

**AN ORDINANCE MODIFYING THE CITY'S ZONING ORDINANCE  
CONCERNING TEMPORARY CERTIFICATES OF OCCUPANCY**

**WHEREAS**, the City of Rolling Meadows is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, Section 122-396 ("Certificates of occupancy or completion") of Chapter 122 ("Zoning") sets forth how the City's Zoning Administrator may authorize the use or occupancy of premises; and

**WHEREAS**, the City desires to amend the Zoning Ordinance to expand the circumstances under which temporary certificates of occupancy may be issued ("**Requested Amendment**"); and

**WHEREAS**, the City frequently creates prerequisites to occupancy as a condition upon zoning relief, and intends that any temporary occupancy authorized by the City pursuant to the Requested Amendment will not be deemed to violate these conditions; and

**WHEREAS**, the City's Planning and Zoning Commission ("**PZC**"), after notice was provided as required by law, conducted a public hearing on May 2, 2023 at a regular meeting to consider a City-initiated petition to consider the Requested Amendment; and

**WHEREAS**, after taking and considering all testimony presented at the public hearing, the PZC made the findings of fact enumerated in **Exhibit A** and recommended that the City Council approve the Requested Amendment; and

**WHEREAS**, the Corporate Authorities of the City of Rolling Meadows have determined that it would be in the best interest of the City to approve the Requested Amendment as set forth in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Rolling Meadows, Illinois:

**Section 1:** Recitals. The recitals set forth above are incorporated herein by reference as the findings of the Corporate Authorities.

**Section 2:** Amended Section 122-397. Pursuant to Sections 122-394 (“Amendments”) and the City’s home rule authority, Section 122-397 (“Certificates of occupancy or completion”) of Division 2 (“Zoning Procedures”) of Article VI (“Administration and Development Review”) of Chapter 122 (“Zoning”) is hereby amended to read as follows [additions are **bold and double-underlined**; deletions are struck through]:

**“SECTION 122-397                      Certificates of occupancy or completion.**

\*           \*           \*

(3) *Procedure:*

a. Application: Once all requirements related to a requested zoning approval, building permit, or other such regulations as may be required per the City Code have been met, the property owner (or applicant authorized by the owner) shall submit a written request for certificate of occupancy or certificate of completion.

b. Action on application: Within five business days following the receipt of a completed request for the certificate, the zoning administrator will cause

the subject structure or property to be inspected and will determine if all City Code requirements have been met and a certificate of occupancy or completion may be issued. If all requirements have not been met, property owner (or applicant authorized by the owner) shall be provided a list of deficiencies required to be resolved prior to submitting a subsequent request for certificate of occupancy or completion.

i. Temporary certificate of occupancy: The zoning administrator may grant a temporary certificate of occupancy ~~("TCO") where all aspects of the site and structures are complete and ready for occupancy per the City Code, except for exterior landscaping and asphalt installation which have been delayed by limitations caused by weather. Temporary certificates of occupancy may only be issued between November 1st and June 1st of the following year and are valid only through the following July 1st.~~ **prior to final completion and full compliance provided that all of the following conditions are met:**

- 1. Eligibility. No owner may hold a TCO for more than one site or project in the City at one time unless waived by the Zoning Administrator. For the purposes of this subsection, in addition to its common meaning, "owner" shall be construed broadly to include any direct or indirect legal or beneficial interest by any person or entity connected with another certificate of occupancy.**

2. Application. A request for a TCO shall be made in writing in a form and number determined by the Zoning Administrator.
3. Ability to Perform. The Zoning Administrator may require the applicant to furnish a detailed completion schedule, cost estimate, and other evidence of the applicant's ability to complete all remaining work.
4. Term. The term of any TCO shall be set by the Zoning Administrator in the exercise of their discretion, after considering the nature of the work to be completed and whether the ability to complete the work is affected by weather conditions. The TCO shall be for the shortest period of time necessary to complete the remaining work, as determined by the Zoning Administrator.
5. Safety. The Zoning Administrator must determine that issuance of the TCO will not create a hazard to the health, safety and welfare of the structure's occupants or the general public and that all standards for habitability, sanitation, and life and fire safety have been satisfied.
6. Fee and Cash Bond. In order to receive a TCO, a fee shall be paid and a cash bond shall be deposited with the City as set forth in Appendix B of this Code. The

cash bond is subject to the provisions governing “code compliance and inspection bonds” provided in Section 18-3-7 of this Code.

