

CHAPTER 4: ZONING APPLICATIONS AND APPROVAL PROCESSES

6-4-1 ZONING TEXT AND MAP AMENDMENT

A. Purpose

The process for amending the Zoning Ordinance text or map is intended to permit modifications in response to changed conditions or changes in Village policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

B. Initiation of Amendments

The Village, or any person having a right of ownership of any property in the Village, may propose map or text amendments. All applications for map or text amendments shall be filed with the Planning and Zoning Administrator in accordance with the requirements of Section 6-3-1 (Application). Amendments initiated by the Village require an application, but are exempt from fees.

C. Authority and Execution

The Village Board, after receiving a recommendation from the Plan Commission/Zoning Board of Appeals, shall take formal action on requests for map or text amendments.

D. Procedure

1. Acceptance of Application by Planning and Zoning Administrator

Upon receipt of a complete application, the Planning and Zoning Administrator shall review the application for completeness. The Planning and Zoning Administrator shall schedule the application for an upcoming Plan Commission/Zoning Board of Appeals agenda for consideration.

2. Action by the Plan Commission/Zoning Board of Appeals

- a. The Plan Commission/Zoning Board of Appeals shall hold a public hearing in accordance with Section 6-3-2 (Public Hearing) within thirty (30) days of the filing of the completed application. Notice for the public hearing shall be in accordance with Section 6-3-3 (Public Notice).
- b. Within thirty (30) days of the close of the public hearing, the Plan Commission/Zoning Board of Appeals shall forward to the Village Board its findings of fact and recommendation of either approval, approval with conditions, or denial on applications for zoning text amendments, or recommendation of either approval or denial on applications for zoning map amendments.

3. Action by the Village Board

The Village Board shall consider the application within thirty (30) days of receiving the findings of fact and recommendation from the Plan Commission/Zoning Board of Appeals. The Village Board may take action in the form of approval, approval with conditions, or denial on applications for zoning text amendments, and approval or denial on applications for zoning map amendments. The Village Board may also refer the matter back to the Plan Commission/Zoning Board of Appeals for further consideration.

E. Standards for Zoning Text and Map Amendments

The Plan Commission/Zoning Board of Appeals recommendation and Village Board decision on any zoning amendment, whether text or map amendment, is a matter of legislative discretion that is not controlled by any one standard. However, in making their recommendation and decision, the Plan Commission/Zoning Board of Appeals and Village Board shall consider the following standards, as set forth in Table 1: Standards for Zoning Map and Text Amendments:

TABLE 1: STANDARDS FOR ZONING MAP AND TEXT AMENDMENTS		
Standards	Map Amendments	Text Amendments
1. The existing use and zoning of nearby property.	X	
2. The extent to which property values of the subject property are diminished by the existing zoning.	X	
3. The extent to which the proposed amendment promotes the public health, safety, comfort, convenience and general welfare of the Village.	X	X
4. The relative gain to the public, as compared to the hardship imposed upon the applicant.	X	X
5. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one (1) or more of the uses permitted under the existing zoning classification.	X	
6. The length of time that the property in question has been vacant, as presently zoned, considered in the context of development in the area where the property is located.	X	
7. The evidence, or lack of evidence, of community need for the use proposed by the applicant.	X	
8. The consistency of the proposed amendment with the Comprehensive Plan.	X	X
9. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.		X
10. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.		X
11. That the proposed amendment will benefit the residents of the Village as a whole, and not just the applicant, property owner(s), neighbors of any property under consideration, or other special interest groups, and the extent to which the proposed use would be in the public interest and would not serve solely the interest of the applicant.	X	X
12. Whether the proposed amendment provides a more workable way to achieve the intent and purposes of this Ordinance and the Comprehensive Plan.		X
13. The extent to which the proposed amendment creates nonconformities.	X	X
14. The trend of development, if any, in the general area of the property in question.	X	
15. Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to the development of the uses, which would be permitted on the subject property if the amendment were adopted.	X	
16. The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance.		X

F. Written Protest

In the case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged either by the owners of twenty percent (20%) of the frontage proposed to be altered or twenty percent (20%) of the frontage immediately adjacent to or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage abutting or directly opposite the frontage proposed to be altered, the amendment shall not be passed except by a favorable vote of two-thirds ($\frac{2}{3}$) of the members of the Village Board then holding office. In such cases, a copy of the written protest shall be

served, by the protestor, to both the applicant for the proposed amendment and the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

G. Fees

Fees subject to Appendix B (Fee Schedule).

6-4-2 VARIATION

A. Purpose

The variation process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships.

B. Initiation of Variations

Any person having a right of ownership in or an option to buy any property in the Village of River Grove may request a variation. All applications for variations shall be filed with the Planning and Zoning Administrator in accordance with the requirements in Section 6-3-1 (Application).

C. Authority and Execution

The Village Board, after receiving a recommendation from the Plan Commission/Zoning Board of Appeals, shall take formal action on variation requests.

D. Procedure

1. Acceptance of Application by Planning and Zoning Administrator

Upon receipt of a complete application, the Planning and Zoning Administrator shall review the application for completeness. The Planning and Zoning Administrator shall distribute the application to the Building Commissioner and other applicable Village departments for review, with any recommendations from the Building Commissioner and Village departments to be heard at the Plan Commission/Zoning Board of Appeals public hearing. The Planning and Zoning Administrator shall schedule the application for an upcoming Plan Commission/Zoning Board of Appeals agenda for consideration.

2. Action by the Plan Commission/Zoning Board of Appeals

- a. The Plan Commission/Zoning Board of Appeals shall hold a public hearing in accordance with Section 6-3-2 (Public Hearing) within thirty (30) days of the filing of the completed application. Notice for the public hearing shall be in accordance with Section 6-3-3 (Public Notice).
- b. Within thirty (30) days of the close of the public hearing, the Plan Commission/Zoning Board of Appeals shall forward its findings of fact and recommendation of either approval, approval with conditions, or denial on applications for variations to the Village Board.

