

DIVISION 12 - ADMINISTRATION AND ENFORCEMENT**SEC. 15.12-1 ADMINISTRATION AND ENFORCEMENT.**

- A. Zoning Enforcement Officer. The Building Commissioner or such other person as designated by the City Manager shall be the Zoning Administrator and shall administer and enforce this Code. In furtherance of such authority, the Zoning Administrator may:
1. Interpret, construe and apply the provisions of this Code;
 2. Notify in writing any person responsible for violating any of the provisions of this ordinance, indicating the nature of the violation and ordering the action necessary to correct it;
 3. Order discontinuance of uses of land, buildings or structures; order removal of buildings or structures and alterations or structural changes thereof; order discontinuance of work being done; or take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions;
 4. Issue all building permits, and make and maintain records thereof;
 5. Issue all certificates of occupancy, and make and maintain records thereof;
 6. Enforce all ordinances granting Special Use Permits after they have been approved by the Town Council in accordance with SEC.15.10-5(A)(4) of this Code;
 7. Conduct inspections of buildings, structures, and use of land to determine compliance with this Code;
 8. Maintain permanent and current records pertaining to this Code, including but not limited to: maps, amendments, plans, special uses, variations, appeals and applications therefor; and designate on the Zoning Map each amendment, special use and variation;
 9. Provide and maintain public information relative to all matters arising out of this Code;
 10. Initiate, direct and review, from time to time, a study of the provisions of this Code, and make reports of his recommendations to the Planning Commission.

- B. Special Use Permits. The City Clerk shall issue copies of ordinances granting Special Use Permits in accordance with Division 10 of this Code.
- C. Zoning Board of Appeals.
1. Creation. The Zoning Board of Appeals of the Town of Normal, Illinois, which has been duly created by the President and Town Council, is the Zoning Board of Appeals referred to in this Code.
 2. Jurisdiction.
 - a. To conduct administrative public hearings, make findings of fact, and decide duly initiated appeals from any administrative order, requirement, decision or determination made by the Commissioner of Buildings or his deputies or assistants in the enforcement of this Code in the manner provided in SEC. 15.12-3 of this Code.
 - b. To conduct administrative public hearings, make findings of fact and grant or deny variations in the manner provided in SEC. 15.12-4 of this Code.
 - c. To conduct administrative hearings, make findings of fact and recommend to the Corporate Authority approval or disapproval of applications for Special Use Permits in the manner provided in Division 10 of this Code.
 - d. To recommend to the Corporate Authority amendments to this Code.
 3. Meetings, Hearings, Procedures and Rules.
 - a. Meetings. All meeting of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times and places as the Zoning Board of Appeals may determine. Anything herein to the contrary notwithstanding, the Zoning Board of Appeals will meet at 5:00 p.m. on the third Thursday of each month for regularly scheduled meetings at such places as said Board may determine.
 - b. Administrative Public Hearing.
 - (1) All administrative public hearings shall be held at regularly scheduled or properly called meetings of the Zoning Board of Appeals.
 - (2) Notices.

- (a) Legal notice of an administrative public hearing shall be given not less than fifteen (15) nor more than

thirty (30) days before said hearing by publishing a notice thereof in a newspaper of general circulation within the Town.

- (b) Courtesy notices may be given by the mailing of a notice of hearing to the owners of any land within 400 feet from the parcel on which action is proposed.

(3) Administrative Public Hearing Procedure.

- (a) Parties. The applicant, the Town of Normal and the person filing a written Entry of Appearance is a party to an administrative public hearing procedure.

- (b) Appearance of Others. Any person may appear and testify at an administrative public hearing, either in person or by a duly authorized agent or attorney.

- (c) Oaths or Affirmation. The Chairman or in his absence, the Acting Chairman, may administer oaths or affirmations.

- (d) Compelling the Attendance of Witnesses. The Chairman or in his absence, the Acting Chairman, may compel the attendance of witnesses by mailing to such persons a Notice compelling attendance, not less than five (5) days before the Public Hearing. Failure of a person to appear in response to such a Notice shall constitute a violation of this Chapter.

(4) Record Keeping.

- (a) Sound Recording. The Zoning Board of Appeals shall make a sound recording of all administrative public hearings and shall retain such tape for not less than one (1) year following the closing of the hearing.

