

SECTION 12

ADMINISTRATION AND ENFORCEMENT

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12.0 ORGANIZATION. The administration of this ordinance is vested in three offices or agencies of the village government, as follows:

- 12.01 The office of the Building and Zoning Commissioner.
- 12.02 The Plan Commission and/or Zoning Board of Appeals.
- 12.03 The Village Board of Trustees.

12.1 OFFICE OF THE BUILDING AND ZONING COMMISSIONER. The Building and Zoning Commissioner and his authorized organizational personnel, shall administer and enforce this ordinance, and, in addition thereto and in furtherance of said authority, shall:

1. Issue all zoning certificates, and make and maintain records thereof.
2. Issue all certificates of occupancy, and make and maintain records thereof.
3. Conduct inspections of buildings, structures and land to determine compliance with this ordinance, and notify in writing the person responsible for any violation found, indicating the nature of the violation and ordering the action necessary to correct it.

4. Order the discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by statute or by this ordinance to ensure compliance with or to prevent violation of its provisions.
5. Prepare and cause to be published, on or before March 31 of each year, a map showing the existing zoning uses, divisions, restrictions, regulations and classifications in effect on the preceding December 31.
6. Maintain permanent and current records of this ordinance, including, but not limited to, all maps, amendments, special use permits, planned unit developments, variations, appeals and applications therefor.
7. Provide and maintain a source of public information relative to all matters arising out of this ordinance.
8. Receive, file and forward to the Plan Commission all applications for special use permits, for planned unit development approvals and for amendments to this ordinance.
9. Receive, file and forward to the Zoning Board of Appeals all applications for appeals, variations and other matters on which the Board is required to pass under this ordinance.
10. Initiate, direct and review, from time to time, a study of the provisions of this ordinance and make recommendations to the Plan Commission as such study requires.
11. Keep the Board of Trustees advised of zoning activities.
12. Decide or make recommendations on all matters under this ordinance upon which the Building and Zoning Commissioner is required to act.

12.2 PLAN COMMISSION AND/OR ZONING BOARD OF APPEALS. The Plan Commission and the Zoning Board of Appeals shall be one and the same body. This dual body shall carry out the responsibilities delegated to either the Plan Commission or the Zoning Board of Appeals by this ordinance.

12.21 Zoning Board of Appeals.

1. Creation and membership. A Zoning Board of Appeals is hereby authorized to be established. The Board shall consist of seven members appointed by the Village President and subject to confirmation by the Village Board. The present members of said Board shall serve until the expiration of their current terms. The successor to each member so appointed shall serve for a term of five years, expiring June 30 of the fifth year, and until his successor has been duly appointed and qualified. One of the members of the Board shall be designated by the Village President as Chairman of the Board, and shall hold his said office as Chairman until his successor is appointed and qualified. The said Chairman may appoint a secretary of the Board, who shall keep the minutes and maintain the records of the Board. The Village President shall have the power to remove any member of the Board for cause upon written charges and after a public hearing. Vacancies upon the Board shall be filled for the unexpired term of the member whose place has become vacant in the manner herein provided for the appointment of such members. The members of the Board shall serve without salary.
2. Jurisdiction. The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:
  - a. To hear, consider and recommend to the Village Board appeals in which it is alleged that there is error in any order, requirement, decision, interpretation or determination (all hereinafter referred to collectively as "decision") made by the Building and Zoning Commissioner under this ordinance, in the manner and

subject to the standards set out in section 12.27 of this ordinance.

- b. To hear, consider and recommend to the Village Board applications for variations from the terms of this ordinance in the manner prescribed by and subject to the standards set out in section 12.26 of this ordinance.
  - c. To hear, consider and recommend to the Village Board matters dealing with the granting of special use permits.
  - d. To hear, consider and recommend to the Village Board matters dealing with screening requirements of this ordinance.
  - e. To hear, consider and recommend to the Village Board all other matters referred to it or upon which it is required to pass under this ordinance.
3. Meetings and rules. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as the Board may determine. All hearings conducted by said Board shall be open to the public. Any person may appear and testify at a hearing either in person or by duly authorized agent or attorney. All testimony shall be given under oath. The Chairman, or in his absence, the acting Chairman, shall administer oaths and may compel the attendance of witnesses. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall be filed immediately in the office of the Building and Zoning Commissioner and shall be a public record. The Board shall adopt its own rules and procedures, not in conflict with this ordinance or with the applicable statutes, and may select

or appoint such officers as it deems necessary.

