CITY OF NEWTON, ILLINOIS

ZONING MANUAL

EDITED BY:

FRANK X. HEILIGENSTEIN
ILLINOIS CODIFICATION SERVICES
P.O. BOX 69
FREEBURG, IL 62243

PREFACE

This publication presents a general framework for the administration of various development codes and ordinances. It is meant to be used in an advisory capacity only and should not be construed as a legal interpretation of the requirements and procedures of specific codes and ordinances or of the State Statutes. Before being used, the suggested forms contained herein should be reviewed by community officials and attorneys, and modifications made if necessary to fit individual needs.

Special acknowledgement is given to the University of Illinois Bureau of Community Planning - **A Guide for Municipal Zoning Administration** by R. Marlin Smith, Clyde W. Forrest, Jr., and Eric C. Freund - which was used as a major reference source for this document. For more discussion of the various zoning actions, it is suggested that one consult "ZONING – Handbook for Municipal Officials" with suggested forms, by Ronald S. Cope.

Corporate Authorities Make Final Decisions

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CHAPTER I

INTRODUCTION

PURPOSE

The purpose of this manual is to provide local officials with a general guide for administering the various development regulations adopted by their respective community or municipality. It describes the types of codes which may be used and presents samples of application forms, notices and letters which are needed to administer these codes. Included also are explanations of the various forms, their purpose and when they should be used.

SCOPE

The forms and procedures set forth in this publication are limited to the major (or most commonly adopted) development codes. These include zoning ordinances and subdivision codes. Other codes, such as planned unit development codes, mobile home park codes, sign regulations, etc., are sometimes adopted as separate ordinances, but are more often included as part of the Zoning Code. Therefore, the forms and procedures in this manual discussed under Zoning Code administration also apply to these types of developments.

Furthermore, all of the forms included in this publication are intended to be samples only, and as such, are very general in nature. Any community which does not have the needed application forms, certificates, etc., or any community which wishes to revise their existing forms may use these samples as is, or they may modify the forms to fit their particular needs.

CHAPTER II

ZONING ORDINANCE ADMINISTRATION

The Zoning Code is perhaps the most important administrative tool which a community has at its disposal. With proper administration it can help guide development so that growth occurs in accordance with the community's adopted land use plan. **(See 65 ILCS 5/11-13-1 to 5/11-13-20)**

AUTHORITY AND PURPOSE OF ZONING

The authority to adopt zoning regulations is granted to municipalities and counties by state statute for the purpose of:

> ...promoting the public health, safety, morals, comfort, and general welfare, conserving the values of property throughout the municipality, lessening or avoiding congestion in the public streets and highways, and lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters... **(See 65 ILCS 5/11-13-1)**

The Zoning Code does this by regulating the use of land and the location, height, bulk, coverage, and use of buildings and structures on the land. Any structures to be built, except those to be used for agricultural purposes (which may be exempt from zoning regulations) must be approved by the Zoning Administrator and/or Building Inspector.

FUNCTIONS OF ZONING ADMINISTRATOR

The functions of the Zoning Administrator include:

(1) Providing zoning information.
(2) Receiving and reviewing applications for zoning permits.
(3) Issuing zoning compliance permits.
(4) Inspecting sites where zoning permits have been issued.
(5) Issuing occupancy permits
(6) Investigating violations.
(7) Updating the zoning map and text.
(8) Providing advisory reports to the Zoning Board of Appeals, Plan Commission, or corporate authority, as appropriate.

_____

APPLICATION FOR PERMITS

Zoning Compliance

Before construction of any building or structure, an Application for Zoning Compliance must be completed and submitted to the Zoning Administrator. This application must be signed by the owner of the property in question or his authorized agent. Among the information to be included with this application is a legal description of the property and a site plan showing the proposed location of the building on the lot **(See Exhibit 1 and Illustrations 1 and 2).** Specialized forms for certain types of structures, such as signs or towers, may be used when more detailed information is wanted. An example of a form for a sign installation permit is shown in Exhibit 2.

If the proposed structure meets the requirements of the Zoning Code, the Zoning Administrator approves the application by signing the certificate of zoning compliance **(See Exhibit 1)** and the applicant may then apply for a building permit. (In some communities, applications for building and zoning permits may be combined.)

If the Zoning Administrator determines that the proposed structure does not meet the requirements of the Zoning Code, the application is denied. In this situation, if he has sufficient grounds, the applicant may ask for an interpretation of the provisions of the Zoning Code by the Zoning Board of Appeals or he may apply for a variance or an amendment, whichever may be appropriate for his particular situation.

Non-Conforming Use Certificate

A non-conforming use is a building or activity which is not a permitted use in the zone district in which it is located, but which was in existence before the Zoning Code was adopted. Such uses are generally permitted to continue in operation for a specified time period or until the activity is terminated, or the building destroyed. For example, a gas station located in an area which was subsequently zoned "Single-Family Residence" is a legal non-conforming use which may continue in operation, passing from one owner to another, until it goes out of business, is destroyed by fire, razing, etc., or is otherwise removed from the property, or until such time as is permitted by the Zoning Code.

After a Zoning Code has been adopted by a municipality, the owner of any property which does not conform with the area-bulk or use regulations of the zone district in which it is located may apply for a Certificate of Non-Conformance **(See Exhibit 3).** Included with this application should be documented evidence that the non-conforming use existed before the Zoning Code was adopted. Deeds, mortgages, contractual agreements, building permits, tax records, etc., may be used as such evidence. If, after reviewing the application and inspecting the site, the Zoning Administrator determines that the non-conforming use was in existence

prior to adoption of the Zoning Code, he may issue a "Certificate of Non-Conformance" **(See Exhibit 3).** This certificate protects the property owner by insuring him of the right to continue his non-conforming use.

These certificates are also often a prerequisite for obtaining a loan from banks or other lending institutions to purchase a Non-Conforming Use.

Appeals

An appeal is a request to the Zoning Board of Appeals to review a decision of the Zoning Administrator which is deemed improper or in conflict with the Zoning Code. An appeal may be made by any **aggrieved person** within forty-five (45) days of the action being appealed. Although not defined in the enabling legislation, an **aggrieved person** is usually an applicant whose request for a permit has been denied; however, the term may also apply to a person having an interest in property adjacent to or near the site for which a permit has been issued.

This appeal does not require a public hearing. The applicant must, however, provide the Board of Appeals with information such as shown in **Exhibit 4**, explaining how his interpretation of the Zoning Code differs from that of the Zoning Administrator. If the Board of Appeals rules in favor of the applicant, the Zoning Administrator is instructed to issue or revoke the permit, as the case may be. If the Board of Appeals rules in favor of the Zoning Administrator in the case of his denial of a permit, the applicant may apply for a variance or amendment, whichever is appropriate, if he has sufficient grounds to do so. If the Board of Appeals upholds the Zoning Administrator's issuance of a permit, the only other recourse for the **aggrieved person** is the courts.

Area-Bulk Variance

An area-bulk variance is a relaxation of the strict application of the zoning regulations pertaining to lot size, setback, parking requirements, etc. The purpose of this variance is to provide relief for a property owner in cases where the zoning regulations impose an undue hardship. For example, if a man wants to build a house, but the lot on which he wants to build has a deep gully across the back which prevents him from meeting the required front yard setback, he may request an area-bulk variance to reduce the required front yard setback enough to permit his house to be built.

In order to obtain an area-bulk variance, a public hearing must be held before the Zoning Board of Appeals. The applicant applies for a variance by completing the appropriate forms describing his "hardship" **(see Exhibit 5)** and submitting them to the Zoning Administrator. A site plan showing the applicant's lot and the minimum variance which would permit the proposed structure must be included with the application **(see Illustration 3)** along with evidence substantiating the hardship, such as topographical maps, engineering reports, photographs, etc.

Use Variance

A use variance is an exemption from the use regulations of a zoning district. Since they usually involve only small parcels of land, use variances often have the same effect as **spot zoning** which has been ruled improper by the courts **(see discussion of "spot zoning" in section on zoning amendments).** If a change in use is justified, a zoning amendment should be used to avoid abusing the authority to grant use variances and to maintain the original purpose of the zoning districts.

Special-Use Permit

A special-use permit allows the development of certain facilities, such as hospitals, schools, nursing homes, mobile home parks, etc. These may be public service uses which cannot be classified in a separate and distinct category of their own or may be desirable uses within a given district which exhibit certain problems that must be minimized. Therefore, they are allowed, after special scrutiny and review, in certain districts where they are compatible with permitted uses. For instance, schools and churches may be designated as special uses in residential districts since they ordinarily would be compatible in these neighborhoods; mobile home parks and nursing homes may be special uses in multiple-family residential areas since they are also medium or high density residential functions; or a landfill could be a special use in an industrial district.

Special area-bulk regulations are usually established for these special uses. Furthermore, these developments must be reviewed at a public hearing by the Zoning Board of Appeals/Plan Commission who may impose additional conditions or restrictions on the development if needed to make it compatible with the surrounding area. For example, if the reviewing body determines that a proposed mobile home park should be screened from adjacent property, they may attach a stipulation to the special-use permit that the developer install a fence or plant shrubbery along his property lines.

Before application may be made for a special-use permit, certain condit6ions must first be met. These conditions are as follows:

(1) The subject property must be appropriately zoned for the proposed development.
(2) The special-use must be expressly identified in the Zoning Code. Various special uses may appear in one or more use districts, but no special use can be granted in any use district unless it is set forth as a special use under the terms of that district in the text of the Zoning Code.
(3) The provisions of the Zoning Code which govern the granting of the special-use permit must be followed exactly.

If these initial requirements are met, the applicant may complete the form shown as **"Exhibit 6", "Request for Special-Use Permit".**

This application is then submitted to the Zoning Administrator along with a site plan of the proposed development **(see Illustration 5).** This site plan should clearly show that the area-bulk regulations for this type of special-use will be met. This site plan and any other data needed to describe the layout and feasibility of the proposed develoment should accompany the application.

Zoning Amendments

A zoning amendment is a change which is made to the Zoning Code in either the text of the Code or in the Zone District Map, and usually it is the latter which is involved. Amendments should be made in the public interest and not merely for personal gain. Amendments may be requested by the governing body, the Board of Appeals, or other interested persons if revisions are needed in specific sections of the Zoning Code for clarification or to add or delete certain provisions. Unless the Code is very poorly written, there should be very few amendments made to the text. Occasionally, a number of changes may be needed in a Zoning Code, and in these instances, the municipality may wish to undertake a complete revision of the Zoning Code.