- (b) Verbatim Transcripts. In the event that any party desires a verbatim transcript of the administrative public hearing, a written request therefore shall be filed with the Chairman of the Zoning Board of Appeals not less than three (3) weeks before the hearing date. Costs of taking such a transcript shall

be shared equally between the requesting party and the Town. Any party desiring a transcript of the proceedings shall pay all transcription or copying costs.

- (5) Notification of Decision. Copies of findings of fact and decisions or recommendations of the Board shall be served by mailing a copy thereof to all parties other than the Town.
- (6) Rules and Procedures. The Zoning Board of Appeals may adopt its own rules and procedures, not in conflict with this Code.

D. Planning Commission.

- 1. Creation. The Planning Commission of the Town of Normal, Illinois, which has been duly created by the President and Board of Trustees, is the Planning Commission referred to in this Code.
- 2. Jurisdiction.
 - a. To conduct legislative public hearings and submit reports and recommendations to the Corporate Authority on applications or proposals to amend the boundaries of the zoning districts created by this ordinance; that is, zoning district amendments.
 - b. To conduct legislative public hearings and submit reports and recommendations to the Corporate Authority on proposed amendments to the regulations imposed by this Code; that is, zoning text amendments.
 - c. To conduct legislative public hearings and recommend approval or disapproval of Preliminary Plans for subdivisions and, if directed by the Corporate Authority, to report on Final Subdivision Plats in the manner provided in Chapter 16 of the Municipal Code of the Town of Normal, Illinois, as heretofore or hereafter amended.
 - d. To conduct legislative public hearings and recommend approval or disapproval of Preliminary Development Plans for Planned Unit Developments and, if directed by the Corporate Authority, to report on Final Development Plans in the manner provided in SEC. 15.9-4 of this Code.
 - e. When required by this Ordinance or the Corporate Authority to conduct legislative public hearings and recommend approval or disapproval of site plans as required by provisions of this Code.

- f. To recommend to the Corporate Authority amendments to this Chapter and Chapter 16 of the Municipal Code of the Town of Normal, Illinois.
- g. To carry out and perform such additional duties as are assigned to them by the Corporate Authority.

3. Meetings, Hearings, Rules and Procedures.

a. Meetings. All meetings of the Planning Commission shall be held at the call of the Chairman and at such times and place as the Planning Commission may determine. Anything herein to the contrary notwithstanding, the Planning Commission will meet at 5:00 p.m. on the first Thursday following the first Monday of each month for regularly scheduled meetings at such place as the Commission may from time to time establish. All meetings of the Commission shall be open to the public.

b. Legislative Public Hearings.

(1) All legislative public hearings shall be regularly scheduled or properly called meetings of the Planning Commission.

(2) Legal Notices.

(a) Legal notices of a legislative public hearing shall be given not less than fifteen (15) nor more than thirty (30) days before said hearing by publishing a notice thereof in a newspaper of general circulation within the Town.

(b) Courtesy notices may be given by the mailing of a notice of hearing to the owners of any land within 400 feet from the parcel on which action is proposed.

(3) Legislative Public Hearing Procedure.

(a) Appearances. Any person may appear and testify at a legislative public hearing, either in person or by duly authorized agent or attorney.

(b) Oaths. The Chairman, or in his absence, the Acting Chairman, may administer oaths.

(c) Compelling the Appearance of Witnesses. The Chairman or in his absence, the Acting Chairman,

may compel the attendance of witnesses by mailing to such persons a Notice compelling attendance, not less than five (5) days before the Public Hearing. Failure of a person to appear in response to such a Notice shall constitute a violation of this Chapter.

- (4) Record Keeping. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicate such fact.
- (5) Transmittal of Recommendations to Council. A copy of the minutes of the Planning Commission meeting and any reports or recommendations prepared by the Commission shall be filed with the Town Council prior to final action by the Corporate Authority on a particular item and shall become part of the public records of the municipality, provided however, the failure to file such minutes or report shall not invalidate any action of or by the Corporate Authority.
- (6) Rules and Procedures. The Planning Commission may adopt its own rules and procedures not in conflict with this Code.

