

CHAPTER 40

ZONING

ARTICLE I – GENERAL PROVISIONS

40-1-1 **TITLE.** This Code may be cited and referred to as the Hoffman Zoning Code.

40-1-2 **PURPOSES.** This Code is adopted in accordance with and for the purposes and objectives described in **65 ILCS 5/11-13-1, et seq.**, Illinois Compiled Statutes.

40-1-3 **SEVERABILITY.** If any provision of this Code is found to be unconstitutional or invalid, such finding shall not affect the validity of the remaining provisions of the Code.

40-1-4 **EFFECTIVE DATE.** This Code originally took effect following adoption and publication on the **15th day of May, 1991.** Such Code and all amendments hereto are readopted and republished on the **13th day of September, 2006.**

ARTICLE II – GENERALLY

40-2-1 **ESTABLISHMENT OF DISTRICTS AND ZONING MAPS.** All territory within the corporate limits of the Village of Hoffman is divided into the following zoning districts:

<u>Name of District</u>	<u>Designation</u>
Residential	R
Agricultural	A
Commercial and Industrial	C/I

40-2-2 **ZONING MAP AND DISTRICT BOUNDARIES.** The boundaries of the several zoning districts shall be shown upon a map which, when adopted by the Board, shall be the official zoning map. The official zoning map, including all notations and other information thereon is hereby made a part of this Code by reference. The official zoning map shall be kept on file in the Village office.

40-2-3 **INTERPRETATION OF DISTRICT BOUNDARIES.** Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the zoning map, the following rules shall apply:

- (A) Where a district boundary is a street, alley or highway, the centerline of such street, alley or highway shall be the boundary line.
- (B) Where a district boundary appears to follow a lot line, section or any section subdivision line, the nearest such line shall be the boundary line.
- (C) Where the boundary of a district follows a railroad line, such boundary shall be the centerline of the main tracks of said railroad.
- (D) Where the boundary of a district follows a stream, lake, or other body of water, the boundary shall be the middle of the main channel of such stream, lake or other body of water.

40-2-4 **GENERAL PROHIBITION.** It shall be unlawful to erect, use, occupy, enlarge, alter, relocate or reconstruct any structure or any part thereof or to create, use, occupy, or develop any lot or part thereof except in conformity with the provisions of this Code.

40-2-5 **UNLISTED USES PROHIBITED.** Any use not specifically permitted within a particular zoning district or allowed by special use permit shall be deemed prohibited in that district until the Village Board rezones the property in question or otherwise amends this Code, or unless a special use permit shall be issued.

40-2-6 **MUNICIPAL PARK EXEMPT.** Facilities owned, operated or constructed by the Village located in any municipally-owned park are exempt from the provisions of this Code.

40-2-7 **CHURCHES AND SCHOOLS.** Churches and schools are permitted as special uses in all zones.

ARTICLE III – PROVISIONS GOVERNING THE RESIDENTIAL DISTRICT

40-3-1 PERMITTED USES.

- (A) Detached dwelling units;
- (B) Accessory uses or buildings;
- (C) Home occupations;
- (D) Cultivation of crops;

(Ord. No. 99; 09-13-06)

40-3-2 REGULATIONS.

(A) **Height.** There is no maximum or minimum height requirement in this zone.

(B) **Lot Size.** Every detached dwelling hereafter constructed must be on a lot sized as follows:

- (1) For tracts created by deeds, subdivisions or plats recorded prior to **September 13, 2006**, detached dwellings may be constructed on lots of not less than **sixty (60)** by **one hundred (100) feet** or equivalent.
- (2) For tracts created by deeds, subdivisions, or plats recorded on or after **September 13, 2006**, detached dwellings may be constructed on lots of not less than **ten thousand (10,000) square feet** with no less than **seventy-five (75) feet** of frontage on every abutting street and alley.

(Ord. No. 99; 09-13-06)

(C) **Spacing of Structures.** It shall be unlawful to locate, construct or place a detached dwelling until within **twenty (20) feet** of another detached dwelling unit or within **twenty (20) feet** of any building used for commercial or industrial purposes.

(D) **Setback Lines.** No detached dwelling unit shall be located within **ten (10) feet** of any property line. No accessory structure, except a fence, may be located within **five (5) feet** of any property line. See **Section 40-6-5** regarding Fences. **(Ord. No. 66; 04-07-99)**

(E) **Off-Street Parking.** There shall be provided for each dwelling unit off-street parking sufficient for the number of automobiles or trucks regularly used by the occupants of the premises. A minimum of **one (1)** off-street parking space is required for each apartment, condominium unit, or single family residence.

