



**AGENDA FOR THE MEETING OF THE ZONING COMMISSION
OF THE VILLAGE OF CAMPTON HILLS**

January 10, 2024 6:30 P.M.
Campton Hills Village Hall
40W270 LaFox Road
Campton Hills, Illinois

1. Call to Order
2. Roll Call
3. Introductory comments, including mission of Zoning Commission and rules for public participation, by Chairman and/or Trustee Liaison
4. Approve meeting schedule for Zoning Commission
5. Public comment
6. Discussion of potential key issues
7. Discussion of draft chapters:
 - a. Article 1, Title Purpose and Applicability
 - b. Article 12, Zoning Administrators
8. Adjournment

Mission Statement

Entrusted by its citizens, the Village of Campton Hills is dedicated to delivering municipal services in the most responsive, cost-effective, and efficient/proficient manner. Campton Hills is committed to upholding the high quality of life standards by supporting its school districts, maintaining family values and agriculture traditions, preserving natural resources, encouraging environmental stewardship, supporting passive and active recreational opportunities, honoring rural heritage, and generating a strong business foundation for present and future residents and visitors.

Vision Statement

Residents of the Village of Campton Hills wish to maintain the semi-rural quality of their environment and its associated lifestyle. They wish to control their own destiny, act so that property values increase over time at a greater rate than market averages, and ensure the excellence of the schools that educate their children.

The Village of Campton Hills will be an aesthetically appealing, fiscally viable, family-oriented community striving to provide excellent educational, social, recreational, and cultural opportunities. The Village will foster a strong residential and business community, with concern for ecological stewardship while cooperating with other governmental bodies and agencies. Campton Hills will also work with area school districts to provide an exceptional education for their children. Campton Hills will strive to be an inviting and safe community that provides for the quality of life needs of its residents while preserving its character and heritage.

Note:

The Village of Campton Hills, in compliance with the Americans with Disabilities Act (ADA), requests that persons with disabilities requiring accommodations to allow observance of and/or participation in this meeting or having questions about the accessibility of the meeting facilities contact the Village Administrator (the Village's ADA Coordinator) at (630) 524-6252, at least 24 hours in advance of the meeting date.

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STAFF MEMORANDUM

January 10, 2024

TO: Zoning Commission
FROM: Jim Brown, Secretary, Zoning Commission
SUBJECT: Packet for Zoning Commission Meeting of January 10, 2024

This letter forwards information and materials for the first meeting of the newly appointed Zoning Commission. The agenda for the first meeting has been established in consultation with the commission's chairman, Rolf Frederick. The initial agenda items cover administrative concerns that will help ensure the smooth and transparent operations of the commission: a review of the commission's mission, rules for the conduct of meetings, public participation, and scheduling issues.

Two draft chapters will be introduced as well. We begin with two chapters consisting of mostly boilerplate language found in almost any zoning ordinance: Article 1 - Title, Purpose and Applicability; and Article 12 -Zoning Administrators. These are chapters (or articles) from the Village's current ordinance which was approved last January. Most changes I am suggesting are for clarity. The goal for the first meeting is to receive concurrence with the suggested drafts and/or feedback for additional changes. At the next meeting the two chapters will be reviewed again to ensure that I captured the intent of any suggested changes. Once that is confirmed, we will proceed with the introduction of additional chapters. Most of our subsequent meetings will follow this format: a quick review of previously introduced material, followed by the introduction of new material for detailed review and discussion. See the attached suggested schedule for our meetings. Note that we will not cover the articles in numerical order. Instead I have attempted to tackle the articles in a manner whereby concurrence on the initial issues builds and lays the foundation for potentially controversial issues to be covered later in the process.

Public input will be an important part of our discussions and work, and a standard agenda item will be "public comment" (as indeed is required by the Illinois Open Meetings Act).

Below is some general background information on zoning and the history of zoning in Campton Hills.

What is Zoning?

