

ARTICLE 13
ADMINISTRATION AND ENFORCEMENT

13.01 ORGANIZATION

13.01-A Offices

The administration of this Ordinance is hereby vested in the following offices of the government of the Village of Deerfield:

1. Director of Building and Zoning.
2. Board of Zoning Appeals.
3. Plan Commission.

13.01-B Authority and Administrative Functions

This Article shall first set out the authority of each of the administrative offices, and then describe the procedure and substantive standards with respect to the following administrative functions:

1. Issuance of Zoning Certificates.
2. Issuance of Certificates of Occupancy.
3. Variations.
4. Modifications.
5. Unique Uses.
6. Appeals.
7. Amendments.
8. Special Uses.
9. Annexations.
10. Fees.
11. Enforcement.
12. Violations.
13. Penalties.

13.02 OFFICE OF THE DIRECTOR OF BUILDING AND ZONING

The Director of Building and Zoning as established by Section 2-91 of the Municipal Code, shall administer and enforce this Ordinance and shall:

13.02-A Building Permits

Issue all building permits, following approval as required in this and all other applicable Ordinances, and make and maintain records thereof.

13.02-B Occupancy Certificates

Issue all certificates of occupancy following approval as required in this and all other applicable Ordinances, and make and maintain records thereof.

13.02-C Board of Zoning Appeals

Receive and forward to the Board of Zoning Appeals all applications for variations, modifications and appeals.

13.02-D Plan Commission

Receive and forward to the Plan Commission all applications for special uses, amendments, planned unit developments, and zoning as part of a pre-annexation agreement.

13.02-E Parking Plans

Receive and review all plans for parking facilities and shall approve same as provided for in Article 8 prior to the granting of a permit.

13.02-F Landscaping Plans

Receive and review all plans for landscaping as required in this Ordinance and to approve same prior to the granting of a permit.

13.02-G Review of Zoning Ordinance

Review on a continuing basis the provisions of this Ordinance and make recommendations to the Plan Commission for amendments to improve the effectiveness of such provisions.

13.02-H Inspections

Conduct continuing inspections of structures and uses of land to determine compliance with the terms of this Ordinance.

13.02-I Records

Provide and maintain public information pertaining to this Ordinance.

13.02-J Assignments

Perform such other duties relative to this Ordinance as may be assigned to him by the Board of Trustees.

13.03 BOARD OF ZONING APPEALS

13.03-A Defined

The Board of Zoning Appeals of the Village of Deerfield as established in accordance with the Municipal Code is the Board of Zoning Appeals referred to in this Ordinance.

13.03-B Jurisdiction

The Board of Zoning Appeals is hereby vested with the following jurisdiction and authority:

1. Appeals

To hear and make recommendation to the Board of Trustees on appeals from any order, requirement, decision or determination made by the Director of Building and Zoning or other authorized official of the Village having jurisdiction under this Ordinance.

2. Variations

To hear applications for variations from the requirements of this Ordinance in the manner and subject to the standards set forth in this section and thereafter to file a written recommendation with the Board of Trustees to grant or deny such variations.

3. Modifications (Ord. 0-81-70)

To hear and make recommendations to the Board of Trustees upon all applications for modifications from the provisions of Article 9, Signs, and from those provisions pertaining to fencing and screening.

4. Extension of Occupancy Permits (Ord. 0-81-70)

To hear and make recommendations to the Board of Trustees upon all applications for extension of a temporary certificate of occupancy and use beyond the time period allowed in this Ordinance.

5. Other Matters (Ord. 0-81-70)

To hear and make recommendations to the Board of Trustees upon all matters referred to it by the Board of Trustees.

13.03-C Meetings and Rules

1. Open Meetings and Hearings

All hearings and meetings of the Board of Zoning Appeals shall be open to the public.

2. Call and Quorum

Meetings shall be held at the call of the Chairman, or in his absence the Vice-Chairman, or at the request of any three (3) members, at such time and places within the Village as the Board of Zoning Appeals may determine. A majority of the members currently on the Board of Zoning Appeals shall be necessary for a quorum at each meeting.

3. Testimony

All testimony by witnesses at any public hearing provided for in this Ordinance shall be given under oath. The Chairman or Acting Chairman may administer oaths and compel the attendance of witnesses.

4. Minutes and Records (Ord. 0-81-70)

The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The minutes of all hearings and meetings and all recommendations of the Board of Zoning Appeals shall be filed in the office of the Director of Building and Zoning and shall be of public record.

5. Rules of Procedure

The Board of Zoning Appeals shall adopt its own rules of procedure, not in conflict with this Ordinance or the Municipal Code. An official copy of these rules shall be filed with the Office of the Director of Building and Zoning, where they shall be open to public inspection during normal business hours.

