

SECTION 4. APPLICATIONS & APPROVAL PROCESSES

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4.1 PURPOSE

The purpose of this Section is to delineate the scope of applicability, specific procedures and requirements, and approval standards that are applicable to each zoning application and approval.

4.2 ZONING AMENDMENT

A. Purpose

The regulations imposed and the districts created by this Code may be amended from time to time in accordance with this Section. This process for amending the Zoning Code text or the Zoning Map is intended to permit modifications in response to changed conditions or changes in Village policy.

B. Initiation

An owner of any property in the Village, other person expressly authorized by the owner in writing, or the Village may propose zoning text or map amendments.

C. Authority and Execution

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

D. Procedure

All applications shall be filed with the Zoning Administrator in accordance with the requirements of Section 3.2 (Application). Once it is determined that the application is complete, the Zoning Administrator shall schedule the application for consideration by the Zoning Board of Appeals. Amendments initiated by the Village also require an application, but are exempt from fees.

1. Action by the Zoning Board of Appeals

- a.** The Zoning Board of Appeals shall conduct a public hearing on a proposed zoning amendment in accordance with Section 3.4 (Public Hearing) no more than sixty (60) days of receipt of a complete application. Notice for the public hearing shall be in accordance with Section 3.3 (Public Notice). If, in the Zoning Board of Appeals' judgment, the application does not contain sufficient information to enable the Board to properly discharge its responsibilities, the Board may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information and/or the public hearing may be continued.
- b.** Within sixty (60) days of the close of the public hearing, the Zoning Board of Appeals shall forward to the Village Board its recommendation, together with the minutes of the hearing.
- c.** The Zoning Board of Appeals shall evaluate the application, based upon the evidence presented at the public hearing, pursuant to each of the applicable standards in Paragraph E below. For zoning text amendments, the Zoning Board of Appeals shall recommend approval, approval with conditions, or denial of the application. For zoning map amendments, the Zoning Board of Appeals shall recommend approval or denial of the application.

2. Action by the Village Board

The Village Board shall consider the application within sixty (60) days of receiving the findings of fact and recommendation from the 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 application back to the Zoning Board of Appeals for further consideration.

E. Approval Standards for Zoning Amendments

The Zoning Board of Appeals' recommendation and the Village Board's decision on any zoning amendment, whether text or map amendment, is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Zoning Board of Appeals and the Village Board shall consider the following standards, as set forth in Table 4-1: Standards for Zoning Amendments below.

TABLE 4-1: APPROVAL STANDARDS FOR ZONING AMENDMENTS		
Standards	Map Amendments	Text Amendments
Compatibility with the existing use and zoning of nearby property.	X	
The extent to which property values of the subject property are diminished by the existing zoning.	X	
The extent to which the proposed amendment promotes the public health, safety, comfort, convenience and general welfare of the Village.	X	X
The relative gain to the public, as compared to the hardship imposed upon the applicant.	X	X
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	
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	
The evidence, or lack of evidence, of community need for the use proposed by the applicant.	X	
The consistency of the proposed amendment with the Comprehensive Plan.	X	X
The consistency of the proposed amendment with the intent and general regulations of this Code.		X
Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.		X
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
Whether the proposed amendment provides a more workable way to achieve the intent and purposes of this Code and the Comprehensive Plan.		X
The extent to which the proposed amendment creates nonconformities.	X	X
The trend of development, if any, in the general area of the property in question.	X	
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	

F. Limitations on Denials

No application for an amendment which has been denied by the Village Board shall be reconsidered for a period of one (1) year from that date of denial, except as described in Section 3.2.F (Successive Applications).

G. Written Protest of Amendment

Written protest of an amendment shall be filed in accordance with Illinois state law.

4.3 VARIATION

A. Purpose

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

B. Initiation

An owner of any property in the Village or other person expressly authorized by the owner in writing may request a variation for that property.

C. Authority and Execution

Variations may be authorized after a public hearing, where the Zoning Board of Appeals shall make recommendation on and the Village Board shall decide upon a variation application in accordance with Paragraph F below, that owing to special conditions, a literal enforcement of the provisions of this Code will result in practical difficulties or particular hardship for the owner of land or a structure.

D. Limitations on Variations

No variations shall be permitted for the following regulations:

1. To allow a use not listed as a permitted or special use within the districts.
2. An increase in lot coverage of ten percent (10%) or more over that allowed by the district regulations.
3. An increase in impervious surface coverage of ten percent (10%) or more over that allowed by the district regulations.
4. An increase in building height for a single-family or two-family dwelling over that allowed by the district regulations.