A zoning ordinance regulates land uses within a specific political jurisdiction, such as a municipality or county. There are two parts to a zoning ordinance: a zoning map and text (often with illustrations to clarify certain rules). The zoning map divides the jurisdiction into specific geographic districts (“zoning districts”). Historically, these districts have been based on a couple of broad categories of land use, such as: residential, commercial, and industrial/manufacturing. Open space or recreation are other land use categories frequently found on zoning maps. The text of the zoning ordinance specifies how land may be used within each of the zoning districts. The text typically includes regulations that govern such items as minimum lot size and width, maximum building height, and placement of buildings on a lot. At the core of the typical zoning ordinance is a list of uses allowed for each district.

Zoning ordinances have been used in the United States since the first decades of the 20th century. The U.S. Supreme Court affirmed the constitutionality of zoning ordinances in *Village of Euclid v. Ambler Realty Co*, 272 U.S. 365 (1926). In this landmark case the Supreme Court found that the local zoning ordinance of the Village of Euclid, Ohio, was a valid exercise of the municipality’s police powers. Zoning ordinances had been in use prior to the Court’s decision, but became more widely used following the Euclid case. The typical zoning ordinance that divides the jurisdiction into districts and assigns one general type of land use to each district, e.g. residential, is sometimes referred to as “Euclidean zoning.”

The enabling legislation for zoning in Illinois is found in the Illinois Compiled Statutes, Article 11 (Corporate Powers and Functions) of Chapter 65 (Municipalities). Division 13 – Zoning ILCS 65 ILCS 5/11-13.

The Comprehensive Plan and Zoning

“A comprehensive plan outlines the vision for the community and the policies that will help to achieve that vision. In addition to providing a well-defined framework for the preservation and enhancement of community assets, the plan guides development and investment decisions in the best interest of community residents.” In Illinois comprehensive plans are advisory only; they do not carry the weight of law or regulation. Zoning is one of the means by which the vision of the comprehensive plan is implemented.

The Village’s comprehensive plan was adopted in 2012. The plan notes:

“Currently, land use and zoning in the village are not consistent and zoning should be updated to more accurately represent existing land uses and to accomplish development goals. Consolidation of the current zoning districts should be considered and additional districts may need to be created, such as a mixed-use zoning district and conservation neighborhood district.

The revised coded should prescribe the type of development that is desired within each zoning code alone and not through the planned unit development process.” (p.72)

The plan included policies that can be used as a guide for the update of the zoning ordinance (p.23). These are shown below.

Village Principle and Policies

The principle below was identified through the public participation process as an overall theme for this topic area:

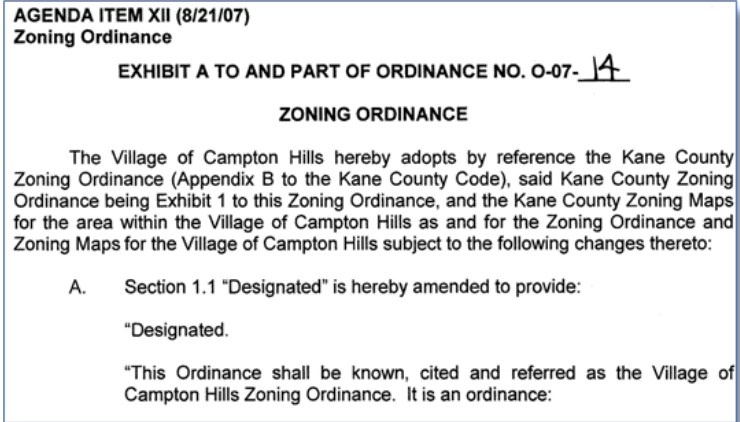
The natural assets, cultural heritage, and historic character of Campton Hills should be maintained and enhanced to preserve a rich sense of place.

The following policy statements serve as guiding tenets for this chapter. Each policy statement is addressed by at least one strategy below.

