

ARTICLE 11

PLANNING AND ZONING ADMINISTRATOR

Section 11-1 PURPOSE

The office of the Planning and Zoning Administrator of this municipality is hereby established. The Planning and Zoning Administrator, hereafter referred to as Administrator, shall be the executive head of this office. With the consent of the City Manager, the Administrator may appoint other employees as he deems necessary to carry out the duties of his office.

Section 11-2 DUTIES

The Administrator is hereby authorized and directed to administer and enforce the provisions of this ordinance. This broad responsibility encompasses, but is not limited to, the following specific duties:

- A) The interpretation of this ordinance and the boundaries of the zoning districts established by this ordinance. It shall be the responsibility of the Administrator to determine the permissibility of a proposed use and to issue the required documentation of that use. An Initial Certificate of Zoning Compliance must be issued whenever requested, while a Final Certificate of Zoning Compliance must be issued for all non-residential uses; (Ord. 97-14)
- B) To inspect land, structures, and uses to determine compliance with this ordinance, and where there are violations, to initiate appropriate corrective action;
- C) To review and forward to the Board of Zoning Appeals all applications for variances, appeals, and Special Use Permits and other required information;
- D) To maintain up-to-date records of this ordinance including but not limited to District maps, Initial and Final Certifications of Zoning Compliance, Special Use Permits, Temporary Use Permits, Signage plans, variances, interpretative decisions of the Board of Zoning Appeals, amendments, and all applications related to any of these matters;
- E) To periodically review the provisions of this ordinance to determine whether revisions are needed, and to make recommendations on these matters to the Planning Commission at least once each year;
- F) To annually publish any revisions of this ordinance (including the District Map) and any amendments thereto;
- G) To provide information to the general public on matters related to this ordinance;
- H) To perform such other duties as the City Council may from time-to-time prescribe.

Section 11-3 INITIAL CERTIFICATES OF ZONING COMPLIANCE

Upon the effective date of this ordinance, any person wishing to confirm the permitted use of a property may request an Initial Certificate of Zoning Compliance from the Administrator. If the proposed use is compatible with the intended use of the district in question, the Administrator will issue the certificate. If the proposed use is not compatible, the Administrator will issue a letter explaining why it is not a compatible use to the person requesting the certificate. Any use receiving an initial certificate of compliance is required to receive a Final Certificate of Zoning Compliance, as stipulated in this Article. The issuance of an Initial Certificate of Zoning Compliance does not guarantee the issuance of a Final Certificate of Zoning Compliance. The issuance of an initial certificate of compliance indicates that the proposed use complies with the Zoning Ordinance. It does not exempt any development from any other applicable requirements, such as parking, building setbacks, and so forth.

All requests for an initial certificate shall contain the following information:

- A) Name and address of the applicant;
- B) Name and address of the owner or operator of the proposed structure or use, if different from (A);
- C) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- D) Location of the proposed use or structure in relation to existing adjacent uses or structures;
- E) Area and dimensions of the site for the proposed structure or use.

Section 11-4 FINAL CERTIFICATE OF ZONING COMPLIANCE

All non-residential uses shall be required to obtain a Final Certificate of Zoning Compliance prior to being occupied or put into operation. The Administrator shall not issue a final certificate until he has inspected the property and confirms that the use complies with the intentions of the ordinance. Failure to obtain a Final Certificate of Zoning Compliance shall constitute a violation of this ordinance. Any alteration of the use without prior notification of the Administrator shall make the Final Certificate null and void.

Section 11-5 CORRECTIVE ACTION ORDERS

Whenever the Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon, is in violation of this ordinance, he shall so notify the responsible party, and shall order appropriate corrective action.

11-5.1 Contents of Order:

The order to take corrective action shall be in writing and shall include:

- A) A description of the premises sufficient for identification;
- B) A statement indicating the nature of the violation;
- C) A statement of the remedial action necessary to effect compliance;
- D) The date by which the violation must be corrected;
- E) A statement that the alleged violator is entitled to a conference with the Administrator if he so desires;
- F) The date by which an appeal of the Corrective Action Order must be filed, and a statement of the procedure for so filing;
- G) A statement that failure to obey a Corrective Action Order shall result in revocation of the Final Certificate of Zoning Compliance and may result in the imposition of fines or other actions.