4. Finality of actions and determinations of Zoning Board of Appeals. All findings and recommendations of the Zoning Board of Appeals, after a hearing, shall, in all instances, be advisory in nature, and shall be subject to final consideration, evaluation, determination and approval by the Village Board of Trustees.

#### 12.22 PLAN COMMISSION.

1. Creation and membership. A Plan Commission is hereby authorized to be established. The creation, membership, staffing and organization shall be in accord with the provisions of the statutes of the State of Illinois. The Plan Commission shall be of the same membership and of the same creation as the Zoning Board of Appeals.
2. Jurisdiction. The Plan Commission is hereby vested with the following jurisdiction and authority:
  - a. To hear, consider and recommend to the Village Board matters dealing with the amendments to this ordinance.
  - b. To hear, consider and recommend to the Village Board matters dealing with the granting of special use permits.
  - c. To hear, consider and recommend to the Village Board matters dealing with the granting of planned unit developments.
  - d. To consider and recommend to the Village Board upon all matters which it is required to act upon under the terms of this ordinance.
  - e. To prepare and recommend to the corporate authorities a comprehensive plan for the present and future development or redevelopment of the municipality.

- f. To recommend, subject to final consideration, evaluation and approval by the Village Board of Trustees, reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements.
- g. To recommend, subject to final consideration, evaluation and approval by the Village Board of Trustees, reasonable requirements governing the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment.
- h. To designate, subject to final consideration, evaluation and approval of the Village Board of Trustees, land suitable for annexation to the municipality and to recommend zoning classifications for such land upon annexation.
- i. To recommend changes, from time to time, in the official comprehensive plan.
- j. To prepare and recommend to the corporate authorities, from time to time, plans for specific improvements in pursuance of the official comprehensive plan.
- k. 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 projects and, generally, to promote the realization of the official comprehensive plan.
- l. To initiate, study and make recommendations regarding matters dealing with the planning of the community.

m. To initiate, direct and review, from time to time, studies of the provisions of this ordinance, and to make recommendations to the Village Board regarding any changes to the ordinance.

3. Meetings and rules. All meetings of the Plan Commission shall be held at the call of the Chairman, and at such times as the Plan Commission may determine. All hearings conducted by said Plan Commission under this ordinance shall be in accordance with Illinois statutes. In all proceedings of the Plan Commission provided for in this ordinance, the Chairman, and in his absence, the Acting Chairman, shall have the power to administer oaths. All testimony by witnesses at any hearing provided for in this ordinance shall be given under oath. The Plan Commission shall keep minutes of its proceedings, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every amendment and special use, and every recommendation, order, requirement, decision or determination of the Plan Commission under this ordinance shall be filed in the office of the Building and Zoning Commissioner and shall be a public record. The Plan Commission shall adopt its own rules and procedures, not in conflict with this ordinance or with applicable Illinois statutes.

12.3 VILLAGE BOARD OF TRUSTEES. The Village Board of Trustees shall establish the standards, procedures and content of this ordinance and shall reserve certain matters of final decision to itself and delegate certain other matters to other individuals or agencies. Decisions of the Village Board shall be subject to judicial review as the law may provide.

12.31 Jurisdiction.

1. To decide amendments to this ordinance after public hearing and report by the Plan Commission.
2. To decide on special use permits after public hearing and report by the Plan Commission.

3. To decide on planned unit developments after public hearing and report by the Plan Commission.
4. To make appointments to the Zoning Board of Appeals and Plan Commission.
5. To decide all other matters required by this ordinance.

#### 12.4 ZONING CERTIFICATES.

12.41 Certificate required. No building or structure shall be erected, constructed, reconstructed, enlarged, moved or structurally altered, nor shall any excavation or grading for any building or structure be done, without a building permit. No building permit, and no other permit pertaining to the use of land, buildings, or structures, shall be issued by any employee of the village unless the proposed building or structure and the proposed use thereof comply with all the provisions of this ordinance, nor shall any such permit be issued unless the application for such permit has affixed to it or stamped thereon a certificate of the Building and Zoning Commissioner certifying such compliance. Any permit or zoning certificate issued in conflict with the provisions of this ordinance shall be void.