3. Action by the Village Board

The Village Board shall consider the application within thirty (30) days of receiving the findings of fact and recommendation from the Plan Commission/Zoning Board of Appeals. The Village Board may take action in the form of approval, approval with conditions, or denial on applications for variations. The Village Board may also refer the matter back to the Plan Commission/Zoning Board of Appeals for further consideration. Any variation for which the Plan Commission/Zoning Board of Appeals recommends denial may only be approved by a favorable two-thirds ($\frac{2}{3}$) vote of the Village Board.

E. Findings of Fact for Variations

A variation from the provisions of this Ordinance shall not be granted unless the Plan Commission/Zoning Board of Appeals in its recommendation, and Village Board in its decision, makes specific findings of fact directly based on the standards and conditions imposed by this Section. The standards for variations shall be as follows:

1. Hardship

No variation shall be granted unless the applicant shall establish that carrying out the strict letter of the provisions of this Ordinance would create a practical difficulty or particular hardship.

2. Unique Physical Conditions

The subject property is exceptional, as compared to other properties subject to the same provisions, by means of a unique physical condition, including:

- a. Irregular or substandard size, shape, or configuration.
- b. Exceptional topographical features.
- c. Presence of an existing use, structure, or sign, whether conforming or nonconforming.
- d. Other extraordinary physical conditions peculiar to, and inherent in, the subject property.

These unique physical conditions shall amount to more than a mere inconvenience to the property owner and shall relate to or arise out of the characteristics of the property rather than the personal situation or preference of the current property owner.

3. Not Self-Created

The aforesaid unique physical condition is not the result of any action or inaction of the property owner, or his/her predecessors in title, and that it existed at the time of enactment of the provisions from which a variation is sought, was created by natural forces or was the result of governmental action, other than the adoption of this Ordinance.

4. Denied Substantial Rights

The carrying out of the strict letter of provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other properties subject to the same provisions.

5. Not Merely Special Privilege

The alleged hardship or difficulty is neither merely the inability of the owner or occupants to enjoy some special privilege or additional right not available to owners or occupants of other lots or properties subject to the same provisions, nor merely the inability of the owner to gain a greater financial return from the use of the subject property.

6. Conformance with Ordinance and Plan Purposes

The variation would not result in a use of development of the subject property that would not be in harmony with the general and specific purposes of this Ordinance, including the provision from which a variation is sought, or the general purpose and intent of the Comprehensive Plan.

7. No Other Remedy

There is no means, other than granting the requested variation, by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

8. Minimum Relief Required

The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of the Ordinance.

F. Variation Less than Requested

The Plan Commission/Zoning Board of Appeals may recommend, and the Village Board may grant, variations less than or different from that requested when the record supports the applicant's right to some relief, but not to the entire relief requested.

G. Conditions on Variations

The Plan Commission/Zoning Board of Appeals may recommend, and the Village Board may impose, specific conditions and restrictions concerning use, construction, character, location, landscaping, screening and other matters, which address the purposes and objectives of this Ordinance, upon any property that is granted a variation. These conditions may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities or services. Such conditions shall be expressly set forth in the ordinance or order granting the variation. Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of the variation.

H. Limitations on Variations

1. Variations shall become null and void unless a building permit is issued and construction is actually begun within six (6) months of granting the variation and is thereafter diligently pursued to completion. After notice to the property owner and an opportunity for a hearing, the Village Board may terminate the variation. However, the Village Board may extend this period, upon written request from the applicant showing good cause.
2. A variation is granted to a specific property and authorizes the conduct of the variation only on the property represented on the application and is not transferable to other properties.
3. The approval of a variation only authorizes the particular construction or development for which it was issued, but does not authorize the establishment or extension of any use, nor development, construction, reconstruction, alteration or moving of any building or structure without first obtaining any other required permit, including a zoning certificate, building permit and occupancy permit. The approved variation shall automatically expire and cease to be of any force or effect if such construction or development is beyond the scope so authorized.

I. Fees

Fees subject to Appendix B (Fee Schedule).

6-4-3 SPECIAL USE

A. Purpose

The development and execution of this Ordinance is based upon the division of the Village into districts, within any one of which the use of land and buildings, and the bulk and location of the buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses which, because of their unique character, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of that use upon neighboring lands and upon the public need for the particular use of the particular location. Such uses fall into two (2) categories:

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

B. Initiation of Special Uses

Any person having a right of ownership in or an option to buy any property in the Village may request a special use. All applications for special uses shall be filed with the Planning and Zoning Administrator in accordance with the requirements in Section 6-3-1 (Application).

C. Authority and Execution

The Village Board, after receiving a recommendation by the Plan Commission/Zoning Board of Appeals, shall take formal action on special use requests.

D. Procedure

1. Acceptance of Application by Planning and Zoning Administrator

Upon receipt of a complete application, the Planning and Zoning Administrator shall review the application for completeness. The Planning and Zoning Administrator shall schedule the application for an upcoming Plan Commission/Zoning Board of Appeals agenda for consideration and send the application to other appropriate Village departments for review, with any recommendations to be heard at the Plan Commission/Zoning Board of Appeals public hearing. The Planning and Zoning Administrator may also prepare his/her recommendation on the proposed special use for the Plan Commission/Zoning Board of Appeals.

2. Action by the Plan Commission/Zoning Board of Appeals

- a. The Planning and Zoning Administrator shall forward his/her recommendation and the Plan Commission/Zoning Board of Appeals shall hold a public hearing in accordance with Section 6-3-2 (Public Hearing) within thirty (30) days of the filing of the completed application. Notice for the public hearing shall be in accordance with Section 6-3-3 (Public Notice).
- b. Within thirty (30) days of the close of the public hearing, the Plan Commission/Zoning Board of Appeals shall forward its findings of fact and recommendation of either approval, approval with conditions, or denial on applications for special uses to the Village Board.