13.04 PLAN COMMISSION

13.04-A Defined

The Plan Commission of the Village of Deerfield as established in accordance with the Municipal Code is the Plan Commission referred to in this Ordinance.

13.04-B Jurisdiction

For the purposes of Article 13, Administration and Enforcement, the Plan Commission is hereby vested with the following jurisdiction and authority:

1. Amendments

To hear and make recommendation to the Board of Trustees on all applications for amendments to the text and/or map which make up this Ordinance.

2. Special Use

To hear and make recommendations to the Board of Trustees on all applications for Special Uses.

3. Planned Unit Developments and Planned Residential Developments

To hear and make recommendations to the Board of Trustees on all applications for Planned Unit Developments and Planned Residential Developments.

4. Annexations

To hear and make recommendations to the Board of Trustees on all applications for annexations to the Village of Deerfield.

5. Review of the Comprehensive Plan

To review on a regular basis the Comprehensive Plan and to hear and make recommendations to the Board of Trustees regarding any proposed changes.

6. Review of Zoning Ordinance

To review this Ordinance on a continuing basis and to hear and make recommendations to the Board of Trustees to improve its effectiveness.

7. Other Matters

To hear and make recommendation upon all other matters referred to it by the Board of Trustees or upon which it is required to pass under this Ordinance.

13.04-C Meetings and Rules

1. Open Hearings and Meetings

All Plan Commission hearings and meetings shall be open to the public.

2. Calls and Quorum

Meetings shall be held at the call of the Chairman, or in his absence, the Vice-Chairman, or at the request of any three (3) members, at such times and places within the Village as the Commission may determine. A majority of the members currently on the Plan Commission shall be necessary for a quorum at each meeting.

3. Testimony

All testimony by witnesses at any public hearing shall be given under oath. The Chairman, Vice Chairman or Acting Chairman may administer oaths and compel the attendance of witnesses.

4. Minutes and Records

The Plan Commission shall keep minutes of its proceedings, showing the vote of each member upon every question, or if

absent or failing to vote, indicating such fact. The minutes of all hearings and meetings of the Plan Commission shall be filed in the Office of the Director of Building and Zoning and shall be open to public inspection during normal business hours.

5. Rules of Procedure

The Plan Commission shall adopt its own rules of procedure not in conflict with this Ordinance or the Municipal Code. An official copy of these rules shall be filed in the Office of the Director of Building and Zoning, where they shall be open to public inspection during normal business hours.

13.05 ZONING CERTIFICATES/PERMITS

13.05-A Certification Required

No permit pertaining to the use of land or buildings shall be issued by any officer or employee of the Village unless the application for such permit has been examined by the Director of Building and Zoning or his authorized representative, and the Director or his authorized representative has certified that either the proposed structure or use, or both comply with all of the provisions of this Ordinance. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

13.05-B Submission of Necessary Information

All applications for a permit shall be accompanied by such information as the Director deems necessary to determine and provide for the enforcement of this Ordinance. Such information may include, but is not limited to, scale drawings, a legal description of the subject property, proof of ownership, or, if the land is held in trust, a disclosure of all beneficial interests, and a fee.

13.06 CERTIFICATE OF OCCUPANCY

13.06-A Intent

Certificates of Occupancy shall certify that the structure or use for which it is issued is in full compliance with the provisions of this Ordinance and that such structure is habitable and in conformance with all applicable building regulations.

13.06-B Certificate Required

1. New Structure, Addition or New Use

No structure or addition to an existing structure constructed after the date of this Ordinance shall be occupied, and no land vacant on the effective date of this Ordinance shall be used for any purpose, until a Certificate

of Occupancy has been issued by the office of the Director of Building and Zoning.

2. Change in Use

No change in a use shall be made until a Certificate of Occupancy has been issued.

13.06-C Application for Certificate of Occupancy

1. Building Permit

Every application for a Building Permit or Zoning Certificate shall be deemed to be an application for a Certificate of Occupancy.

2. No Building Permit

Application for a change in use of land or structures where no Building Permit is required, shall be made directly to the Director of Building and Zoning.

13.06-D Issuance of Certificate of Occupancy

1. Conditions

No Certificate of Occupancy for a building 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 Building Permit was based.

2. Temporary Certificate

Pending the issuance of a Certificate of Occupancy, a Temporary Certificate may be granted to be valid for a period not to exceed six (6) months from its date of issuance during the completion of any addition or during partial occupancy of the premises.

