

ARTICLE 9  
ADMINISTRATION AND PROCESSING

- 9.1 Organization
- 9.2 Zoning Official
- 9.3 Reserved
- 9.4 Reserved
- 9.5 Village Board
- 9.6 Zoning Certificate
- 9.7 Reserved
- 9.8 Certificate of Continued Occupancy of Nonconforming Uses
- 9.9 Notice Requirements for Appeals, Variations, Amendments and Special Use Permits
- 9.10 Appeals
- 9.11 Variations
- 9.12 Amendments
- 9.13 Special Uses
- 9.14 Time Limitations
- 9.15 Fees
- 9.16 Enforcement and Penalties

9.1 ORGANIZATION:

A. Administration -- The administration of this Zoning Code is hereby vested in the following:

- (1) Zoning Official.
- (2) Planning and Zoning Commission ("Commission").
- (3) Plan Review Committee.
- (4) Village Board.

B. Scope of this Article -- This Article outlines the authority of each of the administrative officers, elected officials and appointed commissioners identified above, and describes the procedures and substantive standards with respect to the following administrative functions:

- (1) Issuance of Zoning Certificates.
- (2) Appeals.
- (3) Variations.
- (4) Amendments.
- (5) Special Uses.
- (6) Planned Developments.
- (7) Fees.
- (8) Enforcement and Penalties.

9.2 ZONING OFFICIAL -- The Zoning Official, or such individual that has been, or shall be duly appointed by the Village Board, shall be in charge of the administration and enforcement of this Zoning Code, and shall perform, or see to the performance of the following duties:

- A. Issue all zoning certificates, and make and maintain records thereof.
- B. Issue all certificates of occupancy, and make and maintain records thereof.
- C. Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Zoning Code.
- D. Maintain permanent and current records of this Zoning Code including, but not limited to, all maps, amendments, special uses, planned developments, variances, appeals, applications, and records of hearings.
- E. Receive, file and forward for action, all appeals and applications for appeals, variations, amendments, special uses, and planned developments.
- F. Provide clerical and technical assistance that may be required by the Commission in the exercise of its duties.
- G. Initiate, at least every other year, a study of the provisions of this Zoning Code and make reports of recommendations for change to the Commission.
- H. Inform the Village Board of all violations of this Zoning Code and all other matters requiring prosecution or legal action.
- I. Discharge such other duties as may be required by this Article.

9.3 Reserved

9.4 Reserved

9.5 VILLAGE BOARD -- The Village Board is the elected legislative authority of the Village and has reserved to itself the final authority on subdivisions, special uses, planned developments, amendments, and variations, to be exercised pursuant to its legislative discretion.

9.6 ZONING CERTIFICATE:

- A. No permit pertaining to the use of land or buildings shall be issued until the Zoning Official certifies in such permit that the application, with accompanying plans and specifications, conforms to:
  - (1) All regulations of the Zoning Code, as may be modified by exceptions granted by the Village Board.
  - (2) Conditions of approval which may have been required by the Village Board.
- B. When a permit is not required by the Village's Building Code for an improvement or use, but the use or improvement requires conformance with the regulations of the Zoning Code, an application for a zoning certificate shall be filed with the Zoning Official.

- C. All applications for zoning certificates shall be accompanied by:
- (1) Two copies of the current plat of the parcel of land, lot, lots, block or blocks, or parts or portions thereof which constitute the proposed zoning lot, drawn to scale showing the actual dimensions and monuments, as certified by a registered Illinois land surveyor, as a true copy of the piece, or parcel, lot, lots, block or blocks, or portions thereof, according to the registered or recorded plat of such land.
  - (2) Two copies of additional drawings, drawn to scale in such form as may be prescribed by the Zoning Official, showing the:
    - (a) Proposed zoning lot.
    - (b) Building footprint.
    - (c) Height of the building or structure.
    - (d) Building lines, in relation to lot lines.
    - (e) Proposed use for building, structure or land.
    - (f) Other information required to determine compliance with the Zoning Code including signage provisions.
- D. The Zoning Official may waive all or any portion of the requirements in paragraphs (1) and (2) above, where it is determined that the information is not necessary because of existing evidence in Village records.
- E. An application for a zoning certificate shall be issued only when the application shows conformance with the regulations of this Zoning Code, as may be modified by approvals or conditions granted by the Village Board.
- F. Any permit or certificate issued under the provisions of this Zoning Code may be revoked whenever there has been any false statement, misrepresentation or omission of a material fact in the application, plat, plans, drawings or other information on which the permit or approval was based.