1. Future development, land use changes, and transportation improvements should be consistent with the semi-rural character of the community and preserve scenic views and vistas, natural assets, farmland, and open space. Development should attempt to preserve the “quiet, peaceful, and secluded” feel of some of the residential areas.
2. Architectural design, scale, materials, and details of new development should be consistent with existing and desired community character, consider the surrounding context of the new development, and evoke the “small town” look and feel of the community. Consider the development of building and construction guidelines that would require or encourage new construction to be consistent with rural character.³
3. Identify and preserve the historic and cultural resources and heritage of Campton Hills as a community asset and a critical element of its sense of place.
4. Adopt structures (committees, standards, regulations, and programs) designed to preserve and protect the historic and cultural resources, heritage, rural character, and scenic quality of the community. Examples could include a historic preservation committee, architectural review committee, corridor and streetscape guidelines, historic districts, and a historic, cultural, and scenic resource inventory.
5. Develop a consistent and cohesive village identity, character, and sense of place, and promote community values as a community-building and promotional resource. Highlight and prioritize the distinctive qualities of the village that make it a desirable destination with a distinct sense of place. These include historic resources, preserved farms, agricultural character, open space, and recreation opportunities, and the small town look and feel.
6. Require the preservation of the dark sky as an element of desired community character.

History of Zoning in Campton Hills

Kane County adopted a zoning ordinance in December 1937. This ordinance was amended and readopted in March 1976, and it continues to this day to govern the land uses in all unincorporated areas of the county. Upon its incorporation as an Illinois municipality in 2007, the Village of Campton Hills (“the Village”) adopted by reference the Kane County Zoning Ordinance and its accompanying zoning map.



In 2012 the Village adopted its first Comprehensive Plan, which outlined the vision for the community and the policies that would help achieve that vision. The Plan, still in effect, promotes a semi-rural environment with ample open space and the preservation of natural resources. Public input on the drafting of the Plan identified many elements that contribute to community character: the small-town, rural feel; rustic roads; agricultural landscapes; farming activities; scenic views and vistas; historic resources; large residential parcels; and the Wasco hamlet. The Plan stated: “These elements are important to protect and enhance, as they are often irreplaceable once lost and are vital to the people who live and work in the community.” The Plan also cautioned that “Land use and transportation infrastructure decisions in particular should be carefully considered, as they have the capability to have a strong impact on Campton Hills’ character.” (p.22)

Much of the vision as expressed in a comprehensive plan is executed and implemented through the community’s zoning and subdivision ordinances. The Village’s Plan recognized this and concluded: “There are a variety of policies and regulations that Campton Hills should institute that would be supportive of existing community character and historic preservation. Most of these ideas fall under the umbrella of a zoning and subdivision code update, for which grants should be pursued.” (p.27)

The year after the adoption of the Comprehensive Plan, the Village applied for and received funding from the Chicago Metropolitan Agency for Planning (CMAP) to draft a zoning ordinance. Following a request for proposals from qualified entities, the Village selected Camiros, Ltd, a Chicago-based planning consulting firm.

Additionally, an ad hoc steering committee was formed to assist Camiros. The committee consisted of Village staff, members of the Plan Commission/Zoning Board of Appeals, and members of the Village Board. Together, the Steering Committee and Camiros produced a draft zoning ordinance. Two zoning maps were also created: one indicating the proposed zoning districts and a second one illustrating the areas where the zoning districts would change upon approval of the proposed zoning. The steering committee completed a final review of the draft documents on July 30, 2019. The draft ordinance eliminated the Airport and Industrial districts; but added Agriculture and Natural Resource Districts. Residential districts were brought into uniformity based on lot size, and they were updated to reflect current land uses more accurately.

On October 9, 2019, a representative of Camiros made a public presentation of the project and explained the methodology, philosophy, and goals of the zoning project. Following the October 9th presentation, a copy of the draft ordinance and maps were made public on the Village’s web page, with hard copies available for public viewing at the Village Hall. Subsequent to the Camiros presentation, the Village’s Planning and Zoning Commission (PZC) held several meetings and workshops regarding the draft ordinance. The PZC conducted a public hearing on the draft ordinance in April 2022. Subsequent to the hearing the draft ordinance was forwarded to the Village Board for consideration.

On January 24, 2023, the Village Board approved Ordinance 23-01, which amended in its entirety the Campton Hills Zoning Ordinance. The final vote was processed by a final discussion and last-minute motions to amend provisions regarding the keeping of chickens and small animals.

Despite the unanimous approval of the new zoning ordinance by the Village Board, dissatisfaction remained. On November 21 the Village Board voted to create a three-member zoning commission. The commission’s membership was increased to five at the December 5 Village Board meeting.

