

1. Call Meeting To Order
2. Roll Call
3. Purpose Of The Meeting - Chairman
  - (a) Conditional Use Request- 3005 Appletree Drive (Harty), Major home occupation (in home daycare, <8 children).
  
  - (b) Zoning Text amendments allowing for creation of Planning and Zoning Board
  
  - (c) Discussion Only- Proposed text amendments to allow cultivation site(s) and/or dispensaries for Medical Marijuana.
4. Introduction Of 3005 Appletree Drive Conditional Use Case - Zoning Administrator  
Heather and Francis Harty are the owners of the home at 3004 Appletree Drive. They wish to operate a DCFS licensed daycare for up to 8 children (including their own). For the owners to be able to operate this type of business in an area zoning for residential use (RE-1), they must first apply for and receive a conditional use permit allowing a home occupation, major (in home daycare < 8 children).
5. Project Overview - Petitioner
6. Questions & Discussion From The Planning Commission
7. Public Testimony Period
8. Public Hearing Is Closed
9. Action - Planning Commission  
  
Documents: [3005 APPLETREE DR MOTION.PDF](#)
10. Introduction Of Text Amendments To City Zoning Code - Zoning Administrator  
Proposed text amendments will create a new "Planning and Zoning Board" to replace the existing Planning Commission and Zoning Board of Appeals.
11. Questions & Discussion From The Planning Commission
12. Public Testimony Period
13. Public Hearing Is Closed
14. Action - Planning Commission  
  
Documents: [ORD - PLANNING AND ZONING BOARD 4811-2625-7434.PDF](#)
15. Discussion Item Only - Proposed Text Amendments To Allow Cultivation Site(S) And/Or  
Dispensaries For Medical Marijuana  
  
Documents: [ORD -- MED CANNABIS FACILITIES 4826-4337-7948.PDF](#)
16. Meeting Adjourned

MOTION FOR THE PLANNING COMMISSION  
Heather and Francis Harty Owners of 3005 Appletree Dr., Monticello  
Conditional Use

WHEREAS, the City Council of the City of Monticello, pursuant to authority conferred by the statutes of the State of Illinois, has established certain standards and procedures for zoning establishment and amendment within the Corporate Limits of the City of Monticello;

WHEREAS, owner of a parcel of property described as set forth in the advertised public notice and commonly known as 3005 Appletree Dr., Monticello, Illinois, has requested that a Conditional Use Permit be granted under the terms of the Monticello Zoning Regulations to allow Home occupation, major (in home Daycare <8 children)

WHEREAS, a Public Hearing concerning the requested Conditional Use Permit was held on August 18th, 2014 and comment from the public was solicited; and,

WHEREAS, the Planning Commission has reviewed the evidence and testimony submitted and has considered all the factual evidence regarding the subject request;

BE IT THEREFORE RESOLVED this 18th day of August, 2014 by the Planning Commission of the City of Monticello, that:

The Planning Commission shall determine whether the applicant meets the following criteria regarding the requested Conditional Use:

- a. The establishment, maintenance, or operation of the Conditional Use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- b. The Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted and will not substantially diminish or impair property values within the neighborhood;
- c. The establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- d. Adequate utilities, access, drainage, parking, right-of-way easements and/or other necessary facilities are available;
- e. Adequate measures do exist to provide ingress and egress, so designed as to minimize traffic congestion in the public streets; and
- f. The Conditional Use will in all other respects conform to the applicable regulations of the district in which it is located.

PLANNING COMMISSION CHAIR TO CHECK ONE OF THE FOLLOWING:

The Planning Commission does hereby recommend *approval* of the requested Conditional Use Permit by the City Council to allow Home occupation, major (in home Daycare <8 children) at 3005 Appletree Dr., Monticello

The Planning Commission does hereby recommend *denial* of the requested Conditional Use Permit by the City Council to allow Home occupation, major (in home Daycare <8 children) at 3005 Appletree Dr., Monticello

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Chairman, Planning Commission, City of Monticello

CITY OF MONTICELLO  
PIATT COUNTY, ILLINOIS

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ORDINANCE NO. 2014-\_\_\_

“AN ORDINANCE AMENDING CHAPTERS 31, 32, 52, 150,  
151, 152 AND 153 OF THE CITY OF MONTICELLO CODE OF  
ORDINANCES TO ESTABLISH THE PLANNING AND ZONING BOARD”

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ADOPTED BY THE  
CITY COUNCIL  
CITY OF MONTICELLO

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

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Published in pamphlet form by authority of the City Council of the City of Monticello, Piatt  
County, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**CITY OF MONTICELLO  
PIATT COUNTY, ILLINOIS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTERS 31, 32, 52, 150,  
151, 152 AND 153 OF THE CITY OF MONTICELLO CODE OF  
ORDINANCES TO ESTABLISH THE PLANNING AND ZONING BOARD**

WHEREAS, the City of Monticello (“City”) is an Illinois non-home rule municipality organized and operating under the Illinois Municipal Code (the “Code”); and

WHEREAS, the Code (65 ILCS 5/11-12-4; 11-12-5; 11-13-3(c); 11-13-3(f) – (g)) authorizes the City to create, organize and staff a plan commission and zoning board of appeals; and

WHEREAS, the City previously amended the City of Monticello Code of Ordinances to create a zoning board of appeals and a planning commission; and

WHEREAS, the City now wishes to combine its zoning board of appeals and planning commission into a single body – the Planning and Zoning Board – authorized to exercise the statutory powers granted to zoning boards of appeal and plan commissions under the Code; and

WHEREAS, on                     , 2014, the City of Monticello Planning Commission conducted a public hearing and recommended approval of the proposed amendment creating the Planning and Zoning Board; and

WHEREAS, the Mayor and City Council wish to amend the City of Monticello Code of Ordinances in accordance with the Planning Commission’s recommendation.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Monticello, Piatt County, Illinois, as follows:

Section 1. RECITALS. The foregoing recitals are incorporated as though fully set forth herein.

Section 2. SECTION AMENDED. The following changes are hereby made to Section 31.31 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 31.31 SUPERINTENDENT OF CITY SERVICES.**

[...]

(D) *Duties.* The Superintendent of City Services performs the following duties, but is not restricted to those alone:

[...]

(3) The Superintendent of City Services shall be responsible for preparation of or the delegation of the preparation of meeting agendas, correspondence, reference materials, and studies for City Council meetings, and Planning and Zoning Board meetings ~~Commission meetings and Zoning Board of Appeals meetings~~;

Section 3. SECTION AMENDED. The following changes are hereby made to Section 32.01 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 32.01 PLANNING AND ZONING BOARD OF ZONING APPEALS.**

(A) *Members.* The Planning and Zoning Board of Zoning Appeals shall serve as (i) a board of appeals on zoning matters as provided by statute and (ii) the City's planning commission. This Board shall consist of 7 members to be appointed by the Mayor by and with the advice and consent of the City Council. A Chairperson and a Secretary from the membership shall be appointed by the Mayor, with the advice and consent of the City Council.

(B) *Term.* The members of the Board of Appeals shall serve for a term of 5 years, provided that the terms shall be staggered as provided by statute.