E. Historic Preservation Commission. (See SEC. 15.16)

(Subsection E added 8/20/1990 by Ord. No. 3925)(Amended 5/21/01 by Ord. No. 4723)

SEC. 15.12-2 AMENDMENTS OF REGULATIONS AND DISTRICTS.

- A. Authority. For the purpose of promoting the public health, safety and morals, comfort and general welfare, conserving the value of property throughout the Town and lessening and avoiding congestion of the public streets and highways, the President and Town Council may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in this Code and the Districts provided hereby, provided that in all amendments adopted under the authority of this Section, due allowance shall be made for the existing condition, the conservation of property values, the direction of building development to the best advantages of the entire Town and the use to which the property is devoted at the time of the adoption of such amendments.
- B. Initiation of Amendment. Amendments to the districts established hereby may be proposed by the President and Board of Trustees, property owners or parties to a valid and enforceable purchase option contract. Amendments to the regulations imposed hereby, that is, zoning text amendments, may be proposed by the President and Board of Trustees, by the Town's staff at the direction of the President and Board of Trustees, or by property owners or parties to a valid and enforceable purchase or option contract, or lessees of real property within the Town of Normal.

C. Procedure.

1. Application for Amendment. That all requests for zoning amendments other than those submitted by or at the direction of the Town Council shall henceforth only be accepted when filed on proper application forms submitted by the Office of the Town Clerk of the Town of Normal and upon payment of the required fee. When such applications are required, the information requested on them is deemed to be a minimum and applicants may be requested to supply additional information prior to the hearings on their requests. Such forms shall be filed in duplicate as prerequisite to the commencement of any such action on the part of the Town. The Town Clerk shall, upon receipt of the properly completed applications for zoning amendments, forward one application to the Planning Commission.
2. Notification and Hearing Procedure. The Planning Commission shall give notice and hold a legislative public hearing on each request for a zoning district or zoning text amendment, in the manner provided by SEC. 15.12-1(D)(3)(b) of this Code.
3. Recommendation by the Planning Commission.
 - a. Textual Amendments. In making its recommendation, on zoning textual amendments, the Planning Commission shall be guided by those purposes for which this Code was adopted and shall endeavor to accomplish those standards and objectives for which this Code is designated and intended and shall not recommend the adoption of an amendment unless it finds that such is in the public interest.
 - b. District Amendments. In making its recommendation on zoning district amendments, the Planning Commission shall be guided by those purposes for which this Code was adopted and in making its recommendation, may consider the following:
 - (1) The suitability of the subject property for uses authorized by the existing zoning;
 - (2) The length of time the property has remained vacant as zoned considered in the context of land development in the area;
 - (3) The suitability of the subject property for uses authorized by the proposed zoning;
 - (4) The existing land uses of nearby property;
 - (5) Existing zoning of nearby property;

- (6) Relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the approval or denial of the zoning amendment application.

4. Decisions by the President and Board of Trustees.

- a. The President and Board of Trustees upon receiving the report and recommendation of the Planning Commission, as an exercise of the legislative discretion vested in the Corporate Authority of the Town of Normal, may grant or deny the requested textual or district amendment.
- b. If an application for a proposed amendment is not acted upon finally by the President and Board of Trustees within three (3) months of the date upon which such application is received by the President and Board of Trustees, it shall be deemed to have been denied unless extended by an agreement of the applicant and President and Board of Trustees reflected in the minutes of the Town Council.
- c. In case a written Protest against any proposed zoning district amendment, signed and acknowledged by owners of 20 percent of the frontage proposed to be altered, or by the owners of 20 percent of the frontage directly opposite of the frontage to be altered or by the owners of 20 percent of the frontage immediately adjoining or across the alley therefrom is filed with the Town Clerk, the amendment cannot be passed except on the favorable vote of two-thirds of all members of the Town Council.
- d. No application for a district amendment which has been denied wholly or in part by the President and Board of Trustees shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of error in the original proceedings or change of conditions in either case found to be valid by the President and Board of Trustees.

SEC. 15.12-3 APPEALS.