(F) **Utilities Installation.** Each dwelling unit shall have its own separate and proper electrical installation, and sewer and water installation, which shall meet the requirements of the general ordinances of the Village and applicable state regulations. **(See Chapter 38 – Utilities) (Ord. No. 66; 04-07-99)**

(G) **Culvert Installation.** Each dwelling unit shall provide a substantial culvert as a drive into the property. Permits for the construction or replacement of culverts must be obtained from the Village. **(See Chapter 33 – Streets) (Ord. No. 66; 04-07-99)**

(H) **Use of Accessory Structures.** Use of an accessory structure as a dwelling is prohibited.

(I) **Dog Pens and Swimming Pools.** No dog pen or swimming pool shall be located, constructed, placed or maintained within **ten (10) feet** of a property line. In no case shall any dog pen or swimming pool be so located, constructed, or maintained as to interfere with the public use of any street, sidewalk or alley or with any public drainage ditch. **(See Chapter 6 – Buildings regarding private swimming pools) (Ord. No. 66; 04-07-99)**

(J) **Signs.** No signs shall be erected which are visible from the perimeter of any residential lot except signs specifically permitted in this Code for home occupations, FOR SALE signs advertising the sale of the real estate upon which they are erected, and noncommercial temporary signs. Noncommercial temporary signs are signs which are not erected for any business or commercial purpose and which express an opinion or make a statement concerning a current public issue or event. Examples of noncommercial temporary signs include but are not limited to signs supporting or opposing political candidates, support or opposing referendums or issues pending before public bodies, promoting current

activities such as local sport teams or civic activities, announcing significant dates or anniversaries, and expressing opinions.

Such signs shall be erected no earlier than **ninety (90) days** before the election, public vote, athletic event, anniversary, or public event is expected to occur and shall be removed within **two (2) weeks** thereafter.

Private yard sale signs may be erected no more than **two (2) weeks** prior to a yard sale and must be removed **two (2) days** after the sale. No professional or continuous yard sales are permitted. **(Ord. No. 66; 04-07-99)**

(K) **Manufactured Home Parks.** Manufactured home parks are prohibited. **(Ord. No. 99; 09-13-06)**

40-3-3 **DEFINITIONS.**

(A) **Detached Dwelling Unit.** The term "detached dwelling unit" means house, modular or manufactured home, mobile home, house trailer, or other structure designed or used for human habitation and so built, designed or constructed as to constitute a single structure. An apartment house, duplex or condominium in which all units are within a single building shall constitute a single detached dwelling unit for the purpose of this Section. This definition shall not apply to house trailers or manufactured homes which are unoccupied and which are held as inventory for sale by a person engaged in the business of selling manufactured homes or house trailers. **(Ord. No. 66; 04-07-99)**
(Ord. No. 99; 09-13-06)

(B) **Home Occupation.** A home occupation is an accessory use of a business character, conducted within a dwelling unit or an accessory building, by a member of the family thereof and which business use is clearly secondary to the use of such residence for living purposes and which does not change the character thereof or have any exterior evidence of such secondary use other than a nameplate or advertising sign of not more than **four (4) square feet** in size and which does not have any stock in trade outside of a building. No home occupation shall generate any offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference noticeable at or beyond the lot lines.

(C) **Accessory Uses or Buildings.** Any building, structure or use which:

- (1) is subordinate to and serves a principal building or use;
- (2) is subordinate in area, extent or purpose to the principal building or use;
- (3) contributes to the comfort, convenience or necessity of occupants of the principal building or use served;
- (4) is located on the same zoning lot as the principal building or use served;
- (5) does not change the basic character of the premises as determined by its principal use.

(D) **Mobile Homes.** As defined by this Code, a mobile home is a factory-fabricated single family home built on a permanent chassis that consists of wheel assembly, undercarriage, and towing assembly. To be identified as a mobile home, the average width and/or length of the living area (excluding garage, carports, porches, tip-outs, or attachments) shall be in excess of a ratio of 3 to 1. Mobile homes must have a minimum living area of not less than **nine hundred (900) square feet** and must meet the National Manufactured Home Constructions and Safety Standards (HUD Code) Homes commonly known as single-wide trailers with or without tip-outs are mobile homes. Mobile Homes are nonconforming uses. **(Ord. No. 99; 09-13-06)**

(E) **Manufactured Home.** As defined by this Code, a manufactured home is a factory-fabricated single family home built in one or more sections. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a manufactured home shall not exceed a ratio of 3 to 1. All manufactured homes must be placed on a permanent full perimeter concrete or mortared brick or block foundation, extending below the frost depth. Unless the home is placed over a basement the permanent foundation shall include an access opening not less than **twenty-four (24) inches** wide with a door or removable cover. All wheels and towing devices must be removed. A manufactured home must have a minimum 3/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhang, and must have a minimum living area of not less than **nine hundred (900) square feet**. Manufactured homes must meet either the National Manufactured Home Construction and Safety Standards (HUD Code) or the adopted Clinton County Building Code (BOCA).