(C) *Powers and Duties.* It shall be the duty of the Planning and Zoning Board of Zoning Appeals to hear and decide any appeal of any decision, order, or interpretation by the officer whose duty it is to enforce the zoning regulations, and it shall have such other powers and duties as may be delegated to it by statute or ordinance; provided that it shall have the power to reverse

any decision of that officer on a concurring vote of 4 members. The Planning and Zoning Board shall also have the following powers and duties:

(1) To prepare and recommend to the corporate authorities a comprehensive plan for the present and future development or redevelopment of the city. This plan may be adopted in whole or in separate geographical or functional parts, each of which when adopted shall be the official comprehensive plan, or part thereof, of the city. This plan may include reasonable requirements with reference to streets, alleys, public grounds, and other improvements herein specified. The plan, as recommended by the Planning and Zoning Board and as thereafter adopted by the City Council may be applicable, by the terms thereof, to land situated within the corporate limits and contiguous territory not more than 1-1/2 miles beyond the corporate limits of and not included in any other municipality;

(2) To recommend changes, from time to time, in the official comprehensive plan;

(3) To prepare and recommend to the corporate authorities, from time to time, specific improvements in pursuance of the official comprehensive plan; and to issue recommendations concerning such improvement plans as may be proposed by officials of the city or by private groups or individuals and to make recommendations to the City Council with regard to the feasibility and propriety of such improvement plans, and the relationship of the projects to the official plan within 60 days, or less, if so designated by the City Council;

(4) To give aid to the municipal officials charged with the direction of projects for improvements embraced within the official plan to further the making of these improvements and, generally, to promote the realization of the plan;

(5) To prepare reports based upon research and study of planning problems of the city;

(6) To submit to the City Council recommendations with respect to:

(a) Each proposed municipal project involving the dedication, opening, widening, extending, and vacating of streets;

(b) The design, location, placing, erection, and acceptance of public monuments, memorials or statues placed or sought to be placed or erected in any street, public place, or on other public property;

(c) The general location and layout of all redevelopment and renewal projects in order to determine their conformance to the comprehensive plan of the city;

(d) The acquisition of land for conservation, park and recreation purposes, monuments, and other public purposes;

(e) The designation of land suitable for annexation to the city and the recommended zoning classification for the land upon annexation;

(f) To exercise all powers granted to the Planning and Zoning Board by the city zoning ordinance;

(g) The acquisition of any space, public building, or structure; and

(h) The preliminary approval of plats for subdivision or resubdivision of land, and to advise and assist the City Council in final approval, pursuant to the ordinances of the City of Monticello and the statutes of the State of Illinois.

(7) To arrange and conduct any form of publicity relative to its activities for the general purpose of public information and understanding;

(8) To cooperate with city and regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area; and

(9) To exercise any other powers germane to the powers granted under authority of an act of the General Assembly of the State of Illinois, entitled "Illinois Municipal Code," ILCS Ch. 65, Act 5, as amended, as may be conferred by the city.

(D) Contemplated action to be submitted to the Planning and Zoning Board for recommendation before approval by the Council. The City Council shall take no action authorizing or approving the acquisition of any park, other public ground, space or public building or structure, or authorizing or approving any map, plat, or replat of land lying within the corporate limits or in contiguous territory not more than 1-1/2 miles distant from the limits, or change any provision of the zoning ordinance, accept the dedication of any public street or grounds, or vacate any street until the contemplated action shall have first been submitted to the Planning and Zoning Board for its recommendation. If the Board shall fail to submit its recommendation within 30 days, the Council may proceed without one.

(E) Procedure. The Planning and Zoning Board shall adopt rules and regulations pertaining to its procedures, consistent with the ordinances of the City of Monticello and the statutes of the State of Illinois. The rules and regulations shall be forwarded to the Administration Committee of the City Council and may be reviewed by the City Council and repealed by the Council upon a 2/3 vote of the members present. The rules and regulations shall be made available to the public upon request.

Section 4. SECTION DELETED. The following changes are hereby made to Section 32.02 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):



**§ 32.02 CITY PLANNING COMMISSION SECTION LEFT INTENTIONALLY BLANK**

~~(A) *Creation.* There is hereby created a City Planning Commission under the authority of an Act of the General Assembly of the State of Illinois, entitled "Illinois Municipal Code," ILCS Ch. 65, Act 5, approved May 29, 1961, effective July 1, 1961, as amended.~~

~~(B) *Composition and terms of members.* The Commission shall consist of 7 members appointed by the Mayor with the consent and approval of the City Council. A quorum shall consist of 4 members. Each member of the Planning Commission shall serve for a term of 1 year. Members of the Monticello Planning Commission shall reside within the corporate limits or within a distance of not more than 1 1/2 miles beyond the corporate limits of the city.~~

~~(C) *Attendance.* Failure to attend 3 consecutive meetings without excuse by the Chairperson of the Planning Commission or failure to attend 6 consecutive meetings for any reason shall cause a vacancy in the membership. The Secretary of the Planning Commission shall notify the Mayor in writing whenever the vacancy by absence shall occur. Whenever such a vacancy does occur, the Mayor shall appoint a new member with the approval of the City Council for the unexpired term of the former member or alternate.~~

~~(D) *Organization.* The Mayor of the city, with the approval and consent of the City Council of the City of Monticello, Illinois, shall appoint 1 of the 7 regular members, as provided for in division (B) above, as Chairperson of the City Planning Commission. The Mayor shall also appoint, with the consent and approval of the City Council of the city, 1 of the 7 regular members as Vice-Chairperson of the Planning Commission and shall likewise appoint a Secretary of the Commission, which Secretary may be 1 of the 7 regular members of the Commission but need not be. A person other than a member of the Planning Commission may be appointed by the Mayor, with the consent and approval of the City Council of the city, as Secretary of the Planning Commission.~~

~~(E) *Compensation.* All members and officers of the Planning Commission shall serve without compensation except that, if the City Council deems it advisable, the Secretary may receive such compensation as may be fixed from time to time by the City Council. Likewise, if the need arises at any time in the future, the City Council may fix and allow to each member of the Planning Commission a certain sum of money for each meeting attended by the member.~~

~~(F) *Procedure.* The Planning Commission shall adopt rules and regulations pertaining to its organization and procedures, consistent with the ordinances of the City of Monticello and the statutes of the State of Illinois. The rules and regulations shall be forwarded to the Administration Committee of the City Council and may be reviewed by the City Council and repealed by the Council upon a 2/3 vote of the members present. The rules and regulations shall be made available to the public upon request.~~

~~—(G) *Records of meetings.*—The Planning Commission shall keep and maintain records of its proceedings, which shall be in writing in a permanent book, open to inspection by the City Council and the public at all times.~~

~~—(H) *Legal advisor.*—The City Attorney shall act as the legal advisor to the Planning Commission.~~

