Chapter 10 ZONING PERMITS AND CERTIFICATES OF COMPLIANCE

10-10-1 ZONING PERMIT REQUIRED
10-10-2 ZONING PERMIT APPLICATION
10-10-3 ISSUANCE OF ZONING PERMIT
10-10-4 EXPIRATION OF ZONING PERMIT
10-10-5 CERTIFICATE OF COMPLIANCE REQUIRED
10-10-6 CERTIFICATE OF COMPLIANCE APPLICATION
10-10-7 ISSUANCE OF CERTIFICATE OF COMPLIANCE
10-10-8 CORRECTIVE ACTION ORDER
10-10-9 CONTENTS OF ORDER
10-10-10 SERVICE OF ORDER
10-10-11 STOP ORDER
10-10-12 EMERGENCY MEASURES
10-10-13 COMPLAINTS
10-10-14 FEES
10-10-15 VIOLATION

10-10-1 ZONING PERMIT REQUIRED

(A) No land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated or reconstructed until a zoning permit has been issued.

(B) Unless specifically exempted by this Ordinance, a zoning permit shall be obtained by the owner or lessee, agent of either, or the architect, engineer, or builder employed in connection with the proposed work from the Zoning Administrator before starting:

i. to establish, occupy or change the use of a structure, accessory structure or land either by itself or in addition to another use;
ii. to construct or erect a new structure or accessory structure or part thereof;
iii. to extend or move any structure, accessory structure or part thereof; or
iv. to extend, expand and change or re-establish any non-conforming use.

(C) The Zoning Administrator shall not issue a zoning permit unless he or she determines that the proposed activity conforms to the applicable provisions of this Ordinance, Titles 7 and 11 of the Village Municipal Code, or upon written order of the Village Board, and payment of all applicable fees.

(D) No building construction shall begin until a zoning permit has been issued and posted on the premises. No zoning permit shall be issued for construction in a subdivision unless the final plat has been approved and storm sewers, sanitary sewers and streets have been completed as to the lot for which a permit is requested.

(E) No zoning permit is required for ordinary maintenance.

10-10-2 ZONING PERMIT APPLICATION

(A) There shall be submitted with all applications for zoning permits:

i. the location including township and tract comprising the legal description of property;

ii. name and address of the applicant;

iii. name and address of the owner or operator of the proposed lot, structure or use, if different from Item ii. above;

iv. description of the uses to be established or expanded, including the nature of the proposed use, including type of activity, manner of operations, number of occupants or employees, and similar matters;

v. two copies of a layout of plot plan drawn to scale showing the actual dimensions of the lot to be built upon,

vi. the exact size, shape, and location on the lot of the proposed structure(s) and any proposed accessory structure or use to be established or constructed at the same time as the proposed principal structure or principal use to be established on the same lot or tract of land; and,

vii. the size, shape and location of all existing structures, accessory use structures and uses on the lot;

viii. any change in elevation or drainage on any portion of said lot;

ix. information about proposed water supply and sewage disposal facilities, including a true and correct copy of any permit required by the village of environmental protection approving such facilities;

x. height, setbacks, and lot coverage of the proposed structures;

xi. number and size of proposed dwelling units, if any;

xii location and number of proposed parking spaces or loading spaces and access ways; and

xiii. other information requested by the Zoning Administrator that may be necessary to provide for the proper administration and enforcement of this Ordinance.

iv. and the applicable zoning permit fee.

(C) Zoning permit fees shall be paid based on the Village permit application fee schedule approved by the Village Board.

(D) The Zoning Administrator shall inspect the building site at the time the structure or building is staked out, upon completion of the foundation and upon final completion of all improvements, to ensure compliance with the provisions of this Ordinance and of Title 7 of the Village Code.

10-10-3 ISSUANCE OF ZONING PERMIT

(A) The Zoning Administrator shall retain the original copy of a zoning permit and shall mark such permit whether approved or disapproved.

(B) One copy shall be returned to the applicant, duly signed and marked as indicated in Paragraph (A) above.

(C) The applicant's copy shall be posted in plain sight on the premises for which it is issued until the certificate of compliance shall have been issued by the Zoning Administrator.

10-10-4 EXPIRATION OF ZONING PERMIT

(A) The zoning permit may be cancelled by the Zoning Administrator during construction or upon completion of construction if the Zoning Administrator determines that the improvements have not been built in accordance with the approved plans or otherwise not in compliance with the requirements of this Ordinance, Title 7, or Title 11 of the Village Code. Written notice thereof shall be given to the applicant together with notice that further work as described on the cancelled permit shall not proceed until a new permit shall have been issued.

(B) Zoning permits shall expire one year from the date of issuance unless application for an extension is submitted to and approved by the Village Board.

(C) A zoning permit issued for the establishment of a use of land where no structures are involved or on which land a structure accessory to the principal use not involving any structure shall not expire.