3. Notice of Non-Compliance

A Certificate of Occupancy shall be issued within twenty (20) business days after the office of the Director of Building and Zoning is notified in writing that such building premises or structure is ready for occupancy. In the event a Certificate of Occupancy cannot be issued, written notice setting forth the reasons shall be given to the applicant within the above-stated period.

13.06-E Appeal (Ord. 0-81-70)

If any application for a Certificate of Occupancy is denied due to apparent non-compliance with this Ordinance, such decision may

be appealed to the Board of Zoning Appeals as provided in Article 13.09. The Board of Zoning Appeals shall thereafter conduct a hearing and make a recommendation with respect to said appeal to the Board of Trustees.

13.07 VARIATIONS

13.07-A Purpose

It is the intent of this Article to provide for exceptions in the application of this Ordinance in order to achieve a parity among properties similarly located and classified. Specifically, it is to be used to overcome some exceptional physical condition which poses practical difficulty or unnecessary hardship in such a way as to prevent an owner from using his property as intended by Ordinance. The term "variation" shall not apply to relief from the provisions of Article 9, Sign Regulations and those provisions pertaining to fencing and screening. These shall be called "modifications" and shall be processed as provided for in Article 13.08.

13.07-B Authorized Variations

Variations from the regulations of this Ordinance shall be granted only in accordance with the following:

1. Lot Requirements

Variation from the applicable lot area and lot width requirements, subject to the following limitations:

- a. The minimum lot width requirement shall not be reduced more than twenty-five (25%) percent.
- b. The minimum lot area for a single-family or two-family dwelling shall not be reduced more than twenty (20%) percent.
- c. The minimum lot area per dwelling unit requirements for multiple-family dwellings shall not be reduced so as to permit more than one dwelling unit in addition to the number that would be permitted by strict application of the minimum lot area requirements.

2. Bulk Regulations

Variation from the applicable bulk regulations, including maximum height, maximum lot coverage, maximum floor area ratio and minimum yard requirements.

3. Off-Street Parking and Loading

Variation from the applicable off-street parking and off-street loading requirements.

4. Nonconformity

- a. Variation from the applicable regulations relating to restoration of damaged or destroyed nonconforming buildings, other than those buildings in a residential district containing a permitted use.
- b. Variation to permit the expansion of structural alteration of a nonconforming structure or use, other than those buildings in a residential district containing a permitted use.

13.07-C Application for Variation

1. Standing

Application for a variation from this Ordinance may be made by the owner of the subject property or anyone having a proprietary interest in the property.

2. Filing (Ord. 0-81-70)

Applications shall be filed in writing with the Director of Building and Zoning and shall be accompanied by such documents and information as the Board of Zoning Appeals may by rule require in order to render a recommendation. The materials required for filing may include, but are not limited to, a legal description of the subject property, ownership or proprietary interest, and if a land trust is involved, disclosure of all beneficial interests.

3. Fee

Each application for variation shall be accompanied by a filing fee as set forth in Article 13.14.

13.07-D Public Hearing

1. Timing

The Board of Zoning Appeals shall, within sixty (60) days of receiving a complete application for variation, hold a public hearing.

2. Public Notice (Ord. 0-86-22)

a. By Applicant

The applicant shall give written notice by personal service or certified or registered mail, return receipt requested, not less than 15 days nor more than 30 days prior to such meeting or hearing date to all persons who are either (i) owners of record as of not more than 10 days prior to the date of service and as shown on the records kept by the County Recorder of Deeds, or (ii) persons listed on the most recently published tax rolls

of the Township or County Assessor who paid the general real estate taxes for the last preceding year, on parcels of real estate being within 250 feet of the boundaries of the property for which rezoning is requested, except in those instances where the applicant seeks a variation from height restrictions, in which case notice shall be given to each owner of property within five hundred (500) feet of the subject property.

b. By the Board of Zoning Appeals

The Board of Zoning Appeals shall publish notice of the hearing 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.

c. Content of Notice

The public notice provided by the applicant and published by the Board of Zoning Appeals shall contain, at a minimum, the following:

- (1) Date of hearing.
- (2) Place of hearing.
- (3) Time of hearing.
- (4) Purpose of hearing.
- (5) Legal description of subject property.
- (6) Common description of subject property.

3. Posting of Sign Notice (Ord.0-01-23)

Display of Sign Notice by Applicant.

The applicant shall post and display a sign notice supplied by the Village continuously for a period not more than thirty (30) nor less than fifteen (15) days before the public hearing. The sign shall be two-sided with a minimum sign face of fourteen (14) inches by twenty-two (22) inches. After the public hearing has been concluded, the applicant shall promptly remove the sign and return it to the Village.