Most requests for zoning amendments will involve changes in the zone districts on the zoning map. Persons wanting to use their land for purposes which are not permitted by the existing zoning category will often request that the property in question be rezoned to a category which does permit the proposed use. Such requests for rezoning should be based upon one of the following reasons:

(1) the original zoning was in error;
(2) the conditions of the area have changed since it was zoned to such an extent as to warrant rezoning.

It is the applicant's responsibility to provide evidence that one of these two conditions exists and not the responsibility of the reviewing body or an opposing neighbor to prove the reverse.

When granting zoning amendments, the reviewing body should be careful to avoid **spot zoning**. "Spot Zoning" is the classification of a small piece of proeprty in a zone district different from that of surrounding properties and has been proclaimed to be an improper type of zoning by the courts. This ruling is based on the opinion that the separate zoning of a single parcel is generally to the benefit of one person rather than for the public good. An example of spot zoning might be the commercial classification of a half-acre lot in a residential area for the location of an auto body shop. This situation would be beneficial only to the owner who could purchase the lot in the residential area at a much lower cost than one in a commercial

area. If, on the other hand, a small district in a residential area was zoned commercial to permit retail operations which would benefit the entire neighborhood, such as a small grocery store and/or laundromat, such zoning may be proper and acceptable.

In order to obtain a zoning amendment, a public hearing must be held. The applicant applies for a zoning amendment by completing a form, such as shown in **Exhibit 7**, describing the type of amendment he is requesting and submitting it to the Zoning Administrator. If a change in the zoning map is requested, the application should be accompanied by a site plan of the proposed development showing its compatibility with surrounding properties and its relationship to surrounding zone districts **(see Illustration 6).** This data and any other evidence to support the rezoning request must accompany the application.

APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE
(NON-BUSINESS)

Date _____ Certificate Application No. ZC-_____

(DO NOT WRITE IN THIS SPACE -- FOR OFFICE USE ONLY)

Parcel No. _____ Filing Fee: $_____
Zone District: _____ Date Paid: _____

Approved: _____ Date: _____ Denied: _____ Date: _____
By: _____
Comments: _____
_____
_____
_____
_____

Instructions to Applicant: Before beginning any construction, a Certificate of Zoning Compliance must be obtained from the Zoning Administrator. Application for permits must be made by the owner of the property on which the construction is to take place or his duly authorized agent. A legal description of the property and a site plan of the proposed construction must be included with this application. The attached sheet, which may be used for drawing the site plan, lists information which must be shown.

If the proposed construction meets the zoning requirements, a permit will be issued. If the Zoning Administrator determines that the proposed construction does not comply with requirements of the City of Newton, Illinois Zoning Code, the applicant may request an interpretation of the regulations by the Zoning Board of Appeals (if he disagrees with the Zoning Administrator) or he may request a variance or zoning amendment.

All information requested below must be provided before any permits will be issued. If the Zoning Administrator determines insufficient or inaccurate information has been supplied on this application, there may be a delay in the issuance of the permit until the problem areas are resolved. Applicants are encouraged to contact the Zoning Administrator for assistance in completing this form.

---

1. Name of Applicant(s):_____ Phone: ( )_____
   Address: _____
   (Street) (City) (Zip Code)

2. Property interest of applicant:
   ( ) Owner ( ) Lessee ( ) Contractor ( ) Other:_____

3. Name of Owner(s) (if other than applicant):_____
   Phone: _____ Address: _____
   (Street) (City) (Zip Code)

4. Name of Contractor (if other than applicant): _____
   Address: _____
   (Street) (City) (Zip Code)
   Name of Roofing Contractor: _____
   Address: _____
   (Street) (City) (Zip Code)
   Roofing Contractor's License Number: _____
   License number must be supplied before permit may be issued as per The Illinois Roofing Industry Licensing Act

Name of Plumbing Contractor: _____
Address: _____
(Street) (City) (Zip Code)
Plumbing Contractor's License Number: _____

5. Location of Proposed construction(s) or occupancy:
Address: _____
(Street) (City) (Zip Code)

6. Legal description: (Lot, block, and subdivision; or metes and bounds; description and acreage.)

_____
_____
_____
_____

7. Proposed improvement (check applicable items):

( ) New Building
( ) Addition or alteration (EXPLAIN):_____
( ) Mobile home on permanent foundation
( ) Relocation of existing building
( ) Other (Explain):_____

8. Structure size information:
A. Existing structure(s), if applicable:
1. Existing structure No. 1 – Sq. Ft. 1st floor _____
2. Existing structure No. 2 – Sq. Ft. 1st floor _____
3. Existing structure No. 3 – Sq. Ft. 1st floor _____
NOTE: Include other existing structures if more than three!

B. Proposed structure(s): No. of Stories _____
1. Maximum height of structure: _____
2. Sq. ft. of 1st floor: _____
3. Sq. ft. of garage: _____ CHECK ONE: Attached _____ Detached _____
4. Total sq. ft. of proposed structure(s): _____
5. Cost of construction proposed structure(s): _____
NOTE: List above information for all proposed structures!

9. Lot Size (total square feet) _____

10. Utilities:
( ) Public Water Service ( ) Public Sewer Service
( ) Private Well ( ) Septic Tank
( ) Other: _____ ( ) Other: _____

11. Present use of property:
Residential:
( ) Vacant Lot
( ) Residential: Type: ( ) Single-family ( ) 2 family ( ) Multi-family No. of units _____
( ) Business: Type: _____
( ) Industrial: Type: _____
( ) Other: (specify) _____

12. Proposed Use of property:

Residential:		Accessory:			
( )	Single-family	( )	Garage		
( )	2 family	( )	Carport		
( )	Multi-family	( )	Storage Shed	( )	Other (specify): _____
	No. of Units: _____				

I (we) hereby apply for a temporary certificate of zoning compliance as required by the Zoning Code of the City of Newton, Illinois.

I (we) certify that all supplied information on this application and that contained in any papers or plans submitted with this document are true and accurate to the best of my (our) knowledge.

I (we) agree that the permit issued may be revoked without notice on any breach of representation or conditions.

I (we) understand that any permit issued on this application will not grant right of privilege to erect any structure or to use any premises described for any purpose or in any manner prohibited by the Zoning Code, or by other ordinances, codes or regulations of the City of Newton, Illinois.

I (we) consent to the entry in or upon the premises described in this application by any authorized office of the City of Newton for the purpose of inspecting the premises or of posting, maintaining, or removing any notices required by law.

I (we) agree to furnish the City of Newton a maintenance bond, contractor's bond or a check in the amount of One Thousand Dollars ($1,000.00) to be used to make repairs to City property in the event it is damaged due to the construction of the above improvements.

I (we) further state that any and all stakes, flags or other boundary markers will be place by myself or my agents and shall be in conformity with the measurements set out in this application. The City authorizes and the Zoning Administrator may rely upon the location of said stakes, flags or other markers and the applicant herewith accepts full responsibility for the location of said markers in the event the same are misplaced or removed by other parties. The applicant further covenants that in the event this application is approved, the building shall be built in accordance with the measurements set out herein, and shall take full responsibility to the City or third parties in the event the building using faulty measurements, misplaced markers, or other errors or deviations from the plans and measurements as set forth herein.

_____	_____
Signature of Applicant	Signature of Owner
_____	_____
Date	Date

SITE PLAN

A site plan must be attached or drawn on the attached graph paper at a scale large enough for clarity showing the following information:

A. Location and dimensions of lot, buildings (existing and proposed), driveways, and off-street parking spaces.
B. Distance between: Buildings and front, side, and rear lot lines; Principal building and accessory buildings; Principal building and accessory buildings on adjacent lots.
C. Location of easements, underground utilities, septic tanks, tile fields, water wells, etc.
D. Existing topography of the site (USGS 10-foot contour data is acceptable), and proposed finished grade; (NOTE: Should it be necessary for the City's engineer to review drainage plans, the applicant will be responsible for payment of all costs incurred. The current pay schedule is $75 per hour for review of these plans.)
E. Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area.
F. Any additional information as may reasonably be required by the Zoning Administrator and applicable sections of the Zoning Code.

Wall Height at Front of Building _____ Height of Roof Peak ___ SCALE: 1" = _

NOTE: The above information must be supplied to provide timely processing of applications. Applications not containing the required information shall be returned to the applicant for completion.

(Do not write in this space – for office use only)

Lot: Width = _____ BUILDING: Length = _____
Depth = _____ Width = _____
Area = _____ Total Sq. Ft. _____
Percentage of lot coverage _____

DISTANCE: _____ ft. from front property line to building.
_____ ft. from rear property line to building.
_____ ft. _____ ft. from side property lines to building.

Located within a flood-prone area: Yes ( ) No ( )

_____
Checked by

APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE
(BUSINESS)

Date _____ Certificate Application No. ZC-_____

(DO NOT WRITE IN THIS SPACE -- FOR OFFICE USE ONLY)

Parcel No. _____ Filing Fee: $_____
Zone District: _____ Date Paid: _____

Approved: _____ Date: _____ Denied: _____ Date: _____
By: _____
Comments: _____
_____
_____
_____
_____

Instructions to Applicant: Before beginning any construction, a Certificate of Zoning Compliance must be obtained from the Zoning Administrator. Application for permits must be made by the owner of the property on which the construction is to take place or his duly authorized agent. A legal description of the property and a site plan of the proposed construction must be included with this application. The attached sheet, which may be used for drawing the site plan, lists information which must be shown.

If the proposed construction meets the zoning requirements, a permit will be issued. If the Zoning Administrator determines that the proposed construction does not comply with requirements of the City of Newton, Illinois Zoning Code, the applicant may request an interpretation of the regulations by the Zoning Board of Appeals (if he disagrees with the Zoning Administrator) or he may request a variance or zoning amendment.

All information requested below must be provided before any permits will be issued. If the Zoning Administrator determines insufficient or inaccurate information has been supplied on this application, there may be a delay in the issuance of the permit until the problem areas are resolved. Applicants are encouraged to contact the Zoning Administrator for assistance in completing this form.

---

1. Name of Applicant(s):_____ Phone: ( )_____
   Address: _____
   (Street) (City) (Zip Code)

2. Property interest of applicant:
   ( ) Owner ( ) Lessee ( ) Contractor ( ) Other:_____

3. Name of Owner(s) (if other than applicant):_____
   Phone: _____ Address: _____
   (Street) (City) (Zip Code)

4. Name of Contractor (if other than applicant): _____
   Address: _____
   (Street) (City) (Zip Code)
   Name of Roofing Contractor: _____
   Address: _____
   (Street) (City) (Zip Code)
   Roofing Contractor's License Number: _____
   License number must be supplied before permit may be issued as per The Illinois Roofing Industry Licensing Act

Name of Plumbing Contractor: _____
Address: _____
(Street) (City) (Zip Code)
Plumbing Contractor's License Number: _____

5. Location of Proposed construction(s) or occupancy:
Address: _____
(Street) (City) (Zip Code)

Legal description: (Lot, block, and subdivision; or metes and bounds; description and acreage.)

