

**AGENDA**  
**PLANNING COMMISSION**  
**Regular Meeting**  
**June 27, 2018**

**I. Call to Order**

**II. Roll Call**

**III. Establishment of Quorum**

**IV. Reading and Approval of the Minutes**

Approval of the April 25, 2018 Minutes.  
Approval of May 23, 2018 Minutes.

**V. Public Hearing(s)**

**VI. Unfinished Business**

**VII. Discussion**

**VIII. New Business**

- Article IV General Provisions - Steel Building/Pole Barn as a Primary Residence
- Article XVI Additional Requirement, Exceptions and Modifications
- Article XVII Planned Unit Developments
- Article XVIII Administration
- Article XIX Fees Penalties and Legal Provisions

**IX. Public Comment**

**X. Other Business**

**XI. Adjournment**

**VILLAGE OF COAL VALLEY, ILLINOIS  
MINUTES OF THE PLANNING COMMISSION AND  
ZONING BOARD OF APPEALS**

**Held May 23, 2018 at 7:00 pm, Village Hall, Coal Valley, Illinois**

**I. Call to Order**

The Planning Commission and Zoning Board of Appeals meeting was called to order at 7:00 pm by Chairman Rockwell.

**II. Roll Call**

Present: Rockwell, Head, Ciacco

Absent: Mathias, Farmer, Rose, Brockway

**III. Establishment of a Quorum**

No Quorum. Meeting not held.

Amber Dennis  
Recording Secretary

**VILLAGE OF COAL VALLEY, ILLINOIS  
MINUTES OF THE PLANNING COMMISSION AND  
ZONING BOARD OF APPEALS**

**Held April 25, 2018 at 7:00 pm, Village Hall, Coal Valley, Illinois**

**I. Call to Order**

The Planning Commission and Zoning Board of Appeals meeting was called to order at 7:00 pm by Chairman Rockwell.

**II. Roll Call**

Present: Rockwell, Head, Farmer, Brockway, Ciacco

Absent: Mathias, Rose

**III. Establishment of a Quorum**

Quorum present.

Others present at the meeting were: Annette Ernst, Village Administrator; Jamie Just, Building Inspector; Amber Dennis, Secretary.

**IV. Reading and Approval of Minutes**

A Motion was made by Ciacco to approve the minutes of the February 28, 2018, Brockway seconded, all ayes motion carried.

**V. Public Hearing(s)**

**VI. Unfinished Business**

- **Final plat to subdivide 91 acres into 9 lots, parcel number 06-20-151-010 on Glenwood Road & Route 6, Coal Valley, IL.**

Chairman Rockwell looked over the final plat review and asked if all of the plat review questions had been answered. Mr. Just stated that all questions were answered and there were no outstanding issues. Farmer asked if all setbacks were approved. Mr. Just stated the setbacks were approved by the Village Engineer. Ms. Ernst stated that a letter of recommendation will be sent to the Village Board next Wednesday. Farmer made a motion to approve the recommendation to subdivide 91 acres into 9 lots, parcel number 06-20-151-010 on Glenwood Road & Route 6 to the Village Board. Brockway seconded, all ayes motion passed.

- **Storm water calculation, subdivision review & final plat for Creekside Villas parcel number 1220-1-D at 301-309 West 2<sup>nd</sup> Avenue Coal Valley, IL.**

Rockwell asked if the plan had been reviewed by the village engineer. Ms. Ernst stated that the storm water calculation was reviewed by IMEG and the subdivision plat was reviewed by Shive Hattery. Head made a motion to recommend the

storm water calculation and subdivision review for Creekside Villas to the Village Board. Ciacco seconded, all ayes motion passed.

**VII. Discussion**

No discussion.

**VIII. New Business**

No new business.

**IX. Other Business**

No other business.

**X. Adjournment**

Brockway made a motion to adjourn the meeting, Farmer seconded, all ayes, the meeting was adjourned at 7:10 pm.

Amber Dennis  
Recording Secretary



## ARTICLE IV General Provisions

### Section 1. ZONING AFFECTS EVERY STRUCTURE AND USE.

Except as hereinafter provided, no building or structure shall be erected, constructed, occupied, moved, altered or repaired, nor shall any land be occupied or used except in conformity with the regulations hereinafter specified for the District in which it is located.

### Section 2. MINIMUM STREET FRONTAGE, LOT OF RECORD, NUMBER OF BUILDINGS ON A LOT, AND LOTS UNSERVED BY SEWER OR WATER.

2.001 MINIMUM STREET FRONTAGE. No lot shall be created after the adoption of the Ordinance unless it abuts at least twenty (20) feet on a public street and has access thereto.

2.002 LOT OF RECORD. In any Residence District a single-family dwelling may be established on a lot of record in existence at the time of enactment of the Ordinance regardless of the size of the lot, provided all other requirements of the Ordinance are complied with. However, where two (2) or more undeveloped lots of record in existence prior to the adoption of the Ordinance are held in common ownership, they shall be considered as a single zoning lot for purposes of the Ordinance, unless each lot has an area of at least ninety (90) percent of the required minimum lot area for the District in which it is located.

2.003 NUMBER OF BUILDINGS ON A ZONING LOT. Except in the case of planned unit developments, not more than one principal building shall be located on a zoning lot.

2.004 LOTS UNSERVED BY SEWER AND/OR WATER. In any Residential District where neither central water supply nor central sewerage services are reasonably available, one (1) single-family detached dwelling may be constructed on each lot, provided the lot area and width are a minimum of twenty thousand (20,000) square feet, and one hundred (100) feet respectively; further provided, however, that where either a public water supply system or a public sanitary sewer system is accessible, these requirements shall be ten thousand (10,000) square feet, and seventy-five (75) feet respectively, except as hereinafter specified.

### Section 3. ACCESSORY BUILDINGS.

3.001 TIME OF CONSTRUCTION. No accessory buildings or structures shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory, unless such accessory building is erected in preparation for the erection of the principal building and after the building permit has been issued for the principal building. **No Steel Building, Pole Barn or Post Frame Building shall be constructed for the principal building for living space.**

3.002 PERCENTAGE OF REQUIRED YARD OCCUPIED. No detached accessory buildings shall occupy, more than fifty (50) percent of the area of a required yard.

3.003 HEIGHT OF ACCESSORY BUILDINGS. No detached accessory building or structure shall exceed the height of the principal building or structure.

## ARTICLE XVI Additional Requirements, Exceptions and Modifications

### Section 1. GENERAL.

The requirements and regulations specified elsewhere in the Ordinance shall be subject to the additional requirements, exceptions, modifications and interpretations contained in this Article.

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### Section 2. HEIGHT LIMITS.

Height limitations stipulated elsewhere in the Ordinance shall not apply in the following situations.

2.001 To barns, silos or other farm buildings or structures on farms, provided these are not less than fifty (50) feet from every lot line; to antennas, church spires, belfries, cupolas and domes, masts, and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if, in the opinion of the Zoning Officer, such structure would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Appeals.

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2.002 To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, or other structures, where the manufacturing process requires a greater height. Where a permitted use requires greater heights than specified, such may be authorized by the Board of Appeals.

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### Section 3. FRONT YARD EXCEPTIONS AND MODIFICATIONS.

3.001 Front yard requirements do not apply to the following: bay windows or balconies occupying in the aggregate not more than one-third (1/3) of the front wall, provided that these projections come entirely within planes drawn from both main corners of the front wall, making an interior angle of twenty-two and one-half (22 1/2) degrees in the horizontal plane with the front wall; or chimneys, flues, belt courses, downspouts, sills, pilaster, uncovered porches; trees or plantings or similar features not over three (3) feet higher than the average finished grade and five (5) feet distant from every lot line. (Amd. Ord. 89-0-04 4/5/89)

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3.002 In any district where the average depth of two (2) or more existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lot shall not be less than the average depth of said existing front yards or the average depth of the two (2) lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on a lot in any "R" District shall be at least ten (10) feet.