3. Action by the Village Board

The Village Board shall consider the application within thirty (30) days of receiving the findings of fact and recommendation from the Plan Commission/Zoning Board of Appeals. The Village Board may take action in the form of approval, approval with conditions, or denial on applications for special uses. The Village Board may also refer the matter back to the Plan Commission/Zoning Board of Appeals for further consideration.

E. Standards for Special Uses

The Planning and Zoning Administrator recommendation, Plan Commission/Zoning Board of Appeals recommendation, and the Village Board decision, on any special use is a matter of legislative discretion that is not controlled by any one standard. An application for a special use shall not be approved unless the application is determined to be in conformance with each of the following standards, in addition to any specific use standards included in Chapter 10: Use Standards:

- 1. The proposed special use is, in fact, a special use authorized in the zoning district in which the property is located.
- 2. The proposed special use is deemed necessary for the public convenience at that location.

3. The proposed special use does not create excessive additional impacts at public expense for public facilities and services, and will be beneficial to the economic welfare of the community.
4. The proposed use is in conformance with the goals and policies of the Comprehensive Plan, and all Village codes and regulations
5. The proposed special use will be designed, located, operated, and maintained so as to be harmonious and compatible in use and appearance with the existing or intended character of the general vicinity.
6. The proposed special use will not significantly diminish the safety, use, enjoyment, and value of other property in the neighborhood in which it is located.
7. The proposed special use is compatible with development on adjacent property.
8. The proposed special use minimizes potentially dangerous traffic movements, and provides adequate and safe access to the site.
9. The proposed special use provides the required number of parking spaces and maintains parking areas, in accordance with the requirements of this Ordinance.
10. The proposed special use is served by adequate utilities, drainage, road access, public safety, and other necessary facilities.
11. The proposed special use conforms with the requirements of this Ordinance and other applicable regulations.

F. No Presumption of Approval

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather each proposed special use shall be evaluated on an individual basis, in relation to the standards in this Section, the standards in Chapter 10: Use Standards, and the standards for the district in which it is located. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed.

G. Conditions on Special Uses

The Plan Commission/Zoning Board of Appeals may recommend, and the Village Board may impose, such conditions and restrictions upon the construction, location and operation of a special use. Such conditions must be deemed necessary to comply with the standards set forth in this Section, to promote the general objectives of this Ordinance, and to minimize or reduce the injury to the value of property in the neighborhood. Such conditions shall be expressly set forth in the ordinance granting the special use. Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of such special use approval.

H. Limitations on Special Uses

1. Special use approval may become null and void unless a building permit is issued within six (6) months and construction is thereafter diligently pursued to completion, or an occupancy permit is issued and the premises are occupied within ninety (90) days of the date of adoption of the ordinance granting special use approval. After notice to the property owner and an opportunity for a hearing, the Village Board may terminate the special use. However, the Village Board may extend this period upon written request from the applicant showing good cause.
2. Special use approval is granted to a specific property and authorizes the conduct of the special use only on the property represented on the application and is not transferable to other properties.
3. The approval of a special use authorizes the use on the property in the manner proposed, but does not in itself authorize the establishment of such use without first obtaining any other required approvals, including a building permit, sign permit, occupancy permit, zoning certificate, and site plan review.
4. Any modification or intensification of a special use that alters the essential character or operation of the use in a way not approved at the time the special use was granted, as evidenced by the record or by the text of this Ordinance, shall require new special use approval in accordance with this Section.

I. Fees

Fees subject to Appendix B (Fee Schedule).

6-4-4 PLANNED UNIT DEVELOPMENT

A. Purpose

The purpose of any planned unit development (PUD) shall be to allow:

1. A creative approach in the use of land and related physical facilities that results in better design, including building relationships, architectural styles, and aesthetic amenities by allowing development that would not be possible under the strict application of this Ordinance.
2. An efficient use of the land that results in more economical networks of utilities, streets and other facilities, and lowers development costs.
3. A coordinated mix of land uses that promotes the public health, safety, comfort, convenience, and welfare, and contributes substantially to the tax base of the community without making undue demands on community services.

B. General Standards

All planned unit developments must meet the following standards.

1. Planned unit developments must be a minimum of twenty-thousand (20,000) square feet in area.

1. Planned unit developments shall be compatible with the purpose and intent of this Zoning Ordinance and the Village's Comprehensive Plan. A planned unit development shall exercise no substantial detrimental influence upon the market value of surrounding properties and it shall cause no substantial impairment of the use of those properties by present owners.
2. The petitioner must make a showing of favorable economic impact on the Village.
3. The petitioner must show that the proposed planned unit development will be in no way detrimental to, or adversely affect, the environment. Natural assets and features, such as existing trees and native vegetation, shall be protected and preserved to the greatest extent possible.
4. Harmonious design, including a variety of building types, shall be encouraged.
5. If common open space is provided, the developer shall provide for and establish an organization or other legal entity for the ownership and maintenance of any common open space designated within a planned unit development. Such organization shall be created by covenants running with the land, and such covenants shall be subject to approval by the Village Attorney and Village Board, and included as a part of the final development plan. Such organization shall not be dissolved, nor shall it dispose of any common open space by sale or other means, except to an organization conceived and organized to own and maintain the common open space for the purpose of benefiting the owners and residents of the development, without first offering to dedicate the open space to the Village.
6. It must be shown that the development shall not impose an undue burden on public services and facilities, such as fire and police protection, schools, parks, water, the sanitary system, and any stormwater runoff.
7. The site shall be accessible from dedicated public roads adequate to carry the traffic generated by the proposed development. The driveways within the proposed development shall be adequate to serve the residents or occupants of the proposed development. Traffic control signals shall be provided without expense to the Village when the Village Board determines that such signals are required to prevent or minimize actual or anticipated traffic hazards or congestion in adjacent streets. Merging and turnout lanes and traffic dividers shall be provided where existing or anticipated heavy flows of traffic indicate such need. Access points shall be designed to provide smooth traffic flow, control turning movements, and minimize hazards to vehicular or pedestrian traffic, and shall be approved by the agency having jurisdiction. Fire lanes shall be provided as required by the Village.