11-5.2 Service of Order:

A Corrective Action Order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

- A) Served upon him personally;
- B) Sent by registered mail to his last known address;
- C) Posted in a conspicuous place on/or about the affected premises.

11-5.3 Stop Orders

Whenever any work is being done in violation of the Zoning Ordinance, the Administrator's Corrective Action Order may state that the violation must cease immediately. In such cases, the Corrective Action Order is equivalent to a Stop Order.

Section 11-6 EMERGENCY MEASURES

Notwithstanding any other provisions of this ordinance, whenever the Administrator determines that any violation of this ordinance poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

Section 11-7 COMPLAINTS

Whenever any violation of this ordinance occurs, or is alleged to have occurred, any person may file a written or verbal complaint with the Administrator. The Administrator shall record such complaints, immediately investigate, and if necessary, institute appropriate corrective action.

Section 11-8 SCHEDULE OF FEES

The Administrator shall be responsible for assisting citizens in meeting the requirements of this ordinance. This shall include assisting citizens through the process of requesting variances, special use permits, and other required processes. The Administrator shall be responsible for collecting all required fees, as determined by the following fee schedule:

Initial Certificate of Zoning Compliance	No fee
Final Certificate of Zoning Compliance	No fee
Appeal	\$250
Variance Request	\$250
Special Use Permit Request	\$250
Temporary Use Permit Request	\$300
Amendment to Zoning Ordinance	\$300

(Am. Ord. 08-07, passed 3-3-08; Am. Ord. 20-04, passed 2-3-2020)

These fees may be adjusted at any time by the City Council. The fee schedule shown here only indicates the fees charged at the time this ordinance was adopted. Any changes made by the City Council regarding these fees may not be reflected in this Zoning Ordinance. A listing of the current fees are available at the City Clerk's office.

ARTICLE 12

MATTERS ENTRUSTED TO THE ZONING BOARD OF APPEALS

Section 12-1 ESTABLISHMENT OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals of this municipality is hereby established in accordance with Illinois law.

Section 12-2 MEMBERSHIP, APPOINTMENT, COMPENSATION

The Board of Zoning Appeals shall consist of seven member, all of whom shall reside within this municipality. Each Board member shall be appointed by the Mayor with the advice and consent of the City Council. The Chairman of the Board shall be designated by the Mayor annually during the month of May, with the consent of the City Council. The Chairman is appointed for a term of one year. All members of the Board shall serve without compensation.

Section 12-3 TERM OF OFFICE, VACANCIES

Each Board member shall hold office for five years from the date of his appointment, and until his successor has been selected and qualified. With the advice and consent of the City Council, the Mayor may remove any member of the Board of Zoning Appeals for cause, after a public hearing. Vacancies on the Board shall be filled for the un-expired term of the member whose place has become vacant in the same manner as provided for the appointment of new members.

Section 12-4 AUTHORITY AND DUTIES

The Board of Zoning Appeals shall have all the authority and duties prescribed by law and by this ordinance including the following:

- A) Upon request, the Board shall decide any question involving the interpretation of any provision or term of this ordinance, including the determination of the exact location of any district boundary when there is uncertainty with respect thereof;
- B) Hear and determine appeals from persons affected by an order, requirement, decision or determination made by the Administrator;
- C) Hear and decide all matters referred to it, or upon which it is required to pass under this ordinance;
- D) Hear and pass judgment upon applications for variations;
- E) Hold public hearings, and approve or disapprove each application for a special use received in compliance with the provisions of this ordinance.

All decisions rendered by the Board does not exonerate the applicant from the building codes, requirements, and standards currently or hereafter adopted by this municipality. If the application is denied, the applicant shall not again apply for a permit for substantially the same proposal unless there has occurred a substantial change of circumstances, and in such case, only

with the Administrator's consent first obtained. If there has been no substantial change, the Board shall not hear the same request for one year after the date of the original denial.