3.003 Fences may be erected between the building line and the front lot line to a height not exceeding forty-eight (48) inches, except that no such fence shall be erected within thirty (30) feet of a street intersection from the front lot line to the building line, except that no such fence shall be erected within thirty (30) feet of a street intersection.

### Section 4. SIDE YARD EXCEPTIONS AND MODIFICATIONS.



- 4.001 Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have a minimum required width equal to that required in the more restrictive district.
- 4.002 On a corner lot the minimum required width of a side yard abutting a street shall be equal to the required front yard depth of such corner lot. No part of any accessory building shall be nearer a side lot line abutting a street than the minimum required depth on any front yard required along such street.
- 4.003 The following projections or structures may be permitted in side yards:
- a. Accessory buildings or structures subject to the provisions contained elsewhere in the Ordinance.
  - b. Fences, planting or walls not over six (6) feet above the average natural grade.
  - c. Fire escapes, three (3) feet or more from the side lot line. Bays and balconies not extending more than three (3) feet from the building, provided these projections are entirely within planes drawn from both main corners of the side wall, making an interior angle of twenty-two and one-half (22 1/2) degrees in the horizontal plane with the side wall. The sum of the lengths of such projection shall not exceed one-third (1/3) of the length of the wall of the principal building.
  - d. Chimneys, flues, belt courses, downspouts, sills, pilasters, and lintels, ornamental features, cornices, gutters and the like into or over a required side yard not more than one and one-half (1 1/2) feet.
  - e. Terraces, steps, uncovered, porches, stoops or similar features, not higher than the elevation of the ground story of the building and at least three (3) feet distant from a side lot line.

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#### Section 5. REAR YARD EXCEPTIONS AND MODIFICATIONS.

The following projections or structures may be permitted in rear yards:

- 5.001 Accessory buildings or structures subject to the provisions contained elsewhere in the Ordinance.
- 5.002 Fences, or walls, not over six (6) feet above the average natural grade.
- 5.003 Fire escapes, not more than six (6) feet wide, bays and balconies not more than three (3) feet wide, provided these projections are entirely within planes drawn from both main corners of the rear wall, making an interior angle of twenty-two and one-half (22 1/2) degrees in the horizontal plane with the rear wall. The sum of the lengths of such projections shall not exceed one-half (1/2) of the width of the rear wall.
- 5.004 Chimneys, flues, belt courses, downspouts, sills, pilasters, lintels, ornamental features, cornices, eaves, and the like, into or over a required rear yard not more than one and one-half (1 1/2) feet.
- 5.005 Terraces, steps, uncovered porches, or similar features extending not more than ten (10) feet into a required rear yard, but not closer than six (6) feet to an alley or ten (10) feet to a rear lot line, if there is no alley.

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#### Section 6. SIGNS.

6.001 GENERAL PROVISIONS.

- A. No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape or color it may impair, obstruct, obscure or be confused with any authorized traffic control sign, signal or device and shall not be located in the traffic visibility area at corner lots, as herein provided.
- B. No on-building, on-site or off-site sign or billboard having flashing, scrolling, or animated illumination shall be permitted within any zoned district of the Village, except as provided in Section 6.005 Message Sign. Time and temperature signs are exempt.
- C. No sign or advertising device shall be erected or placed within one hundred (100) feet of any "R" District.
- D. A banner is any sign of any fabric, plastic or similar material that is mounted to a pole or poles or to a building by one or more edges of the fabric. A banner, not to exceed twenty (20) square feet is allowed in a "B" district, if adjacent to any "R" district, otherwise a banner not to exceed thirty two (32) square feet is allowed in a "B" or "I" district. Banners are permitted in a commercial or industrial district, with no more than one (1) banner per building street frontage, at a business location. All banners must be at least ten (10) feet from a property line adjacent to any "R" district.
- E. The flag of the United States, the State of Illinois, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction are permitted provided that such a flag shall not exceed sixty (60) square feet in area and shall be flown from a pole, the top of which is not more than five (5) feet higher than the building height of the zoning district in which it is located. Any allowable flag shall be separated from any other allowable flag by at least fifty (50) feet horizontally, unless on the same pole, in which case only two (2) flags are allowed per pole. Any flag not included above shall be considered a sign and shall be subject to regulation as such.
- F. Temporary signs are signs that are used only for a limited time period and are designed to be affixed, mounted or installed to a wall, pole or other mounting or support structure for purposes of non-permanent display.
  - 1. Non-electric temporary signs placed on the ground, or in windows of buildings with commercial or industrial uses which advertise sales, specials, or closeouts shall be restricted to illumination by normal lighting of the building or street lighting. Such signs shall be removed upon termination of the sale, special, or closeout or for a period not to exceed thirty (30) days, whichever time is occurs first.
  - 2. Temporary signs prior to the election pertaining to the candidacy of federal, state and local elected officials or other voting issues, shall be allowed only in compliance with Illinois state laws. Said signs shall be removed, as provided by law, after the election.
  - 3. Temporary signs shall be located on private property. No part of a sign shall be located on the public right-of-way and in the required traffic visibility area, herein provided.

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G. Permits required. It shall be unlawful for any person to erect, structurally alter, or relocate within the Village any permanent sign, temporary sign, or banner, except as identified herein, without first obtaining any required permit and payment of permit fees required here under.

1. Duration. If the work authorized under an erection permit has not been completed within twelve (12) months after date of issuance, said permit shall become null and void, and a new permit will be required.
2. Permit and fees for Banners. A permit and an associated fee of twenty dollars (\$20.00) will be required for the thirty (30) day placement of any banner within the Village limits of Coal Valley. Permits for banners will be allowed per business establishment during a one-year period (1 May – 30 April).
3. The following signs are exempt from the requirements to obtain a permit before installation:
  - a. Signs used by any Federal, State and/or Local government authority.
  - b. Non-illuminated projecting signs two and a half (2.5) square feet or less, located at least eight (8) feet above grade.
  - c. Temporary signs or banners erected to "welcome home" an individual(s), recognize an individual's birthday, or anniversary and are in place no longer than seven (7) days.
  - d. Temporary signs for garage sales and reunions and are in place no longer than seven (7) days.
  - e. Temporary signs, used for Federal, State and Local Elections.

I. BUSINESS CLOSING. Any type of sign and/or sign face shall be removed within ten (10) days of the closing of said business or operations for the applicable sign(s), except the address of the property shall remain.

6.002 RESIDENCE DISTRICTS. In any Residence District the following regulations shall apply:

- A. For one-family and two-family dwellings, an identification sign not exceeding two (2) square feet in area shall be permitted for each dwelling unit. Such sign shall indicate nothing other than the name of the occupants and/or address of the premises.
- B. For multiple-family and group dwellings, an identification sign not exceeding nine (9) square feet in area shall be permitted. Such sign may have indirect lighting and may indicate name of the complex, owner, phone contact, occupants, address of the premises and/or vacancy status.
- C. A non-illuminated sign to announce a subdivision development is permitted not exceed 32 square feet in size. Such signs shall be removed

when 80 percent of the lots of that subdivision are sold, the remaining lots can have individual lot signs pursuant to this ordinance.