9.7 Reserved

9.8 CERTIFICATE FOR CONTINUED OCCUPANCY OF NONCONFORMING USES:

- A. Certificates for the continued occupancy of nonconforming uses existing on the effective date hereof, or made nonconforming by this Zoning Code, shall state that the use is a nonconforming one, and does not conform with the provisions of this Zoning Code.
- B. The Zoning Official shall notify the owners of the property being used as a nonconforming use, and shall furnish said owner with a certificate of occupancy for such nonconforming use.

9.9 NOTICE REQUIREMENTS FOR APPEALS, VARIATIONS, AMENDMENTS AND SPECIAL USE PERMITS *Amended, Ord. 443*

- A. Publication of Notice -- No public hearing before Commission on any appeal, or request or petition for variation, amendment, planned development or special use shall be held unless the notice of time and place of the hearing is published at least once, in one or more newspapers with a general circulation within the Village.
  - (1) The notice shall be prepared by the petitioner, and submitted to the Zoning Official not less than 30 days before the scheduled hearing.
  - (2) Once received, the Zoning Official shall cause said notice to be published not more than 30 nor less than 15 days before the hearing.
  
- B. Notice to Adjacent Owners:
  - (1) Each petition or application for an appeal, variation, amendment, planned development, or special use shall include a list of all owners, as disclosed by the records of the McHenry County Recorder of Deeds or the tax records maintained by the McHenry County Clerk, of all property within 250 feet of the parcel, exclusive of road rights-of-way.
  - (2) The applicant or petitioner shall cause notice of the public hearing to be mailed to property owners at the addresses identified on the list, not less than 15 days before the hearing. The mailing shall be by certified mail, return receipt requested. Return receipts shall be submitted to the Zoning Official no later than the date of the public hearing.
  
- C. Content of Notice -- The notice of public hearing shall include at least the following information:
  - (1) The address and/or location of the property for which the appeal, variation, amendment, planned development or special use is requested.
  - (2) A brief statement of the nature of the request.
  - (3) Existing zoning classification.
  - (4) Proposed zoning, if applicable.
  - (5) Requested exceptions from applicable regulations of the Zoning Code, if applicable.
  - (6) The name and address of the legal and beneficial owner of the property for which the variation is requested.
  - (7) A legal description of the subject property.
  
- D. Posting:

- (1) Each petitioner or applicant shall post and maintain for a period of not less than 15 days prior to the hearing, a notice which identifies the time, place and purpose of the hearing:
  - (a) The notice shall be placed on a placard, and installed not less than 15 feet, nor no more than 20 feet from the front lot line, and not less than four feet above, and not more than six feet above the ground, and placed in such a manner as to be visible from the street.
  - (b) The copy “NOTICE OF PUBLIC HEARING” shall also be affixed to the placard, at a size that is large enough to be read by a motorist.
- (2) The jurisdiction of the Commission to hold public hearings shall not be affected by the absence of a posted notice, if such absence is not the result of the applicant’s or petitioner’s act or omission.

E. Continuation of Public Hearings -- The Commission shall hold at least one public hearing on the proposed variation, amendment, planned development, or special use. However, public hearings may be continued by the Commission, from time to time, without further notices being published.