Manufactured Homes are typically supported on steel "I" beams running longitude under each section. The Steel "I" beams must be properly supported by permanent structures extending below frost depth and the home must be anchored in accordance with the Illinois Manufactured Home Tie Down Code (77 Illinois Administration Code 870) **(Ord. No. 99; 09-13-06)**

(F) **Modular Home.** A Modular Home is a factory fabricated single family home built in one or more sections. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a modular home shall not exceed a ratio of 3 to 1. All modular homes must rest wholly on a permanent foundation, which is a continuous full perimeter foundation of materials such as concrete or mortared block or brick, which extends into the ground below the established frost depth and to which the modular home is secured with foundation bolts at least **one-half (1/2) inch** in diameter, spaced at intervals of no more than **six (6) feet** and within **one (1) foot** of the corners, and which are embedded at least **seven (7) inches** into concrete foundations or **fifteen (15) inches** in block or brick foundations or basement. Unless the home is placed over a basement the permanent foundation shall include an access opening not less than **twenty-four (24) inches** wide with a door or removable cover. **(Ord. No. 99; 09-13-06)**

(G) **Cultivation of Crops.** Cultivation of crops includes plowing, tilling, and cultivation of soil, sowing seeds, fertilizing, tending, and harvesting crops, hay, or silage, applying agricultural chemicals, planting, tending and harvesting fruit and nuts, and similar activities. Cultivation of crops does not include maintenance of livestock. **(Ord. No. 99; 09-13-06)**

ARTICLE IV – PROVISIONS GOVERNING THE AGRICULTURE DISTRICT

40-4-1 **PERMITTED USES.** The following uses are permitted in the Agricultural A Zone.

(A) Agriculture, including but not limited to farming, dairying, pasturage, the raising of plants, grains, animals, poultry, together with customary buildings, structures, and accessory uses. Buildings occupied as residences for persons engaged in agriculture on the premises shall be considered as used for agricultural purposes.

(B) All uses permitted in the Residential – R Zone.

(C) Mining and oil production.

(D) Commercial and industrial uses are permitted in agricultural districts as special uses only.

40-4-2 **REGULATIONS.**

(A) Residential uses in districts zoned Agriculture A shall comply with the regulations of such uses as applies in Residential R districts excepting that the minimum lot size shall be **one (1) acre** in area.

(B) Mining and oil production shall be done in accordance with the Statutes of Illinois and the rules and regulations of the State Mining Board.

ARTICLE V – PROVISIONS GOVERNING THE COMMERCIAL INDUSTRIAL DISTRICT

40-5-1 **PERMITTED USES.** The following uses are permitted in the Commercial/Industrial (C/I) Zone.

(A) **Commercial Uses.** All business and commercial uses and establishments, including without limitation retail and wholesale sales of goods, establishments for the provision of services, government offices, and service stations.

(B) **Industrial Uses.** Manufacturing and processing plants, automotive, machinery, or equipment repair facilities, warehouses.

(C) **Miscellaneous Uses.** All other uses, excepting junk yards, salvage yards, and waste disposal facilities.

(D) **Residential Uses.** The public is cautioned that commercial and industrial uses may cause more noise, dust, smells, emissions, and other conditions which may not be fully compatible with residential activities. Since the Commercial/Industrial Zone is created for Commercial and Industrial purposes persons occupying residences in these area should not expect the same conditions that may apply in residential districts. **(Ord. No. 99; 09-13-06)**

40-5-2 **USE RESTRICTIONS.**

(A) No commercial, industrial or miscellaneous business use which shall unreasonably interfere with the use and occupancy or enjoyment of neighboring properties is permitted. Unreasonable interference includes, but is not limited to, excessive traffic congestion, loud or shrill noises, excessive emissions, offensive glare, and noxious odors.

(B) Wherever any industrial use abuts any residential or commercial district, a **twenty-five (25) foot** wide view and noise control buffer strip shall be installed. Such buffer strip shall consist of densely planted shrubbery at least **four (4) feet** high when planted and that can be expected to reach a height of **ten (10) feet** or more when fully grown. In lieu of shrubbery, the Board may permit the use of screening by means of a solid fence or wall of sufficient height to completely block the view of the adjacent residential property.