~~—(I) *Contemplated action to be submitted to the Planning Commission for recommendation before approval by the Council.*—The City Council shall take no action authorizing or approving the acquisition of any park, other public ground, space or public building or structure, or authorizing or approving any map, plat, or replat of land lying within the corporate limits or in contiguous territory not more than 1-1/2 miles distant from the limits, or change any provision of the zoning ordinance, accept the dedication of any public street or grounds, or vacate any street until the contemplated action shall have first been submitted to the City Planning Commission for its recommendation. If the Commission shall fail to submit its recommendation within 30 days, the Council may proceed without one.~~

~~—(J) *Submission of ordinances related to improvements.*—The City Clerk shall furnish to each of the officers of the City Planning Commission for the purpose of consideration by the Planning Commission, a copy of all ordinances related to the location of public buildings and to the location of parks or public grounds and to the vacation of any street or other alterations of city streets and highways and to the location of any bridge or tunnel. The Commission may make a report or suggestions in relation thereto if it deems a report necessary or advisable for the consideration of the City Council. The City Clerk shall furnish to each of the officers of the City Planning Commission, for the purpose of consideration by that Commission, a copy of all other ordinances pertinent to the content or effectuation of the official comprehensive plan.~~

~~—(K) *Powers and duties.*—The Monticello Planning Commission shall have the following powers and duties:~~

~~(1) To prepare and recommend to the corporate authorities a comprehensive plan for the present and future development or redevelopment of the city. This plan may be adopted in whole or in separate geographical or functional parts, each of which when adopted shall be the official comprehensive plan, or part thereof, of the city. This plan may include reasonable requirements with reference to streets, alleys, public grounds, and other improvements herein specified. The plan, as recommended by the Planning Commission and as thereafter adopted by the City Council may be applicable, by the terms thereof, to land situated within the corporate limits and contiguous territory not more than 1-1/2 miles beyond the corporate limits of and not included in any other municipality;~~

~~—(2) To recommend changes, from time to time, in the official comprehensive plan;~~

~~(3) To prepare and recommend to the corporate authorities, from time to time, specific improvements in pursuance of the official comprehensive plan; and to issue recommendations concerning such improvement plans as may be proposed by officials of the city or by private~~

~~groups or individuals and to make recommendations to the City Council with regard to the feasibility and propriety of such improvement plans, and the relationship of the projects to the official plan within 60 days, or less, if so designated by the City Council;~~

~~(4) To give aid to the municipal officials charged with the direction of projects for improvements embraced within the official plan to further the making of these improvements and, generally, to promote the realization of the plan;~~

~~—(5) To prepare reports based upon research and study of planning problems of the city;~~

~~—(6) To submit to the City Council recommendations with respect to:~~

~~(a) Each proposed municipal project involving the dedication, opening, widening, extending, and vacating of streets;~~

~~(b) The design, location, placing, erection, and acceptance of public monuments, memorials or statues placed or sought to be placed or erected in any street, public place, or on other public property;~~

~~(c) The general location and layout of all redevelopment and renewal projects in order to determine their conformance to the comprehensive plan of the city;~~

~~(d) The acquisition of land for conservation, park and recreation purposes, monuments, and other public purposes;~~

~~(e) The designation of land suitable for annexation to the city and the recommended zoning classification for the land upon annexation;~~

~~(f) To exercise all powers granted to the Planning Commission by the city zoning ordinance;~~

~~—(g) The acquisition of any space, public building, or structure; and~~

~~(h) The preliminary approval of plats for subdivision or resubdivision of land, and to advise and assist the City Council in final approval, pursuant to the ordinances of the City of Monticello and the statutes of the State of Illinois.~~

~~(7) To arrange and conduct any form of publicity relative to its activities for the general purpose of public information and understanding;~~

~~(8) To cooperate with city and regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area; and~~

(9) ~~To exercise any other powers germane to the powers granted under authority of an act of the General Assembly of the State of Illinois, entitled "Illinois Municipal Code," ILCS Ch. 65, Act 5, as amended, as may be conferred by the city.~~

Section 5. SECTION AMENDED. The following changes are hereby made to Section 32.24 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 32.24 POWERS AND DUTIES.**

The Commission shall have the following powers and duties:

[ . . . ]

(K) To review proposed zoning amendments, applications for special use permits or variances that affect proposed or designated landmarks and historic districts. This review shall be made prior to the date of the hearing by the City Planning and Zoning Board Commission ~~or the Zoning Board of Appeals, as the case may be;~~

[ . . . ]

(O) To testify before all boards and commissions, including the City Planning and Zoning Board Commission ~~and the Zoning Board of Appeals,~~ on any matter affecting historically and architecturally significant properties and landmarks; and

Section 6. SECTION AMENDED. The following changes are hereby made to Section 52.43 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 52.43 APPEALS.**

(A) Any person wishing to appeal a determination made by the Administrator under the provisions of these regulations may do so to the Monticello Planning and Zoning Board of Appeals ~~by following the procedures set forth in Chapter 153, Zoning Regulations.~~ Failure to file the appeal within the required time shall preclude further review.

Section 7. SECTION AMENDED. The following changes are hereby made to Section 150.01 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 150.01 BUILDING CODES.**

(A) *One- and 2-family dwellings.* Chapters 1 through 24, inclusive, of the International Residential Code, 2003 edition, including Appendix Chapters A through H, inclusive, as published by International Code Council, Inc., copies of which are on file in the Municipal Building, 210 N. Hamilton, and which are hereby incorporated herein by reference, be and are hereby adopted as the Residential Code of the City of Monticello, Piatt County, Illinois, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of 1- and 2-family dwellings, and providing for the issuance of permits and collection of fees therefor, subject to the following modifications, to wit:

[ . . . ]

(4) All references in Section R112 to the “Board of Appeals” shall be deemed to refer to the “~~City of Monticello~~ Planning and Zoning Board of Appeals.”

Section 8. SECTION AMENDED. The following changes are hereby made to Section 150.017 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 150.17 COMPREHENSIVE PLAN.**

[ . . . ]

(F) *Compliance.*

[ . . . ]

(2) The subdividing of land within the city, or within 1-1/2 miles of the corporate limits thereof, into 2 or more lots, tracts, or parcels of land, unless otherwise allowed by ILCS Ch. 765, Act. 205, shall be prohibited unless the owner thereof complies with the provisions of the ~~City~~ Planning and Zoning Board Commission and the City Council.

Section 9. SECTION AMENDED. The following changes are hereby made to Section 151.27 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 151.27 VARIANCES.**

(A) Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the Planning and Zoning Board of Appeals for a variance. The ~~Planning and Zoning Board of Appeals~~ shall review the applicant’s request for a variance

and shall submit its recommendation to the City Council. The City Council shall take action upon the request for a variance within a reasonable time. The City Council may attach any conditions to granting of a variance as it deems necessary to further the intent of this chapter.

[...]

(E) Upon application for a variance, a public hearing shall be held by the Planning and Zoning Board of Appeals. No less than 15 days' and no more than 30 days' notice shall be given in a newspaper of general circulation in the city. The Planning and Zoning Board of Appeals shall review the request for a variance and shall submit its advisory opinion on such application to the City Council. The City Council shall fix a reasonable time for the consideration of the variance request. Every decision of the City Council shall be by resolution, each of which shall contain a full record of the findings of the City Council in a particular case. Each resolution shall be filed with the City Clerk.