12.42 Application. Every application for a building permit shall also be deemed an application for a zoning certificate, shall be made in duplicate in such form as the Building and Zoning Commissioner may from time to time provide, and shall include:

1. Plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of buildings and structures already existing, if any; the location and dimensions of the proposed building or alteration, the location and dimensions of all proposed off-street parking and loading spaces and accessways thereto; and such other matters as the Building and Zoning Commissioner may deem necessary to determine conformance with this ordinance.



2. Information describing the existing and proposed use of each building and land area on the lot; the number of families or dwelling units proposed to be accommodated; and such other matters as the Building and Zoning Commissioner may deem necessary to determine conformance with this ordinance.
3. A certificate of a registered architect or a registered structural engineer licensed by the State of Illinois, or, if no architect or engineer was employed, affidavits of the owner and builder that the proposed construction and the proposed use thereof comply with all the provisions of this ordinance, or stating the extent of non-compliance. Where the use requires compliance with manufacturing performance standards herein set forth, the certification of a professional engineer, licensed in the State of Illinois and having an expertise in such standards, shall be required.

12.43 Action by Building and Zoning Commissioner. Within fifteen (15) days after the receipt of an application for a zoning certificate, the Building and Zoning Commissioner shall issue the certificate, provided all applicable provisions of this ordinance are complied with, or the Building and Zoning Commissioner shall refuse to issue a zoning certificate and shall advise the applicant in writing of the reasons for the refusal. If the Building and Zoning Commissioner fails to act within fifteen (15) days, the applicant may then file with the Building and Zoning Commissioner a written demand that action be taken immediately. If the Building and Zoning Commissioner fails to act within three (3) days after receipt of said written demand, the applicant may treat the application as denied and may appeal from such denial to the Zoning Board of Appeals in the manner and subject to the standards of section 12.27 of this ordinance.

12.44 Period of validity. No building permit shall be valid for a period longer than one hundred eighty (180) days from the date of its issuance unless the work authorized by it is substantially under way by the end of said period.

**12.5 CERTIFICATE OF OCCUPANCY.**

- 12.51** Certificate required. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the Building and Zoning Commissioner. No such certificate shall be issued unless the proposed use or occupancy complies with all the provisions of this ordinance. Any certificate of occupancy issued in conflict with the provisions of this ordinance shall be void.
- 12.52** Application. Every application for a building permit shall also be deemed an application for a certificate of occupancy. Where no building permit is required, an application for a certificate of occupancy shall be made to the Building and Zoning Commissioner in such form as he may, from time to time, provide.
- 12.53** Issuance. No certificate of occupancy for a building, structure or portion thereof, constructed after the effective date of this ordinance, shall be issued until construction has been completed and the premises inspected and certified to be in conformity with the plans and specifications upon which the zoning certificate was based. Pending issuance of a regular certificate, a temporary certificate may be issued, to be valid for a period not to exceed six (6) months from its date, during the completion of any addition or during partial occupancy of the premises. A certificate of occupancy shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than fifteen (15) days after the Building and Zoning Commissioner is notified in writing that the building or premises is ready for occupancy.
- 12.54** Period of validity. No certificate of occupancy shall be valid for a period longer than ninety (90) days from the date of its issuance unless the use or occupancy authorized by it shall have been established within such period.

**12.6 VARIATIONS.**

**12.61 Authority.** In specific cases in which there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this ordinance, the Zoning Board of Appeals shall have the power and duty to determine and vary the applications of such regulations, in harmony with their general purpose and intent, but only in accordance with the requirements hereinafter set forth.

**12.62 Application and notice of hearing.** An application for a variation shall be filed in duplicate with the Village Clerk, who shall forward a copy of the application to the Zoning Board of Appeals without delay. The application shall be in such form, contain such information and be accompanied by such plans as the Board may by rule require. The Board shall hold a public hearing on such application not more than sixty (60) days after its filing.

1. Notice of the time and place of such public hearing shall be published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper of general circulation in the village. The published notice may be supplemented by such additional form of notice as the Board may provide by rule.
2. The applicant shall give notice to the persons to whom the current real estate tax bills are sent, as shown on the record of the local real estate tax collector, and to all persons residing on or in possession of portions of the premises whose names are listed on mailboxes, bells or signs on the same premises of all lots lying within one hundred fifty feet (150') of the property lines of the lot for which the variation is sought.

All such notices shall be in writing and shall give the number of the appeals as assigned, the place and purpose of such hearing and the date and time, if known, shall be given not more than thirty (30) days nor less than fifteen (15) days in advance of such hearing.