Location of Sign Notice.

A sign notice shall be displayed on the street frontage of the property that is the subject of the public hearing. Unless otherwise directed by the Director of Building and Zoning, the sign shall be placed not closer than twelve inches (12"), nor further than ten feet (10') from the right-of-way line of the fronting street, at a location easily visible to the public. Properties having more than one street frontage shall display one sign on each frontage. Properties having three hundred fifty feet (350') or more of frontage on one street shall display two (2) signs, and one additional sign for each additional two hundred feet (200') of street frontage thereafter. Where the Director of Building and Zoning determines that a ground sign is not feasible, or will be less effective than a wall sign in providing notice to the public, the sign notice provided

herein can be placed in a window facing the street frontage of the subject property.

Content of Sign Notice.

The sign notice provided by the Village and displayed by the Applicant shall indicate that a public hearing is to be held concerning the property on which the sign is located. Said sign shall note the date of the public hearing which is to be held at the Village Hall and a phone number to call for additional information.

13.07-E Standards for Variation

The Board of Zoning Appeals may recommend to the Board of Trustees the granting of a variation when and only when, it shall have determined from evidence presented to it, recorded in writing and placed in its records, that all of the following conditions have been met:

1. Not a Use Variation

That the variation does not permit a use otherwise excluded from the particular district in which requested.

2. Unique to the Property

That special circumstances or conditions, such as exceptional narrowness, topography, or siting, apply to the land for which a variation sought and that these conditions do not apply generally in the district.

3. Not Self-Imposed

That the special circumstances or conditions have not resulted from any act of the applicant subsequent to the adoption of this Ordinance, whether or not in violation of the provisions thereof.

4. Not Exclusively Monetary

That, for reasons fully set forth in the report of the Board of Zoning Appeals, the aforesaid circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of a reasonable use of his land. Mere loss in value shall not justify a variation; there must be a deprivation of beneficial use of the land.

5. Minimum Adjustment Necessary

That the variation granted is the minimum adjustment necessary for a reasonable use of the land.

6. Not Detrimental to Public Welfare

That the granting of any variation is in harmony with the general purposes and intent of this Ordinance, and will not be detrimental to the public welfare or to other property or improvements in the neighborhood, and will not alter the essential character of the neighborhood.

7. Not Detrimental to Neighborhood

That the proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the streets, increase the potential damage of fire or endanger the public safety.

13.07-F Conditions of Variation (Ord. 0-81-70)

The Board of Zoning Appeals shall recommend that such conditions and restrictions be required upon the premises benefited by a variation as may be necessary to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to better carry out the general intent of this Ordinance.

13.07-G Decisions

1. Necessary Vote

The concurring vote of four (4) members of the Board of Zoning Appeals shall be necessary to recommend a variation.

2. Action of Board of Trustees (Ord. 0-81-70)

The Board of Trustees, upon recommendation of the Board of Zoning Appeals, may grant or deny any variation or may refer it back to the Board of Zoning Appeals for further consideration.

3. Time Limit

No ordinance authorizing a variation shall be valid for a period longer than twelve (12) months from the date of such ordinance unless a building permit is obtained and work pertinent thereto is initiated or the use is commenced within such period.

13.07-H Indemnification (Ord. 0-14-23)

As a condition of approval of a variation for which a complete application is submitted on or after January 1, 2015, the applicant shall:

1. defend, indemnify and hold harmless the Village and its officers, agents and employees from any action, claim or proceeding against the Village, or officers, agents or employees of the Village, seeking to attack, challenge,

dispute, void, annul or invalidate, in whole or in part, any ordinance, determination or proceeding approving such variation;

2. reimburse the Village, its officers, agents or employees for any court costs or attorney's fees which the Village, its officers, agents or employees may incur in defending any such action, claim or proceeding, or be required to pay by a court, as a result of such approval; and
3. at its sole discretion, the Village may participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the applicant of any obligation imposed by the foregoing conditions. (Ord. 0-14-23)

13.08 MODIFICATIONS

13.08-A Purpose

It is the intent of this section to provide for modifications of the requirements of this Ordinance relating to Article 9, Sign Regulations, and those provisions pertaining to fencing and screening in those cases when strict application of the requirements would produce unnecessary or undesirable results. It is intended that the spirit and purpose of this Ordinance and of those Articles be upheld at all times, but it is recognized that unusual conditions may require modification of certain requirements.

13.08-B Application

1. Standing

Application for modification may be made by the owner of the subject property or anyone having a proprietary interest in the property.

2. Filing

Applications shall be filed in writing with the Director of Building and Zoning and shall be accompanied by such documents and information as the Board of Zoning Appeals may, by rule, require to render a decision.