SECTION 2: Creation of Zoning Commission. That there is hereby created a Zoning Commission of the Village of Campton Hills, as follows:

A. CREATION, MEMBERSHIP.

A Zoning Commission, hereinafter referred to as the “Commission” for the Village is hereby created under the authority of Illinois Compiled Statutes, Chapter 65, Act 5, Section 11-13-2 et seq.

C. POWERS AND DUTIES.

The Commission shall have all of the following powers and duties as included in Section 11-13-2 of the Illinois Municipal Code (65 ILCS 5/11-13-2), including the review and consideration of revisions or replacement of the Zoning Ordinance of the Village and the adoption of a Zoning District Map.

Potential Key Issues for the Zoning Commission to Consider

Several elected officials provided staff with comments on the Zoning Ordinance and their views of what key issues for the Zoning Commission might be. These are listed below. In most instances, these are direct quotes from the officials' communications.

- Definitions
 - We need a designation of front yard/ backyard for certain properties like what happened to my neighbor. Lot is seen from two streets, front yard is where the mailbox and address are posted.

- Accessory Structures
 - ..."[T]he current restrictions on accessory building sizes, with a mere 900 square feet limitation, often prove impractical for many properties. We ought to revisit this and adopt a more flexible approach, considering factors such as the percentage of total lot size that can be dedicated to structures and ensuring that accessory buildings do not exceed a reasonable roofline height.

- Livestock, small animals, poultry
 - "Rather than enforcing rigid limitations, we should prioritize containment within property boundaries and respect the rights of our animal owners while also preserving the rights of neighbors.
 - Animals do not need numbers, nor special use permit. Again any nuisance of this could be enforced. Animal lovers take care of their animals 99% percent of the time. More issues come from dogs and cats than a horse, chicken, or even a pig.

- Zoning districts
 - Vehicle Dealers and Self-Storage Facilities are not included at all in the Matrix, and are specifically prohibited uses in section 7.1 C.
 - Car Wash facilities are not included as a special use in the C-1 district.
 - The "Research and Development" district includes many permitted and special uses (such as hotels and warehouses) which are not "research and development". This district could be renamed "C-3" to reduce any perceived conflict or confusion.
 - I advocate for the incorporation of a provision in the zoning code that mandates changes from farm to residential zoning to take effect after the next transfer of deed or sale of the property. This empowers future owners to decide whether residential zoning aligns with their needs, thus respecting their autonomy. Current landowners with changes to zoning classifications may endure substantial

impacts and consequences, realized or not by the governing body.”

[Nonconforming status]

- Use Matrix' needs to be returned to previous format, many items were dropped or moved to 'farm'

- RVs, etc

- In a rural community like ours, it is both common and acceptable to have recreational vehicles. Therefore, our zoning ordinance should simplify rules governing their storage, avoiding excessive and intrusive regulations that are incongruent with our rural heritage. Mandating costly offsite storage, extensive paving, or privacy structures for recreational vehicles contradicts our values of freedom and self-reliance.

- Home occupations

- Moreover, we must direct more attention to home-based businesses in our zoning ordinance. To remain true to our roots, we should minimize limitations and regulatory restrictions on homeowners working from home. Rather we need to encourage and emphasize these rights and welcome them with open arms and the ability to run their businesses from home without fear of zoning infractions or regulatory bodies imposing fines, fees or penalties for working from home.
- Home business needs to be clarified as not a nuisance for surrounding neighbors and no visible signs of business from the street. (ex, no cars in disrepair in exterior, no heavy equipment in sight, business materials, etc)

Attachments

1. Creation of a Zoning Commission and its Duties: 65 ILCS 5/11-12-2
2. Zoning Terminology
3. Proposed seven-meeting schedule of Zoning Commission
4. DRAFT Article 1 - Title, Purpose and Applicability, with staff comments
5. DRAFT Article 12 -Zoning Administrators, with staff comments