_____
_____
_____
_____

6. Proposed improvement (check applicable items):

( ) New Building
( ) Addition or alteration (EXPLAIN):_____
( ) Relocation of existing building
( ) Other (Explain):_____

7. Structure size information:
A. Existing structure(s), if applicable:
1. Existing structure No. 1 – Sq. Ft. 1st floor _____
2. Existing structure No. 2 – Sq. Ft. 1st floor _____
3. Existing structure No. 3 – Sq. Ft. 1st floor _____
NOTE: Include other existing structures if more than three!

B. Proposed structure(s): No. of Stories _____
1. Maximum height of structure: _____
2. Sq. ft. of 1st floor: _____
3. Total sq. ft. of proposed structure(s): _____
4. Cost of construction proposed structure(s): _____
NOTE: List above information for all proposed structures!

8. Parking Spaces:
A. Existing No. of parking spaces if applicable: _____
B. Proposed No. of parking spaces if applicable: _____

9. Lot Size (total square feet) _____

10. Utilities:
( ) Public Water Service ( ) Public Sewer Service
( ) Private Well ( ) Septic Tank
( ) Other: _____ ( ) Other: _____

11. Present use of property:
( ) Vacant Lot
( ) Residential: Type: ( ) Single-family ( ) 2 family ( ) Multi-family No. of units _____
( ) Business: Type: _____
( ) Industrial: Type: _____
( ) Other: (specify) _____

12. Proposed Use of property:
    ( ) Business: Type: _____
    ( ) Industrial: Type: _____
    ( ) Other: (specify) _____

13. Will a sign(s) be required: Yes ( ) No ( )
    If the answer to 13. is yes, a sign permit will be required.

IMPORTANT: READ THE FOLLOWING CAREFULLY!

I (we) hereby apply for a temporary certificate of zoning compliance as required by the Zoning Code of the City of Newton, Illinois.

I (we) certify that all supplied information on this application and that contained in any papers or plans submitted with this document are true and accurate to the best of my (our) knowledge.

I (we) agree that the permit issued may be revoked without notice on any breach of representation or conditions.

I (we) understand that any permit issued on this application will not grant right of privilege to erect any structure or to use any premises described for any purpose or in any manner prohibited by the Zoning Code, or by other ordinances, codes or regulations of the City of Newton, Illinois.

I (we) consent to the entry in or upon the premises described in this application by any authorized official of the City of Newton for the purpose of inspecting the premises or of posting, maintaining, or removing any notices required by law.

I (we) agree to furnish the City of Newton a maintenance bond, contractor's bond or a check in the amount of One Thousand Dollars ($1,000.00) to be used to make repairs to City property in the event it is damaged due to the construction of the above improvements.

I (we) further state that any and all stakes, flags or other boundary markers will be place by myself or my agents and shall be in conformity with the measurements set out in this application. The City authorizes and the Zoning Administrator may rely upon the location of said stakes, flags or other markers and the applicant herewith accepts full responsibility for the location of said markers in the event the same are misplaced or removed by other parties. The applicant further covenants that in the event this application is approved, the building shall be built in accordance with the measurements set out herein, and shall take full responsibility to the City or third parties in the event the building using faulty measurements, misplaced markers, or other errors or deviations from the plans and measurements as set forth herein.

_____	_____
Signature of Applicant	Signature of Owner
_____	_____
Date	Date

SITE PLAN

A site plan must be attached or drawn on the attached graph paper at a scale large enough for clarity showing the following information:

A. Location and dimensions of lot, buildings (existing and proposed), driveways, and off-street parking spaces.
B. Distance between: Buildings and front, side, and rear lot lines; Principal building and accessory buildings; Principal building and accessory buildings on adjacent lots.
C. Location of easements, underground utilities, septic tanks, tile fields, water wells, etc.
D. Existing topography of the site (USGS 10-foot contour data is acceptable), and proposed finished grade; (NOTE: Should it be necessary for the City's engineer to review drainage plans, the applicant will be responsible for payment of all costs incurred. The current pay schedule is $75 per hour for review of these plans.)
E. Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area.
F. Any additional information as may reasonably be required by the Zoning Administrator and applicable sections of the Zoning Code.

Wall Height at Front of Building _____ Height of Roof Peak ___ SCALE: 1" = _

NOTE: The above information must be supplied to provide timely processing of applications. Applications not containing the required information shall be returned to the applicant for completion.

(Do not write in this space – for office use only)

Lot: Width = _____ BUILDING: Length = _____
Depth = _____ Width = _____
Area = _____ Total Sq. Ft. _____

DISTANCE: _____ ft. from front property line to building.
_____ ft. from rear property line to building.
_____ ft. _____ ft. from side property lines to building.

Located within a flood-prone area: Yes ( ) No ( )

_____
Checked by

APPLICATION FOR SIGN INSTALLATION PERMIT

Zoning Department
Newton, Illinois

Sign Application No. _____
Date: _____, _____

Permit Issued ( )
Permit Denied ( )
Reason: _____
_____

Fee Paid: $_____
Date: _____
Electrical Permit Required _____

Instructions to Applicant: The following information must be completed and submitted with a sketch of the proposed sign(s) and a site plan showing the location of the proposed sign(s) in relation to buildings and/or lot lines. Applicants are encouraged to visit the office of the Zoning Administrator for any assistance needed in filling out this form.

---

1. Name of Applicant(s):_____ Phone: ( )_____
   Address: _____
   (Street) (City) (Zip Code)

2. Property interest of applicant:
   ( ) Owner ( ) Lessee ( ) Contract Purchaser ( ) Other:_____

3. Name of Owner(s) (if other than applicant):_____
   Phone: _____ Address: _____
   (Street) (City) (Zip Code)

4. Location of Property:
   Address: _____
   (Street) (City) (Zip Code)

   Legal description: (Lot, block, and subdivision; or metes and bounds.)
   _____
   _____

   ZONE DISTRICT CLASSIFICATION: _____

5. Type of sign: (check two)

_____ Freestanding	_____ Business
_____ Projecting	_____ Real Estate
_____ Wall	_____ Identification
_____ Roof	_____ Subdivision
_____ Combination (specify)	_____ Other (specify):
_____	_____
_____	_____

6. Size of sign:
   Height: _____ft. Width: _____ft. TOTAL SIGN AREA: _____sq. ft.
   Size of sign is determined as follows:

7. Frontage: Width of front lot line: _____ ft.
   Width of building front: _____ ft.
   Setback of building from front lot line: _____ ft.

8. Illumination of sign:
   ( ) Neon, flashing
   ( ) Neon, non-flashing
   ( ) Floodlights
   ( ) Non-Illuminated

9. If illuminated, hours of operation: ( ) FROM: _____ TO _____

10. I certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true and accurate.

    DATE: _____, ___ APPLICANT: _____

    DATE: _____, ___ OWNER: _____

CERTIFICATE OF COMPLIANCE

The plans and specifications submitted with this application are in conformity with the sign regulations applicable to the subject property. Changes in plans or specifications shall not be made without written approval of this office. Failure to comply with the above shall constitute a violation of the sign regulations.

Permit issued this _____ day of _____, ___.

ZONING ADMINISTRATOR: _____

Exhibit 23

SITE PLAN

A site plan must be attached or drawn below at a scale large enough for clarity showing the following information:

A. Location and dimensions of: Lot, buildings, driveways, and off-street parking spaces.
B. Distance between: Buildings and front, side, and rear lot lines; Principal building and accessory buildings; Principal building and principal buildings on adjacent lots.
C. Location of: Signs, easements, underground utilities, septic tanks, tile fields, water wells, etc.
D. Any additional information as may reasonably be required by the Zoning Administrator and applicable sections of the Zoning Code.

SCALE: 1” = _

APPLICATION FOR CERTIFICATE OF NON-CONFORMANCE

Department of Zoning — Non-Conformance Application No. _____
Newton, Illinois — Date: _____, _____

Instructions to Applicant: The owner of any property which does not conform with the area-bulk or use regulations of the zone district in which it is located may apply for a Certificate of Non-Conformance. Included with this application shall be a site plan and documented evidence that the non-conforming use was in existence before the Zoning Code was adopted. Such evidence may consist of deeds, mortgages, contractual agreements, building permits, tax records, etc.

All information requested below must be provided before a Certificate of Non-Conformance shall be issued. This certificate insures the property owner of the right to continue his non-conforming use as specified in Article _____ of the Zoning Code. Applicants are encouraged to visit the office of the Zoning Administrator for any assistance needed in completing this form.

---

1. Name of Applicant(s):_____ Phone: ( )_____
   Address: _____
   (Street) (City) (Zip Code)

2. Property interest of applicant:
   ( ) Owner ( ) Lessee ( ) Contract Purchaser ( ) Other:_____

3. Name of Owner(s) (if other than applicant):_____
   Phone: _____ Address: _____
   (Street) (City) (Zip Code)

4. Location of Property:
   Address: _____
   (Street) (City) (Zip Code)

   Legal description: (Lot, block, and subdivision; or metes and bounds; description.)

_____

_____

5. Use of existing structures: _____

6. Condition of Non-Conformity: _____

_____

_____

_____

_____

_____

_____

7. In making the application, the applicant represents all of the above statements and any attached documents and drawings to be a true description of the existing use of the property. The applicant also consents to the entry in or upon the premises described in this application by any authorized official of this municipality for the purpose of inspecting the subject property.

DATE: _____, ___ SIGNATURE OF APPLICANT: _____

DATE: _____, ___ SIGNATURE OF OWNER: _____

CERTIFICATE OF NON-CONFORMANCE

This is to certify that the non-conforming structure or use situated on the following described property: (LEGAL DESCRIPTION: Lot, block, and subdivision; or metes and bounds description and acreage): _____

_____

_____

also known as ADDRESS: _____, was lawfully existing and in use prior to the adoption of the Zoning Code of this municipality which created the non-conformity and that the following non-conforming conditions hereinafter described existed at that time:

_____

_____

_____

Issuance of this certificate is based upon evidence submitted by the applicant and with the mutual understanding that this certificate does not exempt the above-described property from the applicable provisions of the Zoning Code pertaining to non-conforming uses:

DATED: _____, ___ ZONING DEPARTMENT

BY _____
ZONING ADMINISTRATOR

Exhibit 23

SITE PLAN

A site plan must be attached or drawn below at a scale large enough for clarity showing the following information:

A. Location and dimensions of: Lot, buildings, driveways, and off-street parking spaces.
B. Distance between: Buildings and front, side, and rear lot lines; Principal building and accessory buildings; Principal building and principal buildings on adjacent lots.
C. Location of: Signs, easements, underground utilities, septic tanks, tile fields, water wells, etc.
D. Any additional information as may reasonably be required by the Zoning Administrator and applicable sections of the Zoning Code.