3. Fee

Each application for modification shall be accompanied by filing fee as set forth in Article 13.14.

13.08-C Public Hearing

1. Timing

The Board of Zoning Appeals shall, within sixty (60) days of receiving a complete application for modification, hold a public hearing.

2. Public Notice

a. By Applicant

The applicant shall give written notice by personal service or certified or registered mail, return receipt requested, not less than 15 days nor more than 30 days prior to such meeting or hearing date to all persons who are either (i) owners of record as of not more than 10 days prior to the date of service and as shown on the records kept by the County Recorded of Deeds, or (ii) persons listed on the most recently published tax rolls of the Township or County Assessor who paid the general real estate taxes for the last preceding year, on parcels of real estate being within 250 feet of the boundaries of the property for which rezoning is requested.

b. By the Board of Zoning Appeals

The Board of Zoning Appeals shall publish notice of the hearing 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.

c. Content of Notice

The public notice provided by the applicant and published by the Board of Zoning Appeals shall contain, at a minimum, the following:

- (1) Date of hearing.
- (2) Time of hearing.
- (3) Place of hearing.
- (4) Purpose of hearing.
- (5) Legal description of the subject property.
- (6) Common description of the subject property.

d. Posting of Sign Notice (Ord. 0-01-23)

The applicant shall post and display a sign notice in accordance with the provisions of Section 13.07-D,3

13.08-D Standards (Ord. 0-81-70)

The Board of Zoning Appeals shall not recommend to the Board of Trustees the modification of the regulations of Article 9, Signs, and those provisions pertaining to fencing and screening as authorized in this Article, unless it shall make findings of fact based upon the evidence presented with respect to the following matters.

1. Unnecessary or Undesirable

That strict application of the requirements in the case of the subject property has been shown to be either unnecessary or undesirable.

2. Not Detrimental to Neighborhood

That the modification will not produce adverse effects on the surrounding properties nor adversely affect the character of the neighborhood.

3. Unique Character of Property

That modification will be based on the unique character of the subject property.

4. Not for Lack of Opposition

That modification shall not be granted merely because of the absence of objection from adjacent property owners.

13.08-E Conditions (Ord. 0-81-70)

The Board of Zoning Appeals shall recommend to the Board of Trustees the imposition of such conditions and restrictions upon the premises benefited by a modification as may be necessary to insure compliance with the standards set forth in Article 13.08-D to reduce or minimize the effect of such modification upon other properties and to better carry out the intent of the Ordinance.

13.08-F Decisions (Ord. 0-81-70)

1. Necessary Vote

The concurring vote of four (4) members of the Board of Zoning Appeals shall be necessary to recommend a modification.

2. Time Limit

No order of the Board of Trustees granting a modification shall be valid for a period longer than six (6) months from the date of such order unless the building permit is obtained and work pertinent thereto is initiated within such time period.

13.09 APPEALS (Ord. 0-81-70)

13.09-B Scope of Appeals

An appeal may be taken to the Board of Zoning Appeals by any person or any office, department, or board aggrieved by a decision of the Director of Building and Zoning or other Village official acting within the authority of this Ordinance. The Board of Zoning Appeals shall make a recommendation to the Board of Trustees on such application.

13.09-B Application

1. Standing

Any appeal shall be filed within thirty (30) days after the decision or action aggrieved.

2. Filing

An appeal shall be filed in writing with the Board of Zoning Appeals along with such information as the Board of Zoning Appeals may by rule require.

3. Fees

Each appeal to the Board of Zoning Appeals shall be accompanied by a filing fee as set forth in Article 13.14.

13.09-C Transmittal of Record

The Director of Building and Zoning shall, at the time of filing of an appeal, forthwith transmit to the Board of Zoning Appeals all of the documents constituting a record upon which the action appealed from was taken.

13.09-D Effect of Appeal

An appeal shall stay all proceedings in furtherance of the action appealed; provided however, that if the Director of Building and Zoning certifies in writing that such a stay would cause imminent peril to life and property, the proceedings shall not be stayed.

13.09-E Public Hearing

1. Timing

The Board of Zoning Appeals shall, within sixty (60) days of receiving a complete filing of appeal, hold a public hearing.