#### 9.10 APPEALS:

- A. Authority -- The Commission shall hear and decide upon all appeals from administrative decisions or actions related to this Zoning Code, pursuant to procedures set forth herein.
- B. Initiation:
  - (1) An appeal from a final order, requirement, decision or determination to issue, not to issue, revoke, rescind or extend a permit or certificate requiring compliance with the provisions of this Zoning Code may be taken to the Commission by any person aggrieved, or by any officer or department of the Village.
  - (2) Such an appeal shall be taken within 45 days after the decision complained of, by filing with the Zoning Official, and with the Commission, a written notice of appeal specifying the grounds thereof.
  - (3) The Zoning Official shall transmit to the Commission all papers related to the decision which led to the appeal.
- C. Notice of Appeal:
  - (1) The Notice of Appeal shall, at a minimum, contain the following information:

- (a) Name, address and phone number of the individual filing the appeal.
  - (b) Location of the property involved in the decision which has occasioned the complaint.
  - (c) Identification of the section or provision of the Zoning Code that is in dispute.
  - (d) Written decision of the Zoning Official, or the reason given by said officer, in support of the decision from which the appeal is taken.
  - (e) Description of the proposed use of the property, including a plat, survey or site plan.
  - (f) Brief narrative argument and summary of the factual evidence upon which the appeal is based.
- (2) An appeal shall stay all proceedings related to the action on which the appeal is based, including, but not limited to, plan review, processing of permits, or construction, unless it is demonstrated to the Zoning Official or the Commission that a stay would cause imminent peril to life and/or property.

D. Hearing:

- (1) The Zoning Official shall transmit the application of the appeal to the Commission, who shall hold a public hearing at such time and place as shall be established by the Commission, after due notice is provided.
- (2) The hearing shall be conducted, and a record of such proceedings shall be preserved, in such a manner as the Commission shall prescribe.
- (3) Notice requirements for public hearings on appeals are set forth in Section 9.9 herein.

E. Decision -- The Commission shall reach its decision within a reasonable period of time after the conclusion of the hearing of the appeal:

- (1) The Commission may affirm or may reverse, wholly or in part, or may modify the order, requirement, decision, or determination as, in its opinion, ought to be made in the matter.
- (2) Records of all actions of the Commission, relative to appeals, shall be maintained by the Village.
- (3) The decision of the Commission shall be a final administrative decision, based on the evidence presented at the hearing of the appeal. A concurring

vote of four shall be required for reversal of or modification of the order, requirement, decision or determination of the Zoning Official.

9.11 VARIATIONS:

- A. Authority -- The Village Board shall decide variations from the provisions of this Zoning Code that are in harmony with its general purpose and intent, and shall vary them only in the specific instances where the Commission has made a finding of fact based on the standards hereinafter prescribed that there are practical difficulties or particular hardships in the way of carrying out the strict letter of any regulation of this Zoning Code.
- B. Initiation -- An application for a variation may be made by any individual, office, department, board, bureau or commission requesting or intending to request application for a building permit, zoning certificate, or occupancy certificate.
- C. Processing -- An application for a variation shall be filed with the Zoning Official, who shall forward such application to the Commission for processing in accordance with applicable statutes of the State of Illinois and provisions of this Zoning Code. The application shall be accompanied by:
  - (1) The name, address and phone number of the applicant.
  - (2) The legal description, common address and permanent index number of the property to be benefitted by the variation.
  - (3) Identification of the provisions of this Zoning Code, from which the variation is sought.
  - (4) A description of the proposed use and/or variation, including a dimensioned site plan or plat, unless specifically waived by the Zoning Official. The Commission may, however, overrule such waiver and require the submission of a dimensioned site plan before making their findings and recommendations.
  - (5) A brief summary of the factual evidence upon which the applicant will rely to show that the standards for variation will be met.
- D. Hearing:
  - (1) The Zoning Official shall transmit the application to the Commission , who shall hold a public hearing at such time and place as shall be established by the Commission , after due notice is provided.
  - (2) The hearing shall be conducted, and a record of such proceedings shall be preserved, in such a manner as the Commission shall prescribe.
  - (3) Notice requirements for public hearings on variations are set forth in Section 9.9 herein.