- D. Sandwich boards or identification signs shall be permitted to announce the activities of a church, school or other public building or use. These types of signs can be put up 3 weeks prior to the event but must be removed within 7 days of the completion of the event.
- E. Banners, flags and pennants will be allowed in residential districts in conjunction with a demonstration of model homes in a new subdivision before the opening of such demonstration and after and not to exceed a total period of sixty (60) days in any calendar year. Such banners, flags and pennants shall be removed when 80 percent of the lots of that subdivision are sold, the remaining lots can have individual lot signs pursuant to this ordinance.
- F. Real Estate signs, not to exceed five (5) square feet, for the sale or rental of a property in residential zoned areas of the Village are considered temporary and must be removed within 30 days once a property sale is closed or rented.
- G. All other signs are prohibited in "R" Districts.

6.003 OFFICE AND BUSINESS DISTRICTS. The following regulations shall apply with respect to Office and Business Districts:

- A. In the "O-1" District and the "B-1" District, on-building signs shall be permitted, but shall not exceed one and one-half (1 1/2) square feet of surface area for each one (1) lineal foot of building face. Off-site signs such as billboards are prohibited. An on-site sign is permitted but will not exceed 36 sq. ft. in size per side excluding base or pole identifying/advertising the business. Multiple businesses on the same property are required to have a "monument" sign for all businesses at that location. The monument sign shall not exceed sixteen (16) feet in height from the ground to the top of the sign and six (6) feet in width and sixteen (16) inches in depth.
- B. In the "B-2" District, on buildings and on-site signs are permitted. Refer to Paragraph 6.003, Sub Section (a) for type and size limitations. Off-site signs are permitted in accordance with the standards set forth in Section 6.005, Sub Section (a), only by Special Use Permit issued in accordance with the provisions of Section 10 of Article XVIII Administration.
- C. For Sale/Lease signs on real estate in areas zoned B-1, B-2 and O-1 are permitted and will not exceed 32 square feet in size. Such signs will be removed within 30 days of the closing on the sale/lease of the property.

6.004 INDUSTRIAL DISTRICT. The following regulation shall apply with respect to the Industrial District: On building and on-site signs are permitted, see paragraph 6.003. Sub Section (a) for size limitations. Off-site signs and advertising devices are permitted only by Special Use Permit issued in accordance with the provisions of Section 10 of Article XVIII Administration.



- A. For Sale/Lease signs on real estate in areas zoned Light Industrial are permitted and will not exceed 32 square feet in size. Such signs will be removed within 30 days of the closing on the sale/lease of the property.

6.005 A MESSAGE SIGN is an intermittent changeable copy type sign that is permitted in a "B" or "I" district, provided:

- A. Said sign contents may incorporate a change of graphics and/or wording, including possible scrolling, or animated illumination, and;
- B. Said sign shall not have a bright white light(s) or bright white background lighting between the hours of sunset and sunrise, which may distract driver(s) or create a nuisance, and shall not contain any flashing light(s) component. It may contain exposed lamp or inert gas tubes or any combination thereof, provided that the exposed lamp does not exceed 11 watts or the inert gases tube does not exceed 60 milliamps. Where inside frosted lamps with a diffusing screen are used no lamp shall exceed 25 watts. Intensification of illumination by reflectorized lamps or by external reflectors is prohibited.

6.006 OFF-SITE SIGN AND ADVERTISING DEVICE STANDARDS. In addition to any conditions that may be imposed under Section 10 of Article XVIII Administration, off-site signs and advertising devices must comply with the following requirements and conditions:

- A. Off-site signs and advertising devices shall not exceed 25 feet in height, from the ground level to the top of sign, and 300 square feet per face.
- B. Off-site signs and advertising devices classified as billboards shall comply with the minimum yard requirements of the zoning district in which they are located. Setback requirements for other off-site signs and advertising devices shall be determined during the Special Use Permit process.
- C. Along any highway designated by the State of Illinois as a freeway or interstate highway and along any street or highway designated a major arterial by the Village's Comprehensive Plan there shall be a minimum of 1,000 feet between off-site signs and advertising devices classified as billboards.

6.007 VARIANCES AND SPECIAL USE PERMITS. Any business or resident in the Village of Coal Valley can request a variance or Special Use Permit from this Ordinance, as provided.

**Section 7. STREET NUMBERS.**

Every new residential, commercial and industrial establishment built on any property in the Village subsequent to the date of the adoption of the Ordinance shall receive a street number assigned by the Zoning Officer in accordance with the current street numbering system of the Village. This number will be assigned at the time a Zoning Certificate and/or Building permit is issued and will be recorded thereon.

**Section 8. ADULT REGULATED USES:**

- A. Regulated Uses: The Supreme Court of the State of Illinois has judicially confirmed that the purpose of these amendments as hereinafter stated serves a valid governmental interest. In the development and execution of this Ordinance, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas, particularly adjacent and nearby residential and commercial areas where nurseries, schools, nursing homes, and churches and similar uses are located, Proper and realistic zoning and special regulations of these uses are necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood, or discouraging normal development of undeveloped areas. These special regulations are itemized in this Section. To prevent such uses from having an adverse effect upon the adjacent and nearby residential and commercial areas above referred to, such uses are hereby established as permitted uses in the industrially zoned area of I-1 Light Industrial District at the easterly portion of the Village located on U.S. Highway 6, west of East 11<sup>th</sup> Street, as shown on the attached zoning district map as the hatched area, and in the overlay B-2(A) General Business, Adult Use District, as established by this Ordinance. In addition, any adult regulated use facility shall be surrounded by a perimeter buffer at least 50 feet wide and 6 feet high, consisting of shrubbery or plantings, to the satisfaction of the Planning Commission. Uses subject to these controls, hereafter referred to as adult regulated uses, are as follows:

Adult Bookstore  
Adult motion picture theater  
Adult mini-motion Picture Theater  
Adult entertainment facility featuring nude or semi nude dancing or modeling

Such adult regulated uses as set forth above are hereby prohibited from all zoning districts within the Village, except as permitted in the overlay B-2 (A) General Business, Adult Use District, and I-1 Light Industrial District, as shown on the attached zoning district map in the hatched area.

- B. Uses Presently Prohibited: None of the provisions of the Coal Valley Zoning Ordinance as amended pertaining to adult uses shall be construed to permit any use or activities that presently are, or in the future may be, prohibited by law.
- C. Prohibition of Graphic Materials: Any building or structure, within which an adult regulated use is lawfully operated, shall not use or display graphic sexual material, photos or drawings on the exterior of said business, but shall designate said business to be an "adult business" and admission granted to adults only.
- D. No person, firm, corporation or association holding a license under this Ordinance shall permit any patron to bring onto the licensed premises or possess any fire arms or weapons on the premises, any alcohol or any beverage containing alcohol, or any cannabis or controlled substance, as defined in the Cannabis Control Act. (Ord. 2001-00-10 5/2/01).