E. Procedure

All applications shall be filed with the Zoning Administrator in accordance with the requirements in Section 3.2 (Application). Once it is determined that the application is complete, the Zoning Administrator shall forward a copy of the application to the Zoning Board of Appeals.

1. Action by the Zoning Board of Appeals

- a. The Zoning Board of Appeals shall conduct a public hearing in accordance with Section 3.4 (Public Hearing) no more than sixty (60) days of receipt of a complete application. Notice for the public hearing shall be in accordance with Section 3.3 (Public Notice). If, in the Zoning Board of Appeals' judgment, the application does not contain sufficient information to enable the Board to properly discharge its responsibilities, the Zoning Board of Appeals may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information and/or the public hearing may be continued.

- b. Within sixty (60) days of the close of the public hearing, the Zoning Board of Appeals shall forward its recommendation to the Village Board, together with the minutes of the hearing.
- c. The Zoning Board of Appeals shall evaluate the application, based upon the evidence presented at the public hearing, pursuant to each of the applicable standards in Paragraph F below. The Zoning Board of Appeals shall recommend approval, approval with conditions, or denial of the application.
- d. Every variation shall be accompanied by findings of fact and shall refer to any exhibits containing plans and specifications for the variation, which shall remain part of the records of the Zoning Board of Appeals.

2. Action by the Village Board

The Village Board shall consider the variation within sixty (60) days of receipt of the Zoning Board of Appeals recommendation. The Village Board may also refer the application back to the Zoning Board of Appeals for further consideration.

3. Conditions and Restrictions

The Zoning Board of Appeals may recommend, and the Village Board may impose, such conditions and restrictions upon the location, construction, design and use of the property benefited by a variation as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the variation. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the recommendation and approval.

F. Approval Standards for Variations

- 1. No variation from the provisions of this Code shall be granted unless the Zoning Board of Appeals and Village Board makes specific written findings based on the standards imposed by this section. These standards are as follows:
 - a. The strict application of the terms of this Zoning Code will result in undue hardship unless the specific relief requested is granted.
 - b. The plight of the owner is due to unique circumstances inherent to the subject property and not from the personal situation of the owner.
 - c. The variation, if granted, will not alter the essential character of the locality.
- 2. The Zoning Board of Appeals and Village Board, in making its findings, may inquire into the following evidentiary issues, as well as any others deemed appropriate:
 - a. The particular physical surroundings, shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
 - b. The alleged difficulty or hardship has not been created by any person presently having a proprietary interest in the property in question.
 - c. The granting of the variation will not be detrimental to the public welfare in the neighborhood in which the property is located.

- d. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety or impair property values within the neighborhood.
- e. The proposed variation is consistent with the spirit and intent of this Code and the adopted Comprehensive Plan.
- f. The value of the property in question will be substantially reduced (as compared with other properties in the same zoning district) if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

G. Variation Less Than Requested

A variation less than that requested may be granted by the appropriate administrative body when the record supports the applicant's right to some relief, but not to the entire relief requested.

H. Revocation of Variation

No order of the Village Board granting a variation shall be valid for a period longer than one-hundred eighty (180) days from the date of such order unless a building permit is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period. The Zoning Board of Appeals may recommend, and upon such recommendation, the Village Board may grant, one (1) extension of this period, valid for no more than one-hundred eighty (180) additional days, upon written application, and good cause shown, without notice or hearing.

I. Limitations on Denials

No application for a variation, which has been denied by the Village Board, shall be reconsidered for a period of one (1) year from that date of denial, except as described in Section 3.2.F (Successive Applications).

4.4 SPECIAL USE

A. Purpose

The development and execution of a Zoning Code is based upon the division of the Village into districts. Within each district the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are specific 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 land and of the public need for the particular use at the particular location. Such uses may be either public or private, and are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

B. Initiation

An owner of the subject property or other person expressly authorized by the owner in writing may file an application to use such land for one (1) or more of the special uses provided for in this Code within the zoning district in which the land is situated or to change an existing special use.

C. Authority and Execution

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

D. Procedure

An application for a special use shall be filed with the Zoning Administrator. All applications for a special use shall be filed in accordance with the requirements in Section 3.2 (Application). Once it is determined that the application is complete, the Zoning Administrator shall schedule the application for consideration by the Zoning Board of Appeals.