(C) See also **Article VI** concerning new or expanding businesses. **(Ord. No. 66; 04-07-99)**

ARTICLE VI – SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES

40-6-1 APPLICATION OF THIS ARTICLE. This Article establishes additional regulations for specific, potentially troublesome, structures and uses. The provisions of this Article apply in every zoning district where the specific structure or use is permitted. If more stringent regulations are applicable in any particular zoning district, then such regulations shall prevail. **(Ord. No. 66; 04-07-99)**

40-6-2 BILLBOARDS AND SIGNS.
 (A) No signboard shall be constructed or maintained so that it might interfere with the view of motor vehicle traffic at any intersection.
 (B) All billboards or signboards, other than those painted or erected upon any building larger than the sign itself, shall be limited in their surface area to **one hundred twenty (120) square feet.** **(Ord. No. 66; 04-07-99)**

(C) Signs, including banners, which are kept in place for longer than **forty-five (45) days** shall be of substantial construction and securely fastened to posts or suitable supports or anchors to prevent them from being susceptible of wind damage and blowing onto adjoining properties. Such signs, including banners shall be properly maintained so as to not create an eyesore or detract from the surrounding properties. Banners which are kept in place for longer than **forty-five (45) days** may only be located on specific parcel of real estate where the advertised product is sold or advertised activity or event is to occur. Such banners may not be erected on other properties within the Village.

40-6-3 NEW OR EXPANDING BUSINESSES.
 (A) **Permit Required.** No person, firm or corporation shall start a new business or expand an existing business in any zoning district within the Village without obtaining a permit to do so. **(Ord. No. 66; 04-07-99)**

(B) **Expansion Defined.** The term "expansion" as used herein shall include:
 (1) a substantial change in the nature or method of carrying on the business, or
 (2) an increase in the amount of land or building space used or occupied by a business, or
 (3) a change in location of a business within the Village.

(C) **New Business Defined.** The term "new business" as used herein shall mean the establishment within the Village, subsequent to the effective date of this Code, of any commercial, industrial or manufacturing enterprise or any other business venture.

(D) **Permit Application.** Application for a business permit shall be made to the Village President or to the Village Clerk and shall be on forms from time to time prescribed by the Village.

(E) **Action on Application for Permit.** Within **thirty (30) days** from the application for a business permit, the Village Board shall act upon the application by either granting or refusing to grant the permit applied for. The time within which the Board is required to act upon an application for a business permit may be extended for no more than **sixty (60) days** from the first consideration of the application by the Board in the event that the Board shall deem such extension desirable for the purpose of obtaining further or additional information with respect to the proposed new or expanded business.

(F) **Grounds for Denial of a Permit.** The Village Board shall grant a permit for the establishment of a new business or for the expansion of an existing business unless it finds one or more of the following:

- (1) That the proposed new or expanded business will unreasonably damage the streets or sewer system.
- (2) That the proposed new or expanded business will create a demand for water which is beyond the capacity of the Village to provide.

- (3) That the operation of the proposed new or expanded business will cause unreasonable traffic congestion or parking problems due to inadequate provision of on-site parking spaces or inadequate street access.
- (4) That the proposed new or expanded business is likely to cause damage, injury, or unreasonable annoyance to nearby residents or to the public on account of the emission of odor, or annoying, offensive, noxious or toxic dust, fumes, smoke, gases or vapors, or loud and disturbing noises. **(Ord. No. 66; 04-07-99)**
- (5) That the operation or location of the proposed new or expanded business is likely to otherwise result in an unreasonable burden upon the streets, water system or sewer treatment facilities, or other public services of the Village, or otherwise impose upon the residents of the Village unreasonable risks of annoyance.
- (6) That the proposed new or expanded business does not comply with all other provisions of this Code and other ordinances of the Village. **(Ord. No. 66; 04-07-99)**

(G) **Conditions.** The Village Board may, in granting a permit for a new or expanded business, impose such conditions as may be reasonable to alleviate or avoid circumstances, method of operation, or other factors which might be the basis for the denial of a permit. The Village Board may require a privacy fence or other screening between a new or expanding business and adjoining properties if the Board determines such appropriate to protect adjoining property values. **(Ord. No. 66; 04-07-99)**

(H) **Denials and Conditions to be in Writing.** All denials of a permit for a new or expanded business shall be in writing and shall clearly state the reasons for denial. In the event that a permit shall be granted upon condition, such grant shall be in writing and shall clearly specify the conditions of the permit.