C. Permitted Exceptions to Bulk Standards

1. A planned unit development is permitted to exceed the height limits of the district in order to accommodate denser development, subject to the approval of the Village Board.
2. The Village Board may grant a density bonus for a planned unit development, with density calculations based upon the required minimum lot sizes for the district in which the development is located. The total number of bonus units shall be determined on a case-by-case basis, based on the merits of the planned unit development. The Village Board shall grant the bonus based on its review of the proposed planned unit development and a finding that the proposed development offers superior layout and quality design based on design and environmental amenities which exceed established development standards.

3. If uses other than those permitted by the district regulations are allowed by the Village Board, there must be clear evidence that such uses are desirable and are appropriate with respect to the primary purpose of the development. Such uses shall not be of such a nature or so located as to exercise a detrimental influence on the development or the surrounding neighborhood.
4. If determined that the planned unit development warrants deviation from the parking requirements of this Ordinance, the Village Board may require more off-street parking spaces to be provided, or may permit a reduction in the required number of off-street parking spaces, than that required by Section 6-12-13 (Required Off-Street Parking Spaces).

D. Amenities and Benefits

Planned unit developments shall include clearly identifiable community-wide benefit improvements to the Village. Benefits may include, but are not be limited to:

1. Provision of streetscape amenities, such as street furniture and landscaping, in addition to that required by this Ordinance.
2. Creation of community open space.
3. Utilization of transit-oriented development design principles.
4. Expansion of Village infrastructure that can serve other parts of the community.

E. Procedure

In its establishment and authorization as a special use, in addition to the special use standards of Section 6-4-3-E (Standards for Special Uses) above, the following procedures, requirements, restrictions, and conditions shall be observed. In addition to the special use procedures, approval of a planned unit development plan is a two-step process, which includes a preliminary plan and a final plan.

1. Preliminary Plan Procedure

- a. A preliminary plan and a special use permit application shall be filed simultaneously with the Planning and Zoning Administrator. The preliminary plan and special use permit application will be placed on the agenda of the next meeting of the Plan Commission/Zoning Board of Appeals for a preliminary discussion of the proposed planned unit development. The Plan Commission/Zoning Board of Appeals shall consider the proposed planned unit development at such meeting.
- b. Preliminary plans shall include the information, plans and data specified in this Section. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the Plan Commission/Zoning Board of Appeals with the proposed planned unit development, which shall include, but not necessarily be limited to, the following:
 - i. A boundary line survey of the subject site, which shall be prepared and certified by a registered Illinois land surveyor.
 - ii. A preliminary site plan.

- iii. An analysis that shows where and why the development requires deviation from Zoning Ordinance regulations, why a planned unit development is necessary, and what benefits the development will provide to the Village.
 - iv. A phasing plan delineating the various development phases, if more than one, and specifying a reasonable time allocation for each phase, shall be submitted and made a condition of approval.
 - v. A landscape plan, in conformance with Section 6-14-2 (Landscape Plan).
 - vi. A utility plan shall indicate all utilities. All utility lines necessary to serve the development shall be installed underground.
 - vii. A circulation plan shall indicate all circulation, pedestrian access, vehicular access and parking areas.
- c. The procedure for approval of the preliminary plan shall be:
- i. The Plan Commission/Zoning Board of Appeals shall review the preliminary plan at a public hearing. No more than thirty (30) days after the final adjournment of the public hearing, the Plan Commission/Zoning Board of Appeals shall either:
 - (A) Recommend approval or denial of the preliminary plan and submit its written recommendation to the Village Board, which may include the recommendations of the Planning and Zoning Administrator, Village Engineer, Building Commissioner and/or Village Attorney, with a copy being sent to the applicant.
 - (B) Advise the applicant in writing of any changes, additions, or corrections to the preliminary plan required by this Ordinance. The applicant shall resubmit the revised preliminary plan for Plan Commission/Zoning Board of Appeals consideration at a continuation of, or at a new, public hearing. The applicant shall do so without paying an additional filing fee. The Plan Commission/Zoning Board of Appeals shall then submit its recommendations, upon review of the revised preliminary plan, in writing to the Village Board, which may also include the recommendations of the Planning and Zoning Administrator, Village Engineer, Plan Commission, Building Commissioner and/or Village Attorney, with a copy being sent to the applicant.
 - ii. The Plan Commission shall make recommendations to the Village Board, and shall set forth in what respects the planned unit development would be in the public interest including, but not limited to, findings of fact on the following
 - (A) The extent to which the proposed plan meets the stated purpose of planned unit developments.
 - (B) The extent to which the proposed plan departs from the zoning regulations otherwise applicable to the property and whether the departures are in the public interest.
 - (C) The extent to which the proposed plan produces a public benefit in terms of physical development, tax base, compatibility with the neighborhood and compliance with the planning objectives of the Village.

- (D) The extent to which the proposed plan meets the requirements and standards of the planned unit development regulations and the Comprehensive Plan.
- iii. The Village Board, after receipt of the recommendations from the Plan Commission/Zoning Board of Appeals, shall approve, modify or deny the preliminary plan within thirty (30) days following the receipt of the written recommendations of the Plan Commission/Zoning Board of Appeals. The applicant and the Village Board may mutually agree to extend the thirty (30) day period.
 - i. If the preliminary plan is denied, the Village Board shall state in writing the reasons for the denial, and such writing shall be filed with the Village Clerk and a copy shall be sent to the applicant.
 - ii. If the preliminary plan is approved, with or without modifications agreed to by the applicant, the Village Board shall authorize the applicant to submit a final development plan for the planned unit development.

