

1. **Delete current section 28-15 Occupancy Permits (move non-redundant provisions to Chapter 23, Building Regulations, where they belong)**
2. **Delete current section 28-16 Plats (also found in Chapter 23, Building Regulations, where it belongs)**
3. **Delete current section 28-17 Enforcement (move it to Section 3-304b, with the other duties of the Building Director, where it belongs).**
4. **Renumber current section 28-18 to 28-15 as set forth below:**

Section 28-15 Changes and Amendments.

15.1 Requirement for Public Hearing. The regulations imposed and the districts created by this Chapter may be amended from time to time, but no such amendments shall be made until a public hearing has been held. The Notification Requirements set forth below apply for all public hearings required by this Chapter.

15.2 Published Notice. A notice of the time and place of any public hearing shall be published in newspaper of general circulation in the Village. This Notice shall be published at least 15 days before the date of the public hearing.

15.3 Written Notice. A petitioner for any project requiring a public hearing pursuant to this Chapter shall serve written notice in person or by first-class mail to all property owners of record within 250 feet of the property lines of the subject property; provided the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 foot requirement. If the project is a planned unit development, the 250 feet shall be measured from the outermost property line of the entire planned unit development. In addition to notifying property owners, if applicable, the homeowners' association or condominium association must also be notified. The notice must be sent no less than 15 days nor more than 30 days prior to the date set for the public hearing. A copy of the notice with a copy of the list of addresses shall be provided to the Planning Department at the time notice is given to the owners or taxpayers. If, after a bona fide effort to determine such by the petitioner, an owner cannot be found, the notice requirements of this section shall be deemed satisfied upon the petitioner filing an affidavit evidencing the inability to serve notice on that owner.

The required notices shall contain the address of the location for which the public hearing is requested, a brief statement of the nature of the request, the name and address of the legal and beneficial owner of the property, and the time and date on which the hearing shall be held.

15.4 Notice by Sign. Not less than 15 days prior to the date before the public hearing, the petitioner shall post a readable sign on all adjacent roadways. All signs must be removed no later than ten days after completion of the final hearing.

The required sign shall contain the current zoning action requested, date, time and place where the hearing shall be held, a statement that further information can be obtained from the petitioner and the Planning Department of the Village of Arlington Heights, and the phone number of the Village and the petitioner. The sign shall be approximately 30" high by 48" wide. The words

"NOTICE OF PUBLIC HEARING" must appear at the top of the sign(s) in letters no smaller than 1.5". The date and time of the hearing shall also be 1.5". The sign(s) shall meet all other requirements set forth by the Village. All costs associated with the sign(s) for any public hearings are to be borne by the petitioners. A sample sign is set forth below:

NOTICE OF PUBLIC HEARING

HEARING FOR: [Fill in current zoning and action requested]

HEARING LOCATION: **ARLINGTON HEIGHTS MUNICIPAL BUILDING**
 33 S. ARLINGTON HEIGHTS ROAD
 ARLINGTON HEIGHTS, IL 60005

DATE: [Fill in hearing date] **TIME:** [Fill in hearing time]

PUBLIC ATTENDANCE AND COMMENTS INVITED

FOR DETAILS CALL:

[Fill in petitioner's name
and phone number]

or Village of Arlington Heights
Department of Planning & Community Development
at 847-368-5200

15.5 Certification of Notice. In advance of the hearing date, the petitioner shall furnish an affidavit certifying that he has complied with the applicable notice requirements. Attached to the affidavit shall be a list of all property owners notified in accordance with the above, the returned notices which are undeliverable by the post office, a copy of the notice sent to each of the individuals therein specified, and a statement that the sign was erected according to Village requirements. Forms of the affidavit shall be made available by the Planning Department.