- A. Authority. The Zoning Board of Appeals may modify the zoning administrator's orders, requirements, determinations, interpretations or applications of this Code, but shall do so only where the zoning administrator has either misinterpreted or erroneously applied the provisions of this Code or has misunderstood the factual situation giving rise to the action appealed from.
- B. Initiation. An appeal may be taken to the Zoning Board of Appeals by any property owner, the Board of Trustees, or parties to an enforceable purchase option contract,

aggrieved by an administrative Ordinance by the Building Commissioner.

- C. Procedure. An appeal shall be initiated by filing a written statement of the order, requirements, determination, interpretation or application appealed from and the factual situation giving rise to such action, in the office of the Town Clerk. Upon receipt of a completed application, one (1) copy thereof will be forwarded to the Zoning Board of Appeals.
- D. Standards in Reviewing an Appeal. The Zoning Board of Appeals shall prepare findings of fact from the evidence adduced at the administrative public hearing indicating the extent to which the following items are demonstrated:
1. That the zoning administrator misinterpreted or erroneously applied the provisions of this Code;
 2. That the zoning administrator misunderstood the factual situation giving rise to the action appealed from.
- E. The Zoning Board of Appeals may modify or reverse the action of the zoning administrator if either of the foregoing standards is demonstrated. If neither of the foregoing standards is demonstrated, the appeal shall be denied and the zoning administrator's action sustained.
- F. The Zoning Board of Appeals in hearing appeals shall not have the authority or power to change, modify, waive or relax requirements or regulations of this Code.
- G. Decisions. All decisions of the Zoning Board of Appeals on appeals initiated hereunder shall be final and reviewable only in the courts in accordance with applicable Statutes of the State of Illinois.

SEC. 15.12-4 VARIATIONS.

- A. Authority. The Zoning Board of Appeals may permit variations to the bulk, sign, off-street parking and loading regulations, and Community Design Standards of this Code and to allow the enlargement and structural alteration of a non-conforming single-family dwelling or non-conforming two-family dwelling, but shall do so only when the granting of such a variation would be in harmony with the Code's general purpose and intent and may vary them only in specific instances where there would be practical difficulties or particular hardships in the way of carrying out the strict letter of the bulk, sign, Community Design Standards, and/or off-street parking and loading regulations of this Code and then only in the manner provided herein. Except with respect to bulk, sign, Community Design Standards, and off-street parking and loading requirements (other than parking and loading design, construction and maintenance standards) the Zoning Board of Appeals, permitting variations, does not have the authority or power to change, modify, waive or relax

other requirements or regulations of this Code. (Amended 11/20/95 by Ord. No. 4356)(Amended 6/16/2014 by Ord. No. 5548)

B. Initiation. An application for a variation may be made by any person, firm or corporation, or by any office, department, Board, bureau, or Commission requesting or intending to request application for a building permit or by the Town Council or the Town staff at the direction of the Town Council. When an application is made by someone other than the owner(s) of the subject property, then the owner(s) must join the application or consent thereto. (Amended 11/20/95 by Ord. No. 4356)

C. Procedure.

1. Application. All requests for variations other than those initiated by or on behalf of the Town Council shall only be accepted when filed on proper application forms furnished through the office of the Town Clerk of the Town of Normal and after payment of the required fee. Where such applications are required, the information requested is deemed to be a minimum, and applicants may be required to supply additional information prior to public hearings on their requests. Such forms shall be filed in duplicate as a prerequisite to the commencement of any action on the part of the Town. The Town Clerk shall, at such times as she is in receipt of the completed application forms, forward a copy thereof to the Zoning Board of Appeals for action by said Board.

2. Hearing. No variation shall be granted or denied by the Zoning Board of Appeals except after an administrative public hearing before the Zoning Board of Appeals, conducted in a manner provided in SEC. 15.12-1(C)(3)(b) of this Code.

D. Standards. The Zoning Board of Appeals shall prepare findings of fact from the evidence adduced at the administrative public hearing indicating the extent to which the following items are demonstrated. The Board may, in its findings of fact, impose any conditions or restrictions on the granting of the requested variation which it deems necessary to insure that the preceding standards are met.

If such conditions or restrictions are imposed, the Board shall specify with particularity as part of the Findings of Fact the specific restrictions or conditions and the standards to which they pertain. It shall be unlawful for any owner, developer or person to use property for which a variation has been granted except in strict accordance with the Board's findings of fact, any condition or restrictions imposed therein and all other applicable codes and regulations of the Town of Normal.