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E. Standards: The Commission shall not recommend, and the Village Board shall not vary, the provisions of this Zoning Code, unless it shall find that the:

- (1) The particular surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.
- (2) The conditions upon which the petition for a variation are based are unique to the property for which the variation is sought and are not applicable, generally to the other property with the same zoning classification.
- (3) The purpose of the variation is not based exclusively upon a desire to increase the monetary gain realized from the property or to alleviate financial difficulty experienced by the petitioner in the attempt to comply with the provisions of this Zoning Code.
- (4) The alleged difficulty or hardship is caused by the application of this Zoning Code and has not been created by any person presently having an interest in the property.
- (5) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- (6) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values with the adjacent neighborhood.
- (7) The granting of the variation requested will not confer on the applicant any special privilege that is denied by the Zoning Code to other lands, structures or buildings of the same district.
- (8) That the variation is the minimum variation necessary to make possible the reasonable use of the land, building or structure.

F. Decisions:

- (1) Within 45 days after the close of the hearing on a proposed variation, the Commission shall prepare a written statement of findings of fact and recommendations, and shall submit this statement to the Village Board. The findings of fact shall specify the reason or reasons for recommending approval, approval with conditions, or denial of the proposed variation.

- (2) The Commission is not required to recommend for approval the full variation requested. The Commission may recommend, and the Village Board may approve, a variation of less extent than that contained in the request.
- (3) The Commission may recommend, and the Village Board may require, such conditions and restrictions upon the premises benefitted by a variation as may be necessary in their opinion to comply with the standards set forth in this section, to reduce or minimize injurious effect of such variation upon other property in the neighborhood and/or to implement the general purpose and intent of this Zoning Code.
- (4) A concurring vote of a majority of those members present at the meeting, with a minimum of four concurring votes, shall be required to recommend granting an application for variation.
- (5) The decision of the Village Board shall be final, and subject to judicial review only in accordance with applicable State statutes.
- (6) No variation shall be granted, except by ordinance duly passed and approved by the President and Village Board, after public hearing and written findings of fact and recommendation from the Commission. The terms of relief granted shall be specifically set forth in the ordinance.

#### 9.12 AMENDMENTS:

##### A. Purpose:

- (1) Amendments to the text or map of the Zoning Code may be granted to:
  - (a) Promote the public health, safety, morals, comfort, and general welfare of the Village.
  - (b) Conserve the value of property throughout the Village.
  - (c) Lessen or avoid congestion in the public streets and highways.
- (2) Amendments shall be classified as follows:
  - (a) Text amendments, which are amendments to the text of this Zoning Code.
  - (b) Map amendments, which are amendments to the Zoning Map, adopted pursuant to this Zoning Code.

- ##### B. Authority --
- The Village Board may, after receiving a recommendation from the Commission in the manner hereinafter set forth, approve, approve with conditions, or deny a text or a map amendment, pursuant to the procedures set forth herein.

- C. Initiation -- Amendments may be proposed by the Village Board, Commission or any property owner or interested person or organization.
- D. Processing -- A petition or application for an amendment shall be filed with the Zoning Official, and shall include at least the following information:
  - (1) Text Amendments:
    - (a) Name, address and telephone number of the petitioner or applicant.
    - (b) The proposed text amendment.
    - (c) A statement of how the proposed amendment relates to the Comprehensive Land Use Plan, as may be amended from time to time, or otherwise promotes the public health, safety and general welfare of the Village.
  - (2) Map Amendments:
    - (a) Name, address and telephone number of the petitioner or applicant.
    - (b) The proposed map amendment, including:
      - (i) Legal description of the property to be affected.
      - (ii) Common address and permanent index number.
      - (iii) Identification of existing zoning.
      - (iv) Identification of proposed zoning.
      - (v) Existing use of the property.
      - (vi) Proposed use of the property.
      - (vii) Location map showing property lines, streets, and such other items as the Zoning Official may require.
      - (viii) A written statement of how the proposed amendment:
        - Relates to the Comprehensive Land Use Plan.
        - Promotes the public health, safety and general welfare.
        - Fulfills the standards set forth in item Section 9.12-F herein.
- E. Hearing:

- (1) The Zoning Official shall transmit the application to the Commission, who shall hold a public hearing at such time and place as shall be established by the Commission , after due notice is provided.
- (2) The hearing shall be conducted, and a record of such proceedings shall be preserved, in such a manner as the Commission shall prescribe.
- (3) Notice requirements for public hearings on amendments are set forth in Section 9.9 herein.