40-6-4 MOBILE HOMES. Mobile Homes are prohibited throughout all zoning classifications of the Village. Mobile Homes which are in place within the Village as of **September 13, 2006**, are nonconforming uses. If a mobile home in place as of **September 13, 2006**, is destroyed by fire, storm, or similar casualty it may be replaced so long as after replacement the mobile home will be in conformity with all of the regulations applicable to the R district and the following regulations. **(Ord. No. 66; 04-07-99) (Ord. No. 99; 09-13-06)**

(A) **Same Lot Size/Setbacks.** No mobile home shall be placed on any individual lot unless the district's minimum lot size and setback requirements are strictly observed.

(B) **One Per Lot.** Not more than **one (1) mobile home** shall be placed on any individual lot.

(C) **Foundation.** Every mobile home must be placed on a permanent full perimeter concrete or mortared brick or block foundation, extending below the frost depth. Unless the home is placed over a basement the permanent foundation shall include an access opening not less than **twenty-four (24) inches** wide with a door or removable cover. All wheels and towing devices must be removed. A mobile home must have a minimum living area of not less than **nine hundred (900) square feet**. Mobile homes must meet the National Manufactured Home Construction and Safety Standards (HUD Code). Mobile Homes are typically supported on steel "I" beams running longitude under each section. The Steel "I" beams must be properly supported by permanent structures extending below frost depth and the home must be anchored in accordance with the Illinois Manufactured Home Tie Down Code (77 Illinois Administration Code 870). **(Ord. No. 99; 09-13-06)**

(D) No mobile home shall be placed for dwelling purposes unless at the time of installation it is in good repair, both inside and outside, with properly functioning plumbing, electrical service, and heating, and is suitable for general dwelling purposes. The exterior shall be in presentable condition so as to not unduly detract from the surrounding properties. **(Ord. No. 66; 04-07-99)**

40-6-5 **MOBILE HOME PARKS.** Mobile Home Parks are not permitted within any zoning classifications of the Village. **(Ord. No. 99; 09-13-06)**

40-6-6 **FENCES.**

(A) Fences shall be considered structures for purposes of **Article IX** of this Code and initial and final certificates of Zoning Compliance shall be required to establish, erect, enlarge, extend, alter, or relocate a fence within the Village.

(B) Prior to filing an application for initial Certificate of Compliance the applicant shall determine whether or not there are any easements which have been granted or dedicated for utilities, access, or drainage in the area where the fence is proposed and also check to determine if any public utilities have been constructed in such area, including without limitation, underground water, sewer, electric, storm sewer, drains, and all other utilities. The location of such easements and constructed utilities shall be indicated on the application for initial certificate of compliance.

(C) Fences shall be constructed of sturdy materials and adequately installed so as to not pose a substantial risk of collapse, leaning, or sagging, and shall be constructed of suitable materials and construction so as to not detract from the general appearance of the surrounding properties.

(D) Fences shall be constructed no closer than **two (2) feet** inside the nearest property line of the property in question.

(E) Nothing in this Code permits any fence to be constructed in violation of any utility easement or in violation of any lawful subdivision restriction or other lawful restriction. Fences constructed in such areas may have to be removed at the owner's expense.

(F) Fences in front yards shall not exceed **three (3) feet** in height. Front yards are defined as the area between any public street and the nearest side of any house or building on the real estate in question. A property can have as many front yards as there are streets adjacent to the property.

Fences located in any area not defined as a front yard (i.e. rear yards and side yards not bordering a street) may not exceed **eight (8) feet** in height.

(G) Fences shall not be constructed in a manner that would be dangerous to children or the public at large. Barbed wire or electric fences are prohibited unless specifically authorized in writing on the building permit.

(H) Additional restrictions on size and manner of construction may be required where necessary to provide an unobstructed view for traffic safety.

(Ord. No. 60; 11-04-98)

ARTICLE VII – MOBILE HOME PARKS

40-7-1 **GENERALLY.** Mobile Home Parks are not permitted within any zoning classification in the Village. **(Ord. No. 99; 09-13-06)**

ARTICLE VIII - NONCONFORMITIES

40-8-1 DEFINITIONS.

(A) A nonconforming lot is a lot created by deed recorded prior to the effective date of this Code, which lot would violate the provisions of this Code if created after its effective date.

(B) A nonconforming structure is an otherwise lawful structure existing on the effective date of this Code which would be in violation of this Code if constructed after the effective date of this Code.

(C) A nonconforming use is an otherwise lawful use existing on the effective date of this Code which would violate this Code if commenced after its effective date.

40-8-2 RULES GOVERNING NONCONFORMITIES. The following rules shall govern nonconformities:

(A) **Nonconforming Lots.** Nonconforming vacant lots may be developed and used only if a variance or special use permit is granted. In considering any application for a variance or special use permit with respect to a nonconforming lot, adjacent, contiguous, or other nearby land under common ownership or control with the nonconforming lot shall be considered, together with effect of the proposed development upon surrounding properties.