1. Action by the Zoning Board of Appeals

- a. The Zoning Board of Appeals shall conduct a public hearing on a proposed special use in accordance with Section 3.4 (Public Hearing) no more than sixty (60) days from receipt of a complete application. Notice for the public hearing shall be in accordance with Section 3.3 (Public Notice). If, in the Zoning Board of Appeals' judgment, the application does not contain sufficient information to enable the Board to properly discharge its responsibilities, the Board may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information and/or the public hearing may be continued.
- b. Within sixty (60) days of the close of the public hearing, the Zoning Board of Appeals shall forward its recommendation to the Village Board, together with the minutes of the hearing.
- c. The Zoning Board of Appeals shall make findings, based upon the evidence presented at the public hearing, pursuant to each of the applicable standards in Paragraph E below. The Zoning Board of Appeals shall recommend either approval, approval with conditions, or denial.
- d. Every special use shall be accompanied by findings of fact and shall refer to any exhibits containing plans and specifications for the special use, which shall remain part of the records of the Zoning Board of Appeals.

2. Action by the Village Board

The Village Board shall consider the special use within sixty (60) days of receipt of the Zoning Board of Appeals' recommendation. In granting any special use, the Village Board may require such evidence and guarantees, as it may deem necessary, to assure compliance with the stipulated conditions. The Village Board may refer the application back to the Zoning Board of Appeals for further consideration.

3. Conditions on Special Uses

The Zoning Board of Appeals may recommend, and the Village Board may impose, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as may be deemed necessary for the protection of the public interest.

E. Approval Standards for Special Uses

No special use shall be recommended for approval by the Zoning Board of Appeals and approved by the Village Board unless they have made findings, based upon the evidence presented at the public hearing, to support each of the following conclusions:

1. The establishment, maintenance and operation of the special use in the specific location proposed will not endanger the public health, safety or general welfare of any portion of the community.
2. The proposed special use is compatible with adjacent properties and/or other properties within the immediate vicinity of the special use.
3. The special use in the specific location proposed is consistent with the spirit and intent of this Code and the Comprehensive Plan.

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 all applicable standards of this Code. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed.

G. Revocation of Special Use Permit

A special use permit may be revoked by the Village Board after a finding of the existence of any one (1) of the following conditions or of the occurrence of any of the following events:

1. The operation of the use for which a special use permit has been issued ceases for a continuous period of one-hundred eighty (180) days.
2. The licenses or permits required for the operation or maintenance of the use are not obtained or are subsequently terminated.
3. Any of the provisions of this Section or Zoning Code, or any of the terms and conditions of the special use permit are violated.
4. A building permit for the construction of the structure(s) for which a special use permit was granted is not issued, through no fault of the Village, within one (1) year of the granting of the special use permit by the Village Board and construction is not completed within two (2) years of the granting of the special permit by the Village Board.

H. Limitations on Denials

No application for a special use, which has been denied by the Village Board, shall be reconsidered for a period of one (1) year from that date of denial, as described in Section 3.2.F (Successive Applications).

4.5 PLANNED UNIT DEVELOPMENT

Where permitted within district regulations, planned unit developments shall be considered special uses, and subject to the process and requirements of both special uses in Section 4.4 (Special Uses) and planned unit developments. See Section 5 (Planned Unit Developments) of this Code for planned unit development process and requirements.

4.6 SITE PLAN REVIEW

A. Purpose

The site plan review process is intended to promote orderly development and redevelopment in the Village, and to assure that 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:

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 and safety hazards.
5. Efficient parking layout.
- 6.. Minimization of environmental problems, including stormwater management and incorporation of sustainable design techniques.

B. Authority and Execution

Site plan review and approval is required for the following:

1. Building permits for new townhouse, multi-family, non-residential and mixed-use developments.
2. Building permits for additions to townhouse, multi-family, non-residential and mixed-use developments. Modifications of all outdoor recreational areas that include the construction of new buildings, accessory structures and/or exterior lighting are also subject to site plan review. However, playground equipment is considered exempt from site plan review.
3. Building permits for construction of parking lots of ten (10) or more spaces.
4. Stealth design for wireless antennas, in accordance with Section 11.3.R.10.

No building permit shall be issued until site plan approval has been granted. If the Zoning Board of Appeals 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.

C. Procedure

Applications for site plan review shall be submitted to the Zoning Administrator in accordance with the requirements in Section 3.2 (Application). Once it is determined that the application is complete, the application shall be forwarded to the Zoning Board of Appeals.