2. Final Development Plan Procedure

Within one (1) year following the approval of the preliminary plan the applicant shall file with the Plan Commission/Zoning Board of Appeals a final development plan containing, in final form, the information required for the preliminary plan. The final development plan shall also include the following:

a. All Planned Unit Developments

All planned unit developments are required to submit the following as part of the final development plan:

- i. Final architectural plans.
- ii. Final engineering drawings.
- iii. Final development and construction schedule.
- iv. Final agreements, bylaws, provisions and covenants which govern the use, maintenance and continued protection of the planned unit development, and any of its common open areas or other common facilities.
- v. An accurate legal description of the entire area within the planned unit development.

b. Planned Unit Developments with Subdivision

In addition to the above requirements, any planned unit developments involving subdivision are required to submit the following as part of the final development plan:

- i. A final development plan suitable for recording with the County Recorder of Deeds.
- ii. A subdivision plat of all subdivided lands in the same form of, and meeting all requirements for, a normal subdivision plat.

- iii. Certificates, sales and signatures required for the dedication of land and recording the document.
- iv. Tabulations of each separate unsubdivided area, including land area and number of dwelling units per gross acre.

3. Final Development Plan Approval

The final development plan shall be approved as follows:

a. Conformance with Preliminary Plan

The Plan Commission/Zoning Board of Appeals shall review the final development plan within thirty (30) days of its submission in full to the Village and shall recommend approval if it is in substantial compliance with the preliminary development plan. The Plan Commission/Zoning Board of Appeals shall certify to the Village Board that the final development plan is in conformance with the previously filed preliminary development plan. Within thirty (30) days of receipt of the Plan Commission/Zoning Board of Appeals' recommendation, the Village Board shall review the final development plan and shall, if it is in conformity with the preliminary development plan, authorize the planned unit development and special use.

b. Nonconformance with Preliminary Plan

The Plan Commission/Zoning Board of Appeals shall review the final development plan within thirty (30) days of its submission in full to the Village and if the final plan is substantially changed from the approved preliminary plan, the Plan Commission/Zoning Board of Appeals shall recommend to the Village Board that the final development plan be denied. Within thirty (30) days of receipt of the Plan Commission/Zoning Board of Appeals' recommendation, the Village Board shall review the final development plan and shall, if the final plan is held not to be in conformity with the preliminary plan, inform the applicant with regard to specific areas found not to be in compliance. The applicant may resubmit the final development plan to the Village Board with changes to those areas found not to be in conformance with the preliminary plan. The applicant may also resubmit the plan as a preliminary plan in conformance with the procedures for approval of a preliminary plan.

c. Approval

After the approval of the final development plan, the use of the land and the construction, modification or alteration of any buildings or structures within the planned unit development will be governed by the approved final development plan rather than by any other provisions of this Ordinance.

F. Changes to the Planned Unit Development

No changes may be made in the approved final development plan, except upon application to the Village, according to the following provisions.

1. During Construction

During the construction of the planned unit development, the procedure shall be as follows:

- a. Minor changes as required by engineering or other physical site circumstances not foreseen at that time that the final development plan was approved, and verified by the Village Engineer, may be authorized by the Village Board. Any changes to the final development plan must be recorded as amendments to the planned unit development ordinance. If changes are allowed in a final site plan, then a new site plan reflecting such changes must be filed with the Village noting the date of the changes.
- b. Major changes to final development plan shall require submittal of a new planned unit development application.

2. After Construction

After the completion of construction of the planned unit development, the procedure shall be as follows:

- a. Any minor extension, alteration or modification of existing buildings or structures may be authorized by the Plan Commission/Zoning Board of Appeals, if they are consistent with the purpose and intent of the final plan.
- b. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final plan, unless an amendment to the final plan is approved following the procedures for an amendment.
- c. All other changes in the final development plan must be made by the Village Board, under the procedure authorized for an amendment. No changes may be made in the final plan unless they are required for the continued successful functioning of the planned unit development, or unless they are required by changes in conditions that have occurred since the final development plan was approved or by changes in the development policy of the Village.

G. Conditions and Guarantees

Prior to granting any special uses, the Plan Commission/Zoning Board of Appeals may recommend, and the Village Board shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the planned unit development as deemed necessary for the protection and requirements specified herein, or as may be granted from time to time. In all cases in which planned unit development are granted, the Village Board shall require such evidence and guarantees, as it may deem necessary, as proof that the conditions stipulated in connection therewith are being, and will be, complied with.

H. Termination of a Planned Unit Development

If construction work on the proposed planned unit development has not begun within eighteen (18) months from the date of authorization by the Village Board, the authorization shall become null and void. However, the applicant can request an extension, upon his/her written application, filed prior to the termination of the eighteen (18) month time limit. The Village Board may authorize a single extension of not more than twelve (12) months without a public notice.

I. Fees

Fees subject to Appendix B (Fee Schedule).

6-4-5 SITE PLAN REVIEW

A. Purpose

The site plan review process promotes orderly development and redevelopment in the Village, and ensures such development or redevelopment occurs in a manner that is harmonious with surrounding properties, is consistent with the Comprehensive Plan, and promotes the general welfare of the Village. This Section provides standards by which to determine and control the physical layout and design to achieve the following purposes:

1. Compatibility of land uses, buildings, and structures.
2. Protection and enhancement of community property values.
3. Efficient use of land.
4. Minimization of traffic, safety hazards, and overcrowding problems.
5. Minimization of environmental problems.

B. Applicability

Site plan review shall be required for every application for a building permit, including those for new construction, additions and site improvements, and all special uses. Parking lots of four (4) or more spaces also require site plan review. No building permit shall be issued unless and until site plan approval has been granted.

C. Procedure

1. Acceptance of Application by Planning and Zoning Administrator

Applications for site plan review shall be submitted to the Planning and Zoning Administrator in accordance with the requirements in Section 6-3-1 (Application) and shall be forwarded to the Site Plan Review Committee.

2. Action by Site Plan Review Committee

- i. Applications for site plan review shall be reviewed by the Site Plan Review Committee within twenty (20) days of the filing of the complete site plan review application.
- ii. If, in the Committee's judgment, the site plan review application does not contain sufficient information to enable the Committee to properly discharge its responsibilities, the Committee may request additional information from the applicant. In that event, the twenty (20) day period shall be suspended pending receipt of all information requested by the Committee.
- iii. The Site Plan Review Committee may request modification of the submitted site plan and resubmittal of such revised site plan. The revised site plan shall be processed in the same manner as the initial site plan review application.