F. Standards -- The Commission shall not recommend, nor the Village Board grant, an amendment to alter the zoning district boundary lines, unless it shall determine, based upon the evidence presented to the Commission , that:

- (1) The amendment promotes the public health, safety, comfort, convenience and general welfare of the Village, and complies with the policies and Comprehensive Land Use Plan and other official plans of the Village.
- (2) The amendment is consistent with the existing uses and zoning of nearby property.
- (3) The extent to which property values are diminished by the particular zoning restrictions of the existing zoning classification.
- (4) The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification.
- (5) The relative gain to the public compared to the hardship imposed upon the individual property owner.
- (6) The length of time the property has been vacant as zoned considered in the context of land development in the vicinity.
- (7) The community's need for the propose use.
- (8) The amendment, if granted, will not alter the essential character of the neighborhood, and will not be a substantial detriment to adjacent property.

G. Decision:

- (1) Within 45 days after the close of the hearing on a proposed amendment, the Commission shall prepare a written statement of findings of fact and recommendations and submit this statement to the Village Board. The findings of fact shall specify the reason or reasons for recommending approval, approval with conditions, or denial of the proposed text or map amendment.

- (2) The Village Board may, by ordinance, grant, or grant with modification, a text or map amendment. If an application is not acted upon by the Village Board within three months of the date upon which the findings of fact have been filed by the Commission, it shall be deemed to have been denied.
- (3) The Commission may recommend, and the Village Board may approve, conditions and restrictions upon the premises benefitted by an amendment as may be necessary to comply with the standards set forth in Section 9.12 F herein. Changes in restrictions or conditions shall be processed in the manner established by this Article for amendments.
- (4) A concurring vote of a majority of those members of the Commission present at the meeting, with a minimum of four concurring votes, shall be required to recommend granting an application for an amendment.
- (5) In those instances where the Village Board does not concur with a recommendation of the Commission to deny a map or text amendment, the favorable vote of two-third (2/3) of the members of the Village Board shall be necessary to approve an ordinance granting the amendment.
- (6) No amendment shall be granted except by ordinance duly passed and adopted by the Village Board, after public hearing and written recommendation from the Commission.

H. Written Protest:

- (1) A map or text amendment shall not be passed except by a favorable vote of two-thirds (2/3) of the members of the Village Board in the case of a written protest against any proposed text amendment or map amendment when said protest is signed and acknowledged by the owners of 20 percent of the:
  - (a) Frontage proposed to be altered.
  - (b) Frontage immediately adjoining or across an alley from the property.
  - (c) Frontage directly opposite the frontage proposed to be altered.
- (2) The written protest shall be served by the protester or protesters on the applicant for the proposed amendment, and a copy served on the Village attorney, and the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application or petition for the proposed amendment.

9.13 SPECIAL USES:

A. Purpose:

- (1) The development and execution of this Zoning Code is based upon the division of the Village into districts, within any one of which the use of land and buildings, and the standards for height and location of buildings or structures, as related to the land, are essentially uniform.
  - (2) It is recognized, however, that there are special uses which, because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the potential impact of those uses upon neighboring lands and upon the public need for the particular use or particular location.
  - (3) Such special uses fall into two categories:
    - (a) Uses operated by a public agency or publicly-regulated utilities, which are uses traditionally associated with a public interest, such as parks, recreation areas, public administrative buildings, or the private use of existing public buildings.
      - (i) It is stressed that public uses are associated with the public interest.
      - (ii) In the case of a request for a special use by a unit of local government, for a public use within its statutory mandate, the review shall not be based on determining the need for the publicly mandated use on the specific site but, rather for assessing the impact of the proposed public use upon neighboring lands, and upon the Village's streets or utilities.
    - (b) Uses entirely private in character, but of such a nature that the operation may give rise to unique problems or benefits with respect to their impact upon neighboring property, public facilities, the Village as a whole, or the natural environment or resources.
- B. Authority -- The Village Board may, after receiving a recommendation from the Commission in the manner hereinafter set forth, approve, approve with conditions, or deny a special use, pursuant to the procedures set forth herein.
- C. Initiation -- A special use request may be made by any person, or by an office, department, board, bureau or commission requesting or intending to request a building permit, or occupancy certificate.
- D. Processing -- A petition or application for a special use shall be filed with the Zoning Official, and shall include at least the following information:
- (1) Name, address and telephone number of the applicant.
  - (2) Legal description of the property for which the special use is requested.