Section 12-5 MEETINGS, QUORUM, VOTING

All meetings of the Board shall be held at the call of the chairman and at such times as the Board may determine. All Board meetings shall be open to the public. The Board may adopt their own rules of meeting procedures consistent with the ordinance and applicable Illinois Statutes. The Board may select such officers as they deem necessary. The Chairman, or in his absence the Chairman Pro-tem, may administer oaths and compel the attendance of witnesses. Four members of the Board shall constitute a quorum, and the affirmative vote of at least four members shall be necessary to authorize any Board action.

Section 12-6 RECORDS

The Board shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order, or decision of the Board shall be filed immediately in the City Clerk's office, and shall be a public record.

Section 12-7 APPEALS

Any person aggrieved by any decision or order of the Administrator, or any matter related to the interpretation or enforcement of any provision of this ordinance may appeal to the Board of Zoning Appeals. Applications for an appeal are available at the City Clerk's office. Every such appeal shall be made and treated in accordance with Illinois law and the provisions of this Article.

12-7.1 Filing, Record Transmittal

Every appeal shall be made within forty-five days of the matter complained of by filing with the Administrator and the Board a written notice specifying the grounds for appeal.

12-7.2 Stay of Further Proceedings

An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Board, after Notice of Appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Board or the Circuit Court grants a restraining order for due causes, and so notified the Administrator.

12-7.3 Public Hearing, Notice

The Board shall hold a public hearing on every appeal within a reasonable time after the filing of the appealed notice. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and briefly describing the issue to be decided shall be given not more than thirty nor less than fifteen days before the hearing. Notice of the hearing shall be given:

- A) By first-class mail to all parties directly affected by the appeal, including all property owners within 250 feet of the property in question;

B) By publication in a newspaper of general circulation with this municipality.

12-7.4 Decision by Board of Zoning Appeals

The Board shall render a decision on the appeal within a reasonable time after the hearing. The Board may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from to the extent that in the manner that they deem appropriate. In so doing, the Board has all the power of the Administrator.

Section 12-8 SPECIAL USE PERMITS

12-8.1 Purpose

The purpose for the formulation of a comprehensive zoning ordinance is to encourage the development of similar and compatible uses in the same area. For this reason, this ordinance divides the city into various districts, and allows in each district only those uses which are clearly compatible with each other. It is recognized that there are some uses that, because of their potential influence upon neighboring uses or public facilities, need to be carefully regulated with respect to location or operation for the protection of the community. These uses are referred to as "Special Uses," and are only allowed by permission of the Board of Zoning Appeals. Special Uses can be classified into three categories:

- A) Uses operated by publicly regulated utilities, or uses traditionally affected by public interest, such as electrical substation, telephone exchange stations, etc;
- B) Uses entirely private in character which, on account of their peculiar locational need, the nature of the service they offer to the public, or their possible damaging influence on the neighborhood, cannot reasonably be allowed as an unrestricted permitted use under the zoning regulation.

12-8.2 Application for Special Use

An application for a special use shall be filed with the Administrator upon such form and accompanied by such information as shall be established from time to time by the Board of Zoning Appeals. Upon receiving an application for a Special Use, a public hearing shall be scheduled for the Board to gather input regarding the proposed use. Special use shall be authorized by a special use permit granted by the Board in the same manner as a variance, with a finding of fact prepared and filed thereon. The Board shall render a decision on the request for a "Special Use Permit" within a reasonable time after the hearing.

12-8.3 Requirements for Authorization

No special use shall be granted by the Board unless the special use:

- A) Is necessary for the public convenience at that location, or in the case of existing nonconforming uses, a special use permit will make the use more compatible with its surroundings;

- B) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
- C) Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located;
- D) Will conform to and preserve the essential character of the district in which it is located;
- E) The proposed special use is designated by this ordinance as a special use in the district in which the property in question is located;
- F) The proposed special use will comply with all applicable regulations in the district in which the property in question is located.

12-8.4 Conditions and stipulations

The Board may provide such conditions or restrictions upon the construction, location, and operation of special use as may be deemed necessary to secure the general objectives of this ordinance, and to reduce injury to the value of property in the neighborhood. These conditions may include, but are not limited to: provisions for the protection of adjacent property, the expiration of such special use after a specific period of time, off-street parking and loading, and other types of requirements.