1. That granting of the variation will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

2. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the bulk, sign, or off-street parking and loading regulations of the zoning classification of the property in question.
3. The plight of the owner is due to special circumstances.

If each of the foregoing standards are met, the Zoning Board of Appeals shall grant the variation. If they are not, the Board shall deny the variation.

E. Decisions.

1. All decisions of the Zoning Board of Appeals on variations shall be final and reviewable only in the courts in accordance with the applicable statutes of the State of Illinois, except as follows:
 - a. Any decision of the Zoning Board of Appeals concerning a variation request in the R-3A, R-3B, R-2, B-1, B-2, C-1, C-2, C-3, M-1 and M-2 Zoning Districts shall be considered a provisional decision for a period of ten (10) days. During the ten-day provisional period any member of the Normal Town Council may file in writing with the Town Clerk a stay of decision. Upon receipt of such stay, the Town Clerk shall forward a notice of stay of decision to the applicant and the Chairman of the Zoning Board of Appeals. The provisional Zoning Board of Appeals decision shall be forwarded to the next Normal Town Council Meeting and be deemed a recommendation from the Zoning Board of Appeals on the variation requested. The Normal Town Council shall conduct a *de novo* hearing and hear arguments by the parties. Parties shall include: (1) the applicant; and (2) any other interested person filing a written entry of appearance. The Normal Town Council shall in the exercise of its legislative authority render a final decision on the variation request. The Normal Town Council shall render its final decision within ninety (90) days following the notice of stay of decision issued by the Town Clerk. Such time period may be extended by agreement with the applicant. The Town Clerk shall mail a copy of the final decision to all parties of record.

In the event no Town Council Member files a stay of the provisional award as provided above, the provisional award shall become a final decision of the Zoning Board of Appeals on the eleventh day following its initial decision.

All final decisions of the Normal Town Council and the Zoning Board of Appeals shall be reviewable only in the courts in

accordance with the applicable statutes and law of the State of Illinois. (Entire Subsection (1) Amended 4/16/01 by Ord. No. 4721).

2. No application for variation which has been denied wholly or in part by the Zoning Board of Appeals shall be submitted for a period of one (1) year from the date of said order of denial except on grounds of error in the original proceedings or change of conditions found to be valid by the Zoning Board of Appeals.
3. Unless otherwise specified by the Board, any order or decision of the Board authorizing a variation, will expire if the applicant fails to obtain a building permit within one year from the date of the decision.

SEC. 15.12-5 COMPLAINTS AND PENALTIES FOR VIOLATIONS.

- A. Complaints. In case any building or structure is constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Code, any person may file a written complaint with the Zoning Administrator stating fully the causes and basis thereof. After investigation, the Zoning Administrator may, if a violation exists, institute any appropriate action or proceeding to:
 1. Prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use;
 2. Prevent the occupancy of the building, structure or land;
 3. Prevent any illegal act, conduct, business, or use in or about the premises; or
 4. Restrain, correct or abate the violation;
 5. Allege a violation of this Code and seek the imposition of the penalties provided herein;
 6. Obtain a search warrant in the manner described in Chapter 38 Illinois Revised Statutes Section 1-3 to verify that violation of the zoning ordinance does exist.
- B. Penalties. Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the investigation or enforcement of any of the provisions of this Code, upon conviction thereof shall be punished by a fine of not less than fifty (\$50.00) dollars nor more than three hundred (\$300.00) dollars for the first offense and not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars for the second and each subsequent offense in any 180 day period; and further provided, however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the

Illinois Civil Practice Act (Ill. Rev. Stat. 1975, Ch. 110, para 1 et seq.). A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation or permit any such violation to exist after notification or knowledge of the existence thereof.

(SEC. 15.12-5 Amended 8/20/01 by Ord. No. 4742)

SEC. 15.12-6 SCHEDULE OF FEES. An application for approval of a variation, district amendment, special use, site plan review or planned unit development or an appeal, other than those initiated by or at the direction of the Town Council, shall be filed with the Town Clerk and accompanied with payment of the appropriate fee as required by SEC. 25.16-2.

(Amended 2/20/95 by Ord. No. 4286)(Amended 5/19/08 by Ord. No. 5197)