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# ZONING DISTRICTS COAL VALLEY, ILLINOIS

- A-1 Agricultural
- R-1 Residential Single Family
- R-2 Residential Two Family
- R-3 Residential Multi-Family
- R-4 Mobile Home Park
- B-1 Business Limited
- B-2 Business General
- O-1 Office
- I-1 Light Industrial



Scale in miles, feet



R I V E R

R O C K

INTERSTATE 280

U.S. HIGHWAY 6

B-2

I-1

B-1

WEST 4TH AVENUE

2ND AVENUE

1ST AVENUE

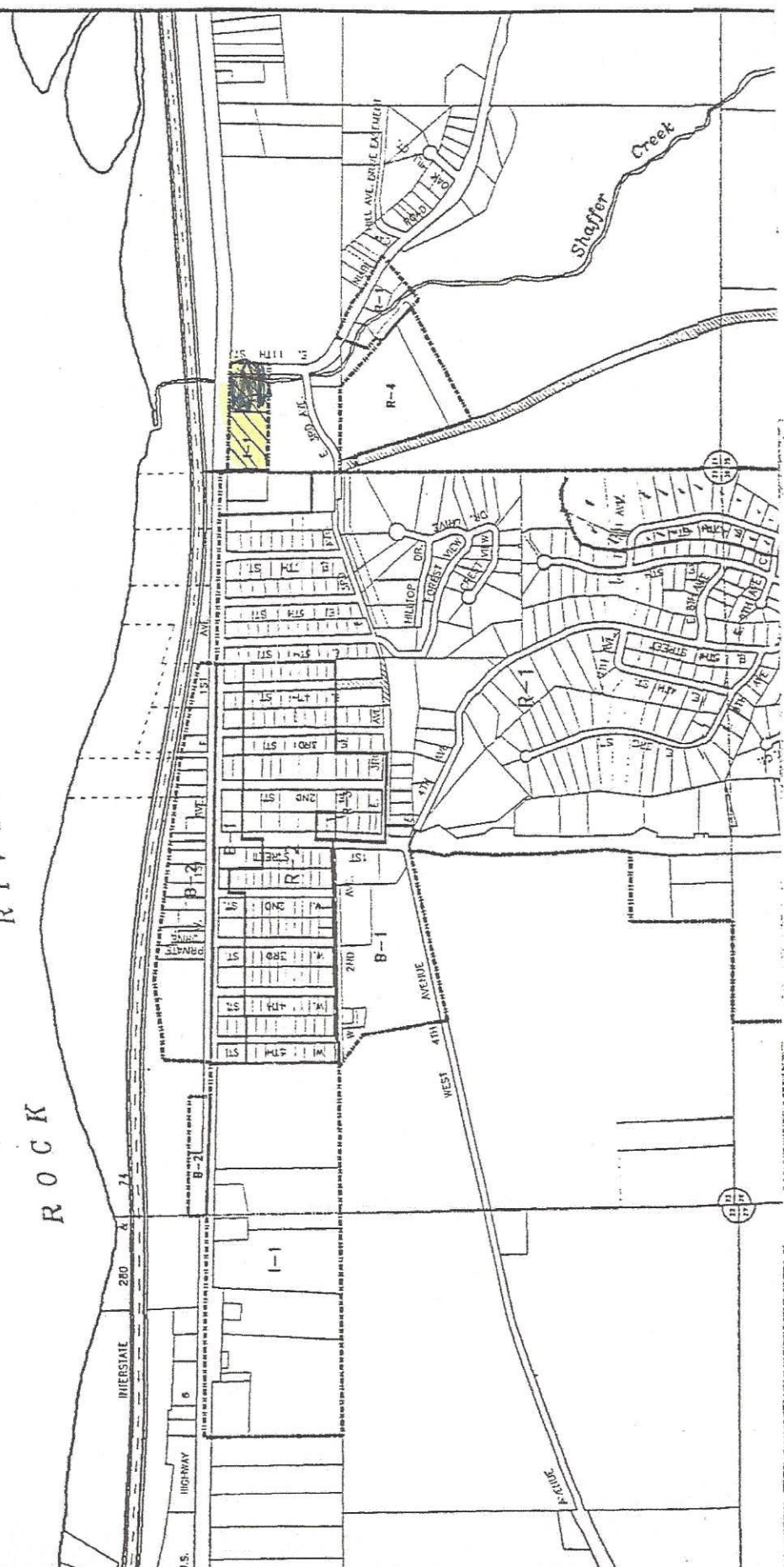
HILLTOP DRIVE

FOREST VIEW DRIVE

WILL AVE. DRIVE EXHIBIT

R-4

Shaffer Creek



## ARTICLE XVII Planned Unit Developments

### Section 1. PURPOSE AND INTENT.

The purpose and intent of the Planned Unit Development (PUD) regulations is to permit and encourage the design and development of residential, commercial and industrial areas of an equal or better quality than permitted under traditional zoning regulations as otherwise provided in the Ordinance. The PUD regulations are intended to permit flexibility and imagination in the design of a development; to encourage a more efficient use of land, layout of utilities and streets; and to preserve the natural features of the land to a greater extent than often experienced in the past by Conventional development regulations.

### Section 2. LOCATIONAL STANDARDS; MINIMUM SIZE.

A PUD may be located in any zoning district, except the "R-4" Mobile Home Park District, in accordance with the standards and requirements contained in this Article and shall meet the following minimum size requirements:

Zoning District	Minimum Size
"A-1" Agricultural District	20 Acres
"R-1" One-Family Residence District	10 Acres
"R-2" Two-Family Residence District	5 Acres
"R-3" Multiple-Family Residence District	2 Acres
"O-1" Office District	1 Acre
"B-1" Limited Business District	1 Acre
"B-2" General Business District	1 Acre
"I-1" Light Industrial District	10 Acres

### Section 3. USE REGULATIONS.

- 3.001 "A" AND "R" DISTRICTS. A PUD in an "A-1", "R-1", "R-2" or "R-3" District may contain one-family, two-family and multiple-family dwellings. Additionally, a PUD located in an "A-1" District may contain the other Principal Uses permitted in the "A-1" District and, by special use permit, those Special Uses permitted in the "A-1" District; a PUD in an "R-1" District may contain the other Principal Uses permitted in the "R-1" District and, by special use permit, those Special Uses permitted in the "R-1" District; a PUD in an "R-2" District may contain the other Principal Uses permitted in the "R-2" District and, by special use permit, those Special Uses permitted in the "R-2" District; and a PUD in an "R-3" District may contain the other Principal Uses permitted in the "R-3" District and, by special use permit, those Special Uses permitted in the "R-3" District.
- 3.002 "O" AND "B" DISTRICTS. A PUD in an "O-1" District may contain those uses listed as Principal Uses in a "O-1" District and, by special use permit, those Special Uses permitted in the "O-1" District; a PUD in a "B-1" District may contain those uses listed as Principal Uses in a "B-1" District and, by special use permit, those Special Uses permitted in the "B-1" District; and a PUD located in a "B-2" District may contain those uses listed as Principal Uses in a "B-2" District and, by special use permit, those Special Uses permitted in the "B-2" District.
- 3.003 "I" DISTRICT. A PUD in an "I-1" District may contain those uses listed as Principal Uses in an "I-1" District. A PUD in an "I-1" District may not contain those uses listed as Prohibited Uses in an "I-1" District.



**Section 4. DESIGN STANDARD AND REQUIREMENTS.**

PUD's shall be designed and developed in accordance with the following standards and requirements.

- 4.001 The overall plan shall be comprehensive, embracing land, buildings and improvements and their interrelationship.
- 4.002 The land area per dwelling unit shall not be less than the lot area per dwelling unit provided by the Ordinance for the district in which the PUD is located. A PUD located in two or more districts shall have a land area per dwelling unit prorated in accordance with the amount of the PUD in each district. For the purpose of computing land area per dwelling unit, all land area within the boundaries of the PUD may be included except that area which is devoted to public streets and other lands dedicated for public use.
- 4.003 The specific yard, frontage and height requirements of the Ordinance shall not apply in a PUD except that around the perimeter of a PUD yards shall be provided in a dimension equal to or greater than that required by the Ordinance for the adjoining zoning district. Additionally, when the uses and height of buildings around the perimeter of a PUD are less restrictive than or greater than in the adjoining zoning district, yard dimensions greater than those required in the adjoining zoning district may be required. Within the interior of a PUD, open spaces shall be provided which in the aggregate equal or exceed that which would have resulted from the application of conventional yard requirements.
- 4.004 The specific off-street parking and loading requirements of the Ordinance shall apply to a PUD.
- 4.005 The various elements of A PUD shall be well integrated, properly oriented, and properly related to the topographic and natural landscape features of the site.
- 4.006 A PUD shall be well related to existing and planned land use and circulation patterns and shall not constitute a disrupting element with regard to the character of adjacent areas,
- 4.007 The location and design of buildings and structures shall facilitate the coordination and installation of public street and utility improvements both within and outside the site.
- 4.008 The internal street system shall be designed for the efficient and safe flow of vehicles without having a disruptive influence on the activities and functions of the common areas and facilities.
- 4.009 Parks and recreational areas and facilities shall be located adjacent to dwelling units or be easily accessible thereto.
- 4.010 The location of community facilities, when such are provided, shall be well related to open space areas and easily accessible to pedestrians.