Distribution

- 1-Mayor
- 2-Village Administrator
- 3-Village Attorney

**CREATION OF A ZONING COMMISSION AND ITS DUTIES:
65 ILCS 5/11-12-2**

Sec. 11-13-2. The corporate authorities in each municipality which desires to exercise the powers conferred by this Division 13, or who have exercised such power and desire to adopt a new ordinance, shall provide for **a zoning commission with the duty to recommend the boundaries of districts and appropriate regulations to be enforced therein.** The commission shall be appointed by the mayor or president, subject to confirmation by the corporate authorities. **The commission shall prepare a tentative report and a proposed zoning ordinance for the entire municipality. After the preparation of such a tentative report and ordinance, the commission shall hold a hearing thereon and shall afford persons interested an opportunity to be heard.** Notice of the hearing shall be published at least once, not more than 30 nor less than 15 days before the hearing, in one or more newspapers published in the municipality, or, if no newspaper is published therein, then in one or more newspapers published in the county in which the municipality is located and having a general circulation within the municipality. The notice shall state the time and place of the hearing and the place where copies of the proposed ordinance will be accessible for examination by interested persons. The hearing may be adjourned from time to time.

Within 30 days after the final adjournment of the hearing the commission shall make a final report and submit a proposed ordinance for the entire municipality to the corporate authorities. The corporate authorities may enact the ordinance with or without change, or may refer it back to the commission for further consideration. The zoning commission shall cease to exist upon the adoption of a zoning ordinance for the entire municipality.

ZONING TERMINOLOGY

The list below contains common zoning terminology that the commission will encounter. The list is not complete.

ACCESSORY STRUCTURE. A detached structure located on the same lot as the principal building that is incidental to the use of the principal building.

ACCESSORY USE. A use of land or a structure, or portion thereof, customarily incidental and subordinate to the principal use of the land or structure.

NONCONFORMING STRUCTURE. Similar to a nonconforming use, this is a structure that at one time met all of the zoning standards regarding height, bulk and placement on the lot, but due to an amendment to the zoning ordinance no longer conforms to one or more of those standards. The structure may continue to exist, but there may be limitations on how it can be enlarged or improved.

NONCONFORMING USE. A land use that at one time conformed to the zoning ordinance, or pre-dated the adoption of a zoning ordinance, and now by virtue of the adoption of, or amendment to the zoning ordinance is no longer allowed. For example, a gas station was a permitted use in the C-2 zoning district, but the code was amended to remove gas stations from the list of permitted uses. The gas station, as a nonconforming use, may continue to exist, but the use cannot be expanded or enlarged in any way.

The term “legal nonconforming use” is often heard, but this is redundant, since the concept of nonconformity means that the use is legal and allowed to exist. Uses are either allowed by the current ordinance, nonconforming (where at one time allowed), or illegal.

Nonconforming structures and uses are often said to be “grandfathered,” or “grandfathered in.”

PLANNED UNIT DEVELOPMENT (PUD). A flexible form of zoning whereby a specific geographic area is regulated by a set of rules that may differ from other zoning districts. Typically, PUDs are used to allow and promote the development of different residential housing types and densities, or mixed-use (commercial plus residential) development. In theory, PUDs allow for more creative subdivision design and can promote the preservation of open space. PUDs are approved as a special use.

PERMITTED USE. A land use allowed, as of right, within a certain zoning district.

SETBACK. The minimum distance that the principal structure on a lot must be located from a lot line. Such distances are defined for each zoning district and are expressed as front, interior side, corner side, or rear setback.

SPECIAL USE. A land use that is allowed or permitted within a zoning district only following a discretionary review and approval of the Village Board. Following a petition for special use by the land owner or other party with an interest in the subject land, the Plan Commission conducts a public hearing and then makes a recommendation on the petition to the Village Board. The Board approves special uses by ordinance. Conditions or restrictions can be attached to such approvals.

TEMPORARY USE. A land use or structure allowed for a limited period of time. For example, Christmas tree sales conducted in a parking lot is a type of temporary use.

VARIANCE or VARIATION. The process and approval by which a deviation from the strict adherence to one or more of the zoning code’s standards is waived or modified. Variance petitions are reviewed by the Zoning Board of Appeals at a public hearing. The ZBA makes a recommendation to the Village Board.

PROPOSED ZONING COMMISSION SCHEDULE

First meeting of Zoning Commission – Suggested Agenda

- Review scope and mission of commission
- Overview of zoning update process
- Establish rules for commission
- Introduction of:
 - Article 1, Title Purpose and Applicability
 - Article 12, Zoning Administrators
 - Article 2, Definitions and Rules of Measurement
- Discuss key issues: poultry, livestock, permitted and special uses, accessory uses. Other?