2. Public Notice

a. By Applicant

The applicant shall give written notice by personal service or certified or registered mail, return receipt requested, not less than 15 days nor more than 30 days prior to such meeting or hearing date to all persons who are either (i) owners of record as of not more than 10 days prior to the date of service and as shown on the records kept by the County Recorder of Deeds, or (ii) persons listed on the most recently published tax rolls of the Township or County Assessor who paid the general real estate taxes for the last preceding year, on parcels

of real estate being within 250 feet of the boundaries of the property for which rezoning is requested.

b. By Board of Zoning Appeals

The Board of Zoning Appeals shall publish notice of the hearing 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.

c. Content

The Public Notice provided by the applicant and published by the Board of Zoning Appeals shall contain at a minimum, the following:

- (1) Date of hearing.
- (2) Place of hearing.
- (3) Time of hearing.
- (4) Purpose of hearing.
- (5) Legal Description of the subject property.
- (6) Common description of subject property.

d. Posting of Sign Notice (Ord.)-01-23)

The applicant shall post and display a sign notice in accordance with the provision of Section 13.07-D,3.

13.09-F Decision (Ord. 0-81-70)

The Board of Zoning Appeals may recommend to the Board of Trustees to reverse or affirm wholly or partly, or to modify the order, requirement, decision or determination of the Director of Building Zoning upon the concurring vote of four (4) members.

13.10 AMENDMENTS

13.10-A Authority

The Board of Trustees may, from time to time, on the recommendation of the Plan Commission in the manner hereinafter set forth, amend the regulations and districts established by this Ordinance.

13.10-B Application

1. Standing

An application for an amendment may be filed by the Board of Trustees, the Plan Commission, the owner of the subject property or anyone having proprietary interest in the property.

2. Filing

An application for amendment shall be filed with the Director of Building and Zoning or his authorized representative, along with such documents and information deemed necessary by the Plan Commission to make a recommendation. This information may include, but is not limited to, a legal description of the property; proof of ownership or proprietary interest; and if a land trust is involved, disclosure of all beneficial interests.

3. Fee

Each application for amendment shall be accompanied by a filing fee as set forth in Article 13.14.

13.10-C Public Hearing

1. Timing

The Plan Commission shall, within sixty (60) days of receiving a complete application for amendment hold a public hearing.

2. Public Notice

a. By Applicant

The applicant shall give written notice by personal service or certified or registered mail, return receipt requested, not less than 15 days nor more than 30 days prior to such meeting or hearing date to all persons who are either (i) owners of record as of not more than 10 days prior to the date of service and as shown on the records kept by the County Recorder of Deeds, or (ii) persons listed on the most recently published tax rolls of the Township or County Assessor who paid the general real estate taxes for the last preceding year, on parcels of real estate being within 250 feet of the boundaries of the property for which rezoning is requested.

b. By the Plan Commission

The Plan Commission shall publish notice 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.

c. Content of Notice

The public notices provided by the applicant shall contain, at a minimum, the following:

- (1) Date of hearing.
- (2) Place of hearing.
- (3) Time of hearing.
- (4) Purpose of hearing.
- (5) Legal description of the subject property.
- (6) Common description of subject property.

- d. Posting of Sign Notice (Ord.0-01-23)
The applicant shall post and display a sign notice in accordance with the provisions of Section 13.07-D,3

13.10-D Findings

Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

1. Existing Uses

Existing uses of property within the general area of the property in question.

2. Current Zoning in Area

The Zoning classification of property within the general area of the property in question.

3. Suitability of Present Zoning

The suitability of the property in question for the uses permitted under the existing zoning classification and the proposed classification.

4. Trend of Development

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was placed in its present zoning classification.

13.10-E Recommendation

1. Timing

Within sixty (60) days after the close of the hearing on a proposed amendment, the Plan Commission shall forward written findings of fact and recommendation regarding the application to the Board of Trustees.

2. Standard

The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant.

13.10-F Decisions

1. Necessary Vote

The concurring vote of the majority of the members of the Plan Commission present at the hearing shall be necessary to grant approval of a petition.

13.10-G Effect of Denial of an Amendment

No application for an amendment which has been denied wholly or in part by the Board of Trustees shall be resubmitted for a period of one (1) year from the date of the decision, except on the grounds of new evidence or proof of changed conditions found to be valid by the Plan Commission and the Board of Trustees.

13.10-H Indemnification (Ord. 0-14-23)

As a condition of approval of an amendment for which a complete application is submitted on or after January 1, 2015, the applicant shall:

1. defend, indemnify and hold harmless the Village and its officers, agents and employees from any action, claim or proceeding against the Village, or officers, agents or employees of the Village, seeking to attack, challenge, dispute, void, annul or invalidate, in whole or in part, any ordinance, determination or proceeding approving such amendment:
2. reimburse the Village, its officers, agents or employees for any court costs or attorney's fees which the Village or its officers, agents or employees may incur in defending any such action, claim or proceeding, or be required to pay by a court, as a result of such approval; and
3. at its sole discretion, the Village may participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the applicant of any obligation imposed by the foregoing conditions. (Ord. 0-14-23)

13.11 SPECIAL USES

13.11-A Purpose

In order to accomplish the general purpose and intent of this Ordinance, certain uses in each zoning district are classified as Special Uses. Because of their unique characteristics, such uses often require larger land areas or need specific regulations to achieve compatibility with existing development. The effects of such uses cannot normally be foreseen until a specific site is proposed. These uses then must be given careful consideration relative to the existing and proposed development in the area.