**Section 5. COMMON OPEN SPACE.**

The application for final approval shall be accompanied by a detailed draft of a conveyance in which the developer shall deed the common open space to a trustee, which trustee shall be a corporate fiduciary or an association of owners in the PUD. The conveyance shall specify the method(s) of maintenance and utilization of the common open spaces within the PUD, including the method by which the maintenance will be financed. Such conveyance

shall be recorded prior to the final plat of subdivision and entered thereon.

**Section 6. CONCEPT PLAN AND PRE-APPLICATION CONFERENCE.**

Prior to the submission of a formal application and preliminary plan, a PUD developer shall submit a concept plan which shall define the area proposed to be developed; the acreage of the site; the number of dwelling units proposed; the general location and size of any proposed buildings and structures; the location of proposed public streets, private drives and parking areas; the location of public and/or private recreation and community facilities; and the topography of the site. The developer shall meet with the Zoning Officer, the Subdivision Administrative Officer, and the Village Engineer to review such concept plan and determine its general consistency with the Zoning and Subdivision Ordinances and other applicable laws and ordinances of the Village and the State of Illinois. Following such pre-application conference, the proposed concept plan shall be forwarded to the Planning Commission for review with comments and recommendations by the Zoning Officer, Subdivision Administrative Officer and Village Engineer as are appropriate. Upon approval of the concept plan by the Planning Commission, which may be granted by the Planning Commission subject to such conditions as may be necessary to make the PUD acceptable under the provisions of Village regulations, the developer may proceed to prepare and submit a formal application and preliminary plan.

**Section 7. APPLICATION AND PRELIMINARY PLAN.**

Subject to the concept plan approval granted in Section 6, a developer may submit an application for a PUD which shall be accompanied by a preliminary plan of the proposed development. The application and preliminary plan shall be submitted to the Zoning Officer who shall review the application and preliminary plan to determine its conformance with the concept plan approved by the Planning Commission, including any conditions specified at the time of such approval. If substantially in conformance with the concept plan approval, the Zoning Officer shall forward the application and preliminary plan to the Planning Commission.

7.001 APPLICATION. The application shall include such information and shall be in such form as determined from time to time by the Planning Commission, but shall include the name of the PUD; the name of the developer; the name of the owner of the property to be developed; the name of the engineer, planner, surveyor, architect and/or other professionals involved in the design of the PUD; a legal description of the property; and a narrative description of the proposed PUD and its relationship to the surrounding neighborhood and to the community.

7.002 PRELIMINARY PLAN. A preliminary plan shall be at a scale not smaller than 100 feet to the inch and shall contain the following information:

- a. Proposed name of the PUD and the name, addresses ~~and~~ telephone number of the person or firm preparing the preliminary plan,
- b. North point, scale and date.
- c. Boundaries of the property involved; all existing easements, section lines and property lines; existing streets, buildings, watercourses, waterways or lakes, and other physical features in and adjoining the property,
- d. Topography in 2-foot contours.
- e. Location and sizes of sanitary sewers, storm sewers, water mains, culverts and other underground structures in and adjoining the property.
- f. General location of different uses, dwellings by type, recreational and commercial uses and other non-residential uses.
- h. General plan of development indicating the location of buildings and structures by type drawn to scale, proposed streets and driveways, off-

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street parking areas, recreation and other open space areas, and any other physical features related to the development of the PUD,

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- h. Tabulation of the number of acres (and the percentage thereof) proposed to be devoted to dwellings (by type), commercial and industrial uses, other non-residential uses, streets, recreational open spaces and other uses.
- i. Tabulation of the total number of dwelling units of various types in the PUD, the proposed building coverage for the various uses and the overall projected density in dwelling units per acre.

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**Section 8. PRELIMINARY PLAN REVIEW AND APPROVAL PROCESS.**

Upon receipt of the application and preliminary plan from the Zoning Officer, the Planning Commission shall review the material submitted to determine its general acceptability and, if necessary, request additional information. At the time of this review, the applicant shall be present to discuss the proposal with the Commission and to answer any questions that might arise,

- 8.001 PUBLIC HEARING; NOTICE. Following review of the application and preliminary plan, the Planning Commission shall hold at least one (1) public hearing on the proposed PUD. Notice of time and place of such hearing shall be published not less than fifteen (15) nor more than thirty (30) days preceding such hearing in the official newspaper of the Village. The published notice may be supplemented by such additional notices as the Planning Commission may deem appropriate.
- 8.002 RECOMMENDATION TO THE VILLAGE BOARD. Following the close of the public hearing, the Planning Commission shall consider the proposed PUD as submitted by the applicant and the information obtained from the public hearing. Upon consideration, it may recommend to the Village Board approval of the application and preliminary site plan for the proposed PUD as submitted by the applicant; it may recommend approval subject to specific changes and alterations being made by the applicant in the final development plan; or it may recommend disapproval of the proposed PUD. If it recommends disapproval, the Planning Commission shall state its specific reasons for such recommendation. All recommendations of the Planning Commission to the Village Board shall be in writing and shall be attached to a copy of the application and preliminary site plan.
- 8.003 ACTION BY THE VILLAGE BOARD. The Village Board shall consider a proposed PUD upon recommendation of the Planning Commission. The Board may approve or disapprove an application and preliminary site plan for a PUD and, if it approves, may attach such conditions as it deems necessary to make the proposed PUD comply with the requirements of the Ordinance.
- 8.004 EFFECT OF DISAPPROVAL. If disapproved, no PUD may be proposed for the same property for a period of one (1) year unless it is determined by the Planning Commission, following a concept plan review and pre-application conference, that any new PUD proposal is substantially different from the one previously disapproved.

**Section 9. FINAL PLAN REVIEW AND APPROVAL PROCESS.**

Following approval of the application and preliminary plan, but no more than one (1) year thereafter, a developer may submit a proposed PUD for final approval. The proposed PUD in its final form shall comply in all respects with the provisions of this Article and any conditions which may have been included in the Village Board's approval of the application and preliminary site plan.



- 9.001 REVIEW BY THE PLANNING COMMISSION. Following review by the Zoning Officer, Subdivision Administrative Officer, and the Village Engineer to determine that all necessary information has been submitted, the Zoning Officer shall forward the proposed final plans for the PUD to the Planning Commission for review and recommendation. The Planning Commission shall review the final plans in terms of the requirements of this Article and the approved application and preliminary site plan. The Commission shall act upon the final plans only when they are substantially in conformance with this Article and the approved application and preliminary site plan. Following review, the Commission may recommend to the Village Board approval of the final plans as submitted by the developer; it may recommend approval subject to such conditions as to bring it into compliance with this Article and the approved application and preliminary site plan; or it may recommend disapproval of the proposed PUD. If it recommends disapproval, the Commission shall state specific reasons for such recommendation. All recommendations of the Commission to the Village Board shall be in writing and shall be attached to a copy of the final plans for the PUD.
- 9.002 ACTION BY THE VILLAGE BOARD. The Village Board shall consider the final plans of a PUD upon recommendation of the Planning Commission. The Board may approve or disapprove the final plans and, if it approves, may include such conditions as it deems necessary to make the proposed PUD comply with the requirements of this Article and the approved application and preliminary site plan.
- 9.003 EFFECT OF DISAPPROVAL. If disapproved, no PUD may be proposed for the same property for a period of one (1) year unless it is determined by the Planning Commission, following a concept plan review and pre-application conference, that a proposed new PUD is substantially different from the one previously disapproved.