- (3) Description of the existing use of the affected property.
- (4) The present zoning classification for the affected property.
- (5) Description of the proposed special use.
- (6) A dimensioned site plan or plat, showing the location of:
  - (a) All buildings.
  - (b) Parking areas.
  - (c) Traffic access and circulation.
  - (d) Open spaces and yards.
  - (e) Landscaping.
  - (f) Refuse and service areas.
  - (g) Utilities.
  - (h) Signs.
  - (i) Other information as determined by the Commission as necessary for determining if the proposed special use meets the intent and requirements of the Zoning Code.
- (7) A written statement, that addresses the:
  - (a) Economic effects on adjoining properties.
  - (b) Effects of such elements as noise, glare, odor, fumes and vibration on adjoining properties.
  - (c) General compatibility with adjacent and other properties in the district.
  - (d) Effects of traffic generated by the proposed use.
  - (e) Relationship to the Comprehensive Land Use Plan.
  - (f) How the proposed special use fulfills requirements of Section 9.13-F herein.
- (8) The Village may require other materials as listed in Section 6.6-C(4) herein.

E. Hearing:

- (1) The Zoning Official shall transmit the application for a special use to the Commission , who shall hold a public hearing at such time and place as shall be established by the Commission , after due notice is provided.
- (2) The hearing shall be conducted, and a record of such proceedings shall be preserved, in such a manner as the Commission shall prescribe.

- (3) Notice requirements for public hearings on amendments are set forth in Section 9.9 herein.

F. Standards:

- (1) The Commission shall not recommend, nor the Village Board approve, a special use unless it shall find, based upon the evidence presented to the Commission in each specific case, that the special use:
  - (a) Will be harmonious with and in accordance with the general objectives of the Comprehensive Land Use Plan and/or this Zoning Code.
  - (b) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not alter the essential character of the same area.
  - (c) Will not be hazardous or disturbing to existing or future neighborhood uses.
  - (d) Will be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
  - (e) Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Village.
  - (f) Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
  - (g) Will have vehicular approaches to the property which shall be so designed as to not create an undue interference with traffic on surrounding public streets or highways.
  - (h) Will not increase the potential for flood damage to adjacent property, or require additional public expense for flood protection, rescue or relief.
  - (i) Will not result in the destruction, loss or damage of natural, scenic or historic features of major importance to the Village.

- (2) The special use shall, in all respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified, in each instance, by the Village Board, pursuant to the recommendations of the Commission.

G. Decision:

- (1) Within 45 days after the close of the hearing on a proposed special use, the Commission shall prepare a written statement of findings of fact and recommendations and submit this statement to the Village Board.
- (2) The Village Board may, by ordinance, grant, or grant with modification, or deny a requested special use. If an application is not acted upon by the Village Board within six months of the date upon which such application is filed, it shall be deemed to have been denied.
- (3) The Commission may recommend, and the Village Board may approve, conditions and restrictions upon the premises benefitted by a special use as may be necessary in their opinion to:
  - (a) Comply with the standards set forth in Section 9.13 F herein.
  - (b) Reduce or minimize injurious effect of such special use on other property in the neighborhood.
  - (c) Implement the general purpose and intent of the Zoning Code.
- (4) No special use shall be granted, except by ordinance duly passed and adopted by the Village Board after public hearing and written recommendation from the Commission and considering the following:
  - (a) Without further public hearing, the Village Board may grant, deny or amend the recommendation for special use.
  - (b) Every special use granted by ordinance of the Village Board, shall be accompanied by findings of fact, and shall refer to any exhibits containing plans and specifications of the proposed special use, which shall remain a part of the permanent records of the Commission.
  - (c) The findings shall specify the reason or reasons for approving or denying the special use.
  - (d) Any terms of relief granted as part of a special use shall be specifically set forth in the findings and ordinance.
- (5) A concurring vote of a majority of those members of the Commission present at the meeting, with a minimum of four concurring votes, shall be required to recommend granting an application for a special use.