(B) **Nonconforming Structures.** A nonconforming structure shall be allowed to remain without penalty, but shall not be added to or increased in size. Nor shall such structure be altered in any way which increases its nonconformity. No nonconforming structure shall be relocated unless, after such relocation, it will conform to the requirements of this Code. No nonconforming structure which is destroyed or damaged by any means to the extent of more than **fifty percent (50%)** of the estimated cost of reconstruction shall be reconstructed unless, after such reconstruction, the structure will conform to the provisions of this Code. It shall be the duty of the owner to provide reconstruction cost estimates in the event that any question shall arise with respect to the extent of loss or damage. **(See also Article VI)**

(C) **Nonconforming Uses.** A nonconforming use may continue without penalty excepting that no nonconforming use shall be expanded so as to occupy a larger portion of a structure or lot than was occupied on the effective date of this Code. A nonconforming use shall not be changed to another nonconforming use or otherwise changed or altered in any way which would increase the nonconformity, or which would increase the intensity of the nonconforming use. A nonconforming use may not be moved from one location to another unless such use is permitted by this Code at the new location. If a nonconforming use is discontinued for **twelve (12) consecutive months** or for **thirty (30) months** during any **three (3) year** period, such use shall not thereafter be resumed. Any discontinuance caused by government action without contributing fault on the part of the nonconforming user shall be counted in calculating the length of discontinuance.

ARTICLE IX – ADMINISTRATION AND ENFORCEMENT

40-9-1 ZONING COMMITTEE. The President and Board of Trustees shall appoint from among the Board members a Zoning Committee of not more than **four (4) persons**.

40-9-2 DUTIES. The Zoning Committee is authorized and directed to administer and enforce this Code. The duties of the Zoning Committee include, but are not limited to the following:

- (A) To review and pass upon applications for initial and final certificates of zoning compliance.
- (B) To inspect land, structures, and uses to determine compliance with this Code and where there are violations to initiate appropriate corrective action.
- (C) To review and forward to the Board of Trustees all applications for special uses.
- (D) To periodically review the provisions of this Code to determine whether revisions are needed and to make recommendations with respect to proposed revisions.
- (E) To perform such other duties as the Board of Trustees may from time to time prescribe.

40-9-3 INITIAL CERTIFICATES OF ZONING COMPLIANCE REQUIRED.

(A) Upon the effective date of this Code no lot shall be created, no land shall be developed, and 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 an initial certificate of zoning compliance has been issued. The Zoning Committee shall not issue an initial certificate of zoning compliance unless the Zoning Committee determines that such lot, use or structure conforms to the provisions of this Code.

Initial certificates of zoning compliance shall not be issued if the application indicates that the proposed use will materially interfere with any public or private utility, drainage, or access easement. The property owner is responsible to investigate and clearly describe all public and private utility, drainage, and access easements applicable to the project. Issuance of a certificate by the Zoning Committee will not excuse a violation of a public or private utility, drainage, or access easement, and the committee and Village are not responsible for any such violation.

(B) Every application for an initial certificate of zoning compliance shall submit to the Village Clerk, to be forwarded by the Clerk to the Zoning Committee, the following items of information to the extent that the same are applicable to the particular application. The Zoning Committee shall decide which items are applicable and may require the submission of additional information which it may deem necessary in order for it to properly determine whether or not to issue an initial certificate of zoning compliance:

Information Required.

- (1) Name and address of applicant;
- (2) Name and address of the owner or operator of the proposed lot, structure or use if different from (1);
- (3) Brief general description or explanation of the proposal;
- (4) Location of the proposed lot, use or structure and its relationship to adjacent lots, uses or structures;
- (5) Area and dimensions of the site of the proposed finished grade;
- (6) Height and setbacks of the proposed structure;
- (7) Number and size of proposed dwelling units, if any;
- (8) Location and number of proposed parking or loading spaces and access ways;
- (9) Identification and location of all existing or proposed utilities, whether public or private;
- (10) Accurate information as to the location and requirements of each utility, drainage, and access easement on the property, including the width of

the easement, the holder of the easement, uses permitted on the easement, and persons or entities entitled to use the easement;

(11) Such other information as the Zoning Committee may require.

(C) **Duration of Certificate.** Initial certificates of zoning compliance shall be valid for **one (1) year** unless sooner revoked. The Zoning Committee shall renew initial certificates of zoning compliance for successive **one (1) year** periods upon written request provided that the applicant is making a good faith effort to complete the authorized project.