Section 10. SECTION AMENDED. The following changes are hereby made to Section 152.009 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 152.009 DEFINITIONS.**

[...]

***CITY PLANNER.*** The individual occupying that position on the staff of the City of Monticello, Illinois, or his or her duly authorized representative.

~~***CITY PLANNING COMMISSION.***~~ The public deliberative body set forth in the city ordinance passed by the City Council and approved by the Mayor on July 9, 1973 and on file at the Monticello Municipal Building.

[...]

~~***PLANNING COMMISSION.***~~ See City Planning Commission, as defined herein.

[...]

~~***PLANNING AND ZONING BOARD OF APPEALS.***~~ The Planning and Zoning Board of Appeals of the City of Monticello, Illinois.

Section 11. SECTION AMENDED. The following changes are hereby made to Section 152.020 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 152.020 AMENDMENTS.**

The ~~City Planning and Zoning Board Commission~~ may from time to time recommend to the City Council amendments to these regulations, which shall then be approved or disapproved by the City Council.

Section 12. SECTION AMENDED. The following changes are hereby made to Section 152.021 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 152.021 CONDITIONS.**

In recommending approval to the Monticello City Council of variances, exceptions, or waivers of conditions, the ~~City Planning and Zoning Board of Appeals~~ may recommend such conditions as will, in its judgment, secure substantially the purposes described in § 152.004.

Section 13. SECTION AMENDED. The following changes are hereby made to Section 152.024 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 152.024 WAIVERS.**

[ . . . ]

(B) *Conditions.* In approving waivers, the City Council may require such conditions as will, in its ~~judgement~~judgment, secure substantially the objectives of the standards or requirements of this code.

(C) *Procedures.* A petition for any waiver shall be submitted in writing by the owner at the time when the preliminary plan is filed for the consideration of the Planning and Zoning Board Commission. The petition shall state fully the grounds for the application and all facts relied upon by the petitioner. The Planning and Zoning Board Commission may recommend waivers from the regulations of this code in specific cases which, in the Planning and Zoning Board's Commission's opinion, meet the standards for granting waivers as provided in this section.

Section 14. SECTION AMENDED. The following changes are hereby made to Section 152.040 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 152.040 PRE-APPLICATION CONFERENCE.**

(A) Prior to the submission of a preliminary plan as required by § 152.041 or a planned unit development application pursuant to § 153.078.1, the owner or developer of a proposed subdivision or planned unit development shall prepare a concept plan of the proposed subdivision or planned unit development and attend a regular City Planning and Zoning Board Commission meeting for the purpose of reviewing the concept plan. The City Planning and Zoning Board Commission may invite other individuals or entities as it deems appropriate. The purpose of this pre-application conference is to review the concept plan, which is a preliminary concept and which may, after the pre-application conference, be then refined by the owner or developer into a preliminary plan as required by § 152.041 or a planned unit development application pursuant to § 153.078.1.

[...]

(C) The City Planning and Zoning Board Commission shall advise the owner or developer at the pre-application conference whether the concept plan is consistent with the subdivision principles of planning defined in the *Manual of Practice for the Design of Public Improvements of the City of Monticello* and with the official comprehensive plan, zoning code, this code and other applicable codes of the city in order to assist the owner or developer prior to the preparation of the preliminary plan required by § 152.041 or a planned unit development application pursuant to § 153.078.1. This pre-application conference may be waived by mutual agreement between the staff and the owner or developer.

Section 15. SECTION AMENDED. The following changes are hereby made to Section 152.041 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 152.041 PRELIMINARY PLAN.**

[...]

(C) *Scheduling and notification of public hearing.* Upon receipt of a preliminary plan and required filing fee, the Superintendent of City Services shall schedule and give notice of a legislative public hearing before the Planning and Zoning Board Commission in the manner prescribed by division (F) of this section. The legislative public hearing shall be scheduled not later than at the first regularly scheduled Planning and Zoning Board Commission meeting



occurring more than 15 days after the filing date of the preliminary plan.

(1) The notice shall contain:

(a) The name of the proposed subdivision and its address or commonly known location and legal description;

(b) A statement of what the petition is requesting the City Planning and Zoning Board Commission to make recommendations for approval;

[...]

(2) The Superintendent of City Services on behalf of the Planning and Zoning Board Commission shall notify the owner or developer of the proposed subdivision as to the time and place of the public hearing thereon at least 15 days prior to the date of the hearing.

(D) *Distribution of preliminary plan for review and comment.* The Superintendent of City Services shall route 1 or more copies of the preliminary plan to various city staff members for review and comment. One copy of the plan shall be provided to each member of the Planning and Zoning Board Commission and each member of the City Council, prior to their respective consideration and review of the plan.

(E) *Administrative review and comment.* The Superintendent of City Services shall review the plan and shall submit a written report containing the recommendations to the Planning and Zoning Board Commission for its consideration at the public hearing on the preliminary plan application. The Superintendent of City Services shall review the preliminary plans and send the review comments to the owner or the developer prior to scheduling legislative hearing.

(F) *Legislative public hearing and recommendation.* The Planning and Zoning Board Commission shall conduct a legislative public hearing on the preliminary plan, during which it shall determine the extent to which the plan conforms or fails to conform with the standards of this code and shall, not later than 30 days after the adjournment of the legislative public hearing, transmit its recommendation on the plan to the City Council. The Planning and Zoning Board Commission may recommend approval of a preliminary plan with an approval recommendation conditioned upon the making of 1 or more changes in the proposal, which changes shall be enumerated in the Commission's Board's transmittal to the City Council or may transmit the plan to the City Council without recommendation. When the preliminary plan has been acted upon by the Planning and Zoning Board Commission, the Commission Board shall transmit its recommendation in writing to the City Council as provided hereafter. If the Commission Board recommends approval of the preliminary plan, it shall so indicate on the copy of the plan along with any additional requirements. Conversely, if the Commission Board recommends disapproval of the plan, it shall furnish the applicant a written statement setting forth the reason for the recommendation and specifying with particularity the aspects in which the preliminary plan fails to comply with the requirements of this code or does not comply with the official comprehensive plan. Should the Planning and Zoning Board Commission fail to act within the

30 days from the adjournment of the public hearing, or fail to adjourn the public hearing within 120 days of its commencement, the plan shall be submitted to the Council without recommendation.

(G) *Council approval or rejection of a proposed preliminary plan.*

(1) Within 30 days after receipt of the Planning ~~and Zoning Board Commission~~ recommendation or within 180 days from the filing date of the preliminary plan, whichever occurs first, the City Council shall approve or reject the proposed preliminary plan. Failure of the Council to act within the prescribed time period shall constitute approval of the preliminary plan.

[...]

(H) *Extension of time periods by mutual consent.* Time periods for review by the Planning ~~and Zoning Board Commission~~ or City Council may be extended by mutual consent of the owner or developer and the Planning ~~and Zoning Board Commission~~ or Council. Any such extension shall stay the running of all subsequent time periods.

Section 16. SECTION AMENDED. The following changes are hereby made to Section 152.044 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 152.044 FINAL PLAT SUBMISSION AND REVIEW PROCEDURE.**

[...]

