be double faced and displayed such that each sign face is perpendicular to the adjoining roadway. The face of the sign(s) required by this Section shall be at least twenty-four (24) inches in height and thirty-six (36) inches in length. The sign(s) shall contain the following message:

**PUBLIC HEARING NOTICE**  
**REGARDING THE USE OF THIS PROPERTY**  
**CALL (815) 895-4434 FOR MORE INFORMATION**

The sign shall have a white background with three (3) inch high black capital block letters, except that the words and Building department phone number shall be in four (4) inch high red capital block letters. The sign(s) shall meet all other requirements set forth by the City of Sycamore All costs associated with preparing and displaying public hearing sign(s) are to be borne by the applicant.

D. PROTEST AGAINST AMENDMENT. In case of written protest against any proposed amendment, signed and acknowledged by the owners of twenty-percent (20%) of the frontage proposed to be altered, or by the owners of twenty-percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty-percent (20%) of the frontage directly opposite the frontage proposed to be altered, is filed with

the City Clerk, the amendment shall not be passed except by a favorable vote of two-thirds (2/3) of the City Council. In such cases, a copy of the written protest shall be served upon the applicant for the proposed amendments and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.