13.11-B Application

1. Standing

Application for a Special Use may be made by the Village, the owner of the subject property or anyone having proprietary interest in the subject property.

2. Filing

Applications shall be filed with the Plan Commission and shall be accompanied by such documents and information deemed necessary by the Plan Commission to render a recommendation. This information may include, but is not limited to, a legal description of the subject property, proof of ownership and if the land is held in trust, disclosure of all beneficial interests.

3. Fees

Each application for Special Use shall be accompanied by a filing fee as set forth in Article 13.14.

13.11-C Public Hearing

1. Timing

The Plan Commission shall within sixty (60) days of receiving a complete application for a Special Use, hold a public hearing.

2. Public Notice

a. By Applicant

The applicant shall give written notice by personal service or certified or registered mail, return receipt requested, not less than 15 days nor more than 30 days prior to such meeting or hearing date to all persons who are either (i) owners of record as of not more than 10 days prior to the date of service and as shown on the records kept by the County Recorder of Deeds, or (ii) persons listed on the most recently published tax rolls of the Township or County Assessor who paid the general real estate taxes for the last preceding year, on parcels of real estate being within 250 feet of the boundaries of the property for which rezoning is requested.

b. By the Plan Commission

The Plan Commission shall publish notice 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.

c. Content of Notice

The public notices provided by the applicant and published by the Plan Commission shall contain, at a minimum, the following:

- (1) Date of hearing.
- (2) Place of hearing.
- (3) Time of hearing.
- (4) Purpose of hearing.
- (5) Legal description of the subject property.
- (6) Common description of the subject property.

d. Posting of Sign Notice (Ord.0-01-23)

The applicant shall post and display a sign notice in accordance with the provisions of Section 13.07-D,3.

13.11-D Standards

1. Standards for Planned Unit Development are contained in Article 12.
2. A Special Use other than a Planned Unit Development shall be authorized only when the Plan commission shall find all of the following:
 - a. Compatible with Existing Development (Ord. 0-83-13)
The nature and intensity of the activities involved and the size, placement and design of any structures proposed will be so planned that the Special Use will be compatible with the existing development and will not impede the normal and orderly development and improvement of surrounding property.
 - b. Lot of Sufficient Size
The size of the lot will be sufficient for the use proposed.
 - c. Traffic
The location of the Special Use within the Village will be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the Special Use.
 - d. Parking and Access
Parking areas will be of adequate size for the particular use and properly located, and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
 - e. Effect of Neighborhood
In all respects, the special use will not be significantly or materially detrimental to the health, safety and welfare of the public or injurious to the other property or improvements in the neighborhood, nor will it diminish or impair property values in the surrounding area.

f. Adequate Facilities

That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.

g. Adequate Buffering

Adequate fencing and/or screening shall be provided to ensure the enjoyment of surrounding properties, to provide for the public safety or to screen parking areas and other visually incompatible uses.

13.11-E Recommendation

1. Timing

Within sixty (60) days after the close of the hearing on a proposed Special Use the Plan Commission shall forward written findings of fact and a recommendation regarding the application to the Board of Trustees.

2. Standard

The Plan Commission recommendation shall be consistent with the Objectives and Intent of this Ordinance and shall refer to specific zoning district standards as a guide to the establishment of requirements for each special use.

3. Conditions

The Plan Commission shall recommend such conditions or restrictions upon the location, construction, design and operation of a Special Use as they shall find necessary and appropriate to assure compliance with the requirements set forth in Article 13.11-D, and the Objectives and Intent of this Ordinance. These conditions may include, but are not limited to, regulations regarding landscaping and screening, hours of operation, parking, signage, adequate drainage of storm water, exterior lighting, fence height and the duration of the Special Use.

13.11-F Action of the Board of Trustees

1. Decisions

- a. The Board of Trustees shall consider the findings of fact received from the Plan Commission in terms of the impact on the Village as a whole.