12-8.5 Public Hearing Notice

The Board of Zoning Appeals shall follow the process for public hearings as outlined in Section 12-7.3.

Section 12-9 VARIANCES

A variance is a relaxation of the requirements of this ordinance that are applicable to a particular lot, structure, or use. A so-called “use-variance” (which would allow a use that is neither permitted nor special in the district in question) is not a variance. It is to be considered an amendment, and may be granted only as provided for in Article 13.

12-9.1 Authorization

In order that the spirit of this Zoning Ordinance may be observed and substantial justice done, the Board shall, upon application or appeal, determine and vary the terms thereof by making a finding of fact that, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

12-9.2 Standards for Variances

The Board shall not grant any variances unless, based upon the evidence present to them, they determine that:

- A) The property in question cannot yield a reasonable rate of return if permitted to be used only under the conditions allowed by the regulations for the district in which it is

located. A reasonable rate of return is defined as a substantial hardship, as opposed to a mere inconvenience or loss of revenue;

B) The plight of the owner is due to unique circumstances;

C) The variance, if granted, will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood;

D) The proposed variance complies with the spirit and intent of the restrictions imposed by this ordinance.

A variance will only be permitted if the evidence, in the judgment of the Board, fulfills each of the conditions listed above.

12-9.3 Imposition of Conditions and Restrictions

The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to prevent injurious effects therefrom upon other property in the neighborhood, and better to carry out the general intent of this ordinance.

12-9.4 Application

Every application for a variance shall be filed with the Administrator on a prescribed form. The Administrator shall promptly transmit said application, together with any advice he might wish to offer, to the Board. The application shall contain sufficient information to allow the Board to make an informed decision, and shall include at a minimum the following:

A) Name and address of the applicant;

B) Location of the structure/use for which the variance is sought;

C) Relationship of said structure/use to existing structures/uses on adjacent lots;

D) Specific Sections of this ordinance containing the regulations which, if strictly applied, would cause a serious problem;

E) Any other pertinent information that the Administrator may require.

12-9.5 Public Hearing Notice

The Board shall hold a public hearing on each variance request as outlined in Section 12-7.3.

12-9.6 Terms of Relief, Findings of Fact

The Board shall render a decision on every variance request within a reasonable time after the public hearing. In accordance with State law, the Board shall specify the terms of relief granted

(if any) in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Board's reasons for granting or denying any requested variance.

Section 12-10 EXPIRATION, REVOCATION OF APPEAL, VARIANCE, SPECIAL USE

The Board may revoke an appeal determination, variance, or special use permit issued under this Article if:

A) The proposal for which an appeal determination, variance, or special use has been issued is not carried out pursuant to the Board's approved final site plan;

B) If any condition, stipulation, or requirement included in the determination, variance, or special use permit is not complied with. The Board may, however, allow modifications of the final plan, if the modification is in conformity with the original intentions of the Board;

C) A determination, variance or special use permit issued under this article shall expire if the proposal authorized by the Board is not completed within the applicant's development schedule as included in the application and permit. Any determination, variance, or special use permit that is granted but not acted upon shall expire six months from the date granted unless prior notification and sufficient reason has been given to the Administrator.

ARTICLE 13

MATTERS ENTRUSTED TO THE PLANNING COMMISSION

Section 13-1 PLANNING COMMISSION ESTABLISHED

The Planning Commission of this municipality is hereby established in accordance with Illinois law.

Section 13-2 MEMBERSHIP, APPOINTMENT, COMPENSATION

The Commission shall consist of thirteen members, all of whom shall reside within the jurisdiction of this municipality. Each Commission member shall be appointed by the Mayor with the advice and consent of the City Council. The Chairman of the Commission shall be designated by the Mayor annually during the month of May, with the consent of the City Council. All members of the Commission shall serve without compensation.

Section 13-3 TERM OF OFFICE, VACANCIES

Each Commission member shall hold office for five years from the date of his appointment, and until his successor has been selected and qualified. With the advice and consent of the City Council, the Mayor may remove any member of the Planning Commission for cause, after a Public Hearing. Vacancies on the Commission shall be filled for the un-expired term of the member whose place has become vacant in the same manner for the appointment of new members.