(D) *City Council review and approval or disapproval.* Within 30 days from the submission of a final plat and supporting material, the City Council shall review the final plat to determine the extent to which it conforms with the approved preliminary plan and approved public improvement plans and specifications and shall further review the supporting material to determine its conformance with the requirements of this code. If the final plat substantially conforms with the approved preliminary plan and public improvement plans and specifications and if the supporting material meets all code requirements, then the Council shall approve the final plat by ordinance within 30 days from the date of its review. The Council may approve the plats subject to the subsequent posting of final plat payment, performance and workmanship bond; adjacent substandard roadway improvement guarantee; and related security documents and reserves.

(1) If the final plat does not in some way substantially conform with the approved preliminary plan or if the supporting material does not conform with all code requirements, then the Council, within 30 days from the date of its review, shall take 1 of the following actions:

[...]

(d) Refer the final plat to the Planning and Zoning Board Commission for legislative public hearing, at which time and place the Planning and Zoning Board Commission shall determine the extent to which the final plat conforms or fails to conform with the standards of this code.

(2) The Planning and Zoning Board Commission shall, not later than 30 days after the adjournment of the legislative public hearing, transmit its recommendation on the final plat to the City Council. Within 60 days from the receipt of the Planning and Zoning Board's Commission's recommendation with respect to the final plat, the City Council shall, by ordinance, approve, approve with conditions, or disapprove the plat.

[...]

(F) *Expedited final plat submission, review, and approval for minor subdivision.* Notwithstanding the sequential procedure for subdivision plan submission, review, and approval specified elsewhere in this subchapter, an owner or developer meeting the prerequisites specified in this division may utilize the expedited final plat process described herein:

[...]

(4) *City council review, referral, and approval or disapproval.* Within 30 days from the submission of a final plat under this expedited review and procedure, the City Council shall review the submission to determine the extent to which it conforms with the requirements of this code. If the material meets all code requirements, then the Council shall approve the final plat by ordinance within 30 days from the date of its review. The Council may approve the plats subject to the subsequent payment of fees, posting of a final plat payment, performance and workmanship bond.

(a) Within 30 days from the date of its review, the Council shall take 1 or more of the following actions:

[...]

5. Refer the Final Plat to the Planning and Zoning Board Commission for legislative public hearing, at which time and place the Planning Commission shall determine the extent to which the final plat conforms with the standards of this code.

(b) The Planning and Zoning Board Commission shall, not later than 30 days after the adjournment of the legislative public hearing, transmit its recommendation on the final plat to the City Council. Within 60 days from the receipt of the Planning and Zoning Board Commission recommendation with respect to the final plat, the Council shall, by ordinance, approve or disapprove same.

Section 17. SECTION AMENDED. The following changes are hereby made to Section 153.003 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 153.003 DEFINITIONS.**

[...]

***BED AND BREAKFAST ESTABLISHMENTS.*** An operator-occupied residence providing accommodations for a charge to the public with no more than 5 guest rooms for rent. Breakfast may be provided to the guests only. ***BED AND BREAKFAST ESTABLISHMENTS*** shall not include motels, hotels, boarding houses, or food service establishments.

***BOARD.*** The Planning and Zoning Board of the City of Monticello.

[...]

~~***COMMISSION.*** The Planning Commission of the City of Monticello.~~

Section 18. SECTION AMENDED. The following changes are hereby made to Section 153.015 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 153.015 DESIGNATION OF DISTRICTS.**

[...]

(c) Before the land is used or any building erected or used for any of the above purposes, a preliminary plan and a final plan shall be approved by the City Council for all contiguous property within this district in any 1 location. The review process for the preliminary and final plan shall follow all applicable procedures, standards and requirements of the Zoning, Subdivision and Development Regulations, as determined by the Planning and Zoning Board Commission.

[...]

(e) The Planning and Zoning Board Commission shall review the conformity of the proposed development with the standards of the official city plan and recognized principles of civic design, land use planning, and landscape architecture. The Board Commission may impose conditions regarding the layout, circulation and performance of the proposed development and may require that appropriate deed restrictions be filed enforceable by the city. A plat of

development shall be recorded regardless of whether a subdivision is proposed and the plat shall show building lines, common land, streets, easements and other applicable features required by the chapter of the municipal code regulating the subdivision of land.

[ . . . ]

(g) From time to time, the proponents may make minor changes in the approved final plan so long as such changes have been approved by the planning Commissioner, upon denial of approval by the Planning and Zoning Board Commission, with the approval of the City Council. What constitutes a “minor” change will be determined at the sole discretion of the Planning and Zoning Board Commission. No building or occupancy permits shall be issued for any building or use that is not in accordance with an approved final plan. The final plan may be used as the plan required to obtain an occupancy or building permit, except that it shall also show the use or types of uses to be accommodated in each building or portion thereof in addition to the other requirements of the Zoning, Subdivision or Development Regulations.

Section 19. SECTION AMENDED. The following changes are hereby made to Section 153.017 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 153.017 PRINCIPAL USES PERMITTED IN ZONING DISTRICTS.**

(A) *Designation of uses.* Table I which follows, lists principal uses which are permitted in the districts by right (designated by “X”) or by conditional use (designated by “C”) which may be permitted only after a hearing by the Planning and Zoning Board Commission and a favorable vote by the City Council.

Section 20. SECTION AMENDED. The following changes are hereby made to Section 153.070 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 153.070 BUILDING AND ZONING ADMINISTRATOR.**

[ . . . ]

(C) The Building and Zoning Administrator shall maintain for distribution to the public a supply of copies of the zoning map, the compiled text of the zoning ordinance, and the rules of the Planning and Zoning Board Commission. A fee may be charged to defray the costs of producing or reproducing these copies.

Section 21. SECTION AMENDED. The following changes are hereby made to Section 153.071 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 153.071 PLANNING AND ZONING BOARD OF APPEALS.**

(A) *Creation of the Planning and Zoning Board of Appeals.*

(1) There is hereby created the Planning and Zoning Board of Appeals consisting of 7 members appointed by the Mayor, by and with the consent of the City Council. Upon the adoption of this chapter, the 7 members shall be appointed to serve respectively for the following terms: 1 for 1 year, 1 for 2 years, 1 for 3 years, 1 for 4 years, 1 for 5 years, 1 for 6 years, and 1 for 7 years, the successor to each member so appointed to serve for a term of 5 years.

(2) ~~One of the members so appointed shall be named as chairman at the time of his or her appointment.~~ The amount of compensation to be paid to members, if any, shall be fixed by the City Council. Subject to the approval of the City Council, the Mayor may remove any member for cause and after public hearing. Vacancies shall be filled for the unexpired term of the member whose place has become vacant.

(3) All meetings of the Planning and Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his or her absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. No hearing shall be conducted without a quorum of the Board being present, which shall consist of a majority of all the members. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board shall immediately be filed in the office of the Board and shall be a public record.

(B) *Duties of the Planning and Zoning Board of Appeals.*

(1) The Planning and Zoning Board of Appeals shall hear appeals from and review any order, requirement, decision, or determination made by the Building and Zoning Administrator. In hearing the appeals, the Board is authorized to recommend to the City Council interpretations of the meaning of these regulations in case of ambiguities and to recommend rulings with respect to the application of these regulations.