- iv. The Site Plan Review Committee may approve the site plan subject to certain conditions or minor modifications to be listed in the resolution approving the application. All plans and drawings submitted as part of the application for a building permit must include those conditions or minor modifications stated within the resolution in order for a building permit to be issued.
- v. No building permit shall be issued until site plan approval has been granted. If the Site Plan Review Committee approves a site plan, a building permit may then be issued, provided that all other requirements of all other applicable Village codes and ordinances are satisfied.
- vi. If the Site Plan Review Committee denies a site plan review application, the applicant may appeal the Committee's decision to the Village Board in accordance with Section 6-4-10 (Appeals).

D. Standards for Site Plan Review

The scope of site plan review includes the location of principal and accessory structures, infrastructure, open space, landscaping, exterior lighting, traffic movement and flow, number of parking spaces, design of parking lots, and location of landscaping and screening. In reviewing site plans, the relationship of the site plan to adopted land use policies, and the goals and objectives of the Comprehensive Plan shall be evaluated. In addition, the following characteristics shall also be considered:

1. The arrangement of the structures and buildings on the site to:
 - a. Allow for the effective use of the proposed development.
 - b. Allow for the efficient use of the land.
 - c. Ensure compatibility with development on adjacent property.
 - d. Respond to off-site utility and service conditions, and minimize potential impacts on existing or planned municipal services, utilities, and infrastructure.
 - e. Protect the public health, safety, convenience, comfort, and general welfare.
 - f. Conform to the requirements of this Ordinance and other applicable regulations.
2. The arrangement of open space or natural features on the site to:
 - a. Create a desirable and functional environment for patrons, pedestrians, and occupants.
 - b. Preserve unique natural resources where possible.
 - c. Provide adequate measures to preserve existing healthy, mature trees wherever practically feasible.
 - d. Respect desirable natural resources on adjacent sites.
 - e. Design drainage facilities to promote the use and preservation of natural watercourses and patterns of drainage.
 - f. Avoid unnecessary or unreasonable alterations to existing topography.

3. The organization of circulation systems to:
 - a. Provide adequate and safe access to the site.
 - b. Minimize potentially dangerous traffic movements.
 - c. Separate pedestrian and auto circulation and provide for bicycle parking or storage insofar as practical.
 - d. Minimize curb cuts.
4. The design of off-street parking lots or garages to:
 - a. Minimize adverse impacts on adjacent properties.
 - b. Promote logical and safe parking and internal circulation.
5. The design of landscape improvements and related features to:
 - a. Create a logical transition to adjoining lots and developments.
 - b. Screen incompatible uses.
 - c. Minimize the visual impact of the development on adjacent sites and roadways.
 - d. Utilize plant materials suitable to withstand the climatic conditions of the Village and microclimate of the site.
 - e. Promote and enhance the appearance and image of the Village.
6. Site illumination that is designed, located, and installed in a manner that will minimize adverse impacts on adjacent properties.
7. Conformance of the proposed development with the goals and policies of the Comprehensive Plan and all Village codes and regulations.

E. Consultants

The Site Plan Review Committee and the Village Board may utilize the services of professional consultants for research, investigation, and professional opinion in arriving at a recommendation or decision. The applicant whose request requires the use of such professional services shall reimburse to the Village the reasonable cost it incurs in using such professional services within ten (10) days of submission of the bill by the Village. Consultants include, but shall not be limited to, professionals in the fields of engineering, law, planning, design, traffic design, finance, and court reporters.

F. Relation to Zoning Ordinance

The procedures in this Section are not intended to be a substitute for, or to have any bearing upon, any other procedures required under the Zoning Ordinance.

G. Fees

Fees subject to Appendix B (Fee Schedule).

6-4-6 BUILDING PERMIT

Before proceeding with the erection, enlargement, alteration, repair, or removal of any building or structure in the Village, including the construction, alteration or addition of any public parking facility providing four (4) or more parking spaces, a building permit for such erection, enlargement, alteration, repair, or removal shall first be obtained by the owner or his agent. It shall be unlawful to proceed with the erection, enlargement, alteration, repair, or removal of any building or any structural part thereof unless such building permit shall first have been obtained in accordance with Section 7-1-1 of the Village Code.

6-4-7 OCCUPANCY PERMIT

A. Applicability

No building or site shall be used or occupied, in whole or in part, for any purpose, until an occupancy permit has been issued by the Village. An occupancy permit shall not be issued until pertinent requirements are fulfilled or complied with, and the Building Commissioner conducts the final inspection.

B. Authority and Execution

The Building Commissioner shall be responsible for determining compliance with this Ordinance and all other applicable ordinances, prior to issuance of an occupancy permit. If approved, the occupancy permit shall be issued within ten (10) days after the erection or alteration of such building has been completed. A record of all certificates of occupancy shall be kept on file in the office of the Building Commissioner and copies shall be available on request to any person for a fee specified by the Village.

C. Continuance of Present Occupancy of Existing Building

Nothing in this Section shall prevent the continuance of the present occupancy or use of any existing building, except as may be deemed necessary for safety of life and property.

D. Temporary Certificate of Occupancy

1. Where a portion of a building may be safely occupied while pending completion of the remainder of the building, the Building Commissioner may issue a temporary occupancy permit to allow the premises to be occupied for the proposed use. Such permit shall become final only upon full compliance with this Ordinance and the Village Code, and approval by the Building Commissioner.
2. Off-street parking and loading facilities required by this Chapter shall be completed prior to the issuance of the occupancy permit for the use they serve. If weather conditions do not permit such completion, the Building Commissioner may issue a temporary occupancy permit. The off-street parking and loading facilities shall be completed prior to the issuance of the final occupancy permit.

E. Posting

The occupancy permit shall be dated and signed by the Building Commissioner and shall identify the approved use or occupancy of the building, site or structure. The permit shall state that the use or occupancy complies with the terms of this Ordinance and all other Village ordinances. Every occupancy permit for a non-residential use shall be permanently posted in a prominent place on the premises at all times.