7. Conditions of Approval. The Zoning Administrator may condition the issuance of a TCO on such matters necessary to ensure the full completion of the project; compliance with this Code; and the protection of the health, safety, and welfare of occupants and the public. The recipient must consent to the conditions of the TCO in writing in a form provided by the Zoning Administrator.
8. Transfer Only Upon Prior Approval. A TCO may only be transferred with the prior consent of the Zoning Administrator after determining, in their discretion, that the transferee has the ability to complete all remaining work. The transferee must agree, in writing and in a form provided by the Zoning Administrator, to complete the permit work in accordance with the approved construction documents, the provisions of this Code, and any TCO conditions. Any cash deposit held in connection with the TCO must either be (i) assigned in writing by the transferor to the transferee or (ii) replaced

**by the transferee, at which point a refund will be issued to the transferor.**

- ii. Certificates issued in error: Any certificate of occupancy or completion issued in violation of the provisions of this chapter, whether intentionally, negligently, or inadvertently, will be void.”

**Section 3: Severability.** If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

**Section 4: Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

[Signature page follows.]

**PASSED AND APPROVED** by the City Council of Rolling Meadows, Cook County,

Illinois this 9<sup>th</sup> day of May, 2023.

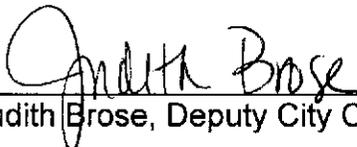
AYES: Reyez, Koehler, McHale, O'Brien, Vinezeano, Boucher

NAYS: 0

ABSENT: Budmats

  
\_\_\_\_\_  
Lara Sanoica, Mayor

ATTEST:

  
\_\_\_\_\_  
Judith Brose, Deputy City Clerk

Published this 12<sup>th</sup> day of May, 2023.

  
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Judith Brose, Deputy City Clerk

## EXHIBIT A

### **PZC's Adopted Findings of Fact**

#### **Text Amendment Standards**

**Standard 1: Potential impacts:** *The amendment shall not adversely impact existing land uses in proximity to a subject property, or, in the case of a text amendment, the overall zoning district purpose or intent of a code section proposed for amendment. The amendment should not unreasonably affect the value, use and enjoyment of nearby properties.*

**Findings:** The amendment is consistent with the purposes of the Code as it will facilitate development that complies with, and implements, these purposes. See also the findings concerning Standards 3 and 4.

**Standard 2: Trend of development/consistency:** *Map amendments should be a logical extension of the trend of development in the area around the subject property, or consistent with the approved comprehensive plan. In the case of a text amendment, the amendment shall be consistent with the overall zoning district purpose or intent of a code section proposed for amendment.*

**Findings:** See findings concerning Standards 1 and 4.

**Standard 3: Externalities:** *Relevant physical or market conditions that may have changed to make the existing zoning of a property inappropriate, or that make the proposed text amendment necessary for this chapter to be in keeping with the desirable development of the city shall be specified.*

**Findings:** The amendment will help reduce the practical barriers to the reuse and redevelopment of property to its highest and best (and therefore most desirable) use. These barriers include present difficult labor and financial conditions as well as the cash flow needs and capacity of businesses and developers.

**Standard 4: City plans:** *Amendments should be consistent with the City's Comprehensive Plan, Official Map, and all other plans and policies adopted by the city.*

**Findings:** The Comprehensive Plan states that “residents view City policies as flexible and helpful. This is a valuable and important reputation for the City to continue to build upon, as it has implications for both resident and business retention and attraction” (p. 21) and that the City should “revise the Zoning Ordinance to be more modern, user-friendly, and supportive of economic development” (pg. 61). The amendment will build upon this reputation by implementing modern and flexible zoning practices. See also the finding concerning Standard 3.

**Standard 5: Zoning appropriateness:** *The extent to which use of the subject property (or relevant properties in the case of a text amendment) is diminished by the current zoning standards or designation and is no longer suitable for the underlying zoning shall be specified.*

**Findings:** See findings concerning Standard 3.