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**ARTICLE XVIII Administration**

**Section 1. ORGANIZATION.**

The administration of the Ordinance is vested in the following officers and organizations of the Village: the Zoning Officer; the Board of Appeals; the Planning Commission, and the Village Board of Trustees.

**Section 2. ZONING OFFICER.**

2.001 APPOINTMENT OF THE ZONING OFFICER. The Zoning Officer shall be appointed by the Village President with the advice and consent of the Village Board of Trustees.

2.002 POWERS AND DUTIES OF THE ZONING OFFICER. The Zoning Officer shall enforce the Ordinance and, in addition thereto and in furtherance of such enforcement authority, shall:

- a. Issue all zoning certificates and make and maintain records thereof;
- b. Assign street numbers and ~~maintain~~ maintain records thereof;
- c. Issue all occupancy permits and make and maintain records thereof;
- d. Conduct inspections of buildings, structures and use of land to determine compliance with the terms of the Ordinance;
- e. Maintain permanent and current records of the Ordinance including, but not limited to, all maps, amendments, special uses, variances, appeals, and applications therefor;
- f. Provide and maintain a public information service relative to all matters arising out of the Ordinance;
- g. Forward to the Planning Commission all applications for amendments to the Ordinance;
- h. Transmit to the Board of Appeals applications for appeals, variances, special uses or other matters on which the Board of Appeals is required to pass under the Ordinance;
- i. Issue occupancy permits regulating the erection of buildings or structures and use of land for periods not to exceed ten (10) days for specific purposes such as temporary carnivals, church, charity and revival meetings which are not detrimental to the public health, safety, morals, comfort, convenience or general welfare; provided, however, that said uses or operations and any incidental temporary structures or tents are in conformance with all other ordinances and codes of the Village; and
- j. Initiate, direct and review from time to time studies of the provisions of the Ordinance and make recommendations to the Planning Commission for improving the Ordinance in its applicability to current and changing conditions.

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**Section 3. SOIL AND WATER CONSERVATION DISTRICT REVIEW.**

~~Any person who petitions the Village for a variation, amendment or other relief from the Ordinance shall furnish a copy of such petition or proposal to the Reek Island County Soil and Water Conservation District for its review and comment. The District shall be given no more than thirty (30) days from the time of receipt of the petition or proposal to issue its written opinion concerning the petition or proposal and to submit the same to the Zoning Officer for further action. If no opinion is tendered in that period of time, the Zoning Officer may proceed to act on the petition without further reference to the District.~~

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**Section 4. BOARD OF APPEALS.**

- 4.001 CREATION. The Board of Appeals, as established under the applicable provisions of the Illinois Revised Statutes, is the Board of Appeals referred to in the Ordinance.
- 4.002 MEMBERSHIP. The Board of Appeals shall consist of seven (7) members appointed by the Village President with the consent of the Village Board. At least two (2) such members shall be named from among the members of the Village Planning Commission. The members of the Board of Appeals shall serve for overlapping terms of five (5) years. One of the members shall be designated by the Village President with the consent of the Village Board as Chairman and shall hold office until his successor is appointed.
- 4.003 JURISDICTION. The Board of Appeals is hereby vested with the following jurisdiction and authority:
- a. To hear and pass on all applications for Special Use Permits in the manner prescribed by the Ordinance;
  - b. To hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer under the Ordinance;
  - c. To hear and pass on the applications for variance from the terms provided in the Ordinance in the manner prescribed and subject to the standards established herein;
  - d. To interpret the provisions of the Ordinance, including the Zoning Map, in the manner provided for herein; and
  - e. To hear and decide all matters referred to it or upon which it is required to pass under the Ordinance, as prescribed by the applicable provisions of the Illinois Revised Statutes.
- 4.004 MEETINGS AND RULES. All meetings of the Board of Appeals shall be held at the call of the Chairman at such time as the Board may determine. All meetings and hearings conducted by the Board shall be open to the public. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall also keep records of its hearings and other official actions. A copy of the very rule or regulation, order, requirement, decision, or determination of the Board shall be filed immediately in the office of the Village Clerk and shall be a public record. The Board shall adopt its Own rules and procedures, provided they are not in conflict with the Ordinance or with the applicable Illinois State Statutes. It may select or appoint such officers as it deems necessary.
- 4.005 FINALITY OF DECISIONS OF THE BOARD OF APPEALS. All decisions and findings of the Board of Appeals on appeals, applications for a variance or applications for special use, shall, after a hearing, be final administrative decisions and shall be subject to such judicial review as may be provided by law.

**Section 5. PLANNING COMMISSION.**

- 5.001 CREATION. The Planning Commission of the Village, as established under the applicable provisions of the Illinois Revised Statutes and the Village Code, is the

Planning Commission referred to in the Ordinance.

5.002 JURISDICTION. The Planning Commission is hereby vested with the following jurisdiction and authority:

- a. Hear all applications for amendments to the Ordinance and report its findings and recommendations to the Village Board;
- b. On its own initiative, propose and recommend to the Village Board amendments to the provisions of the Zoning Ordinance, provided that it has first held a public hearing thereon;
- c. Receive from the Zoning Officer his recommendations as related to the effectiveness of the Ordinance and report its conclusions and recommendations to the Village Board; and
- d. Hear and decide all matters upon which it is required to pass under the Ordinance.

**Section 6. PRESIDENT AND VILLAGE BOARD.**

The President and Village Board of ~~Trustees~~ shall be vested with the following jurisdiction and authority:

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- 6.001 Receive and decide upon all recommendations from the Planning Commission concerning amendments to the Ordinance;
- 6.002 Receive from the Planning Commission all recommendations concerning the effectiveness-of the Ordinance; and
- 6.003 Decide all matters upon which it is required to pass under the Ordinance.

**Section 7. ZONING CERTIFICATES AND OCCUPANCY PERMITS.**

7.001 ZONING CERTIFICATES. Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department or employee of the Village unless the application for such permit has been examined by the Zoning Officer and receives his certification that it ~~and~~ complies with all provisions of the Ordinance. Any permit or certificate issued in conflict with the provisions of the Ordinance shall be null and void.

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7.002 OCCUPANCY PERMITS. No building, or addition thereto, constructed after the effective date of the Ordinance shall be occupied, and no land vacant on the effective date of the Ordinance shall be used for any purpose until an occupancy permit has been issued by the Zoning Officer. No change in a use other than that of a permitted use to another similar permitted use, shall be made until an occupancy permit has been issued by the Zoning Officer. Every occupancy permit shall state that the use or occupancy complies with the provisions of the Ordinance.

- a. APPLICATION FOR OCCUPANCY PERMIT. Every application for a building permit as required by the Building Code of the Village shall be deemed to be an application for an occupancy permit. For a new use of land where no building permit is required, an application for an occupancy permit shall be made directly to the Zoning Officer.