(D) Upon cancellation or expiration, zoning permit renewal fees and other requirements shall be the same as if a new application were being submitted.

10-10-5 CERTIFICATE OFCOMPLIANCE REQUIRED

(A) It shall be unlawful to use or occupy or permit the use or occupancy of any land or structure or part thereof hereafter created, constructed, erected, changed, moved, or wholly or partly altered or enlarged in its use or structure until a certificate of compliance shall have been issued by the Zoning Administrator, stating that the building or proposed use thereof complies with the provisions of this Ordinance.

(B) No nonconforming use of land and no nonconforming use of a structure shall be renewed, changed, altered, or extended without a certificate of compliance having first been issued by the Zoning Administrator. The zoning compliance certificate shall state specifically wherein such non-conforming use differs from the regulations and standards of this Ordinance.

10-10-6 CERTIFICATE OF COMPLIANCE APPLICATION

(A) All certificates of compliance shall be applied for coincident with the application for a zoning permit; or in the event of a proposed change of use without structural additions or changes, then the certificate of compliance shall be applied for prior to the change of use.

(B) No zoning permit for the erection or extension, alteration of or repairs to any building shall be issued until an application has been made for a certificate of compliance.

10-10-7 ISSUANCE OF CERTIFICATE OF COMPLIANCE

(A) The Zoning Administrator shall not issue a certificate of compliance until it has been determined, by inspection, that the work authorized by the zoning permit has been completed in accordance with approved plans. No zoning permit shall be issued until an application has been made for a certificate of compliance.

(B) When all work as described on the zoning permit is complete, the applicant shall notify the Zoning Administrator. After examination of the premises to ascertain that all work described on the zoning permit has been conducted in compliance with the regulations and standards of this Ordinance, the Zoning Administrator shall issue the certificate of compliance.

(C) The Zoning Administrator shall retain the original copy of the certificate of compliance.

(D) One copy shall be returned to the applicant, duly signed.

(E) There may be instances for which a zoning permit is issued with no expiration date. Examples of such instances include:

- a zoning permit issued for a use that does not involve a structure; or
- a zoning permit issued for a structure that is accessory to a principal use—with the principal use not involving any structure.

In such instances, on each successive date of inspection of land for which the zoning permit does not expire, the Zoning Administrator shall issue a certificate of compliance if such use has been conducted in conformance with the regulations and standards of this Ordinance and shall be effective only until the next required date of inspection.

(F) A temporary certificate of compliance may be issued by the Zoning Administrator for a period not exceeding six months during alterations or partial occupancy of a structure pending its completion, provided that such temporary certificates may require such conditions and safeguards as will protect the safety of the occupants and the public.

(G) Only in the case of issuance of a certificate of compliance for the registration of a non-conforming use, shall a fee be charged for such certificate. Such fee shall be as established by the Village Board, and shall not be refundable.

10-10-8 CORRECTIVE ACTION ORDER

Whenever the Zoning Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon is in violation of this ordinance, he shall so notify the responsible party, and

shall institute appropriate measures to secure compliance.

10-10-9 CONTENTS OF ORDER

The order to take corrective action shall be in writing and shall include:

i. a description of the premises sufficient for identification;
ii. a statement indicating the nature of the violation;
iii. a statement of the remedial action necessary to effect compliance;
iv. the date by which the violation must be corrected;
v. a statement that the alleged violator is entitled to a conference with the Zoning Administrator if he so desires;
vi. the date by which an appeal of the correction order must be filed, and a statement of the procedure for so filing; and
vii. a statement that failure to obey a corrective action order shall result in revocation of the zoning permit and may result in the imposition of fines.

10-10-10 SERVICE OF ORDER

A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

i. served upon him personally;
ii. sent by certified mail to his last known address; or
iii. posted in a conspicuous place on or about the affected premises.

10-10-11 STOP ORDER

Whenever any work is being done in violation of a zoning permit, the Zoning Administrator's corrective action order may state that the violation be stopped immediately. In such case, the corrective action order is equivalent to a stop order.

10-10-12 EMERGENCY MEASURES

Notwithstanding any other provisions of this Ordinance, whenever the Zoning Administrator determines that any violation of this ordinance poses an imminent peril to life or property, he or she may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

10-10-13 COMPLAINTS

Whenever any violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Zoning Administrator. The Zoning

Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

10-10-14 FEES

(A) The Village Board shall establish a schedule of fees for the various permits and procedures listed in this Ordinance. The fees are intended to defray administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device.

(B) Each such application, except that initiated by the Village Board, or Zoning Administrator, shall be accompanied by a fee to be paid by the applicant in accordance with the schedule of fees established by the Village Board.

10-10-15 VIOLATION

Any person who begins construction or work on any building or improvement requiring a zoning permit from the Village without first obtaining a zoning permit shall be fined for such offense an amount not to exceed 10 times the cost of the zoning permit.