The notice shall be delivered personally or it may be sent by certified or registered mail, properly addressed with sufficient postage affixed thereon, with a return receipt requested. The applicant shall file a sworn affidavit containing a complete list of the names and last known addresses of the owners of the properties required to be served, the method of service, and the names and addresses of the persons so served with copies of the notice. The affidavit shall be filed with the Chairman of the Zoning Board of Appeals and shall be a presumption of the giving of said notices.

#### 12.63 Standards.

1. The Zoning Board of Appeals shall not vary the provisions of this ordinance as authorized in this section unless it shall have made findings based upon the evidence presented to it in the following cases:
  - a. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;
  - b. That the plight of the owner is due to unique circumstances; or,
  - c. That the variation, if granted, will not alter the essential character of the locality.
2. A variation shall be permitted only if the evidence, in the judgment of the Zoning Board of Appeals, sustains each of the three conditions enumerated above.
3. For the purpose of supplementing the above standards, the Zoning Board of Appeals, in making this determination whenever there are practical difficulties or particular hardship, shall also take into consideration the extent to which the following facts, favorable to the

applicant, have been established by the evidence.

- a. That the particular physical surroundings, shape or topographical conditions of the specific property involved will bring a particular hardship upon the owners as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
  - b. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;
  - c. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
  - d. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
  - e. That the granting of the variation will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located; or,
  - f. That the proposed variation will not impair an adequate supply of light and air to adjacent property; or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.
4. The Zoning Board of Appeals may require each condition and restriction upon the premises benefitted by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this ordinance.

12.64 Authorized variations. Variations from the regulations of this ordinance shall be recommended by the Zoning Board of Appeals only in accordance with the standards set out in this section, and may be recommended only in the following instances, and in no others:

1. To permit any yard or setback less than a yard or a setback required by the applicable regulations.
2. To permit the use of a lot or lots of record on the effective date of this ordinance for a use otherwise prohibited solely because of insufficient area or width of the lot or lots.
3. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
4. To reduce the applicable off-street parking or loading facilities required.
5. To increase the maximum distance that required parking spaces are permitted to be located from the use served.
6. To increase the gross area of a sign.
7. To increase the required maximum height of any structure or portion thereof.
8. To permit a floor area ratio in excess of that permitted by the applicable requirements.
9. To increase the percentage of lot area which may be occupied by buildings and structures, including accessory buildings.

12.65 Effective period. After recommendation by the Zoning Board of Appeals, the Village Board of Trustees may grant a variation, but no order of the Village Board of Trustees granting a variation shall be valid for a period longer than one hundred eighty (180) days from the date of such order

unless a building permit is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period. The Zoning Board of Appeals may recommend, and upon such recommendation, the Board of Trustees may grant, one extension of this period, valid for no more than one hundred eighty (180) additional days, upon written application, and good cause shown, without notice or hearing. If any of the benefits conferred by any variation, whether heretofore or hereafter granted, are abandoned, or are not utilized for any continuous period of one year, said variation shall, to the extent of such abandonment or non-utilization, become void.

- 12.66 Decisions. Not more than sixty (60) days after the close of the public hearing, the Zoning Board of Appeals shall make its findings of fact and its recommendation, in writing, and shall forthwith transmit a copy thereof to the applicant, and copies to the Village Board of Trustees for its final approval and decision. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to recommend a variation.

## 12.7 APPEALS.

- 12.71 Authority. The Zoning Board of Appeals shall hear appeals from an administrative order, requirement or determination under this ordinance, and in connection therewith, shall make findings of fact and recommendations to the Village Board of Trustees. Final determinations and final decisions on appeals shall be made by said Board of Trustees.

- 12.72 Scope of appeals. An appeal, in which it is alleged that there is error in any decision made by the Building and Zoning Commissioner under this ordinance, may be taken to the Board by any person or governmental agency aggrieved by such decision or by any department, officer, board or bureau of the village. Such an appeal shall be taken, within such time as shall be prescribed by the Board by rule, by filing with the Village Clerk a notice of appeal in such form as the Board may provide by rule. The Building and Zoning Commissioner shall, without delay, forward to the Board a copy of the notice of appeal, together with all of the papers

constituting the record upon which the decision appealed from was made.