40-9-4 FINAL CERTIFICATES OF ZONING COMPLIANCE. No lot, structure or use which has been created, erected, enlarged, altered, relocated, reconstructed or commenced after the issuance of an initial certificate of zoning compliance shall be used, occupied, or put into operation until a final certificate of zoning compliance has been issued. The Zoning Committee shall not issue a final certificate of zoning compliance until it has determined by inspection that the project authorized by the initial certificate of zoning compliance has been completed in accordance with the approved plan. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Code.

40-9-5 CORRECTIVE ACTION ORDERS. Whenever the Zoning Committee finds by inspection or otherwise that any lot, structure or use, or work thereon, is in violation of this Code, it shall so notify the owner or other responsible party and shall order appropriate corrective action.

40-9-6 CONTENTS OF ORDER. The order to take corrective action shall be in writing and shall include a description of the premises, a statement indicating the nature of the violation, a statement of the remedial action necessary to effect compliance, the date by which the violation must be corrected, a statement that the alleged violator is entitled to meet with the Zoning Committee if he so desires, the date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing, and a statement that failure to obey a corrective order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

40-9-7 SERVICE OF ORDER. A corrective action order shall be served upon the owner/occupant/operator of the lot, structure or use involved by personal service, mailing by registered mail to the last known address, or posting in a conspicuous place on or about the affected premises.

40-9-8 STOP ORDER. Whenever any work is being done in violation of a certificate of zoning compliance or otherwise in violation of this Code, the Zoning Committee may order that the violation cease immediately.

40-9-9 COMPLAINTS. Complaints alleging the violation of this Code may be filed with the Village Board or with the Zoning Committee, and when filed shall be promptly investigated by the Zoning Committee who shall, if necessary, take appropriate action to correct any violations found.

40-9-10 FILING FEES. By resolution, the Board of Trustees shall establish from time to time a schedule of filing fees for the various permits and procedures contained in this Code, which fees are intended to defray the cost of administering this Code and not to be a tax or other revenue raising device.

40-9-11 **APPEALS.** Any person aggrieved or who objects to any action taken by the Zoning Committee shall have the right to appeal such action to the full Board of Trustees. Such appeal shall be in writing, shall be filed with the Board of Trustees or the Clerk thereof within **fourteen (14) days** of the action being appealed, shall describe the action of the Zoning Committee which is being appealed, and shall state the basis for the appeal.

40-9-12 **HEARING OF APPEALS.** Any person filing an appeal of an action of the Zoning Committee shall have the right to be heard in person or by an attorney at a regular or special meeting of the Board of Trustees of the Village. Upon receipt of an appeal, the President of the Board of Trustees shall notify the appellant of the date and time of the regular or special meeting of the Board of Trustees at which the appeal shall be heard.

40-9-13 **PENALTIES.** Any person who is convicted of a violation of this Code shall be fined not less than **Fifty Dollars (\$50.00)** nor more than **Five Hundred Dollars (\$500.00)** plus costs. Each day that a violation continues shall be considered a separate offense.

In addition to the criminal penalty described herein, the Village may also take such action by way of suit in law or equity, including the obtaining of an injunction or orders to abate violations as may be necessary or appropriate in order to secure compliance with this Code.

ARTICLE X – SPECIAL USES AND VARIANCES

40-10-1 **SPECIAL USES.** A special use is any use which is not permitted as a matter of right in a particular zoning district. Certain other uses, because of their special operational or physical characteristics may or may not have detrimental impact on nearby permitted uses depending upon their precise location, manner of operation and other facts. Special uses include public and quasi-public uses which may have unique, special or unusual impact upon the use or enjoyment of neighboring property.

40-10-2 **VARIANCES.** A variance is a relaxation of the requirements of this Code applicable to a particular lot, structure or use.

40-10-3 **APPLICATION.** Every applicant for a special use permit or for a variance shall submit to the Village Board an application for such special use permit or variance, together with such fee as may from time to time be required by the Code. Each such application shall contain the following information, to the extent applicable to the particular application. The applicant shall also furnish to the Village such additional information as may be required by the Village to assist it in making a determination:

Items of Information

- (A) Name and address of the applicant;
- (B) Name and address of the owner or operator of the proposed structure or use, if different from (A);
- (C) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (D) Location of the proposed use or structure, and its relationship to existing adjacent uses or structures;
- (E) Area and dimensions of the site for the proposed structure or uses;
- (F) Existing topography of the site (USGS 10-foot contour data is acceptable), and proposed finished grade;
- (G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (H) Height and setbacks of the proposed structure;
- (I) Number and size of proposed dwelling units, if any;
- (J) Number and location of proposed parking/loading spaces and access ways;
- (K) Identification and location of all existing or proposed utilities, whether public or private; and/or
- (L) Any other pertinent information that the administrator may require;
- (M) A statement as to the particular requirements of this Code which, if strictly applied, would cause particular hardship with respect to the property affected.