SCALE: 1” = _

Exhibit 23

APPLICATION FOR APPEAL
(INTERPRETATION OF ZONING CODE)

Zoning Board of Appeals
Newton, Illinois

Appeal Application No._____
Date: _____, _____
Perm. Parcel No. _____

(DO NOT WRITE IN SPACE BELOW -- FOR OFFICE USE ONLY)

Hearing Date: _____, ___

Fee Paid: $_____
Date: _____, _____

Comments (Indicate actions such as continuance): _____

Decision/Interpretation of Board of Appeals: _____

_____

Instructions to Applicants: An applicant may appeal for an interpretation, modification or reversal of a decision of the Zoning Administrator. The applicant must present his case to the Zoning Board of Appeals, explaining how his interpretation differs from that of the Zoning Administrator's.

All information requested below must be provided before a meeting will be set with the Zoning Board of Appeals. Applicants are encouraged to visit the office of the Zoning Administrator for any assistance needed in filling out this form.

---

1. Name of Applicant(s): _____ Phone:( )_____

   Address: _____
   (Street) (City) (Zip Code)

2. Property interest of applicant:
   ( ) Owner ( ) Contract Purchaser ( ) Lessee ( ) Other:_____

3. Name(s) of Owner(s) (if other than applicant): _____

   Phone:( )_____ Address: _____
   (Street) (City) (Zip Code)

4. Description of property (if appeal is made with regard to a specific parcel of property):

   A. Address of property: _____

   B. Legal description (Lot, block and subdivision or metes and bounds):
   _____
   _____

C. Present use of property: _____

D. Present zoning of property: _____

5. Decision or action of Zoning Administrator which is being repealed:

_____

_____

6. The applicant contends that in compliance with Section(s) _____ _____ of the Zoning Code, the decision of the Zoning Administrator should be revised or modified as follows:

_____
_____
_____
_____

7. "I certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true and accurate."

DATE: _____, _____ APPLICANT: _____

Exhibit 23

SITE PLAN

A site plan must be attached or drawn below at a scale large enough for clarity showing the following information:

A. Location and dimensions of: Lot, buildings, driveways, and off-street parking spaces.
B. Distance between: Buildings and front, side, and rear lot lines; Principal building and accessory buildings; Principal building and principal buildings on adjacent lots.
C. Location of: Signs, easements, underground utilities, septic tanks, tile fields, water wells, etc.
D. Any additional information as may reasonably be required by the Zoning Administrator and applicable sections of the Zoning Code.

SCALE: 1” = _

REQUEST FOR AREA/BULK VARIANCE

Zoning Board of Appeals
Newton, Illinois

Variance Request No. _____
Date: _____, _____

(DO NOT WRITE IN THIS SPACE -- FOR OFFICE USE ONLY)

Date set for hearing:
_____, _____
Notice published on:
_____, _____

Perm. Parcel No. _____
Zone District Classification: _____
Fee Paid: $ _____
Date: _____, _____

Action by Zoning Board of Appeals:
( ) Denied
( ) Approved
( ) Approved with modification by Board

Comments: (Indicate other actions such as (continuances):
_____
_____

Instructions to Applicants: The purpose of an area/bulk variance is to provide relief to a property owner when the strict enforcement of the zoning regulations pertaining to lot size, setback, parking requirements, etc., impose an undue hardship on him or deny him the reasonable use of his land. For example, a lot which has a deep gully running across the back of it could make it difficult to build a house which meets the front yard setback requirements.

After completion of this application, which must include a site plan as described on the attached sheet and documentary evidence of the hardship pleaded (e.g., engineering reports, topographical maps, photographs, etc.), a public hearing will be scheduled within a reasonable time by the Zoning Administrator. A notice of this hearing must be published in a newspaper of general circulation in the local area at least fifteen (15) days before the hearing and the publication cost must be paid by the applicant prior to the hearing. The applicant will be notified by mail of the time and place of the hearing at least ten (10) days prior to the hearing date. The applicant or his attorney or his duly authorized agent must appear at the hearing and present his case to the Board of Appeals.

Hardship to the applicant is the crucial test. Variations will be granted only to provide relief in unusual situations which were not intended or foreseen when the Zoning Code was adopted. **Economic loss is seldom a unique situation and is generally not considered a valid hardship.**

---

1. Name of Applicant(s): _____ Phone:( )_____
   Address: _____
   (Street) (City) (Zip Code)

2. Property interest of applicant:
   ( ) Owner ( ) Contract Purchaser ( ) Lessee ( ) Other:_____

3. Name(s) of Owner(s) (if other than applicant): _____
   Phone:( )_____ Address: _____
   (Street) (City) (Zip Code)
   (attach additional sheets if necessary)

4. Location of property
   Address: _____
   (Street) (City) (Zip Code)

Legal description: (Lot, block and subdivision, or metes and bounds):

_____

_____

5. Present use of property: _____

6. Does the present use of the property conform to all use regulations for the zone district in which it is located? Yes ( ) No ( ) If "No", specify each non-conforming use: _____

7. Do the existing structures comply with all area and bulk regulations for the zone district in which it is located? Yes ( ) No ( ) If "No", specify each non-conforming use: _____

_____

_____

8. Which unique physical characteristics of the subject property prevent its reasonable use for any of the uses permitted in that zoning district?

( ) Too narrow	( ) Topography	( ) Soil
( ) Too small	( ) Drainage	( ) Sub-surface
( ) Too shallow	( ) Shape	( ) Other_____ (Specify)

9. Was the hardship described above created by the action of anyone having property interests in the land after the Zoning Code was adopted? ( ) Yes ( ) No If "Yes", explain: _____

_____

10. Was the hardship created by any other man-made change, such as the relocation of a road? ( ) Yes ( ) No If "Yes", explain: _____

_____

11. Are the conditions of hardship for which you request a variance peculiar only to the property described by this petition? ( ) Yes ( ) No If “No”, how many other properties are similarly affected? _____

_____

_____

12. What is the "minimum" modification (variance) from the area/bulk regulations that will permit you to make reasonable use of your land? (Specify, using maps, site plans with dimensions, and written explanation. Attach additional sheets, if necessary.) _____

_____

_____

13. "I certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true and accurate. I consent to the entry in or upon the premises described in this application by any authorized official of this municipality for the purpose of inspecting or of posting, maintaining, and removing such notices as may be required by law."

DATE: _____, _____ SIGNATURE OF APPLICANT: _____

DATE: _____, _____ SIGNATURE OF OWNER(S): _____

_____

Exhibit 23

SITE PLAN

A site plan must be attached or drawn below at a scale large enough for clarity showing the following information:

A. Location and dimensions of: Lot, buildings, driveways, and off-street parking spaces.
B. Distance between: Buildings and front, side, and rear lot lines; Principal building and accessory buildings; Principal building and principal buildings on adjacent lots.
C. Location of: Signs, easements, underground utilities, septic tanks, tile fields, water wells, etc.
D. Any additional information as may reasonably be required by the Zoning Administrator and applicable sections of the Zoning Code.

SCALE: 1” = _

REQUEST FOR SPECIAL-USE PERMIT

Zoning Board of Appeals
Newton, Illinois

Special-Use Permit No. _____
Date: _____, .

(DO NOT WRITE IN THIS SPACE -- FOR OFFICE USE ONLY)

Date set for hearing: _____, ___
Notice published on: _____, ___
Newspaper: _____

Perm. Parcel No. _____
Zone District Classification _____
Fee Paid: $_____
Date: _____, _____

Action by Zoning Board of Appeals:
( ) Denied
( ) Approved
( ) Approved with modification

Date: _____, ___

Instructions to Applicants: A special-use permit allows developments listed in the Zoning Code which have been designated "special uses". These may be public service uses which, although generally considered desirable or compatible with other uses in the zone district in which they may be permitted, require special review. This review is performed by the Zoning Board of Appeals at a public hearing.

A notice of the hearing must be published in a newspaper of general circulation in the local area at least fifteen (15) days before the hearing and the publication cost must be paid by the applicant prior to the hearing. The applicant will be notified by mail of the time and place of the hearing at least ten (10) days prior to the hearing date. The applicant or his duly authorized agent must appear at the hearing and present his case to the Board of Appeals.

The applicant should be able to show, by a site plan and documentary evidence, that the proposed development will be in harmony with the general purpose and intent of the Zoning Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

All information requested below, a site plan as described on the attached sheet, and a development schedule providing reasonable guarantees for the completion of the construction must be provided before a hearing will be scheduled. Applicants are encouraged to visit the Office of the Zoning Administrator for any assistance needed in completing this application.

---

1. Name(s) of Applicant(s): _____

   Phone: ( )_____ Address: _____
   (Street) (City) (Zip Code)

2. Property interest of applicant:
   ( ) Owner ( ) Contract Purchaser ( ) Lessee ( ) Other: _____

3. Name(s) of Owner(s) (if other than applicant): _____
   _____Phone:( )_____
   Address: _____
   (Street) (City) (Zip Code)

4. Location of Property:
Address: _____
(Street) (City) (Zip Code)
Legal Description (Lot, block and subdivision, or metes and bounds):
_____
_____

5. Present use of property: ( ) Industrial ( ) Residential ( ) Commercial
( ) Other: _____

6. Type of development for which special-use permit is requested:

A. Special Use (specify): _____

B. Planned Unit Development:
( ) Single-Family Development
( ) Multi-Family Development
( ) Mobile Home Park
( ) Commercial Development
( ) Other: _____

7. **Development schedule:** A development schedule shall be attached to this application providing reasonable guarantees for the completion of the proposed development.

8. **Density (for residential developments only):**

Number of Structures _____ Dwelling Units Per Structure _____
Total Number of Dwelling Units _____
Estimated Number of Persons Per Dwelling Unit _____
Population of Development
Density = Acreage in Development = _____ = _____ persons/acre

9. Names and addresses of adjacent property owners and present use of property:

NAME	ADDRESS	PRESENT USE

10. "I certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true and accurate. I consent to the entry in or upon the premises described in this application by any authorized official of this municipality for the purpose of inspecting or of posting, maintaining and removing such notices as may be required by law."