- 12.73 Stay of proceedings. An appeal shall stay all proceedings in furtherance of the decision appealed unless the Building and Zoning Commissioner certifies to the Board, after the notice of the appeal has been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed unless by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the Building and Zoning Commissioner and on due cause shown.
- 12.74 Hearing. The Board shall select a reasonable time and place for the hearing of the appeal and give notice thereof to the parties, including the appellant, the Building and Zoning Commissioner and any other affected party who has requested in writing that he be so notified.
- 12.75 Decisions. The Zoning Board of Appeals shall make its findings of fact and its recommendation on the appeal within a reasonable time, but in no event more than sixty (60) days after the filing of the notice of appeal, and shall promptly forward a copy of said findings of fact and recommendation to the parties, and copies to the Village Board of Trustees for its final approval and decision. The Zoning Board may affirm or may, upon the concurring vote of four (4) members, reverse, wholly or in part, or modify, the decision of the Building and Zoning Commissioner, as in its opinion ought to be done, and to that end shall have all the powers of the Building and Zoning Commissioner. All findings and recommendations, after hearing of the Zoning Board of Appeals on appeals from an administrative order, requirement, decision or determination of the Building and Zoning Commissioner, shall, in all instances, be advisory in nature, and shall be subject to review, determination and final decision by the Board of Trustees.



## 12.8 SPECIAL USE PERMITS.

12.81 This ordinance is based upon the division of the village into districts, within which the uses of land, and the uses and bulk of buildings and structures, are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, can only be properly classified in any particular district or districts upon consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two categories:

1. Uses publicly operated or traditionally affected with a public interest.
2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property, public facilities or the village as a whole.

12.82 Authority. Special use permits may be granted by the Village Board, but only in accordance with the requirements hereinafter set forth.

12.83 Application and notice of hearing. An application for a special use permit shall be filed in triplicate with the Village Clerk, who shall forward a copy of the application to the Zoning Board of Appeals without delay. The application shall be in such form, contain such information and be accompanied by such plans as the Zoning Board of Appeals may by rule require. The Zoning Board of Appeals shall hold a public hearing on such application not more than sixty (60) days after its filing. Notice of the time and place of such hearing shall be published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper of general circulation in the village. The published notice may be supplemented by such additional form of notice as the Board may provide by rule.

12.84 Report. Within sixty (60) days after the close of the hearing, unless the applicant shall have cor

sented to a longer period, the Zoning Board of Appeals shall transmit to the Village Board a written report giving its findings and recommendations for action to be taken by the Village Board on the application. The report shall include any recommended conditions or restrictions to be imposed upon the premises benefitted by the special use permit.

12.85 standards. No special use permit may be granted unless:

1. The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
2. The proposed use will comply with all applicable regulations in the district in which the use is to be located.
3. The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
4. The location, nature and height of buildings, walls and fences, and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
5. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining uses, and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
6. The proposed use will not cause substantial injury to the value of other property in the neighborhood.

7. Conditions in the area have substantially changed, and at least one year has elapsed since any denial by the Village Board of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
8. Any special use creating or increasing the danger or risk of fire or explosion shall be granted only after the Village Board has received an opinion regarding the proposed special use from the Chief of the Fire Department.

The Village Board shall impose such conditions and restrictions upon the premises benefitted by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

12.86 Effective period. No special use permit shall be valid for a period longer than one hundred eighty (180) days from the date it is granted unless a building permit or certificate of occupancy is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period. The Village Board may grant one extension of this period, valid for no more than one hundred eighty (180) additional days, upon written application and good cause shown, without notice or hearing. If any special use is abandoned, or is discontinued for a continuous period of one year, the special use permit for such use shall become void, and such use shall not thereafter be re-established unless a new special use permit is obtained.

12.87 Decisions. The Village Board, upon report of the Zoning Board of Appeals and without further public hearing, may grant or deny any proposed special use in accordance with applicable statutes of the State of Illinois, or may refer it back to the Zoning Board of Appeals for further consideration.

12.88 Planned unit development. A planned unit development shall be granted as a special use. The standards, requirements and procedures granted shall be in accord with section 11 of this ordinance.

12.9 AMENDMENTS.

12.91 Authority. The regulations and districts established by this ordinance may be amended, from time to time, by the Village Board through the enactment of an amending ordinance. No such amendment shall be made without a public hearing before the Plan Commission and after a report of findings and recommendations has been submitted to the Village Board by the Plan Commission.

12.92 Initiation. Amendments may be proposed by the Board of Trustees, Plan Commission and by any other person, firm or corporation having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, an option to purchase or any exclusive possessory interest which is specifically enforceable on the land which is described in the application for an amendment.