40-10-4 **PROCEDURE ON APPLICATION.** All applications for special uses and variances shall be granted or denied by ordinance adopted by the Board of Trustees of the Village after public hearing.

40-10-5 **NOTICE OF HEARING.** Within a reasonable time after receipt of any application for a special use or variance, the Board of Trustees or the President thereof shall fix a time and place for hearing on such application to be had at a regular or special meeting of the Board of Trustees.

40-10-6 NOTICE. Notice indicating the time, date and place of hearing and the nature of the proposed special use or variance and the location thereof shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing by first class mail addressed to the applicant and to an owner of each tract of property adjacent to the property for which the special use or variance is sought, and by publication in a newspaper of general circulation within the County.

40-10-7 COMPLIANCE WITH STATUTORY REQUIREMENTS. Each applicant for a variance or special use shall give the notice required by **65 ILCS 5/11-13-7**, and shall in all other respects comply with that section of the statutes of the State of Illinois.

40-10-8 RIGHTS OF PARTIES AT HEARINGS. At all hearings before the Village Board with respect to applications for variances and special uses, the applicant and other interested parties shall have the rights specified in **65 ILCS 5/11-13-7a**. Such hearings before the Village Board shall be conducted in the same manner as if such hearing were held before a Board of Appeals.

40-10-9 COURT REPORTER PERMITTED. At any hearing before the Village Board with respect to an application for a variance or a special use, the applicant or any other interested party may at his or its own cost have a court reporter present for the purpose of making a verbatim record of the proceedings.

40-10-10 STANDARDS TO BE APPLIED BY THE VILLAGE BOARD IN DECIDING WHETHER OR NOT TO GRANT A SPECIAL USE PERMIT.

- (A) Whether the proposed design, location and manner of operation of the proposed special use will adequately protect the public health, safety and welfare and the physical environment.
- (B) The effect of the proposed special use upon the value of neighboring property and the overall tax base.
- (C) Whether there are any facilities near the proposed special use (such as schools, hospitals or parks) that require special protection.

40-10-11 FACTORS TO BE CONSIDERED BY THE VILLAGE BOARD IN DECIDING WHETHER OR NOT TO GRANT VARIANCE.

Variations shall be permitted by the Village Board only when they are in harmony with the general purpose and intent of the regulation and only in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of those regulations relating to the use, construction or alteration of buildings or structures or the use of land. In its consideration of the standards of practical difficulties or particular hardship, the Village Board shall require evidence that:

- (A) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;
- (B) The plight of the owner is due to unique circumstances;
- (C) The variance, if granted, will not alter the essential character of the locality.

A variance shall be granted only if the evidence in the judgment of the Village Board sustains each of the three conditions enumerated.

40-10-12 FINDINGS OF FACT REQUIRED. Each ordinance granting or denying a variance or special use shall be accompanied by findings of fact in accordance with **65 ILCS 5/11-13-11**, and the terms of the relief granted shall be specifically set forth in a conclusion or statement separate from the findings of fact of the ordinance.

40-10-13 **CONDITIONS.** The Village Board may impose reasonable conditions upon the granting of any application for special use or variance. Such condition shall be specified in the ordinance granting the application.

40-10-14 **JUDICIAL REVIEW.** Every ordinance adopted by the Village Board granting or denying an application for a special use or variance shall be subject to judicial review pursuant to the provisions of the Administrative Review Law and all amendments thereto. **(Sec. 3-101 of the Code of Civil Procedure)**

ARTICLE XI – AMENDMENTS OF ZONING CODE

40-11-1 **AMENDMENTS.** This Code may be amended with respect to alteration of district boundaries and changes in regulations applicable to use, structure or lots in accordance with the provisions of **65 ICLS 5/11-13-14**. All other amendments to this Zoning Code may be made by the Village Board in the same manner as any other ordinance may be adopted without regard to the provisions of **65 ILCS 5/11-13-14**. (**Ord. No. 66; 04-07-99**)

40-11-2 **DIRECTIONS.** The following Application for Initial Zoning Certificate shall be filed with the Clerk of the Village. Some of the information requested may be provided by reference to a plat of the tract for which a zoning permit is requested. Additional information may be required by the Zoning Committee prior to acting upon the application.

Attach drawing or plat of lot, improvements, utilities, easements, and access, including dimensions, as specified in application.

Remit Application Fee of **Fifteen Dollars (\$15.00)** payable to: Village of Hoffman.

Stake off outside perimeter of proposed building and improvements.