DATE: _____, ___ APPLICANT(S): _____
_____

DATE: _____, ___ OWNER(S): _____
_____

Exhibit 23

SITE PLAN

A site plan must be attached or drawn below at a scale large enough for clarity showing the following information:

A. Location and dimensions of: Lot, buildings, driveways, and off-street parking spaces.
B. Distance between: Buildings and front, side, and rear lot lines; Principal building and accessory buildings; Principal building and principal buildings on adjacent lots.
C. Location of: Signs, easements, underground utilities, septic tanks, tile fields, water wells, etc.
D. Any additional information as may reasonably be required by the Zoning Administrator and applicable sections of the Zoning Code.

SCALE: 1” = _

REQUEST FOR ZONING AMENDMENT

Zoning Board of Appeals
Newton, Illinois

Amendment Request No. _____
Date: _____, _____

(DO NOT WRITE IN THIS SPACE -- FOR OFFICE USE ONLY)

Date set for hearing:_____, _____
Notice published on:_____, _____
Newspaper:_____

Perm. Parcel No. _____
Fee Paid: $_____
Receipt No. _____
Date: _____, _____

Recommendation of Plan Commission

( ) Denied
( ) Approved
( ) Approved with modification

Date:_____, _____

Action by Corporate Authorities

( ) Denied
( ) Approved
( ) Approved with modification
Ordinance No. _____

Date: _____, _____

Instructions to Applicants: To request a change in either the zoning map or text, this application for a zoning amendment must be completed and a public hearing held. If the applicant is requesting that his property be rezoned, a site plan must be in included with the application showing the information listed on the attached sheet. Normally there are only two (2) primary reasons for a change in zoning: (1) the original zoning was in error; (2) the character of the area has changed to such an extent as to warrant rezoning. The burden of providing substantiating evidence rests with the applicant.

A notice of the hearing must be published in a newspaper of general circulation in the local area at least fifteen (15) days before the hearing and the publication cost must be paid by the applicant prior to the hearing. The applicant will be notified by mail of the time and place of the hearing at least ten (10) days prior to the hearing date. The applicant or his attorney or duly authorized agent must appear at the hearing and present his case to the Plan Commission. All information requested below must be provided before a hearing will be scheduled. Applicants are encouraged to visit the Office of the Zoning Administrator for any assistance needed in completing this application.

---

1. Name(s) of Applicant(s): _____
   Phone: ( )_____ Address: _____
   (Street) (City) (Zip Code)

2. Property interest of applicant:
   ( ) Owner ( ) Contract Purchaser ( ) Lessee ( ) Other: _____

3. Name(s) of Owner(s) (if other than applicant): _____
   Phone: ( )_____ Address: _____
   (Street) (City) (Zip Code)
   (Attach additional sheets if necessary)

4. An amendment to the Zoning Code is requested as follows:
   A. ( ) **Amendment To Text:** It is requested that Section _____ of the Zoning Code be amended as follows: _____

_____

_____

Reason for amendment: _____

_____

_____

B. ( ) **Amendment To Map:** It is requested that the property described below and shown on the attached site plan be rezoned from _____ to _____
Address of property: _____
(Street) (City) (Zip Code)

Legal Description of property (lot, block and subdivision or metes and bounds; attach additional sheets if necessary): _____

_____

_____

Present use of property: _____

Proposed use of property: _____

Reason for amendment: _____

_____

Flood Plain Yes _____ No _____

5. **Names of Adjacent Property Owners:** Following are the name of owners of all property adjacent to the subject property, including those directly across the street and present use of their property:

NAME	ADDRESS	PRESENT USE

6. "I certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true and accurate. I consent to the entry into or upon the premises described in this application by any authorized official for the purpose of inspecting or of posting, maintaining and removing such notices as may be required by law."

DATE: _____, ___ APPLICANT(S): _____

_____

DATE: _____, ___ OWNER(S): _____

_____

Exhibit 23

SITE PLAN

A site plan must be attached or drawn below at a scale large enough for clarity showing the following information:

A. Location and dimensions of: Lot, buildings, driveways, and off-street parking spaces.
B. Distance between: Buildings and front, side, and rear lot lines; Principal building and accessory buildings; Principal building and principal buildings on adjacent lots.
C. Location of: Signs, easements, underground utilities, septic tanks, tile fields, water wells, etc.
D. Any additional information as may reasonably be required by the Zoning Administrator and applicable sections of the Zoning Code.

SCALE: 1” = _

PROCEDURES FOR PROCESSING APPLICATIONS

The following procedures have been developed as part of the administrative system for the operation and administration of a Zoning Code. The procedures outlined are drawn from the Zoning Act of the State of Illinois and set out basic steps that should be taken and considerations that should be made by municipal officers and bodies in acting on applications.

Applications that do not require any action other than the Zoning Administrator's approval and do not require a complicated procedure and processing should be routine. Applications requiring action by the Zoning Board of Appeals only should normally be processed within thirty (30) to sixty (60) days, depending upon the date of submission. Applications of greater complexity may in some cases require more time, but if procedures are followed, processing should require ninety (90) days or less. As experience is gained, this time period may be reduced. In any case, issuance of building permits and processing of other applications should be contingent upon the provision of all needed information by the applicant and the payment of all required fees and advertising costs.

Exhibit 23

ZONING COMPLIANCE AND BUILDING PERMIT PROCEDURES

I. Applicant Files for a Zoning Compliance and/or Building Permit

Applicant fills out application providing all information and supplementary data required and then submits completed application to the Zoning Administrator.

II. Review by Zoning Administrator

A. Application is checked for compliance with:
   (1) Zoning regulations.
   (2) Building, plumbing, electrical, and other codes, if any.
   (3) Municipal code requirements.

B. Application is checked to determine if:
   (1) Particular hazard or danger to public health or safety is involved.
   (2) Special authorization is required by some other department, such as:
      (a) Board of Appeals
      (b) Plan Commission
      (c) City Council (or Village Board)
      (d) Other local or state officers

C. Any special authorization required becomes part of the application for a building permit.

D. Upon completion of review, one of the following actions will be taken by the Zoning Administrator:
   (1) If the application is in full compliance, the Zoning Administrator should proceed to issue the zoning compliance and/or building permit.
   (2) Notify applicant of other requirements or approvals necessary for compliance.
   (3) Notify applicant that the application does not comply with the regulations or is incomplete and return the application.

IIIa If Application is Approved

A. Zoning Administrator authorizes payment of fee to the Municipal Clerk.

B. Municipal Clerk issues receipt to applicnt and deposits fee in Municipal General Fund.

C. Applicant presents receipt to Zoning Administrator for permit issuance.

D. Zoning Administrator issues Certificate of Zoning Compliance and/or Building Permit.

E. Zoning officer files application, including supplementary data and records permit number and type of land use with the record system.

F. Zoning Administrator prepares a monthly summary report on permits issued and denied, fees collected, and total cost of improvement which is then submitted to the Mayor, City Council/Village Board, and the County Assessor.

G. The summary report shall contain:
   (1) Building permit number.
   (2) Type of improvement.
   (3) Location.
   (4) Estimated cost of improvement.

IIIb **<u>If Application is Rejected and Applicant Desires to Appeal</u>**

A. Applicant may file an appeal for interpretation.

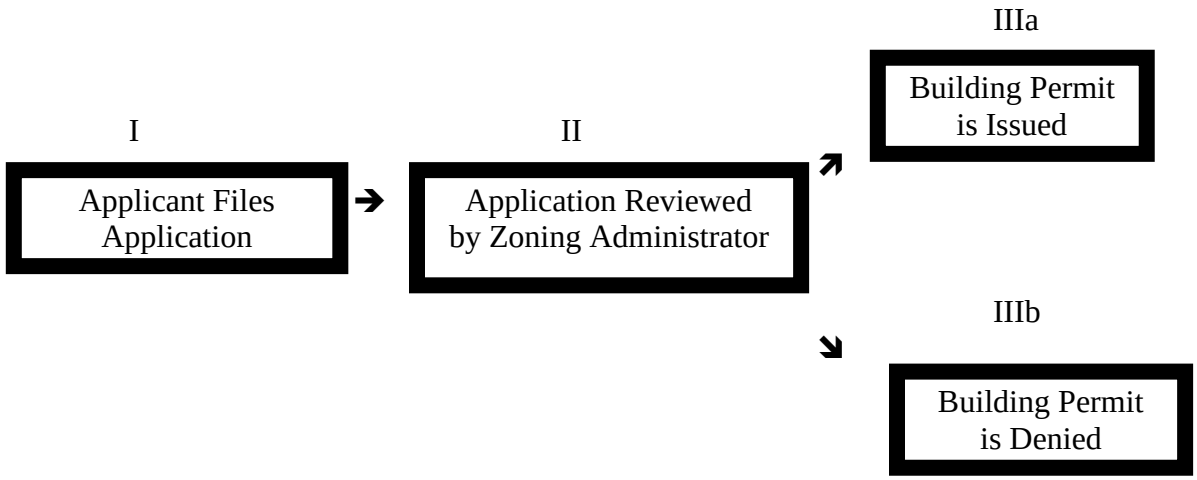
B. File a request for a variance.

C. File a request for a special-use permit or a planned building development.

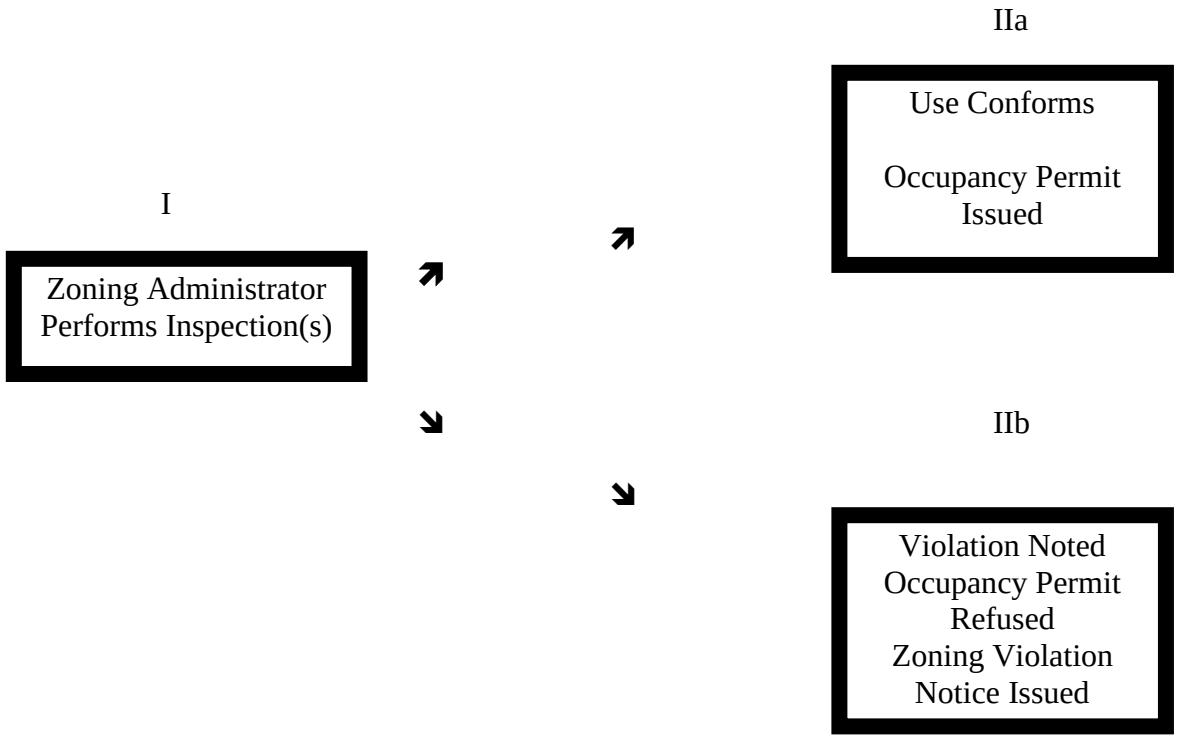
D. File a request for a zoning amendment.