2. Conditions of Approval

a. Conditions

The Board of Trustees shall stipulate, upon the recommendation of the Plan Commission, such conditions and restrictions as deemed necessary for the protection

of public interest and to secure compliance with the standards enumerated above.

b. Guarantees

The Board of Trustees may require such evidence and guarantees as it may deem necessary to insure compliance with the stipulated conditions.

c. Review

The Board of Trustees may stipulate that all such conditions and restrictions may be modified or revised from time to time by the Board of Trustees following notice and hearing.

3. Effect of Denial of a Special Use

No application for a Special Use which has been denied wholly or in part by the Board of Trustees shall be resubmitted for a period of one (1) year from the date of the decision, except on the grounds of new evidence or proof of changed conditions found to be valid by the Plan Commission and the Board of Trustees.

4. Time Limits

A Special Use shall become null and void if not established or actively pursued within one (1) year of the date of approval except for a Planned Unit Development as provided in Article 12, Planned Unit Developments.

13.11-G Recording of Special Use Ordinance

1. With County Recorder

All ordinances approving and authorizing provisions of this Article shall be recorded in the Office of the Recorder of Deeds of the county in which the subject property of such Special Use is situated.

2. All fees incurred for recordation and expenses shall be paid for by the applicant.

13.11-H Indemnification (Ord.0-14-23)

As a condition of approval of a special use for which a complete application is submitted on or after January 1, 2015, the applicant shall:

1. defend, indemnify and hold harmless the Village and its officers, agents and employees from any action, claim or proceeding against the Village, or officers, agents or employees of the Village, seeking to attack, challenge, dispute, void, annul or invalidate, in whole or in part, any ordinance, determination or proceeding approving such special use;

2. reimburse the Village, its officers, agents or employees for any court costs or attorney's fees which the Village, its officers, agents or employees may incur in defending any such action, claim or proceeding, or be required to pay by a court, as a result of such approval; and
3. at its sole discretion, the Village may participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the applicant of any obligation imposed by the foregoing conditions. (Ord. 0-14-23)

13.12 UNIQUE USE

13.12-A Purpose

In order to accomplish the general purpose and intent of this Ordinance, certain uses which are not specifically listed in each zoning district as being classified as Special Uses are to be considered Special Uses. These certain uses, because of their unique characteristics, their potential impact on neighboring properties or the public need for such uses, need to be considered on an individual basis. Such unique uses fall into the following categories:

1. Buildings and uses entirely private in character but of such a nature that their construction and operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
2. Uses traditionally associated with a public interest or uses operated by a publicly regulated utility.

13.12-B Application

An application for a Special Use under the provisions of this section shall follow the procedure as set forth in Article 13.11-B.

13.12-C Public Hearing

An application for a Special Use under this section shall follow the procedure as set forth in Article 13.11-C.

13.12-D Standards

An application for a Special Use under this section shall be subject to the standards as set forth in Article 13.11-D.

13.12-E Recommendation

An application for a Special Use under the provisions of this section shall follow the provisions as set forth in Article 13.11-E.

13.-12-F Action of the Board of Trustees

The provisions as set forth in Article 13.11-F shall be followed.

13.12-G Recording of Special Use Ordinance

The provisions as set forth in Article 13.11-G shall be followed.

13.13 ANNEXATIONS

Any territory which is not within the corporate limits of the Village, but is contiguous to the corporate limits of the Village may be annexed to the Village subject to the provisions and procedures set forth in the Illinois State Statutes. All lands annexed to the Village shall be zoned R-1 Single Family Residence until such time as the land is rezoned.

13.14 FEES

13.14-A Fees Required

Any application for the following shall be accompanied by the requisite fee:

1. Variations.
2. Modifications.
3. Appeals.
4. Amendments.
5. Special Use/Planned Unit Developments.
6. Annexations.

13.14-B Amount of Fee

The amount of each fee shall be as established by resolution of the Village Board in an Official Schedule of Fees. (See Municipal Code)

13.14-C Payment

All fees shall be collected by the Director of Building and Zoning for deposit with the Village Treasurer at the time of Application.

13.14-D Exempted from Fees

No fee is required for applications filed in the public interest by members of the Board of Trustees, the Plan Commission, the Board of Zoning Appeals or the Office of the Director of Building and Zoning.

13.15 ENFORCEMENT

It shall be the duty of all officers, citizens and employees of the Village, particularly of all members of the police department, to assist the municipal officers and bodies charged with the administration and enforcement of this Ordinance by reporting to them any new construction, reconstruction, change in land use or apparent violation.

13.16 VIOLATIONS AND PENALTIES

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with the requirements of this Ordinance, shall upon conviction, be fined not less than one hundred (\$100.00) Dollars, nor more than five hundred (\$500.00) Dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.