1. The Zoning Board of Appeals shall review the completed site plan review application no more than sixty (60) days from receipt of a complete application. If, in the Zoning Board of Appeals judgment, the site plan review application does not contain sufficient information to enable the Zoning Board of Appeals to properly discharge its responsibilities, the Zoning Board of Appeals may request additional information from the

applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information.

2. The Zoning Board of Appeals shall approve, approve with conditions or deny the site plan within sixty (60) days. The Zoning Administrator shall notify the applicant within ten (10) days of the action taken. The Zoning Board of Appeals shall evaluate the site plan pursuant to the applicable standards in Paragraph D below.
3. The Zoning Board of Appeals 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. No new fees shall be required.
4. The Zoning Board of Appeals 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.

D. Standards for Site Plan Review

Each site plan submitted for review shall include the following details: 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. Degree of conformity with existing standards.
2. Regulations of this Zoning Code, and any other applicable regulations within the Village's Municipal Code, and the goals and policies of the Comprehensive Plan.
3. The location, arrangement, size, design and general site compatibility of buildings, lighting and signs, including:
 - a. Efficient use of land that responds to the existing off-site utilities and service conditions in order to minimize the demand for additional municipal services, utilities and infrastructure.
 - b. Compatibility with, and mitigation of, any potential impact upon, adjacent property.
 - c. Site illumination designed and installed to minimize adverse impact on adjacent properties.
 - d. Signs in accordance with Section 15 (Signs).
4. Landscaping and the arrangement of open space or natural features on the site should:
 - a. Create a desirable and functional environment for motorists, pedestrians, bicyclists and occupants of residential dwellings, business owners and employees. To achieve such an environment, landscaping may take advantage of open space design features such as bike paths, running paths and outdoor relaxation areas.

- b. Preserve unique natural resources, including measures to preserve and protect existing healthy, mature trees.
 - c. Protect natural resources and landscaping on adjacent sites.
 - d. Design drainage facilities to promote the use and preservation of natural watercourses and patterns of drainage.
 - e. Utilize plant materials suitable to withstand the climatic conditions of the Village and microclimate of the site. The use of species native to northeastern Illinois is encouraged.
 - f. Use of screening to buffer the impact of the development on adjacent uses and enhance the appearance and image of the Village by screening incompatible uses and certain site elements, and creating a logical transition to adjoining lots and developments.
5. Circulation systems and off-street parking shall be designed to:
- a. Provide adequate and safe access to the site for motor vehicles as well as alternate modes of transportation, including pedestrians and bicyclists.
 - b. Minimizing potentially dangerous traffic movements.
 - c. Separate pedestrian and auto circulation and provide for bicycle parking or storage insofar as practical.
 - d. Minimize curb cuts by using cross-access easements and shared parking.
 - e. Design off-street parking lots or garages to minimize adverse impacts on adjacent properties, particularly through the use of perimeter and interior landscaping, and promote logical and safe parking and internal circulation.
 - f. Clearly define pedestrian access from the parking area to the building(s). A clearly defined visible and identifiable network of pedestrian connections should be provided in and between parking lots, street sidewalks, open spaces and buildings.

E. Amendments to Approved Site Plan Reviews

1. An application for an amendment to an approved site plan shall be submitted to the Zoning Administrator. Amendment applications shall include a written description of the proposed change, including the reason for such change, and a notation of the location on the approved site plan.
2. Minor changes, as required by technical engineering or other physical site circumstances not foreseen at the time that the site plan was approved, and verified by the Village Engineer, may be authorized by the Zoning Administrator, who shall reserve the right to forward any such request to the Zoning Board of Appeals for approval. All other changes require approval by the Zoning Board of Appeals.
3. The Zoning Board of Appeals shall consider amendment applications within sixty (60) days of receipt of a complete application. If, in the Zoning Board of Appeals' judgment, the application does not contain sufficient information to enable the Zoning Board of Appeals to properly discharge its responsibilities, the Zoning Board of Appeals may request additional information from the applicant. The Zoning Board of Appeals shall provide its decision in writing, along with reasons for approval or denial.

4. The Zoning Board of Appeals may decide that the proposed change or changes to the approved site plan is such a significant change that it constitutes a new application and is subject to the complete site plan review provisions of this section.
5. The Zoning Board of Appeals may determine that a proposed amendment to an approved site plan requires submittal of a revised site plan for proper evaluation. Such revised site plan shall only include those components of the site plan submittal package impacted by the proposed change. Until such revised site plan is submitted, the application shall not be considered complete. Nothing within this section shall prevent an applicant from submitting a revised site plan with the amendment application at the time of initial submission.