Exhibit 23

ZONING COMPLIANCE/BUILDING PERMIT PROCEDURE



CERTIFICATE OF OCCUPANCY PROCEDURE



CERTIFICATE OF OCCUPANCY PROCEDURE

I. Building Permit Application is Processed and Building Permits Issued

A. Zoning Administrator performs routine inspection for compliance by applicant to the Zoning Code or to conditions specified by a special-use permit or variance as follows:
   (1) First inspection should be made at the time the foundation is staked out, but before construction is started to make sure that the building meets setback and other locational requirements.
   (2) A second inspection may be made after the foundation has been completed.
   (3) Final inspection to insure compliance of the completed improvement or use is made upon completion of the building and before the Occupancy Permit is issued.

IIa If Use Complies With All Requirements:

A. If no violation is noted on the first inspection, Zoning Administrator informally notifies applicant to proceed with construction requesting applicant to contact him upon completion of construction of foundation and upon completion of building.

B. Upon completion of construction, applicant notifies Zoning Administrator; if use complies with requirements, an Occupancy Permit is issued.

IIb If Use Does Not Comply With All Requirements:

A. If the Zoning Administrator determines the use is in violation, he shall take action to correct the violation.

B. Zoning Administrator shall take any or all of the following actions--each action must be in writing to the applicant and the person(s) causing the violation.
   (1) Order the violation to be corrected within a specific period of time.
   (2) Issue a "stop work" order, ordering all activity to stop until the violation is corrected.
   (3) Order, through the Municipal Attorney's office, prosecution of the violator(s).

C. Applicant may appeal the Zoning Administrator's decision to the Zoning Board of Appeals (see Appeals Procedure).

D. Upon correction of the violation or upon written order by the Board of Appeals, the Zoning Administrator may, as the state of construction warrants:
   (1) Authorize the applicant to proceed with the construction of the use.
   (2) Issue a Certificate of Occupancy.

APPEALS PROCEDURE

I. Applicant Files Appeal

A. Applicant fills out application providing all information and supplementary data required and then submits completed application to the Zoning Administrator.

B. Upon completion of review by the Zoning Administrator, one of the following actions shall be taken:
   (1) The Zoning Administrator will notify the applicant to proceed with the application and will transmit a copy of the application to the Board of Appeals.
   (2) The Zoning Administrator will return the application to the applicant with a notice that the application is incomplete.

II. Appeals Heard by Board at Regularly Scheduled Meeting

A. The Board of Appeals should hear an appeal within the time prescribed by the Board in their bylaws and the Secretary of the Board should notify the parties of interest, in writing, of the time and place of the meeting.

B. Appeals may be filed by any person, organization or agency with a definable and stated area of interest, and/or in the course of the Board's determination of a matter officially before it. However, such interpretation should be made with deliberate consideration of applying the interpretation to all similar matters which may subsequently come before the elected or appointed officials of the municipality.

C. Generally, appeals will be of four types:
   (1) Interpreting the exact location of zone district boundaries on the zoning map.
   (2) Interpretation of the written provisions of the Zoning Code (when the meaning is not clear) within the stated "intent and purpose" of the Code.
   (3) Interpretation of “similar use provisions” to define which uses, not otherwise named, are permitted in a zoning district.
   (4) Interpretation of the “most restrictive requirements”, when the provisions of two or more regulations or ordinances apply to a matter.

D. Once an interpretation is rendered by the Board, the interpretation shall generally be considered a part of the Code. Therefore, the interpretation should be broad in nature with consideration given to similar cases that may appear before the municipality. Such interpretation shall stand unless that provision of the Zoning Code is amended or until the interpretation is officially changed by the Board of Appeals.

E. Public meeting procedure:

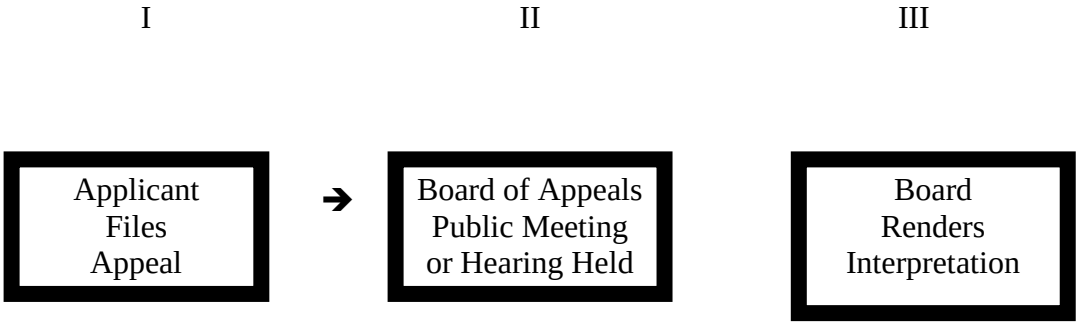
(1) All testimony given, all votes made, all decisions rendered and reasons therefor shall be entered into the minutes which, along with the application and supplementary documents, shall constitute the public record on file in the Secretary's office.

(2) On matters before the Board, all votes shall be taken during a public meeting with the concurring vote of a majority of the members needed for any decision.

III. <u>Board of Appeals</u>

The Secretary of the Board notifies the applicant, municipal officials, Plan Commission and Zoning Administrator in writing of the action taken by the Board.

APPEALS PROCEDURE



VARIANCE PROCEDURES

I. Applicant Files for a Variation

A. Applicant fills out application providing all information and supplementary data required and then submits completed application to the Zoning Administrator.

B. Upon completion of review by the Zoning Administrator, one of the following actions will be taken:

(1) If the application is complete, the Zoning Administrator will:

(a) Notify the applicant to proceed with application and pay processing and advertising fee to the appropriate municipal office.

(b) Transmit to the Secretary of Board of Appeals a copy of the completed application and a copy of the processing and advertising fee receipt.

(2) Return application to the applicant with a notice that application is incomplete.

II. Public Hearing Before Board of Appeals

A. Board of Appeals Secretary issues notice of public hearing and sends letter of notice to applicant and other parties of interest as required in the Zoning Code.

B. Hearing on the application will not be held unless the Secretary receives the receipt in the manner described above.

C. Public hearing procedure:

(1) All testimony given, all votes made, all decisions rendered shall be entered into the minutes which, along with the application and supplementary documents, shall constitute the public record on file in the Secretary's office.

(2) Decisions made by the Board of Appeals may be announced at the public hearing or at a regularly scheduled meeting of the Board; however, on matters before the Board, all votes shall be taken during a public meeting with the concurring vote of a majority of the members needed for any decision.

(3) Any variance granted by the Board shall specify in the public record:

(a) The specific hardship basis on which the variance is granted.

(b) The specific conditions and additional requirements which are made part of the variance.

(c) The specific limitations for which the variance is granted (including time, if any).

(4) The proof of hardship for the variation shall be the responsibility of the applicant.

(5) The Board may continue a public hearing to a subsequent date if the specific time and place for the continuance is announced at the public hearing.

(6) If the application is denied, the Board shall enter all reasons for denial into the minutes which, along with the application and supplementary documents, shall constitute the public record on file in the Secretary's office.

D. After a public hearing has been held and a decision rendered by the Board of Appeals against the applicant, the general policy should be that an application for the same or substantially the same variance or exception for the same parcel of ground should not be heard within a twelve (12) month period unless substantial new evidence, first reviewed by the Board, is presented.

IIIa **If Board Of Appeals Grants Variation**

A. The applicant is notified in writing by the Secretary that the variation was granted and the specific condition made part of the variance.

B. Notification is filed with the Zoning Administrator ordering issuance of a building permit. The variance granted is then made a part of the building permit application and the building permit is issued with the understanding that the provisions and limitation of the variance shall not be violated. (Zoning Administrator follows procedures set forth in **"Building Permit Procedure"**.)

C. A report is transmitted to the corporate authorities.

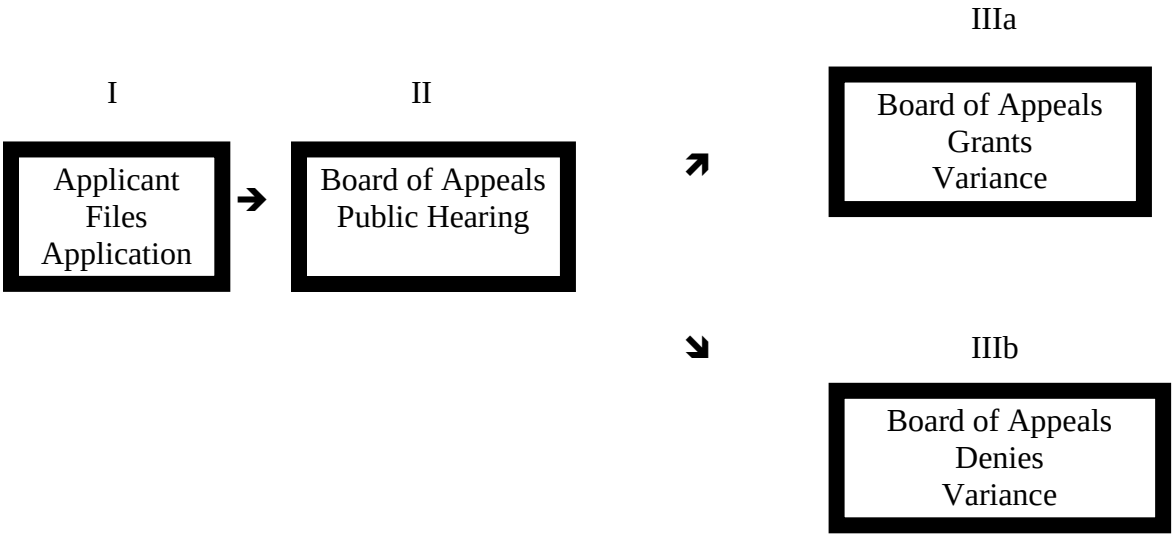
IIIb **If Board of Appeals Denies Application**

A. The Secretary notifies the applicant and Zoning Administrator in writing that the application has been denied and states the reasons therefor.