(2) The Planning and Zoning Board of Appeals is authorized to hear petitions for variances from the strict terms of the zoning regulations where a genuine and unique hardship would result if the zoning regulations were to be strictly applied. The Planning and Zoning Board of Appeals may recommend that the variance be granted only in those instances in which the variance would

be in harmony with the general purpose and intent of these zoning regulations and in accord with general or specific rules written into these regulations.

~~(3) In no case does the Zoning Board of Appeals have the power to make changes in the text itself or in the zoning maps. Amendments can be adopted only by the City Council after public hearing by the Planning Commission as required by state statute.~~

(3) The Planning and Zoning Board shall conduct hearings and make recommendations to the City Council on applications for conditional use permits specifically listed in the district regulations of these regulations.

(4) The Planning and Zoning Board shall conduct hearings on proposed amendments to the zoning regulations and zoning maps.

Section 22. SECTION DELETED. The following changes are hereby made to Section 153.072 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 153.072 PLANNING COMMISSION SECTION LEFT INTENTIONALLY BLANK.**

~~The Planning Commission shall have the following duties and responsibilities with respect to the administration of these zoning regulations:~~

~~(A) The Planning Commission shall conduct hearings and make recommendations to the City Council on applications for conditional use permits specifically listed in the district regulations of these regulations.~~

~~(B) The Planning Commission shall conduct hearings on proposed amendments to the zoning regulations.~~

Section 23. SECTION AMENDED. The following changes are hereby made to Section 153.073 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 153.073 CITY COUNCIL.**

The City Council shall have the following duties and responsibilities with respect to the administration and enforcement of these zoning regulations:

[ . . . ]

(C) No conditional use permit shall be granted by the City Council unless the Planning and Zoning Board Commission shall first have conducted a public hearing on the permit application and shall have transmitted a report of its findings and recommendations to the Council for its consideration.

(D) All variances shall be granted by ordinance. No variance shall be granted unless the Planning and Zoning Board of Appeals has conducted a public hearing on the application for variance in accordance with state statute.

(E) In the event that the Planning and Zoning Board of Appeals fails to recommend that a proposed variance be granted, then the variance may be granted by the City Council only upon the favorable vote of 2/3 of all members of the City Council.

(F) The City Council may from time to time amend by ordinance, the text of these zoning regulations and the official zoning map, but no amendment shall be made without a hearing before the Planning and Zoning Board Commission.

Section 24. SECTION AMENDED. The following changes are hereby made to Section 153.075 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 153.075 APPEALS.**

(A) An appeal may be taken to the Planning and Zoning Board of Zoning Appeals, ~~may be taken~~ by any person, firm or corporation, or by any officer, department, board, or bureau affected by a decision of the Building and Zoning Administrator aggrieved or by any officer or department of the city. The appeal shall be taken within 45 days of the action complained of by filing with the Building and Zoning Administrator from whom the appeal is taken, specifying the grounds therefore. The Building and Zoning Administrator shall forthwith transmit to the Planning and Zoning Board of Appeals all the papers constituting the record upon which the action appealed from is taken.

(B) The appeal stays all proceedings in furtherance of the action appealed from, unless the Building and Zoning Administrator certifies to the Planning and Zoning Board of Appeals, after notice of appeal has been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property.

(C) In this event, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Planning and Zoning Board of Appeals or by a court of record on application and on notice to the Building and Zoning Administrator, and on due cause shown.

(D) The Planning and 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 appeal within a reasonable



time. Upon the hearing, any party may appear in person or by agent or by attorney. The Planning and Zoning Board of Appeals may recommend to the City Council to reverse or affirm, wholly or partly, or to modify the order, requirement, decision, or determination of the Building and Zoning Administrator. A vote of 4 of the Planning and Zoning Board's members is required to recommend reversal of the official's action.

(E) Upon receipt of the recommendations of the Planning and Zoning Board of Appeals, the City Council shall decide the appeal. The City Council may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made, to the end that the City Council has all the powers of the Building and Zoning Administrator.

Section 25. SECTION AMENDED. The following changes are hereby made to Section 153.077 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 153.077 VARIANCES.**

[...]

(B) *Authorization.* After a public hearing before the Planning and Zoning Board of Appeals, the City Council may authorize variances from the terms of these regulations as will not be contrary to the public interest. Variances may be authorized only in those specific instances enumerated in division (E).

(C) *Application for variance.* An application for a variance shall be filed with the city who shall transmit the application immediately to the Chairman of the Planning and Zoning Board of Appeals. The application shall contain the following information:

[...]

(D) *Hearing and notice.* The Planning and Zoning Board of Appeals shall select a reasonable time and place for a hearing and give public notice of the hearing in accordance with § 153.080.

(E) *Standards for variances.* The Planning and Zoning Board of Appeals may recommend to the City Council, the granting of a variance, and the City Council shall grant a variance only when the granting of the variance will be in harmony with the general purposes and intent of these regulations, and will not be injurious to the neighborhood, detrimental to the public welfare or in conflict with the city master plan. In determining whether to recommend or grant the variance, the Planning and Zoning Board of Appeals and City Council shall take into consideration the standards listed below. The Planning and Zoning Board of Appeals may recommend to the City Council, and the City Council may impose such conditions and restrictions upon the location, construction, design, and use of the property benefitted by a

variance as may be necessary or appropriate to comply with the standards listed below and to protect adjacent property and property values:

(1) Whether special circumstances or conditions, such as exceptional narrowness, topography, or location, fully described in the report of the Planning and Zoning Board of Appeals, apply to the land for which a variance is sought, and which conditions do not apply generally in the district;

[ . . . ]

(F) *Decision on variances.* A concurring vote of 4 members of the Planning and Zoning Board of Appeals shall be necessary to recommend that a variance be granted. The recommendations of the Planning and Zoning Board of Appeals shall be in writing and shall contain its finding of fact. Variances shall be granted by the City Council only by ordinance. In the event that the Planning and Zoning Board of Appeals fails to recommend that a proposed variance be granted, then a variance may be granted by the City Council only upon the favorable vote of 2/3 of all the Aldermen on the City Council. The City Council may permit a variance of the parking regulations herein where an applicant demonstrates conclusively that the specific use of a building would make unnecessary the parking spaces required by these regulations; provided, however, that a reduction may not be more than 50% of the usual requirement.

Section 26. SECTION AMENDED. The following changes are hereby made to Section 153.078 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 153.078 CONDITIONAL USE PERMIT.**

(A) *Authorization.* For the purposes of these regulations, the “special use” authorized by statute shall be called the “conditional use”. The location, construction, extension or structural alteration of any use for which a conditional use permit is required pursuant to provisions of these regulations may be authorized by a permit issued by the City Council and following a public hearing by the Planning and Zoning Board Commission and subject to standards as may be set forth in these regulations and subsequent amendments.

[ . . . ]

(C) *Hearing and notice.* The Planning and Zoning Board Commission shall select a reasonable time and place for the hearing and shall give public notice of the hearing in accordance with § 153.080.