- b. **ISSUANCE OF OCCUPANCY PERMIT.** No occupancy permit for a building, or portion thereof, constructed after the effective date of the Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Zoning Officer to be in conformity with the plans and specifications upon which the zoning certificate was based. Pending the issuance of an occupancy permit, a temporary occupancy permit may be issued, to be valid for a period not to exceed six (6) months from its issue date, during the completion of any addition or during partial occupancy of the premises. Reasons for refusal to issue an occupancy permit must be in writing and must be forwarded to the applicant no later than fourteen (14) days after the request for an occupancy permit has been submitted.

**Section 8. VARIANCES.**

- 8.001 **PURPOSE AND FINDINGS OF FACT.** The Board of Appeals, after a public hearing to determine the facts in any request for a variance, may vary the regulations of the Ordinance in harmony with their general purpose and intent, but only in the specific instances hereinafter set forth, and only when the Board makes its findings of fact in accordance with the standards hereinafter prescribed and issues them in writing, and further, only when it finds that there are practical difficulties and particular hardships imposed by carrying out the strict letter of the regulations of the Ordinance.
- 8.002 **APPLICATION FOR VARIANCE AND NOTICE OF HEARING.**
  - a. An application for a variance shall be filed in writing with the Zoning Officer. The application shall contain such information as the Board of Appeals may require.
  - b. Notice of the time and place of the public hearing shall be published at least once in the official newspaper, not less than fifteen (15) days nor more than thirty (30) days before the hearing. The published notice may be supplemented by such additional forms of notice as the Board may deem appropriate.
- 8.003 **STANDARDS FOR VARIANCE.** The Board of Appeals shall not vary the regulations of the Ordinance, as authorized in this Section, unless there is evidence presented to it in each specific case that:
  - a. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
  - b. The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification;
  - c. The purpose of the variance is not based exclusively upon a desire to make more money out of the property;
  - d. The alleged difficulty or hardship is caused by the Ordinance and has not been created by any persons presently having an interest in the property;

- e. The granting of a variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
- f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

8.004 AUTHORIZED VARIANCES. Variances from the regulations of the Ordinance shall be granted by the Board of Appeals only in accordance with the standards established in this Section and may be granted only in the following instances and in no others:

- a. YARD DIMENSION. To permit any yard or setback of less dimension than required by the applicable regulations;
- b. HEIGHT. To permit any building or structure to exceed the height limitations imposed by the applicable regulations;
- c. LOT SIZE. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than fifty (50) percent of the required area and width;
- d. PARKING. To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
- e. PARKING OR LOADING SPACE. To reduce the applicable off-street parking or loading facilities required by not more than one (1) parking space or loading space, or to reduce such facilities by no more than twenty percent (20%), whichever number is greater;
- f. PARKING LOCATION. To increase by not more than twenty-five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served; and,
- g. FLOOR AREA. To increase by not more than ten percent (10%) the maximum gross floor area of any use if so limited by the applicable regulations.
- h. SCREENING. To modify the screening requirements in an appropriate manner in a particular situation to achieve a suitable screening and buffer area between applicable zoning districts.

8.005. GRANTING A VARIANCE. Once a quorum of at least four (4) members of the Board of Appeals is reached, a majority vote of the quorum shall be necessary to grant a variance. A tie vote will result in the variance request being deferred to a later day. No order of the Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit is obtained within such period and the erection or alteration of subject building is started or the use is commenced within such period."



- 8.006 EFFECT OF DENIAL OF VARIANCE. Application for a variance that has been denied wholly or in part by the Board of Appeals shall not be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence found to be valid by the Board of Appeals.

**Section 9. APPEALS.**

- 9.001 Scope of Appeals. An appeal may be taken to the Board of Appeals by- any person, firm, corporation, office, department, board or commission aggrieved by a decision of the Zoning Officer. Such appeal shall be made within such time as shall be prescribed by the Board of Appeals by filing with the Zoning Officer a Notice of Appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board of Appeals all of the papers constituting a record upon which the appeal is based.

9.002 FINDINGS ON APPEAL.

- a. An appeal shall stay all proceedings in-furtherance of the actions appealed from unless the Zoning Officer certifies to the Board of Appeals, after the notice of the appeal has been filed with him, that by reason of facts stated in the appeal a stay would, in his opinion, cause imminent peril to life or property.
- b. The Board of Appeals shall select a reasonable time and place for the hearing of the appeal, give due notice thereof to the parties concerned, and shall render a written decision on the appeal without unreasonable delay. The Board of Appeals may, upon the concurring vote of four (4) members, affirm or reverse wholly or in part or modify the order requirement, decision, or determination that, in its opinion, is justified by the evidence. To that end, the Board of Appeals shall have all the powers of the Zoning Officer from whose decision the appeal was made. The Zoning Officer shall maintain records of all actions of the Board of Appeals relative to decisions made on appeals.

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**Section 10. SPECIAL USE PERMITS.**

- 10.001 PURPOSE. The development and administration of the Ordinance is based upon the division of the Village into zoning districts, within which districts the use of land and buildings and the size and location of buildings and structures in relation to the land occupied are substantially uniform. The Ordinance recognizes, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration in each case of the impact of those uses upon neighboring uses and of the public need for the particular use at the location being considered. Such special uses fall into two categories:

- a. Uses publicly operated or traditionally influenced by a public interest,
- b. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact on neighboring property or public facilities.

10.002 INITIATION OF SPECIAL USE. Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, any one of which is specifically enforceable, may file an application to use such land for one or more of the special uses provided for in the Ordinance for the zoning district in which the land is located.



- 10.003 APPLICATION FOR A SPECIAL USE PERMIT. An application for a special use permit shall be filed with the Zoning Officer on a form prescribed by the Board of Appeals. The application shall be accompanied by such plans and/or data prescribed by the Board of Appeals and shall include a statement in writing by the applicant and adequate evidence showing that the proposed use will conform to the standards set forth in this Section. Such application shall be forwarded by the Zoning Officer to the Board of Appeals with a request for a public hearing and a decision relative thereto.
- 10.004 HEARING ON APPLICATION. Upon receipt of the application in proper form, the Board of Appeals shall hold at least one (1) public hearing on the proposed special use. Notice of time and place of such hearing shall be published in the official newspaper not less than fifteen (15) days nor more than thirty (30) days preceding said hearing. The published notice may be supplemented by such additional forms of notice as the Board of Appeals may deem appropriate.
- 10.005 AUTHORIZATION. For each application for a special use permit the Zoning officer shall prepare and file with the Board of Appeals his findings and recommendations, including any recommended stipulations of additional conditions and guarantees that he deems necessary for the protection of the public interest.
- 10.006 STANDARDS. No special use permit shall be granted by the Board of Appeals unless the Board finds:
- a. That the establishment, maintenance, or operation of the special use will not be detrimental to nor endanger the public health, safety, morals, comfort or general welfare;
  - b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor will substantially diminish property values within the neighborhood;
  - c. That the establishment, maintenance or operation of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
  - d. That adequate utilities, access roads, drainage and/or other necessary facilities have been planned or are being provided;
  - e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public-streets; and,
  - f. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is to be located, except as such regulations may in each instance, be modified as the Board of Appeals deems appropriate,
- 10.007 CONDITIONS AND GUARANTEES. Prior to the granting of any special use permit, the Board of Appeals shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of this Section. In all cases in which special uses are granted, the Board of Appeals shall require such evidence and guarantees of the applicant as it may deem necessary to assure that the conditions stipulated in connection therewith are being and will continue to be

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complied with.

**10.008 DENIAL AND REVOCATION OF A SPECIAL USE PERMIT.**

- a. **DENIAL OF A SPECIAL USE PERMIT.** An application for a special use permit that has been denied wholly or in part by the Board of Appeals shall not be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Appeals.
- b. **REVOCATION OF A SPECIAL USE PERMIT.** In any case where a use has not been established within one (1) year after the date of the granting of the permit, then without further action by the Board of Appeals, the special use permit is revoked and its authorization shall be null and void.

