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## CHAPTER 12

### ZONING ADMINISTRATION AND ENFORCEMENT

#### SECTION:

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#### 9-12-1:**ZONING COMMITTEE:**

- A. Committee Created: There is hereby created the Zoning Committee. The members of said Zoning Committee shall be the same as the Building Committee as appointed by the President.
- B. Duties: It shall be the duty of the Zoning Committee to be responsible for the enforcement of the provisions of this Code, hold public hearings where required herein, and such other duties as the appointing authority may require.

#### 9-12-2: **ZONING CERTIFICATES:**

- A. Certificate of Compliance:<sup>1</sup>

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<sup>1</sup>See Section 8-2-1-4 of this Municipal Code.

1. Certificate Required:

- a. No building or structure hereafter erected or structurally altered shall be occupied and used until a certificate of compliance has been issued by the Zoning Committee. The certificate of compliance shall be issued only after the Zoning Committee reports a finding that the building has been erected or structurally altered in conformance with the provisions of this Code and other health and building regulations.
- b. The use of a building already erected at the time this code becomes effective shall not be changed to some other use or occupied for any other purpose, unless the owner applies for and receives a certificate of compliance; except, that no use shall be permitted in a district unless such use is authorized in said district by this Code.

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- 2. Application for Certificate, Issuance: A certificate of compliance shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or alterations of such buildings shall have been satisfactorily completed. A record of all certificates shall be kept on file in the office of the Building Commissioner and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected.

- B. Certificate of Nonconforming Use: Upon application of any property owner, the Zoning Board of Appeals may issue certificates of nonconforming use applicable to the property concerned and extending the time for continuance or abandonment. Fees for the hearing and the issuance of said certificates shall be set by the corporate authorities from time to time. (Ord. 75-17, 11-10-75)

9-12-3:**SPECIAL USES:**

- A. Use Regulations: Any use not specifically enumerated before and in this Code and not a nonconforming use as defined in Chapter 11 of this Code is hereby declared to be a special use, and no such special use shall be made of any lot or building without a public hearing before the Zoning Board of Appeals and the approval of the Village Board by ordinance. The Zoning Board of Appeals shall approve any special use of any lot area or building within any use district, if after a public hearing pursuant to notice as provided in cases of variations, it has determined that the special use is necessary at that location for public convenience. All special uses shall conform as near as possible to the comparable existing uses for the district in which the special use is intended, or comparable to the existing uses in a district adjacent to or near the lot or building for which the special use is intended. The Zoning Board of Appeals, with the approval of the Village Board, may impose such conditions and restrictions upon the use of the premises benefitted as may be

necessary to minimize the effect of any special use upon adjacent property.

- B. Use Permit: No change shall be made in the use of a building or part thereof now or hereafter erected or structurally altered, or in the use of land now or hereafter occupied, without a use permit having first been issued by the enforcing officer. No such use permit shall be issued to make such change unless it is in conformity with the provisions of this Code.

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9-12-4: **CONDITIONAL USES, PROCEDURE:**<sup>2</sup> Application for conditional uses, as defined herein, shall be considered at a public hearing before the Zoning Board of Appeals. Said Zoning Board of Appeals shall make its findings of fact and recommendation to the Village Board within thirty (30) days after the public hearing. The Zoning Board of Appeals may recommend such restrictions upon the height and build of any structure so approved for conditional use as may be reasonable under the particular circumstances; provided, that such restrictions shall not be more restrictive than the requirements established for the zone in which such structure is proposed to be located.

9-12-5: **PUBLIC HEARINGS:** Where public hearings are required under this Code, such hearings shall be held only after notice as in the case of amendments or variation as provided for in this Code and as required by State law.<sup>3</sup> (Ord. 69-1, 2-10-69; amd. Ord. 70-1, 4-13-70; Ord. 74-2, 1-14-74)

9-12-6: **AMENDMENTS:** All amendments to this Code involving changes in use districts shall only be made after a hearing before the Zoning Committee, and then only after a public hearing as provided by the statute.<sup>4</sup> Application for a change in a use district shall be made on forms furnished by the Village. The fee for said hearing shall be four hundred dollars (\$400.00) which shall be paid in advance. (Ord. 69-1, 2-10-69; amd. Ord. 70-1, 4-13-70; Ord. 74-2, 1-14-74; 1985 Code; amd.Ord. 97-31,12/8/97)

9-12-7: **FEES:** The fee required in Section 9-12-6 shall apply to all requests for a variation and all matters to be heard before the Zoning Board of Appeals. (Ord. 69-1, 2-10-69; amd. Ord. 70-1, 4-13-70; Ord. 74-2, 1-14-74)

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<sup>2</sup>See Section 0-2-5 of this Municipal Code for enumeration of conditional uses permitted.

<sup>3</sup>65 ILCS 5/11-13-1 et swq. (S.H.A. ch. 24, §§11-13-1 et. seq.)

<sup>4</sup>65 ILCS 5/11-13-1 et seq. (S.H.A. Ch. 24, §§11-13-1 et. seq.)

9-12-8:           **ENFORCEMENT:**

- A. Substandard Structures: The Village may acquire by purchases, the condemnation or otherwise, any buildings or structures which do not conform to the standards fixed by the Village under State law,<sup>5</sup> and all land which is necessary or appropriate for the rehabilitation or redevelopment of any area blighted by substandard buildings or structures; may remove or demolish all substandard buildings and structures so

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acquired; may hold and use any remaining property for public purposes; and may sell, lease or exchange such property as is not required for public purposes subject to the provisions of this Code.

- B. Proceedings to Prevent Violation: In case any building or structure is constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure or land is used in violation of this Code or of any ordinance or other regulation made under the authority conferred thereby or ordinances of the Village, the proper Village authorities, or any owner or tenant of real property in the same contiguous zoning district as the building or structure in question, in addition to other remedies, may institute any appropriate action or proceeding to:

1. Prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use.
2. Prevent the occupancy of the building, structure or land.
3. Prevent any illegal act, conduct or business or use in or about the premises.
4. Restrain, correct or abate the violation. When any such action is instituted by an owner or tenant, notice of such action shall be served upon the Village at the time suit is begun, by serving a copy of the complaint on the Village President. No such action may be maintained by such owner or tenant until such notice has been given.

9-12-9:           **PENALTY:** Any person, tenant, lessor or lessee, owner, rental agent, occupant, firm or corporation, or agents, employees or contractors of such, who violate, disobey, omit, neglect or refuse to comply with, or who resist enforcement of any provision of this Title, shall be subject to a fine of not more than five hundred dollars (\$500.00) for each offense; and each day a violation continues to exist shall constitute a separate offense. The remedies or penalties enumerated herein are cumulative. (Ord. 70-7, 8-10-70)

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<sup>5</sup>65 ILCS 5/11-13-1 et seq. (S.H.A. ch. 24, §§11-13-1 et. seq.)