B. The report recommending denial of the variance is transmitted to the corporate authorities.

Exhibit 23

VARIANCE PROCEDURES



SPECIAL-USE PERMIT AND PLANNED UNIT DEVELOPMENT PROCEDURES

I. Applicant Files Application

A. Applicant fills out application providing all information and supplementary data required and then submits completed application to Zoning Administrator.

B. Upon completion of review by the Zoning Administrator, one of the following actions will be taken:
   (1) If application is complete, the Zoning Administrator will:
      (a) Notify applicant to proceed with application authorizing payment of processing and advertising fee to the appropriate office.
      (b) Verify payment of fee and transmit to Secretary of the Plan Commission or Zoning Board of Appeals, whichever has been designated to hear these cases, a copy of the application.
   (2) Return application to the applicant with a notice that the application is incomplete.

II. Plan Commission Report (If Application is reviewed by Plan Commission)

A. The Plan Commission reviews the application to determine:
   (1) If the special use is in context with the municipality's Comprehensive Plan.
   (2) If the special use is in harmony with the "intent and purpose" of the Zoning Code.
   (3) If the special use is compatible with the adjacent land uses.

B. Within a set time period, the Plan Commission shall prepare an advisory report and forward it to the Board of Appeals. (If the Board of Appeals does not receive the advisory report within the time period, the Board of Appeals shall proceed to process the application.)

C. Plan Commission Secretary forwards application and Plan Commission report to the Board of Appeals.

III. Board of Appeals Public Hearing

A. Board of Appeals Secretary or Zoning Administrator issues notice of public hearing and sends letter of notice to applicant and owner(s) of subject property as required by the Zoning Code.

B. Public hearing procedure:
   (1) All testimony given, all votes made, all decisions rendered shall be entered into the minutes which, along with the application, Plan Commission report, and supplementary documents, shall constitute the public record on file in the Secretary's office.
   (2) On decisions made by the Board of Appeals, all votes shall be taken during a public meeting.
   (3) The Board may continue a public hearing to a subsequent date if the specific time and place for the continuance is announced at the public hearing.
   (4) Board of Appeals decision to approve, conditionally approve, or deny shall be accompanied by a finding of fact specifying the reasons and conditions for making such decision.

C. Prior to taking action, the Board should determine if:
   (1) The special use is permissible in the district.
   (2) Special use exception requirements wil be met.
   (3) The special use is in context with the municipality's Comprehensive Plan.
   (4) The special use will not conflict with adjacent land uses and will serve the public convenience and welfare.

IVa <u>If Board of Appeals Grants or Conditionally Grants Application</u>

A. The applicant is notified in writing by the Secretary of approval and conditions thereto.

B. Plan Commission and City Council/Village Board are notified in a written advisory report of the action taken by the Board.

C. Notification is filed with the Zoning Administrator ordering issuance of building permit (Zoning Administrator follows procedure set forth in **"Building Permit Procedure"**).

IVb <u>If Board of Appeals Denies Application</u>

A. The applicant is notified in writing that the application has been denied and the reasons therefor.

B. Zoning Administrator, Plan Commission and the corporate authorities are notified in a written advisory report of the action taken by the Board.

Exhibit 23

SPECIAL USE AND PLANNED UNIT DEVELOPMENT PROCEDURES

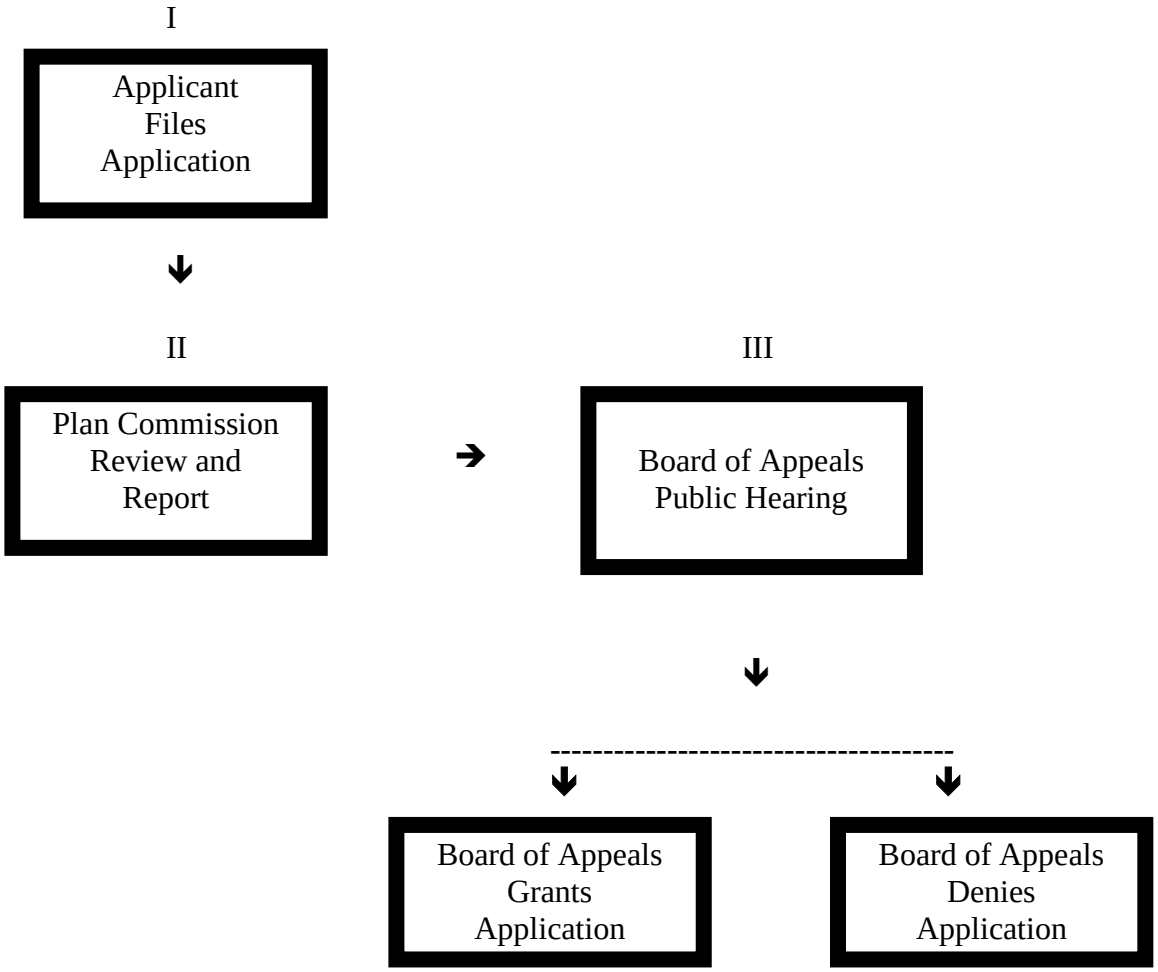


Exhibit 23

AMENDMENT PROCEDURE

I. Applicant Files for an Amendment

A. Applicant fills out application providing all information and supplementary data required and then submits completed application to the Zoning Administrator.

B. Upon completion of review of the Zoning Administrator, one of the following actions will. be taken:

(1) If the application is complete, the Zoning Administrator:

(a) Authorizes payment of processing and advertising fee to the appropriate office.

(b) Receipt is verified by Zoning Administrator and a copy of completed application and fee receipt is transmitted to Secretary of Plan Commission.

(2) Return application to the applicant with a notice that the application is incomplete.

II. Plan Commission Review and Report

Upon receipt of the application by the Plan Commission and within a set time limit, the Plan Commission reviews application to determine if the petitioner's evidence substantiates:

A. Whether the initial zoning (map or text) was erroneous.

B. Whether substantial or significant conditions have occurred which would warrant the change.

C. Whether the proposed amendment is in context with the municipality's Comprehensive Plan and what effect it would have on the Plan.

III. Plan Commission (or Zoning Board of Appeals in Places Not Having a Plan Commission) Public Hearing

A. Plan Commission or Board of Appeals Secretary issues notice of hearing and notifies applicant and any other persons of interest as required by the Zoning Code.

B. Public hearing procedure:
   (1) All testimony and evidence given, all votes made, all decisions rendered shall be entered into the minutes which, along with the application and supplementary documents, shall constitute the public record on file in the Secretary's office.
   (2) Plan Commission reviews application to determine whether the initial zoning (map or text) was erroneous or whether substantial or significant changes have occurred which would warrant changes.
   (3) For recommendations made by the Plan Commission, all votes shall be taken during a public meeting.

C. Plan Commission or Board of Appeals Secretary transmits report of recommendations to the City Council/Village Board within ten (10) days after the public hearing (suggested time limitation).

IV. Final Determination by Corporate Authorities

A. The corporate authorities reviews Plan Commission/Board of Appeals advisory report.

B. In cases where letters of objection are filed with the Zoning Administrator prior to or at the public hearing by:
   (1) twenty percent (20%) of the owners of frontage proposed to be altered; or
   (2) twenty percent (20%) of the owners of frontage directly opposite the frontage proposed to be altered; or
   (3) twenty percent (20%) of the owners of frontage immediately adjoining or across an alley from the property proposed to be altered; or

   the amendment shall not be approved except by the favorable vote of two-thirds (2/3) of all the members of the corporate authorities.

Va. City Council/Village Board Grants Application

A. The applicant is notified in writing of the action taken by the City Council/Village Board.

B. Planning Commission and Board of Appeals are notified in writing of the action taken by the City Council/Village Board.

C. The Zoning Administrator is ordered in writing by the City Council/Village Board to make the necessary changes in the zoning ordinance (map or text).

Vb. City Council/Village Board Denies Application

A. The Zoning Administrator, Planning Commission, and the Board of Appeals are notified in writing of the actions taken by the City Council/Village Board.