**Section 11. OTHER POWERS OF THE BOARD OF APPEALS.**

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

- 11.001 **INTERPRETATION OF DISTRICT MAP.** Where the application of the rules for interpretation or district boundaries contained in Article III leaves a reasonable doubt as to the boundary between two districts, the Board of Appeals, after notice to the owners of the affected property and after a public hearing, shall interpret the map in such a way as to carry out the intent and purposes of the Ordinance.
- 11.002. **TEMPORARY USES AND PERMITS.** The Board of Appeals may issue a permit for the temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by the Ordinance, provided that such use be of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare. The terms "temporary" and "substantial" as used herein are subject to definition by the Board of Appeals as it deems appropriate to a given use.
- 11.003 **CERTAIN INDUSTRIES IN THE "I" DISTRICT.** In determining whether certain uses shall be located in the "I" District, the Board of Appeals shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use for location in the "I" District, the Board shall determine whether the proposed use would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, and negative aesthetic and psychological effects.

**Section 12. AMENDMENTS.**

- 12.001 **AUTHORITY.** For the purpose of promoting the public health, safety, morals, comfort, and general welfare, conserving the value of property throughout the Village, and lessening or avoiding congestion in the public streets and highways, the Village Board may from time to time in the manner hereinafter set forth amend the Ordinance. The Ordinance may be amended, provided that in all amendments adopted under the authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantages of the entire community, and the uses to



which the property is devoted at the time of the adoption of such amendment.

- 12.002 **INITIATION OF AMENDMENTS.** Amendments may be proposed by the Village Board, the Planning Commission or by any interested person or organization.
- 12.003 **APPLICATION FOR AMENDMENT.** An application for an amendment shall be filed with the Zoning Officer in such form and accompanied by such information as required by the Zoning Officer, who shall forward the application to the Planning Commission with his recommendation and with the request to hold a public hearing on said application for amendment.
- 12.004 **HEARING ON APPLICATION.** The Planning Commission shall hold a public hearing on each application for an amendment at such time and place as shall be established by the Planning Commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Planning Commission may prescribe.
- 12.005 **NOTICE OF HEARING.** Notice of time and place of such hearing shall be published at least once in the official newspaper not less than fifteen (15) nor more than thirty (30) days before such hearing. The published notice may be supplemented by such additional forms of notice as the Planning Commission may deem appropriate.
- 12.006 **FINDINGS OF FACT AND RECOMMENDATION.** Within forty-five (45) days after the close of the hearing on a proposed amendment, the Planning Commission shall make written findings of fact and shall submit same together with its recommendation to the Village Board. Where the purpose and effect of the proposed, amendment is to change the zoning classification of particular property, the findings of fact and recommendation shall include the following information:
- (a) Existing use of property within the general area of the property in question;
  - (b) The zoning classification of property within the general area of the property in question;
  - (c) The suitability of the property in question to the uses permitted under the existing zoning classification;
  - (d) The trend in development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification; and
- 12.007 **MINIMUM PARCEL SIZE.** A lot, lots or parcel of land shall not qualify for a zoning amendment unless it possesses two hundred (200) feet of frontage or contains twenty-five thousand (25,000) square feet of area, or adjoins a lot, lots or parcel of land which bears the same zoning district classification as the land proposed for the zoning amendment.
- 12.008 **RECOMMENDATION.** The Planning Commission shall recommend the adoption of a proposed amendment only when it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant. The Planning Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph, the "A-1" District shall be considered the highest classification and the "I" District shall be considered the lowest classification.

12.009 ACTION BY THE VILLAGE BOARD.

- a. The Village Board shall not act upon a proposed amendment to the Ordinance until it shall have received a written report and recommendation from the Planning Commission on the proposed amendment.
- b. The Village Board may grant or deny any application for an amendment, provided, however, that in the event a written protest against any proposed amendment, signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly across the street from the frontage proposed to be altered, is filed with the Village Clerk, amendment shall not be passed except by a favorable vote of two-thirds (2/3's) of all members of the Village Board.

c. EFFECT OF DENIAL OF AMENDMENT. No application for an amendment that has been denied wholly or in part by the Village Board shall be resubmitted for a period of one (1) year from the date of said denial except on the grounds of new evidence or proof of change of conditions found to be valid by the Planning Commission.

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## ARTICLE XIX Fees, Penalties and Legal Status Provisions

### Section 1. FEES

Any application for an amendment or special use, filed by or on behalf of an owner of the property affected, shall be accompanied by a fee of fifty (50) dollars. The fee for variances and appeals shall be Fifty (50) dollars. The fees for zoning certificates to build in the Village under the following classifications shall be as follows: for a zoning certificate covering not more than two hundred (200) dollars of work, three (3) dollars; for a zoning certificate covering not less than two hundred (200) dollars or more than three thousand (3000) dollars of work, six (6) dollars; for a zoning certificate covering more than three thousand (3000) dollars of work, twelve (12) dollars.

### Section 2. PENALTIES.

- (a) Any person violating any provision of the Zoning Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than seventy five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00). Each day such violation is committed or allowed to continue shall constitute a separate offense.
- (b) The Village may elect to file an ordinance complaint through the Municipal Code Enforcement System (MUNICES) in order to enforce the provisions of this Zoning Ordinance or any violation of the Village of Coal Valley Code of Ordinances.
- (c) When any act is declared to be forbidden, an officer or any official charged with the enforcement of the provisions of this Zoning Ordinance, may, in lieu of filing a complaint in the Circuit Court or through the Municipal Code Enforcement System (MUNICES), issue a compliance ticket to the person found to be in violation of a provision of this Zoning Ordinance. Any person receiving a compliance ticket from an officer or official charged with the enforcement of these provisions may then thereafter pay an administrative penalty fee of forty-five dollars (\$45.00) at the office of the Village Clerk and may then consider the matter settled. If said penalty fee is not received at the office of the Village Clerk within 14 days from the issuance of the Compliance Ticket, the matter shall be considered contested and the Village will cause a complaint to be filed charging the violator with a said violation of the appropriate provisions of the Zoning Ordinance and the matter shall proceed as provided by law.
- (d) Nothing herein shall prohibit the filing of a complaint in the Circuit Court or through the Municipal Code Enforcement System (MUNICES) for a subsequent violation of the same provision. The Chief of Police or Building Inspector may reasonably extend the period by which the penalty fee called for in subsection (c.) may be paid. The Chief of Police or Building Inspector has the authority to void any Compliance Ticket issued for a violation of this Zoning Ordinance if after careful consideration he deems such action is in the best interest of the Village.
- (e) In addition to the foregoing, the Village Attorney is authorized and directed to initiate litigation in court to recover the costs incurred from the enforcement of the provisions of this ordinance as provided by law.

### Section 3. REPEALED.

All ordinances or parts of ordinances in conflict with all or any part of the ordinance are hereby repealed.

**Section 4. CONFLICT WITH PRIVATE DEEDS AND COVENANTS.**

In case of any conflict between the Ordinance or part thereof, and the whole or part of any existing or future private covenants or deeds, the most restrictive shall apply. The Village is not responsible ~~not~~ nor will it assume responsibility for enforcing private covenants or deeds.

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**Section 5. SEVERABILITY.**

If any section or part thereof of the Ordinance shall be held to be unconstitutional by a court of competent jurisdiction, the remainder of the provisions herein shall be deemed to continue in full force and effect.

**Section 6. EFFECTIVE DATE.**

The Ordinance shall take effect and be in full force from and after its adoption and publication as provided by law.