F. Fees

Fees subject to Appendix B (Fee Schedule).

6-4-8 ZONING CERTIFICATE

A. Purpose

The purpose of a zoning certificate is to promote Ordinance compliance by establishing a procedure for the Village to certify that an application complies with all standards of the Ordinance.

B. Applicability

A zoning certificate must be issued before land can be occupied or used and no building, structure, or sign shall be located, constructed, reconstructed, enlarged, or structurally altered until a certificate is issued stating that the proposed use, building, and site improvements comply with the provisions of this Ordinance. A zoning certificate is also required if there is a change of use in a building. A zoning certificate shall be issued prior to issuance of a building permit or occupancy permit.

C. Authority and Execution

1. The Planning and Zoning Administrator shall be responsible for issuing zoning certificates.
2. Application for a zoning certificate for the construction of a new building or for structural alteration of an existing building shall be made at the same time as the application for a building permit. Application for a zoning certificate for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Planning and Zoning Administrator. Within thirty (30) days after the receipt of an application, the Planning and Zoning Administrator shall either approve or disapprove the application.

D. Fees

Fees subject to Appendix B (Fee Schedule).

6-4-9 SIGN PERMIT

A. Applicability

No sign, except those identified as exempt in Chapter 13: Signs, shall hereafter be erected, constructed, altered, or relocated without first obtaining a sign permit.

B. Authority and Execution

The Building Commissioner shall be responsible for determining compliance with this Ordinance and issuing a sign permit.

C. Permit Issuance

Upon the filing of an application for a permit for erection, alteration, or relocation of a sign the Building Commissioner shall:

1. Examine the plans and specifications and the premises upon which the proposed structure shall be erected.
2. Issue a permit if the structure complies with the requirements of this Ordinance and all other ordinances of the Village. If the work authorized under an erection permit is not completed within six (6) months after the date of issuance, the permit becomes null and void.

D. Approval of Electrified Signs

The application for a sign permit for the erection of a sign in which electrical wiring and connections are to be used shall be submitted to the Building Commissioner, who shall forward the specifications regarding all wiring and connections to the Electrical Inspector. The Electrical Inspector shall examine the plans and specifications to determine compliance with the Electrical Code of the Village as a condition of granting the sign permit.

E. Inspection

The Building Commissioner may inspect at such times as he/she deems necessary, but no more than annually, each sign or other advertising structure regulated by this Ordinance for the purpose of ascertaining whether the structure is secure or insecure, whether in need of repair or removal, or not in conformance with the permit application or otherwise in violation of the provisions of this Chapter.

F. Bond and Certificate of Insurance

1. Every applicant for a sign permit shall file with the Building Commissioner, a permit bond of ten thousand dollars (\$10,000), before the permit is granted, executed by the applicant and with sureties approved by the Village Board, conditioned on the faithful observance and performance of each and every condition and provision of the sign permit and conditioned further to indemnify, keep and save harmless the Village against all liabilities, judgments, costs, damages and expenses, which may in any way come against the Village as a consequence of granting the sign permit, or which may accrue against, be charged to, or recovered from the Village by reason of the authority given in such permit. This bond shall be filed with the plans in the Office of the Building Commissioner. The bond and the liability of the sureties thereon shall be kept in force throughout the life of the sign permit, and if, at any time, it shall not be in full force, then the authority and privileges thereby granted shall be terminated by the Building Commissioner.
2. A liability insurance policy issued by an insurance company authorized to do business in the State of Illinois may be permitted in lieu of a bond, provided the limits of liability shall not be less than twenty five thousand dollars (\$25,000) for property damage and one hundred thousand dollars (\$100,000) for public liability. A certificate of insurance under an existing liability policy, which meets the above requirements, that will be sufficient, provided the policy will have, as an additional insured, the Village and a certificate from the insurance company to that effect is filed with the Building Commissioner.

F. Revocation of Permit

All rights and privileges acquired under the provisions of this Section, or any amendment thereto, are mere licenses revocable at any time by the Village Board. Upon the termination or revocation of the sign permit, the licensee shall remove the sign or other advertising structure without cost or expense of any kind to the Village. In the event of the failure, neglect or refusal on the part of the licensee to do so, the Village may proceed to remove the same and charge the expense to the licensee.

G. Fees

Fees subject to Appendix B (Fee Schedule).

6-4-10 APPEAL

A. Purpose

The zoning appeals process for review of decisions of the Planning and Zoning Administrator, Building Commissioner, or Site Plan Review Committee is intended to provide appropriate checks and balances on administrative authority.

B. Initiation of Appeals

Applications for appeals may be filed by the owner of, or any person having a right of ownership in, any property in the Village that is directly affected by a decision made under this Ordinance by the Planning and Zoning Administrator, Building Commissioner, or Site Plan Review Committee. All applications for appeals of Building Commissioner administrative decisions shall be filed with the Planning and Zoning Administrator in accordance with the requirements in Section 6-3-1 (Application). All applications for appeals of Planning and Zoning Administrator administrative decisions and of Site Plan Review Committee decisions shall be filed with the Village Clerk in accordance with the requirements in Section 6-3-1 (Application).

C. Authority and Execution

The Plan Commission/Zoning Board of Appeals shall take formal action on zoning appeals of Planning and Zoning Administrator and Building Commissioner administrative decisions. The Village Board shall take formal action on appeals of Site Plan Review Committee decisions. Only the decisions of the Building Commissioner on buildings permits, occupancy permits, or sign permits, of the Planning and Zoning Administrator on zoning interpretations or zoning certificates, or of the Site Plan Review Committee on site plan review applications can be appealed. Other duties, decisions, and actions of the Building Commissioner or Planning and Zoning Administrator, which are not established by this Ordinance, cannot be appealed under this process.