4.7 SIGN PERMIT

A. Applicability

No sign, except those identified as exempt in Section 15 (Signs), shall be erected, constructed, altered or relocated without first obtaining a sign permit.

B. Authority and Execution

The Zoning Administrator shall be responsible for determining compliance with this Code and shall be responsible for 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 Zoning Administrator shall determine whether the application is complete. Once it is determined that the application is complete, the Zoning Administrator shall:

1. Examine the plans and specifications and the premises upon which the proposed structure is to be erected.
2. Issue a permit if the structure complies with the requirements of this Code and all other ordinances of the Village.

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 Zoning Administrator. The Zoning Administrator 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 Zoning Administrator may inspect, at such times as deemed appropriate, each sign or other advertising structure regulated by this Code. The purpose of the inspection is to ascertain 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 Code.

F. Termination or Revocation of Permit

Upon the termination or revocation of the sign permit, the licensee shall remove the sign 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. Expiration of Permit

If the work authorized under a sign permit is not completed within one-hundred eighty (180) days after the date of issuance, the sign permit shall become null and void.

4.8 BUILDING PERMIT

Before proceeding with the erection, enlargement, alteration, repair or removal of any structure in the Village, a building permit for such erection, enlargement, alteration, repair or removal shall first be obtained by the owner or his agent from the Building Commissioner. As part of the building permit application process, the Zoning Administrator shall review the application for compliance with this Code.

4.9 OCCUPANCY PERMIT

A. Applicability

1. No land shall be occupied or used and no structure hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until an occupancy permit is issued stating that the building and use comply with all the building and health laws and ordinances and with the provisions of these regulations.
2. No change of use shall be made in any structure, or any part thereof, until an occupancy permit is issued. No occupancy permit shall be issued to make the change unless it is in conformity with the provisions of this Code or any amendments thereto.
3. No building permit shall be issued until application has been made for an occupancy permit. No building or premises shall be occupied until the occupancy permit is issued.

B. Authority and Execution

The Zoning Administrator shall be responsible for determining compliance with this Code 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 occupancy permits shall be kept on file and copies shall be available on request to any person for a fee specified by the Village.

C. Procedure

Occupancy permits shall be applied for coincidentally with the application for a building permit.

4.10 ZONING INTERPRETATION

A. Purpose

This interpretation authority is not intended to add or change the essential content of the Code. The interpretation authority is intended to recognize that the provisions of this Code, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue.

B. Initiation

Applications for zoning interpretations may be filed by an owner of any property in the Village. In addition, the Village Board or the Plan Commission may request that the Zoning Administrator render an interpretation. All applications for interpretations shall be filed with the Zoning Administrator in accordance with the requirements in Section 3.2 (Application). Requests initiated by the Village require an application, but are exempt from fees. All interpretation requests shall be for the purpose of furthering some actual development.

C. Authority and Execution

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

D. Procedure

The Zoning Administrator shall review a written request for an interpretation and render the interpretation in writing within a reasonable time. The Zoning Administrator shall have the ability to request additional information prior to rendering an interpretation.

E. Appeals

1. An applicant may appeal the Zoning Administrator's decision to the Zoning Board of Appeals within forty-five (45) days of the decision.
2. Upon the filing of an application for an appeal of a Zoning Administrator interpretation, the Zoning Board of Appeals shall conduct a public hearing in accordance with Sections 3.4 (Public Hearing) within sixty (60) days of receipt of a complete application. If, in the Zoning Board of Appeals' judgment, the application does not contain sufficient information to enable the Board to properly discharge its responsibilities, the Zoning Board of Appeals may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information and/or the public hearing continued. Notice shall give in accordance with Sections 3.3 (Notice). The Zoning Board of Appeals shall decide the appeal within sixty (60) days of the close of the public hearing. The Zoning Board of Appeals may reverse or affirm or may modify the interpretation.

4.11 ENFORCEMENT

A. Enforcement

This Code shall be enforced by the Zoning Administrator. The Zoning Administrator 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 Code. At times, the aid of the Police Department may be sought to enforce this Code. 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 Code, 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

Each violation, and each day that such violation continues, shall be subject to a fine as established in the Village Code.

