

## **SECTION 21**

### **ADMINISTRATION**

#### **21.1 ENFORCING OFFICER:**

The Director of Community Development or designee shall be responsible for enforcing the provisions of this Zoning Code.

#### **21.2 BUILDING PERMITS:**

No building or structure shall hereafter be erected or structurally altered until a building permit is issued by the Director of Community Development or designee stating the building or structure, and proposed use of it and the zoning lot on which it is located, comply with the regulations of this Zoning Code and all ordinances of the Village. The Director of Community Development or designee shall not issue a building permit if they determine that a building or structure does not comply with all the regulations contained in the ordinances of the Village or that the zoning lot does not afford proper drainage according to reasonable engineering standards.

#### **21.3 CERTIFICATES OF USE AND OCCUPANCY**

No building or structure hereafter erected or structurally altered shall be occupied and used until a certificate of use and occupancy has been issued by the Director of Community Development or designee. The certificate of use and occupancy shall be issued only after the Director of Community Development or designee makes a finding that the building or structure has been erected or structurally altered in conformance with the provisions of this Zoning Code and other health and building laws and in accordance with a building permit.

Certificates of use and occupancy shall be applied for coincident with the application for the building permit and shall be issued within 10 days after the erection and alterations of such building shall have been fully and properly completed and approved. A record of all certificates of use and occupancy shall be kept on file in the office of the Community Development Department and copies shall be furnished, on request, to any persons having a proprietary or tenancy interest in the building affected.

No change shall be made in the use of a building or part thereof now or hereafter erected or structurally altered, or in the use of land now or hereafter occupied, without an occupancy permit having first been issued by the Director of Community Development or designee. No such permit shall be issued authorizing such change unless it is in conformity with the provisions of this Zoning Code.

#### **21.4 CONTINUANCE OF EXISTING USES:**

Nothing in this Section shall prevent the continuance of the present occupancy of lawful use of any existing building or zoning lot, except as may be necessary for the safety of life and property, and except as provided in Sections 4 and 20 of this Zoning Code.

#### **21.5 APPEALS:**

21.5-1 *Filing of appeal:* An appeal may be taken from any order, requirement, decision, or determination of the Director of Community Development or designee relating to zoning matters set forth in this Zoning Code by any person, firm, or corporation aggrieved thereby, or by any officer, department, board, or commission of the Village. The appeal shall be taken within 45 days after the action complained of by filing a notice of appeal specifying the grounds thereof to the Community Development Department. The Director of Community Development or designee shall transmit to the Planning and Zoning Commission all papers constituting the record upon which the action appealed was taken.

21.5-2 *Stay:* An appeal stays all proceedings in furtherance of the action appealed from unless the Director of Community Development or designee certifies to the Planning and Zoning Commission that, by reason of facts stated in the certification, a stay would cause imminent peril to life or property. In such case the proceedings shall not be stayed except by a restraining order issued by the Planning and Zoning Commission or a court of record after

notice to the Director of Community Development or designee and on due cause shown.

- 21.5-3 Hearing of Appeal: The Planning and Zoning Commission shall select a reasonable time and place for the hearing of the appeal, shall give due notice to all interested parties, and shall render a written decision on the appeal without unreasonable delay. Any person may appear at the hearing and present testimony in person or by a duly authorized agent or attorney. The concurring vote of at least four members shall be necessary to reverse any order, requirement, decision, or determination of the Director of Community Development or designee or to decide in favor of the applicant any matter upon which the Planning and Zoning Commission is authorized to act.

#### **21.6 PUBLIC HEARING NOTICES:**

Within a reasonable time after receipt of all papers and documents relating to a variation, application for conditional use, application for a planned development or application for amendment of the regulations or zoning district boundaries established by this Zoning Code, public notice shall be given as provided herein.

- 21.6-1 *Published Notice:* There shall be published in a newspaper of general circulation in the Village a notice of the time and place of the public hearing. This notice shall be published not less than 15 days nor more than 30 days before the hearing and shall contain the legal and common address or location of the property for which the variation, conditional use, amendment, ruling or recommendation is being sought, and a brief description of the nature of the matter being heard.

- 21.6-2 *Sign:* The applicant shall post a sign or signs upon the property involved in the application, with letters of sufficient size to be clearly legible to the public view on each adjacent public way, for at least 15 consecutive days

prior to the hearing. Such sign or signs shall contain a brief description of the nature of the public hearing as deemed necessary by the Community Development Department.

It shall be the applicant's responsibility to remove such sign or signs after the hearing is adjourned. The applicant shall be responsible for maintaining the visibility of such sign or signs from said public way. The Community Development Department shall require a deposit of \$75.00 to be refunded upon verification of the removal of such sign or signs. The Director of Community Development or designee shall have the authority to determine the number, location and placement of such signs.

21.6-3 *Notice to Property Owners:* In addition to every other type of notice, notice by certified mail, return receipt requested, shall be sent by the applicant to the owners of all property adjoining, and within 250 feet adjacent to the property in question, including the property directly opposite and across a public street or alley. This notice shall be given within 15 days but not more than 30 days before the hearing.

The Village reserves the right to direct the applicant to notify additional interested party owners, groups or organizations.

For the purpose of notice, "owner" shall mean the person to whom the most recent statement of real property taxes on the property in question was sent. Mailing of this notice shall be certified to the Planning and Zoning Commission.

21.6-4 *Notice by Applicant Owning Single Family Dwelling Unit:* In cases where the only relief requested is a single family residential variation, the applicant may, at the applicants option:

- A. Send notice by means of certified mail, return receipt requested, as outlined in Section 21.6-3 of this Zoning Code.
  
- B. Satisfy the personal notice requirements of Section 21.6-3 of this Zoning Code by presenting to the Planning and Zoning Commission, at its hearing, a certificate of notice. The certificate of notice shall consist of 8 1/2" x 11" sheets of paper bearing the names of the person specified in Section 21.6-3. There shall be a separate sheet for each person to be notified and each sheet shall state:

"The undersigned acknowledges receipt of a Application for Residential Variation filed by \_\_\_\_\_, (Applicant). I understand a hearing will be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ p. m." at the Lake in the Hills Village Hall, 600 Harvest Gate, Lake in the Hills, IL 60156.