

CHAPTER 9-12

**PLANNING COMMISSION / BOARD OF ZONING APPEALS**

SECTION

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9-12-1: **ESTABLISHMENT AND MEMBERSHIP:** There is hereby established a Planning Commission which will also serve the Village as a Board of Zoning Appeals until such time it is deemed necessary to appoint a separate board. The Planning Commission will act as a Board of Zoning Appeals for the purpose of hearing appeals and applications for variances and exceptions to the provisions of this Ordinance in harmony with the purpose and intent of this Ordinance. Upon hearing said appeals and applications, the Planning Commission will make a recommendation to the Village Board on such application, variance, or exception for the purpose of granting or denying such petition.

The Planning Commission shall consist of seven (7) members appointed by the Village President and confirmed by the Village Board. Each member shall be appointed for a five-year term. Appointments shall be staggered so that one member is appointed each year. One of the members so appointed shall be named as Chairman at the time of his appointment. The Village President shall have the power to remove any member from said Commission for cause and after a public hearing. Vacancies upon said commission shall be filled for the unexpired term of the member whose place has become vacant in the manner herein provided for the appointment of such member.

A secretary shall be appointed by the chairman and shall be a member of the Commission. The Zoning Enforcement Officer shall attend all meetings for the purpose of providing technical assistance when requested by the Commission. Vacancies shall be filled for an unexpired term in the same manner as appointments for a full term.

9-12-2: **ORGANIZATION:** The Planning Commission shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and shall be open to the public.

Minutes of the proceedings and a record of all actions shall be kept by the secretary showing the vote of each member upon each question, the reasons for the Commission's determination and its findings of fact. These records shall be immediately filed in Village Hall and shall be a public record.

The concurring vote of two-thirds (2/3) of the members of the Commission present at the public hearing shall be necessary to recommend the reversal of any order, requirement, or decision, or the granting of a variance, making an interpretation, or permitting a temporary, special or substituted use. At no time shall the Planning Commission hold a public hearing with the intent of making such a recommendation with less than five (5) members present.

9-12-3: **JURISDICTION AND AUTHORITY:** The Planning Commission is hereby granted the following jurisdiction and authority:

- A. Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Enforcement Officer.
- B. Variances. To hear and make recommendations on appeals for variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purpose of this Ordinance shall be observed, and the public safety, welfare and justice secured. Use variances shall not be granted.
- C. Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts.
- D. Substitutions. To hear and make recommendations on applications for substitutions of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made.
- E. Unclassified Uses. To hear and make recommendations on applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the zoning district.
- F. Temporary Uses. To hear and grant applications for temporary uses in any zoning district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. Compliance with all other provisions of this Ordinance shall be required.
- G. Permits. The Commission may recommend the reversal, affirmation of wholly or partly, modifications of the requirements appealed from, or the issuance of a permit.
- H. Assistance. The Commission may request assistance from other municipal officers, departments, commissions and boards.

I. Oaths. The chairman may administer oaths and compel the attendance of witnesses.

9-12-4: **APPEALS AND APPLICATIONS:** Appeals from the decision of the Zoning Enforcement Officer concerning the literal enforcement of this Ordinance may be made by any person aggrieved, or by an officer, department, board or bureau of the Village. Such appeals shall be filed with the Village Clerk within thirty (30) days after the date of written notice of the decision or order of the Zoning Enforcement Officer. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the Village Clerk. Such appeals and applications shall include the following:

- A. Name and address of the appellant or applicant and all abutting and opposite property owners of record.
- B. Plat of survey prepared by a registered land surveyor showing all of the information required under Section 9-13-2 for a building permit.
- C. Additional information required by the Planning Commission.

9-12-5: **HEARINGS:** The Planning Commission shall fix a reasonable time and place for the hearing; give public notice thereof not less than fifteen (15) nor more than thirty (30) days prior, and shall give notice to the parties of interest and the Zoning Enforcement Officer. The appellant, applicant, or agent shall give notice to all adjoining property owners by certified mail at least ten (10) days prior to hearing. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.