Section 13-4 AUTHORITY AND DUTIES

The Commission shall have all the authority and duties prescribed by law and by this ordinance including the following:

- A) Prepare and recommend to the City Council a Comprehensive Plan;
- B) Prepare and recommend to the City Council plans for specific improvements in pursuant of the Comprehensive Plan. Such plans for improvements shall be prepared at the request of the City Council;
- C) Hold Public Hearings and submit to City Council a report and recommendations on each proposed annexation, Planned Unit Development, subdivision and kennel;
- D) To exercise such other powers and duties germane to Illinois Compile Statutes 1992, Chapter 65, Article 5/11, as conferred by the City Council.

Section 13-5 MEETINGS, QUORUM

All meetings of the Commission shall be held at the call of the Chairman and at such times as the Commission may determine. All Commission meetings shall be open to the public. The Commission may adopt their own rules of meeting procedures consistent with this ordinance and the Illinois Compiled. The Commission may select such officers as they deem necessary. The Chairman, or in his absence the Chairman Pro-tem, may administer oaths and compel the attendance of witnesses. A quorum shall consist of one-half plus one of the appointed members of the Commission, and the affirmative vote of at least a majority of members present shall be necessary to authorize any Commission action.

Section 13-6 RECORDS

The Commission shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote of each member on each question, and any official action taken. A copy of every rule, order, or decision of the Commission shall be filed immediately in the Commission's records and shall be a public record. These records are available to the public through the City Clerk's office.

Section 13-7 AMENDMENTS

The City Council may amend this ordinance in accordance with State law and the provisions of this section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the City Council, the Administrator, the Board of Zoning Appeals, the Planning Commission, or any party in interest.

13-7.1 Filing

Every proposal to amend this ordinance shall be filed with the Administrator on a prescribed form. The Administrator shall promptly transmit said proposal, together with any comments or recommendations he may wish to make, to the Planning Commission for a public hearing.

13-7.2 Public Hearing Notice

The Commission shall hold a Public Hearing on every amendment proposal within a reasonable time after said proposal has been submitted. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of hearing, and the nature of the proposed amendment shall be given not more than thirty nor less than fifteen days before the hearing. The notice shall be given by:

- A) First-class mail to all parties directly affected by the amendment, including all property owners located within 250 feet of the proposed changes;
- B) Publication in a newspaper of general circulation with this municipality.

13-7.3 Advisory Report, Finding of Fact

Within a reasonable time after the public hearing, the Commission shall submit their advisory report to the City Council. The report shall state the Commission's recommendations regarding adoption of the proposed amendment, and their reasons therefore. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Commission shall include in their Advisory Report findings of fact concerning each of the following matters:

- A) Existing use(s) and zoning of the property in question;
- B) Existing use(s) and zoning of other lots in the vicinity of the property in question;
- C) Suitability of the property in question for uses already permitted under existing regulations;
- D) Suitability of the property in question for the proposed use;
- E) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last rezoned;
- F) The effect the proposed rezoning would have on implementation of this municipality's Comprehensive Plan.

No rehearing shall be held on a recommendation to deny a proposal for a period of twelve months following the date of such denial or recommendation to deny. A proposal may be reconsidered at the discretion of the Zoning Administration for those projects that have been previously denied or recommended for denial that have significantly changed, altered, or provide new information. (Am. Ord. 01-3, passed 1-2-01)

13-7.4 Action by the City Council

The City Council shall act on every proposed amendment at their next regularly scheduled meeting following submission of the Planning Commission's advisory report. Without further public hearing, the City Council may pass or reject any proposed amendment or may refer it back to the Planning Commission for further consideration by a simple majority vote.

Exception: The favorable vote of at least two-thirds of all the members of the City Council is required to pass an amendment to this ordinance when the proposed amendment is opposed, in writing, by the owners of twenty percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent of the frontage directly opposite the frontage proposed to be altered. Such written opposition shall be filed with the City Clerk's office. A copy of the written protest shall be served by the protesters on the applicant by certified mail.