(D) *Conditions.* The Planning and Zoning Board Commission may recommend and the City Council may impose conditions or restrictions upon the location, construction, design and operation of a conditional use, including but not limited to provisions for off-street parking

spaces, and the duration of the permit, as they shall respectfully find necessary or appropriate to insure that:

[...]

(E) *Action by City Council.* After receiving the report of the Planning and Zoning Board Commission, the City Council shall review the report and may accept the findings and recommendations of the Planning and Zoning Board Commission in whole or in part, or may reject them in whole or in part, or may refer the matter back to the Planning and Zoning Board Commission for further study. However, in event the Planning and Zoning Board Commission recommends against the issuance of a conditional use permit, then it may be issued only upon the favorable vote of 2/3 of all Aldermen then holding office.

Section 27. SECTION AMENDED. The following changes are hereby made to Section 153.078.1 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 153.078.1 PLANNED UNIT DEVELOPMENTS.**

[...]

(C) *Planned Unit Development Standards.* Planned unit developments shall comply with the following standards:

[...]

(8) Comprehensive Plan. The planned unit development shall comply with the City's Comprehensive Plan, as amended, and advance the following objectives:

[...]

(iv) other objectives as determined by the ~~Commission~~ Planning and Zoning Board or City Council.

[...]

(E) *Procedure.* The following procedures and requirements apply to any request for approval of a planned unit development.

[...]

(2) Preliminary Plat of Planned Unit Development.

[ . . . ]

(ii) Upon review of the applicant's materials and verification that the requirements of this Section have been satisfied, the Building and Zoning Administrator shall transmit the application to the Planning and Zoning Board Commission for review and a public hearing.

(iii) The City Clerk shall cause the notice of public hearing before the Planning and Zoning Board Commission to be published in a newspaper of general circulation in the City at least once before the public hearing.

[ . . . ]

(vi) The public hearing shall be conducted by the Planning and Zoning Board Commission, and a record of such proceedings shall be preserved in such manner as the Planning and Zoning Board Commission shall prescribe from time to time.

(vii) The Planning and Zoning Board Commission shall submit its recommendations on the proposed preliminary plat of planned unit development to the City Council within thirty (30) days of the close of the public hearing.

(viii) After receiving the Planning and Zoning Board's Commission's recommendation, the City Council may, by ordinance, approve, or approve with modifications, the preliminary plat of planned unit development authorizing the planned unit development as a conditional use. If the City Council does not approve a planned unit development, it may deny the planned unit development or refer the planned unit development back to the Planning and Zoning Board Commission for further consideration.

[ . . . ]

(3) Final Plat of Planned Unit Development.

[ . . . ]

(ii) Applications for approval of a final plat of planned unit development shall be filed in writing with the Building and Zoning Administrator and shall comply with § 153.078.1(F). The Building and Zoning Administrator is authorized to recommend approval of a final plat of planned unit development to the City Council without referring the final plat to the ~~Commission~~ Planning and Zoning Board if the Building and Zoning Administrator determines that the final plat is in substantial conformance with the preliminary plat of planned unit development as approved by the City Council. If the Building and Zoning Administrator determines that the final plat is not in substantial conformance to the preliminary plat of planned unit development, the final plat shall be referred to the ~~Commission~~ Planning and Zoning Board for action in accordance with this Chapter.

(iii) Final plats of planned unit development referred to the ~~Commission-Planning and Zoning Board~~ shall be reviewed by the ~~Commission-Planning and Zoning Board~~ for differences between the preliminary and final plat and all other relevant matters, and a record of such proceedings shall be preserved in such a manner as the ~~Commission-Planning and Zoning Board~~ shall prescribe from time to time.

(iv) The ~~Commission-Planning and Zoning Board~~ shall submit its recommendation on the proposed final plat of planned unit development to the City Council within thirty days of the close of the public hearing.

(v) After receiving the ~~Commission's-Planning and Zoning Board's~~ recommendation, the City Council may, by ordinance, approve, or approve with modifications, the proposed final plat of planned unit development authorizing the planned unit development as a conditional use. If the City Council does not approve of a planned unit development, it may deny the planned unit development or refer the planned unit development back to the ~~Commission-Planning and Zoning Board~~ for further consideration. The final plat of planned unit development and supporting documents shall be attached to the ordinance approving the conditional use.

[...]

(G) *Changes to a Planned Unit Development.* Planned unit developments shall be constructed in accordance with the approved final plat of planned unit development and all other submittal requirements identified in § 153.078.1(F). The final plat of planned unit development shall control and limit the use of the planned unit development, including the general internal use of buildings and structures, and the location of buildings and structures. A change to the planned unit development shall be classified as either a (1) major change, (2) minor change, or (3) administrative changes.

[...]

(2) *Minor Change to a Planned Unit Development.* Minor changes to planned unit developments are neither major changes nor administrative changes. Minor changes may be approved by the City Council without ~~Commission-Planning and Zoning Board~~ review and recommendation unless the City Council requests that the ~~Commission-Planning and Zoning Board~~ review the change and offer a recommendation. The City shall consider the following factors to determine if a proposal constitutes a minor change.

[...]

(I) *Criteria for Approval of a Planned Unit Development or Changes to a Planned Unit Development.* The ~~Commission-Planning and Zoning Board~~ shall not recommend approval nor shall the City Council approve a conditional use for a planned unit development or a major or minor change to a planned unit development unless the planned unit development or change complies with all of the following criteria.

Section 28. SECTION AMENDED. The following changes are hereby made to Section 153.079 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 153.079 AMENDMENTS.**

(A) The regulations imposed and the districts created under the authority of these regulations may be amended from time to time by ordinance after the ordinance establishing them has gone into effect, but no amendments shall be made without a hearing before the Planning and Zoning Board Commission.

(B) Amendments are made by ordinance by the City Council. The City Council shall review the report submitted by the Planning and Zoning Board Commission. In case of a written protest is filed with the clerk of the municipality against any proposed amendment of the regulations or districts, and signed and acknowledged as follows: by owners of 20% of the frontage proposed to be altered; by owners of 20% of the frontage immediately adjoining or across an alley therefrom; or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered, the amendment shall not be passed except by a favorable vote of 2/3 of all aldermen then holding office.

(C) The Planning and Zoning Board Commission and the City Council shall consider the proposed amendment on its merits, using the following criteria as a guide:

Section 29. SECTION AMENDED. The following changes are hereby made to Section 153.080 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 153.080 PUBLIC HEARINGS.**

(A) In cases of requests for variances, conditional use permits or amendments to these regulations, the Planning and Zoning Board of Appeals, and in cases of requests for conditional use permits or amendments to these regulations, the Planning Commission shall conduct 1 or more public hearings. The applicant or their authorized representative shall be present at the hearing(s).

[ . . . ]

(D) The Planning and Zoning Board of Appeals shall submit in writing to the City Council a summary of the testimony and its findings of fact received at the public hearing, a record of the Board's vote, and a statement of the Board's recommendations concerning the desired variance.