Second meeting of Zoning Commission

- Review of
 - Draft Article 1, Title Purpose and Applicability
 - Draft Article 12, Zoning Administrators
 - Draft Article 2, Definitions and Rules of Measurement
- Introduction of
 - Article 8, On-Site Development Standards (Poultry and Livestock, including Definitions)
 - Article 13, Zoning Applications
 - Article 15, Enforcement

Third meeting of Zoning Commission

- Review of
 - Draft Article 8, On-Site Development Standards (Poultry and Livestock, including Definitions)
 - Draft Article 13, Zoning Applications
 - Draft Article 15, Enforcement
- Introduction of
 - Article 14, Nonconformities
 - Article 3, Zoning Districts

Fourth meeting of Zoning Commission

- Review of
 - Draft Article 14, Nonconformities;
 - Draft Article 3, Zoning Districts
- Introduction of
 - Article 6, Agricultural and Resource Districts;
 - Article 4, Residential Districts
 - Article 5, Commercial Districts

Fifth meeting of Zoning Commission

- Review of
 - Article 6, Agricultural and Resource Districts;
 - Article 4, Residential Districts
 - Article 5, Commercial Districts
- Introduction of
 - Article 9, Off-Street Parking and Loading
 - Article 10, Landscape
 - Article 11, Signs

Sixth meeting of Zoning Commission

- Review of
 - Article 9, Off-Street Parking and Loading
 - Article 10, Landscape
 - Article 11, Signs
- Introduction of
 - Article 7, Uses
 - Zoning Map

Seventh meeting of Zoning Commission

- Review of
 - Article 7, Uses
 - Zoning Map
- Presentation of draft updated Zoning Ordinance
- Public hearing – draft updated Zoning
- Recommendation to Village Board on updated Zoning Ordinance

ARTICLE 1. TITLE, PURPOSE, AND APPLICABILITY

- 1.1 TITLE
- 1.2 PURPOSE
- 1.3 APPLICABILITY
- 1.4 TRANSITION RULES
- 1.5 SEVERABILITY

1.1 TITLE

This ~~Zoning Ordinance~~ entire ordinance, to include the Zoning Map, and its subsequent amendments, which incorporates the Official Zoning Map, is shall be known, cited, and referred to as the “Campton Hills Zoning Ordinance,” “Zoning Ordinance,” or “Ordinance.”

COMMENT: General wordsmithing and addition of “subsequent amendments”

1.2 PURPOSE

The intent of this Ordinance is to establish land use regulations to serve the Village of Campton Hills (hereinafter “the Village”). The purpose of this Ordinance is to:

- A. Promote the public health, safety, and welfare.
- B. Provide for preservation, protection, and conservation of natural resources.
- C. Preserve and enhance the value of structures, communities, and neighborhoods that constitute the distinct places within the Village.
- D. Divide the Village into zoning districts, according to use of land and *structures*, bulk of structures, intensity of the use of the lot, or other classification, as deemed best suited to carry out the purposes of this Ordinance.
- E. Preserve open space and natural areas, and quality of life.
- F. Control the development of the Village in an orderly manner in accordance with the Comprehensive Plan and adopted land use policies.
- G. Promote the principles of sustainability, as described, and defined in the Comprehensive Plan.

- H. Promote economic development that balances the needs of the current and future economy with a high quality of life standard.
- I. Reduce traffic congestion and utilize existing infrastructure and resources.
- J. Maintain, develop, and plan for public facilities and utilities in an economical and environmentally sound manner.
- K. Provide for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.
- L. Provide for the gradual elimination of *nonconformities*.

1.3 APPLICABILITY

A. Territorial Application

This Ordinance applies to all land, uses, and structures within the corporate limits of the Village.

B. General Application

In their interpretation and application, the provisions of this Ordinance are held to be the minimum requirements for the promotion and protection of the public health, safety, and welfare.

C. Required Conformance

Any portion or whole of a structure must be erected, constructed, reconstructed, moved, or enlarged in conformance with the requirements of this Ordinance. Any structure or land must be used and occupied in conformance with the requirements of this Ordinance.