15.6 Protest Against Amendment. Owners of the frontage of property immediately adjoining or across an alley from or directly opposite frontage which is proposed to be altered as to regulations or districts may file a written protest against a proposed amendment. The protest must be signed by at least 20% of the owners as described above and each signature must be notarized. The written protest shall be filed with the Village Clerk. If the written protest meets the requirements of this Section, the amendment shall not be passed except by the favorable vote of two-thirds of all members of the Village Board

5. Delete current section 28-19, Violation and Penalty (covered by the General Penalty provision in Section 1-501 of the Code

6. Delete current section 28-20, Validity (will be in adopting ordinance)

7. Delete current section 28-21, Repeal of Conflicting Ordinances (will be in adopting ordinance)

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(Ord. #03-067)

14.4 Enforcement of a Development Schedule. The Certificate of Approval shall be effective for no more than 12 months from the date it was issued. Unless a building permit has been issued and construction commenced within this time period, the certificate of appropriateness shall be void. An extension of up to 12 months can be obtained by submitting a detailed request to the Planning and Community Development Department.

(Ord. #05-037)

14.5. Amendments. Amendments to a certificate will be obtained through the same process as set forth above.

(Ord. # 04-078)

14.6 Appeal. For all petitioners appearing before the Design Commission who do not need to also appear before the Plan Commission or Zoning Board of Appeals, the petitioner has the right to appeal directly to the Village President and Board of Trustees. The written appeal must be made in writing, to the Village Manager, within 30 days of receipt of the notice of denial by the Design Commission. The Village Board, at a regular meeting, will then either:

- a. agree with the Design Commission's decision; or
- b. overrule or modify the decision of the Design Commission and direct the issuance of a permit.

For all petitioners appearing before the Design Commission who need to also appear before the Plan Commission or Zoning Board of Appeals, the petitioner has the right to file an appeal to the Village President and Board of Trustees. The written appeal must be made in writing and shall be forwarded to the Plan Commission or Zoning Board of Appeals along with the other documents submitted for their review. The appeal will be considered by the Village Board at a regular meeting concurrently with the Village Board's review of the recommendation from the Plan Commission or Zoning Board of Appeals. The Village Board will then either:

- a. agree with the Design Commission's decision; or
- b. overrule or modify the decision of the Design Commission and direct the issuance of a permit.

In all other cases, the Design Commission's decision will be sent to the Plan Commission or Zoning Board of Appeals, along with other documents for review and then forwarded to the Board.

Section 28-15 - Occupancy Permits.

15.1 Subsequent to the effective date of this ordinance no change in the use or occupancy of land, nor any change of use or occupancy in any existing building shall be made, nor shall any new building be occupied for any purpose until a certificate of occupancy has been issued by the Building Commissioner. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this Ordinance.

15.2 No permit for excavation for, or the erection or alteration of, any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance.

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15.3 A record of all certificates of occupancy shall be kept in the office of the Building Commissioner and copies shall be furnished on request to any person having a proprietary or tenancy in land or in a building affected by such certificate of occupancy.

15.4 A certificate of occupancy shall be required of all non-conforming uses of land or buildings created by the passage of this ordinance. Application for such certificates of occupancy for non-conforming uses shall be filed with the Building Commissioner by the owner or lessee of the land or building occupied by such non-conforming use within three years from the effective date of this ordinance. It shall be the duty of the Building Commissioner to issue a certificate of occupancy for non-conforming use.

15.5 Any non-conforming use for which an occupancy permit has not been obtained on conformity with the requirements of sub-section 14.4 shall be presumed to be operating in violation of this Ordinance and such use shall thereupon be abated.

Section 28-16 – Plats. Each application for a building permit shall be accompanied by a plat, in duplicate, or duplicate prints thereof, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, the size, shape and location of any existing buildings, and such other information as may be necessary to provide for the enforcement of this Ordinance. A record of applications and plats shall be kept in the office of the Building Commissioner.

Section 28-17 – Enforcement. It shall be the duty of the Building Commissioner to enforce this Ordinance. Appeal from the decision of the Building Commissioner may be made to the Zoning Board of Appeals, as provided in Section 12.

Section 28-18 - Changes And Amendments.

18.1 Requirement for Public Hearing. The regulations imposed and the districts created by this ordinance may be amended from time to time, but no such amendments shall be made until a public hearing has been held, and a report and recommendation has been made thereon by the Village of Arlington Heights.

18.2 Notification Requirements.

18.2-1 Published Notice. At least 15 days' notice of the time and place of such hearing shall be published in an official paper of general circulation in the Village of Arlington Heights.