D. Procedure

The Plan Commission/Zoning Board of Appeals or Village Board shall hold a public hearing in accordance with Section 6-3-2 (Public Hearing) within a reasonable time, shall give notice for the public hearing in accordance with Section 6-3-3 (Public Notice), and shall decide the appeal within a reasonable time. At the hearing of the appeal, any party may appear in person, or by agent or attorney. The Plan Commission/Zoning Board of Appeals or Village Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination.

E. Limitations on Appeals

A decision may only be appealed if an application is filed within thirty (30) days of that decision.

F. Fees

Fees subject to Appendix B (Fee Schedule).

6-4-11 ZONING INTERPRETATION

A. Purpose

The interpretation authority is intended to recognize that the provisions of this Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have to be applied. Many such situations can be readily addressed by an interpretation of the specific provisions of the Ordinance in light of the general and specific provisions for which those provisions have been enacted. The interpretation authority established herein is not intended to add or change the essential content of the Ordinance, but is intended to only allow authoritative application of that content to specific cases.

B. Initiation of Interpretations

Applications for zoning interpretations may be filed by the owner of, or any person having a right of ownership in, any property in the Village, that gives rise to the need for an interpretation. In addition, the Village Board, Building Commissioner, or other Village official may request that the Planning and Zoning Administrator render an interpretation. All applications for interpretations shall be filed with the Planning and Zoning Administrator in accordance with the requirements in Section 6-3-1 (Application). Requests initiated by the Village require an application, but are exempt from fees.

C. Authority and Execution

The Planning and Zoning Administrator shall review and make final decisions on requests for interpretations.

D. Procedure

The Planning and Zoning Administrator shall review a request for an interpretation within a reasonable time, and shall give due notice thereof to the parties, and render the interpretation within a reasonable time. The Planning and Zoning Administrator shall have the ability to request additional information prior to rendering an interpretation.

E. Fees

Fees subject to Appendix B (Fee Schedule).

6-4-12 ENFORCEMENT AND PENALTIES

A. Enforcement

This Ordinance shall be enforced by the Building Commissioner. The Building Commissioner may secure the assistance of the Village Attorney to seek an injunction, abatement or other appropriate actions to enjoin, abate, or stop any violation of this Ordinance. At times, the aid of the Police Department may be sought to enforce this Ordinance. The property owner charged with the violation may be held responsible for any legal expenses incurred by the Village.

B. Penalties

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance, upon conviction, shall be fined for each offence. Each day that a violation continues shall constitute a separate offense for the purposes of the penalties and remedies available to the Village. The accumulation of penalties for violations, but not the obligation for payment for violations already committed, shall cease upon correction of the violation.

C. Fines

Fines for violation of this Ordinance shall be in accordance with Appendix B (Fee Schedule) and other appropriate sections of the Village Code.

TABLE 2: ADMINISTRATION MATRIX	MAP OR TEXT AMENDMENTS (Flowchart 1)	VARIATION (Flowchart 2)	SPECIAL USE PERMIT (Flowchart 3)	PLANNED UNIT DEVELOPMENT ¹ (Flowchart 4)	SITE PLAN REVIEW (Flowchart 5)	BUILDING PERMIT	OCCUPANCY PERMIT	ZONING CERTIFICATE	SIGN PERMIT	APPEAL ² (Flowchart 6)	INTERPRETATION
APPLICATION INITIATION	Owner lessee, agent, or contract purchaser of property located in the Village or the Village	Owner lessee, agent, or contract purchaser of property located in the Village	Owner lessee, agent, or contract purchaser of property located in the Village	Owner lessee, agent, or contract purchaser of property located in the Village	Owner lessee, agent, or contract purchaser of property located in the Village	Owner	Owner	Owner	Owner	Owner lessee, agent, or contract purchaser of property located in the Village	Owner lessee, agent, or contract purchaser of property located in the Village or the Village
APPLICATION FILING/ COMPLETENESS DETERMINATION	Planning & Zoning Administrator	Planning & Zoning Administrator	Planning & Zoning Administrator	Preliminary: Planning & Zoning Administrator Final: Plan Commission/ Zoning Board of Appeals	Planning & Zoning Administrator	Building Commissioner	Building Commissioner	Planning & Zoning Administrator	Building Commissioner	Building Commissioner decisions: Planning & Zoning Administrator Planning and Zoning decisions: Village Clerk	Planning & Zoning Administrator
PUBLIC NOTICE (SECTION 6-3-3)	15-30 day published newspaper notice 15 day posted sign Regular and certified mail to owners within 250 feet	15-30 day published newspaper notice 15 day posted sign Regular and certified mail to owners within 250 feet	15-30 day published newspaper notice 15 day posted sign Regular and certified mail to owners within 250 feet	None	None	None	None	None	None	15-30 day published newspaper notice	None
PUBLIC HEARING/ RECOMMENDATION (SECTION 6-3-2)	Plan Commission/ Zoning Board of Appeals	Plan Commission/ Zoning Board of Appeals	Plan Commission/ Zoning Board of Appeals	Preliminary & Final: Plan Commission/ Zoning Board of Appeals	None	None	None	None	None	Plan Commission/ Zoning Board of Appeals	None
FINAL DECISION	Village Board	Village Board	Village Board	Preliminary & Final: Village Board	Site Plan Review Committee	Building Commissioner	Building Commissioner	Planning & Zoning Administrator	Building Commissioner ³	Plan Commission/ Zoning Board of Appeals	Planning and Zoning Administrator
APPEAL BODY	Circuit Court	Circuit Court	Circuit Court	Circuit Court	Village Board	Plan Commission/ Zoning Board of Appeals	Plan Commission/ Zoning Board of Appeals	Plan Commission/ Zoning Board of Appeals	Plan Commission/ Zoning Board of Appeals	Circuit Court	Plan Commission/ Zoning Board of Appeals

¹ PUD Applications are considered special uses and are subject to the special use process.

² "Appeals" within Table 2 does not address appeals of Site Plan Review Committee decisions, which are appealed to the Village Board.

³ For all electrical signs, the Electrical Inspector must approve all plans before the Building Commissioner may approve a sign permit.