D. Relation to Private Agreements

This Ordinance does not nullify any annexation agreement, private agreement, homeowner's association rules or covenants, or any other recorded covenants or restrictions on the land. Those private agreements, rules, and covenants may be more restrictive than this Ordinance, but not less restrictive, otherwise this Ordinance controls. Those charged with administration and enforcement of this Ordinance do not enforce any private agreement, annexation agreement, homeowner's association rules or covenants, or any other recorded covenants or restrictions on the land.

E. Relation to Other Laws and Regulations

Unless otherwise specifically provided, this Ordinance controls over less restrictive statutes, ordinances, or regulations, and more restrictive statutes, ordinances, or regulations control over the provisions of this Ordinance.

F. Rules Regarding Illustrations and Graphics

Any illustrations, graphics, and/or photos contained in this Ordinance are to assist the reader in understanding and applying the Ordinance. If there is any inconsistency between the text of the Ordinance and any such illustration, graphic, and/or photo, the text controls unless specifically stated otherwise.

1.4 TRANSITION RULES

A. Existing Uses

1. Any structure or land used in a manner that was classified a permitted use prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, and that use is classified as a permitted use as of the effective date of this Ordinance or any subsequent amendment to this Ordinance, that use remains a permitted use.
2. Any structure or land used in a manner that was classified a special use prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, and that use is classified as a special use as of the effective date of this Ordinance or any subsequent amendment to this Ordinance, that use remains a special use and remains subject to the special use ordinance under which it was originally approved.
3. Any structure or land used in a manner that was classified as a permitted use prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, and now that use is classified as a special use as of the effective date of this Ordinance or any subsequent amendment to this Ordinance, may continue by securing a special use permit in accordance with the procedures contained in this Ordinance. Unless and until a special use permit is secured, the use is deemed a nonconforming use.
4. Any structure or land used in a manner that was classified as a special use prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, and that use is now classified as a permitted use as of the effective date of this Ordinance or any subsequent amendment to this Ordinance, that use is classified as a permitted use. The use is no longer subject to any conditions placed upon its approval; however, the continued operation and/or any subsequent addition, enlargement, or expansion of that use must conform to all Ordinance requirements for such use.
5. Any structure or land used in a manner that was classified as either a permitted use or special use prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, but this Ordinance no longer allows that use as either a permitted or special use in the

zoning district in which it is located, that use is classified a nonconforming use.

B. Structures Rendered Nonconforming

If a structure existing on the effective date of this Ordinance was a conforming structure before the effective date of this Ordinance or any subsequent amendment to this Ordinance, but such structure does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that structure is deemed a nonconforming structure.

C. Lots Rendered Nonconforming

If a lot existing on the effective date of this Ordinance was a conforming lot of record before the effective date of this Ordinance or any subsequent amendment to this Ordinance, but such lot does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that lot is deemed a nonconforming lot.

D. Site Elements Rendered Nonconforming

If a site element existing on the effective date of this Ordinance was conforming before the effective date of this Ordinance or any subsequent amendment to this Ordinance, but such site element does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that site element is deemed a nonconforming site element.

E. Previously Issued Building Permits

If a building permit for a structure was lawfully issued prior to the effective date of this Ordinance, or any subsequent amendment to this Ordinance, and if construction has begun within 90 days of the issuance of that permit, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied for the use originally intended.

F. Previously Granted Variances

All variance approvals granted prior to the effective date of this Ordinance, or any

subsequent amendment to this Ordinance, remain in full force and effect. The recipient of the variance may proceed to develop the property in accordance with the approved plans and all applicable conditions.

G. Existing Planned Unit Developments

Previously approved planned unit developments (PUD) remain in effect and continue to control the development of land that is subject to the PUD. Any amendments to existing PUD are subject to the amendment procedures of this Ordinance.

COMMENT: This provision appears to conflict with the proposed zoning map, which replaces PUDs with specific zoning districts. Need to research.

H. Pending Applications

An application that has been received and deemed complete, and scheduled for a public hearing or meeting is subject to the rules in effect on the date the application was deemed complete.

I. Existing Unlawful Uses

Any use that was unlawful at the time of the adoption of this Ordinance that is in conflict with the requirements of this Ordinance remains unlawful.