(Ord. # 04-059)

18.2-2 Written Notice. In addition to the notice requirements otherwise provided by law, an applicant for any public hearing required by this Zoning Ordinance shall, not less than 15 days and not more than 30 days prior to the date set for the public hearing, serve written notice in person or by first-class mail to the last known taxpayer or property owner or owners of record reflected in the County records of all property within 250 feet in each direction of the property lines of the subject property for which the public hearing is requested; provided the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 foot requirement; in the event of a planned unit development, 250 feet shall be measured from the outermost property line of the entire planned unit development; if any part of a condominium property is located within 250 feet of the property which is the subject of a

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hearing, written notification shall be sent to each taxpayer of record of the condominium as well as to the condominium association; if written notification is sent to a trust company or lending institution of record, the notice requirement of this section shall be deemed satisfied. A copy of the notice with a copy of the list of addresses shall be mailed to the Planning Department at the time notice is given to the owners or taxpayers.

The notices herein required shall contain the address of the location for which the public hearing is requested, a brief statement of the nature of the request, the name and address of the legal and beneficial owner of the property, and time and date on which said hearing shall be held. If, after a bonafide effort to determine such by the applicant, the owner cannot be found, the notice requirements of this section shall be deemed satisfied upon filing by the applicant of an affidavit evidencing the inability to serve such notice.

(Ord. # 04-059)

18.2-3 Notice by Sign. An applicant for public hearing shall, not less than 15 days prior to the date before the public hearing post a readable sign(s) on the adjacent roadway(s). Sign(s) must be removed no later than ten days after completion of the final hearing.

SAMPLE SIGN

APPROXIMATE SIZE: 30" HIGH BY 48" WIDE

NOTICE OF PUBLIC HEARING*

HEARING FOR: [Fill in current zoning and action requested]+

HEARING LOCATION: ARLINGTON HEIGHTS MUNICIPAL BUILDING+
33 S. ARLINGTON HEIGHTS ROAD+

DATE: [Fill in hearing date] **TIME:** [Fill in hearing time]*

PUBLIC ATTENDANCE AND COMMENTS INVITED

FOR DETAILS CALL:

[Fill in petitioner's name
and phone number]

or Village of Arlington Heights
Department of
Planning & Community Development at
847-368-5200

- Sign must be posted on adjacent roadway(s) 15 days prior to hearing date.
- Sign must be removed by seven days after the first hearing.

+ MUST BE AT LEAST 1 ½" HIGH

+ MUST BE AT LEAST 1" HIGH

The sign (s) herein required shall contain the current zoning action requested, date, time and place where said hearing shall be held, a statement that further information can be obtained from the petitioner and the Planning Department of the Village of Arlington Heights, and the phone number of the Village of Arlington Heights and the petitioner. The words, "NOTICE OF PUBLIC HEARING" must appear at the top of the sign (s) in letters no smaller than 1.5". The

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date and time of the hearing shall also be 1.5". The sign (s) shall meet all other requirements set forth by the Village of Arlington Heights. All cost associated with hearing sign (s) are to be borne by the petitioners.

(Ord. #04-059)

18.2-4 Certification of Notice. The applicant shall furnish, at the time of hearing, a written statement certifying that he has complied with the requirements of this subsection. Attached to the written statement shall be a list of all property owners notified in accordance with the above, the returned notices which are undeliverable by the post office, a copy of the notice sent to each of the individuals therein specified, and an affidavit, witnessed by a notary public that the sign was erected according to Village requirements. Forms of the affidavit shall be made available by the Planning Department.

18.3 Protest Against Amendment. In case of written protest against any proposed amendment, signed and acknowledged by the owners of twenty percent of the frontage immediately adjoining or across an alley therefrom or by the owners of twenty percent of the frontage directly opposite the frontage proposed to be altered as to such regulation or district, filed with the Village Clerk of the Village of Arlington Heights, such amendment shall not be passed except by the favorable vote of two-third of all members of the Board of Trustees of the Village of Arlington Heights.

Section 28-19 - Violation And Penalty. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of these provisions of this ordinance shall be fined not less than \$5.00 nor more than \$500.00 for each offense, and in addition, shall pay all costs and expenses involved in litigation. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 28-20 – Validity. If any section, paragraph, subdivision, clause, sentence or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder of this ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which judgment or decree shall be rendered.

Section 28-21 – Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.