(E) The Planning ~~and Zoning Board Commission~~ shall submit in writing to the City Council, a report of its findings as to the compliance of the proposed conditional use with standards specified in these regulations and giving its recommendations for action to be taken by the City Council.

(F) The Planning ~~and Zoning Board Commission~~ shall submit in writing to the City Council, a summary of the testimony and findings of fact received at the public hearing, a record of the ~~Commission's~~ Board's vote, and a statement of the ~~Commission's~~ Board's recommendations concerning the proposed amendment.

Section 30. SECTION AMENDED. The following changes are hereby made to Appendix A of Chapter 153 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~striketrough~~ text):

**APPENDIX A: SCHEDULE OF FEES, CHARGES AND EXPENSES**

Subdivision - preliminary plat	\$750
Subdivision - final plat	\$750
Minor subdivision	\$400
Subdivision replat or resubdivision	\$300
Subdivision utility inspection	\$100
Planned Unit Development	\$300
Zoning change	\$300
Conditional use	\$300
Variance <del>-ZBA hearing</del>	\$300
Mobile home park	\$1,000
Sign	\$10

Section 31. SUPERSEDER. That all ordinances, resolutions, motions, or orders in conflict herewith shall be, and the same hereby are, repealed to the extent of such conflict, and this Ordinance shall be in full force and effective immediately upon its passage by the Corporate Authorities and approval as provided by law.

Section 32. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form, in accordance with law and the provisions of the City Code of Ordinances amended herein shall be reprinted with the changes.

Passed by the City Council of the City of Monticello, Piatt County, this \_\_\_\_ day of \_\_\_\_\_, 2014, by the following roll-call vote:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Pamela Harlan, City Clerk  
City of Monticello, Piatt County, Illinois

Approved by the Mayor of the City of Monticello this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Christopher K. Corrie, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Harlan, City Clerk  
City of Monticello, Piatt County, Illinois



CITY OF MONTICELLO  
PIATT COUNTY, ILLINOIS

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ORDINANCE NO. 2014-\_\_\_\_

“AN ORDINANCE AMENDING CHAPTER 153  
OF THE CITY OF MONTICELLO CODE OF ORDINANCES  
TO ESTABLISH REGULATIONS FOR MEDICAL CANNABIS FACILITIES”

---

ADOPTED BY THE

CITY COUNCIL

CITY OF MONTICELLO

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

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Published in pamphlet form by authority of the City Council of the City of Monticello, Piatt County, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**CITY OF MONTICELLO  
PIATT COUNTY, ILLINOIS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 153  
OF THE CITY OF MONTICELLO CODE OF ORDINANCES  
TO ESTABLISH REGULATIONS FOR MEDICAL CANNABIS FACILITIES**

WHEREAS, the City of Monticello (“City”) is an Illinois non-home rule municipality organized and operating under the Illinois Municipal Code (“Code”); and

WHEREAS, on January 1, 2014, Illinois’ Medical Cannabis Pilot Program Act (the “Act”) became effective, authorizing the cultivation and dispensing of medical cannabis for use in treating specific serious diseases, ailments and conditions; and

WHEREAS, the Act authorizes municipalities to regulate medical cannabis cultivation centers and dispensaries in certain ways, including determining where they may locate; and

WHEREAS, several entities have expressed interest in establishing medical cannabis facilities in the City; and

WHEREAS, the City wishes to exercise its authority under the Act by adopting zoning regulations governing the location of medical cannabis facilities; and

WHEREAS, notice having been published in the Piatt County Journal-Republican on \_\_\_\_\_, 2014, on \_\_\_\_\_, 2014, the City of Monticello Planning Commission conducted a public hearing and recommended approval of the proposed amendments to the Code of Ordinances establishing regulations for medical cannabis facilities; and

WHEREAS, regulating medical cannabis facilities promotes the public health, safety and welfare by limiting where facilities may locate only to those zoning districts that allow compatible uses; and

WHEREAS, the Mayor and City Council wish to amend the City of Monticello Code of Ordinances in accordance with the Planning Commission's recommendation;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Monticello, Piatt County, Illinois, as follows:

Section 1. RECITALS. The foregoing recitals are incorporated as though fully set forth herein.

Section 2. SECTION AMENDED. The following changes are hereby made to Section 153.003 of the City of Monticello Code of Ordinances (additions underlined and deleted language noted with ~~strikethrough~~ text):

**§ 153.003 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

[ . . . ]

***MANUFACTURED HOUSING.*** A broad term referring to both mobile homes and modular homes, as defined herein, and excluding motor homes, travel trailers, campers, and tents.

***MEDICAL CANNABIS CULTIVATION CENTER.*** A facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act, as amended, and § 153.041, as amended.

***MEDICAL CANNABIS DISPENSING ORGANIZATION.*** A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis paraphernalia, or related supplies and educational materials to registered qualifying patients in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act, as amended, and § 153.041, as amended.

Section 3. SECTION AMENDED. The following changes are hereby made to Section 153.017 of the City of Monticello Code of Ordinances (additions underlined):

**§ 153.017 PRINCIPAL USES PERMITTED IN ZONING DISTRICTS.**

[ . . . ]

<b>Table I - Principal Uses by Zoning District</b>									
<b>X = Permitted by Right    C = Permitted by Conditional Use</b>									
	<i>Zoning Districts</i>								
<i>Principal Use</i>	<i>B</i>	<i>I-C</i>	<i>I-1</i>	<i>RC</i>	<i>RD</i>	<i>RE-1</i>	<i>RM</i>	<i>RS</i>	<i>RU</i>
[ . . . ]									
<i>Manufacturing (not otherwise designated)</i>		<u>C</u>	<u>C</u>						
<i>Medical cannabis cultivation center</i>		<u>C</u>	<u>C</u>	<u>C</u>					<u>C</u>
<i>Medical cannabis dispensing organization</i>		<u>C</u>	<u>C</u>						

Section 4. NEW SECTION CREATED. The following new Section of the City of Monticello Code of Ordinances – Section 153.041 – is hereby created (additions underlined):

**§ 153.041 MEDICAL CANNABIS REGULATIONS**

All medical cannabis cultivation centers and medical cannabis dispensing organizations shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (the “Act”), including, without limitation, the Act’s administrative rules, as amended. No medical cannabis cultivation center may locate within 2,500 feet of a property line of a pre-existing school, day care facility, or residentially zoned property. No medical cannabis dispensing organization may locate within 1,000 feet of a property line of a pre-existing school or daycare, in a home, apartment, condominium or area zoned for residential use, or in an office space with a physician.

Section 5. SUPERSEDER. All ordinances, resolutions, motions, or orders in conflict herewith shall be, and the same hereby are, repealed to the extent of such conflict.

Section 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form, in accordance with law, and the provisions of the City of Monticello Code of Ordinances amended herein shall be reprinted with the changes.

Passed by the City Council of the City of Monticello, Piatt County, this \_\_\_\_ day of \_\_\_\_\_, 2014, by the following roll-call vote:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Pamela Harlan, City Clerk  
City of Monticello, Piatt County, Illinois

Approved by the Mayor of the City of Monticello this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Christopher K. Corrie, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Harlan, City Clerk  
City of Monticello, Piatt County, Illinois

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