1.5 SEVERABILITY

If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of this Ordinance. The effect of the judgment is confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.

ARTICLE 12. ZONING ~~ADMINISTRATORS ADMINISTRATION~~

12.1 DESIGNEES

12.2 VILLAGE BOARD

12.3 PLANNING AND ZONING COMMISSION

12.4 ZONING ADMINISTRATOR

12.1 DESIGNEES

Certain Village officials within this Article are cited as having powers that may also be administered by a designee, indicated by the language “or his/her designee.” The ability to direct powers to a designee applies to the actions of such officials throughout this Ordinance.

12.2 VILLAGE BOARD

The Village Board has the following powers, pursuant to this Ordinance:

- A. To make final decisions on zoning text and map amendment applications.
- B. To make final decisions on special use applications.
- C. To make final decisions on planned unit development applications.
- D. To make final decisions on variation applications.

12.3 PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission has the following powers, pursuant to this Ordinance:

- A. To make recommendations to the Village Board on zoning text and map amendment applications.
- B. To make recommendations to the Village Board on special use applications.
- C. To make recommendations to the Village Board on variance applications.
- D. To make recommendations to the Village Board on planned unit development applications.
- E. To make final decisions on zoning appeals of the Zoning Administrator's decisions.

- F. To hear and report to the Village Board on such other matters as may be referred to the commission by the Village Board.

12.4 ZONING ADMINISTRATOR

~~The Zoning Administrator may designate one or more Village staff to act as the Zoning Administrator. If a designee is appointed and renders a decision, that decision is considered the final decision of the Zoning Administrator. The Zoning Administrator shall be appointed by the Village Board. The Zoning Administrator may delegate to Village staff any authorized duty unless specifically prohibited by this ordinance, and in such instances of delegation decisions made by the staff shall be construed to have been decisions of the Zoning Administrator. The Zoning Administrator, or his/her designee, has the following powers, pursuant to this Ordinance:~~

- A. ~~To make final decisions on site plan review applications. To determine conformance of applications for building permits, site plans, or other applications related to land use with the provisions of this ordinance;~~
- B. To make ~~final~~ decisions on zoning interpretation applications.
- C. To make ~~final~~ decisions on sign permit applications.
- D. To make ~~final~~ decisions on temporary use permit applications.

COMMENT: The Zoning Administrator makes these decisions, but they are not necessarily “final,” since there is an appeal process whereby the Plan Commission/Zoning Board of appeals would make a final decision. See 12.3.E. above. Note that the ZBA’s decisions are final—they cannot be appealed to the Village Board. The only recourse for an aggrieved party following a ZBA determination would be to file a lawsuit.

- E. To receive and forward zoning applications as required by this Ordinance to the Planning and Zoning Commission, Village Board, or Village official, as appropriate.
- F. ~~To maintain permanent and current records as required by this Ordinance. Maintain records of the administration and enforcement of this ordinance;~~
- G. To maintain and make available the Village’s Official Zoning Ordinance and Zoning Map, and all permanent and current records required by this Ordinance.
- H. To conduct inspections of structures or the use of land to determine ~~whether there is~~ compliance with this Ordinance, and, in case of any violation, order corrective action.

I. Provide information, forms, and other documents for the filing of applications to interested parties;

A. Initiate, direct, and review, from time to time, a study of the provisions of this ordinance, and make reports of recommendations to the Village Board or committees and commissions;

COMMENT: The administrator of the zoning ordinance has unique insights on errors, omissions, unclear language or other items where an amendment might be appropriate. Also, the administrator can review records and seek trends that would indicate an amendment might be appropriate.

B. Serve as the Zoning Hearing Officer in accordance with the provisions of this ordinance.

COMMENT: The current ordinance does not provide for a zoning hearing officer, which is usually the zoning administrator. The Zoning Commission will visit this topic at a subsequent meeting. If the recommendation is not to provide for such a zoning hearing officer, this duty will need to be deleted.

C. Approve minor changes to approved planned unit developments when such changes do not affect the intent, bulk, or use of the planned unit development;

COMMENT: The article governing Planned Unit Developments (PUDs) should contain a provision that allows an administrator, i.e. staff, to approve “minor” changes to the plans. Of course, “minor” needs to be defined.