Applications for amendments shall include a drawing of the property proposed for rezoning showing the dimensions of the property and also showing all streets, alleys and other properties within one hundred fifty feet (150') of the property proposed for rezoning.

12.93 Processing. The process for obtaining an amendment shall be as follows:

1. An application for an amendment shall be filed with the Village Clerk, and thereafter entered into the records of the first meeting thereafter of the Village Board.
2. A copy of such application shall thereafter be forwarded by the Village Clerk to the Plan Commission with a request to hold a public hearing and submit to the Village Board a report of its findings and recommendations.

3. The Plan Commission shall hold a public hearing within sixty (60) days after receiving the application from the Village Board.
  - a. Notice of the time and place of such hearing shall be published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper of general circulation in the village.
  - b. The applicant shall give notice to the persons to whom the current real estate tax bills are sent, as shown on the record of the local real estate tax collector, and to all persons residing on or in possession of the premises whose names are listed on mail boxes, bells or signs on the said premises, of all lots lying within one hundred fifty feet (150') of the property lines of the lot for which the amendment is sought.

All such notices shall be in writing and shall give the number, if any, assigned to the application, the place and purpose of such hearing and the date and time, if known, shall be given not more than thirty (30) days nor less than fifteen (15) days in advance of such hearing. The notices shall be delivered personally or may be sent by certified or registered mail, properly addressed, with sufficient postage affixed thereon, with return receipt requested. The applicant shall file a sworn affidavit with copies of the notices with the Village Clerk, showing the names and addresses of the persons to whom the notices have been sent. Said affidavit shall be a presumption of the giving of said notices.

4. The Plan Commission shall, within sixty (60) days after the hearing, transmit a written report giving its findings and recommendations to the Village Board.

- 12.94 Decisions. The Village Board, upon report of the Plan Commission and without further public hearing, may grant or deny any proposed amendment in accordance with applicable Illinois statutes, or may refer it back to the Plan Commission for further consideration.

If no action is taken by the Village Board within six (6) months after the report of the Plan Commission, the application shall be deemed to have been denied and shall not thereafter be granted.

In case a written protest against any proposed amendment, signed and acknowledged by owners of twenty per cent (20%) of the frontage proposed to be altered, or by the owners of twenty per cent (20%) of the frontage immediately adjoining, or by owners of twenty per cent (20%) of the frontage directly opposite the frontage to be altered, is filed with the Village Clerk, the amendment cannot be passed except on the favorable vote of two-thirds (2/3) of all members of the Village Board.

#### 12.10 TEMPORARY PERMITS.

- 12.101 Authority. The Building and Zoning Commissioner is authorized by this ordinance to issue a "temporary permit" for uses specifically authorized in particular zoning districts as temporary permit uses.
- 12.102 Application. An application for a "temporary permit" shall be made to the Building and Zoning Commissioner in writing on a form provided by the village. The Building and Zoning Commissioner shall issue a permit only after he is satisfied that the use allowed by the "temporary permit" will not adversely affect the public health, safety or general welfare of the village and/or immediate neighborhood.
- 12.103 Hearing. The Building and Zoning Commissioner may, if he so desires, hold a public hearing on the request for a "temporary permit," or may contact the property owners affected by the proposed use regarding their opinion of the use.
- 12.104 Conditions. The Building and Zoning Commissioner may require that certain conditions relating to the

public health, safety or general welfare be complied with before the issuance of a "temporary permit."

12.105 Decisions. The Building and Zoning Commissioner shall render a written decision on the application for a "temporary permit" within a reasonable time and promptly forward a copy of the decision to the petitioner. Appeals from the decision of the Building and Zoning Commissioner can be made to the Zoning Board of Appeals.

12.11 FEES. The Village Board shall establish a schedule of fees, charges and expenses required for building permits, zoning certificates, certificates of occupancy, variations, special use permits, temporary use permits, amendments, planned unit development approvals and other matters pertaining to this ordinance.

Until all such required fees have been paid, no application for any of the above shall be deemed to have been filed, and no action shall be taken on such application.

All fees shall be paid to the Village Clerk and none shall, in any event, be refunded.

12.12 PENALTIES. Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists enforcement of any provision of this ordinance, shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. Each day a violation is permitted to exist after notification thereof shall constitute a separate offense.

The owner or tenant of any building, structure or land, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violation.