- (6) Changes in restrictions or conditions shall be processed in the manner established by this Article for special uses.

H. Written Protest:

- (1) A special use shall not be passed except by a favorable vote of two-thirds (2/3) of the members of the Village Board in the case of a written protest against any proposed special use when said protest is signed and acknowledged by the owners of 20 percent of the:
  - (a) Frontage proposed to be altered.
  - (b) Frontage immediately adjoining or across an alley from the property.
  - (c) Frontage directly opposite the frontage proposed to be altered.
- (2) The written protest shall be served by the protester or protesters on the applicant for the proposed special use, and a copy served on the applicant's attorney, if any, with a copy to the Village attorney by certified mail at the address of such applicant and attorney shown in the application or petition for the proposed special use.

9.14 TIME LIMITATIONS:

- A. Variations or Special Uses -- An approval pursuant of the provisions of this Zoning Code of a variation, special use, or special use for a planned development shall become null and void should a building permit to begin construction not be applied for within 18 months of the approval of the ordinance, or the recording of a final plat for a planned development, unless this time limit is expressly extended, by the Village Board.
- B. Map Amendments:
  - (1) Where a map amendment has been granted, and no building permit for development has been applied for within 18 months, the Commission may initiate a public hearing, after due notice according to Section 9.9 herein, has been given, and written notice sent to the applicant at the address contained in the application.
  - (2) Within 45 days of the close of the hearing, the Commission shall prepare and submit findings of fact and recommendations to the Village Board that such map amendment shall be permanently affirmed or repealed, or that the property subject to said map amendment be reclassified by another map amendment to a more appropriate district classification.
- C. Petitions That Have Been Denied by the Village: No map amendment, special use request, planned development or plat of subdivision that has gone through the

public hearing process and been denied by the Village Board may be re-submitted for review and approval until a 12-month period has passed from the date of the Village Board's denial.

9.15 FEES:

- A. The Village Board shall establish a schedule of fees, charges and expenses for zoning certificates, occupancy certificates, appeals, application for variations, amendments, planned developments, special uses, or subdivision review, and other administrative matters pertaining to this Zoning Code.
- B. The approved schedule of fees shall be filed and posted in the office of the Zoning Official, and may be altered or amended by the Village Board, from time to time.
- C. All consulting fees incurred by the Village, including but not limited to, engineering, planning and legal fees in consideration of the petition, for variations, amendments, special use permits and site plan review, pursuant to the terms of this Zoning Code, shall be paid by the petitioner or applicant.
- D. No action shall be taken on any appeal, or application for variation, amendment, or special use until all applicable fees, charges and expenses have been paid in full.

9.16 ENFORCEMENT AND PENALTIES:

- A. Any person, persons, firm or corporation or anyone acting in their behalf, who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Article shall be guilty of an offense punishable by a fine not less than \$25, nor more than \$500 for each offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Zoning Code.
- B. A separate offense shall be deemed committed for each day a violation is permitted to exist after notification thereof.
- C. In the event that any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this Zoning Code, the Village Attorney, in addition to other remedies, may institute any proper action or proceedings in the name of the Village to:
  - (1) Prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use.
  - (2) Restrain, correct or abate such violation.
  - (3) Prevent the occupancy of said building, structure, or land.
  - (4) Prevent any illegal act, conduct, business or use in, or about, said premises.

*pjh:PrairieGrove.Code\Chapter.021.Art9.May08.doc*