B. The applicant is notified in writing that the application has been denied and the reasons therefor.

PUBLIC HEARINGS

Before any variation or amendment can be made to any Municipal Zoning Code, a public hearing must first be held by the Zoning Board of Appeals or the Plan Commission. The power to grant variances and special-use permits has been retained by the governing body thus giving the Board of Appeals an advisory role only. Requests for various zoning amendments or special-use permits shall be heard by the Zoning Board of Appeals, and, final approval of requests for amendments is reserved to the city council or village board.

Notice of Hearing

Upon receiving a completed application for a variance, special-use permit, or zoning amendment with all necessary site plans and supplementary data, the Zoning Administrator schedules a public hearing. The hearing should be scheduled within a reasonable time after receipt of the application as specified by the Zoning Code. Notice of the hearing must be published at least once in a newspaper of general circulation in the municipality at least fifteen (15) days, but not more than thirty (30) days before the scheduled hearing date. In municipalities having a population of less than five hundred (500) and in which no newspaper is published, notice of the hearing may be posted in three (3) prominent places in the community. The public notice should state the time, date, and place of the hearing as well as a brief description of its purpose **(See Exhibit 8).** The applicant must bear the cost of publication, and this fee should be paid before the public hearing.

Notice to Applicant and Surrounding Property Owners

In addition to publication in a newspaper, a written notice of the hearing should be sent to the applicant and to surrounding property owners **(See Exhibits 9 and 10).** It is recommended that this requirement be included in the rules for the Zoning Board of Appeals. Surrounding property owners may be defined as owners of property adjacent to the subject property or as owners of property within a given distance of the subject property, such as two hundred fifty feet (250’). Such written notice is especially advisable in rapidly developing areas.

Another means of notifying neighboring property owners is by posting a notice of the hearing on the property in question. Posting is not required by State Statutes, but may be specified in certain Zoning Codes. This notice should be placed near the front lot line facing the street and should be large enough to be visible from the road.

Testimony

Any interested person may appear and be heard at the public hearing. This includes, besides the applicant, residents of neighboring properties, civic and community groups, and any other persons who may be affected by the proposed action. If these interested parties cannot or do not wish to appear in person, they may be represented by an attorney or a duly authorized agent.

Testimony presented at the hearing must be given under oath, and an accurate record of this testimony should be kept. If the case is ever taken to court, it is essential that a reliable record of the proceedings be available for review. The record of the proceedings should include the names and addresses of all witnesses and, if testimony has not been taken down verbatim or recorded on tape, it should be summarized as accurately as possible by the Secretary of the Board of Appeals. The minutes of the hearing must include an account of the Zoning Board's examination of witnesses and each member's vote or failure to vote on each question coming before it.[3] These minutes and other actions of the Zoning Board are public record and shall be kept on file in the office of the Zoning Board.

Notice of Hearing Results

Within a reasonable length of time, the Zoning Board of Appeals shall decide cases which have been heard and notify the applicant of its decision. If the case was dismissed or continued for any reason, a letter such as outlined in **Exhibit 11** shall be sent. **Exhibit 12** is an example of a notice which would be sent in an appeals case, and **Exhibit 13** presents a notice which is to be sent after a hearing for a variance or amendment. It is also desirable, although not required, to notify other interested persons who may have given testimony at the hearing of the decision of the Zoning Board and final disposition of the case.

Decisions and/or Advisory Reports

Each decision of the Zoning Board of Appeals must be accompanied by a finding of fact. In the case of variances and special-use permits, this is prepared in the form of a report to the corporate authorities, which makes the final ruling on such actions. **Exhibits 15, 16, and 17** are samples of advisory reports containing findings of fact.

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[3] Illinois Compiled Statutes, Chapter 65; § 5/11-13-3.

The findings of fact should set forth a basis for granting the variation, special-use permit, or zoning amendment. Too often, this report offers only generalized conclusions of the findings (such as, "the strict enforcement of the Zoning Code would create a hardship for the applicant"), rather than pointing out specific reasons for granting the request. If the case is ever contested, the specific reasons upon which the Zoning Board's decision was made will be on record and can be used by the court as a basis for determining whether that decision was warranted.

Before deciding on a variation from the Zoning Code, the Zoning Board of Appeals must find that:

1. the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;
2. the plight of the owner is due to unique circumstances; and
3. the variation, if granted, will not alter the essential character of the locality.[4] **(See Zoning Code)**

All three of these conditions must be evident to justify granting a variance. Factors to be considered by the Zoning Board when deciding a case are listed in **Exhibit 17.**

In the case of zoning amendments, the Statutes do not provide standards upon which the Board of Appeals should base their decision. However, the courts have held that amendments should be granted only when they are in the public interest. In order to aid the Zoning Board members in reviewing requests for zoning amendments, a checklist of factors to be considered should be developed and used. Such a checklist is presented in **Exhibit 18.**

Ordinances

The governing body of a municipality makes final disposition of request for zoning amendments and may reserve approval of other zoning permits to the governing body. This is accomplished through the passage of ordinances by the corporate authorities. Since the enabling legislation does not require particular procedures in considering zoning amendments and variations, the governing body may follow its usual procedure in passing these ordinances. Sample ordinances for variances, special-use permits, and zoning amendments are presented in **Exhibits 19, 20, and 21.**

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[4] Illinois Compiled Statutes, Chapter 65, § 5/11-13-4.

VIOLATIONS OF ZONING CODE

Violations of the Zoning Code are reported to the Zoning Administrator whose responsibility it is to enforce the Zoning Code. These violations are sometimes observed by the Administrator himself, but more often are reported by complaining neighbors or by inspectors hired by the municipality for this purpose.

Complaint of Violation

When neighboring residents or other interested citizens wish to report a violation, they should be required to put their complaint in writing. Doing so insures that a record or the complaint will be on file for future reference if needed. It also helps to avoid unnecessary inspection trips in the case of nuisance calls and should eventually reduce the number of such calls. A sample complaint form is shown as **Exhibit 22.** After receiving a written complaint, the Zoning Inspector or the Zoning Administrator should inspect the property in question.

Notice of Violation

When the Zoning Administrator observes a violation of the Zoning Code, he should post a Zoning Violation Notice on the structure in question and inform the owners and/or occupants of the alleged violation. **Exhibit 23** shows a sample notice of zoning violation. If the violation is not corrected or a variance or zoning amendment is not applied for within a reasonable time after notification, the Zoning Administrator should send a second notification such as that given in **Exhibit 24.** If corrective action is still not taken after this notification, the case may be turied over to the State's Attorney or the Municipal Attorney for prosecution.

Exhibit 23

NOTICE OF PUBLIC HEARING

NOTICE OF HEARING BEFORE THE ZONING BOARD OF APPEALS/PLAN COMMISSION

TO WHOM IT MAY CONCERN:

Public notice is hereby given that a public hearing will be held on _____ (Date) at _____ P.M. (time) in the _____ _____ Illinois (Name and Address of Office and/or Building), to consider a request for (a variance/ special-use permit/zoning amendment) to permit _____ _____ _____ (describe proposed development or change) on the following described property:

LEGAL DESCRIPTION AND STREET ADDRESS:

_____
_____
_____
_____

Said request was made by _____ (Name of Applicant and Owner) and application is on file in the office of the Zoning Administrator at _____ (Address). All interested persons are invited to attend said hearing and be heard for or against said proposal.

_____
SECRETARY
ZONING BOARD OF APPEALS

DATED THIS _____ DAY OF _____, _____

Exhibit 23

NOTICE OF PUBLIC HEARING TO APPLICANT

_____
_____
_____

Dear

You are hereby notified that a public hearing of your request for _____ _____ (a/an variance/special-use permit/amendment/etc.) from/to the Municipal Zoning Code will be held before the Zoning Board of Appeals of Newton, Illinois on _ _____ (Day), _____, _____ (Date), at _P.M.(Time) in the ___ _____ (office and/or building) located at Newton, Illinois (Address). You or your representative should attend the hearing to present your case to the Zoning Board of Appeals.

You are further notified that there is a fee in the amount of $_____ due to this office for publication of the Notice of Public Hearing. Before the hearing date, it will be necessary that you forward your check in that amount to this office. Please make your check payable to _____ _____.

Yours truly,

_____
ZONING ADMINISTRATOR

Exhibit 23

NOTICE OF PUBLIC HEARING TO SURROUNDING PROPERTY OWNERS

_____
_____
_____

Dear

A request for _____ (variation/special-use permit/zoning amendment) has been submitted to the Zoning Board of Appeals by _____ _____ (Name of Applicant). A public hearing will be held to decide whether the Zoning Code should be amended/varied to permit the applicant to construct _____ _____ (Describe Proposed Development) on the following described property:

LEGAL DESCRIPTION AND STREET ADDRESS:

_____
_____
_____
_____

A public hearing will be held on _____ (Day) _____, _____(Date) at _____ P.M. (Time) in the _____ (office and/or building) located at _____, Illinois (Address) to consider this request, at which time you may appear and be heard for or against said proposal. If you wish additional information concerning this application, please contact me at ___ _____ (Address and Phone Number)

Yours truly,

_____
ZONING ADMINISTRATOR

Exhibit 23

CONTINUANCE OF CASE*

(NOTE: USE ONLY IF CASE IS TO BE CONTINUED)

_____
_____
_____

Dear

The hearing on your request for a _____ (variation/zoning amendment) was called on _____ (Date, Time and Place) and was continued because:

_____

_____

(Insert Basis for granting continuance)

The next hearing on your case will be _____ _____. (Date, Time and Place)

Very truly yours,

_____
SECRETARY
ZONING BOARD OF APPEALS

Copy to: Building Inspector

***(Suggested to be sent to applicant by Certified Mail Only)**

Exhibit 23

DISMISSAL OF CASE*

(USE ONLY IF CASE IS DISMISSED)

_____
_____
_____

Dear

The hearing on your request for a _____ (variation/zoning amendment) was called on _____ (Date, Time and Place) and was dismissed because of your failure to attend or be represented at the hearing.

Very truly yours,

_____
SECRETARY
ZONING BOARD OF APPEALS

Copy to: Building Inspector

***(Suggested to be sent to applicant by Certified Mail Only)**

Exhibit 23

NOTICE TO APPLICANT ON APPEAL ACTION*

_____
_____
_____

Dear

At the _____ (Date) meeting of the Zoning Board of Appeals, your appeal from the Zoning Administrator's decision was considered.

On the basis of the evidence presented at the hearing on this case it was determined that the Zoning Administrator's previous determination be _____ (affirmed) (reversed) (modified) as follows:

(Describe Modification)

(Note: Use Only if Decision is Reversed):

The Zoning Administrator has been notified of our decision and has been ordered to issue a permit as requested.

(Note: Use Only if Decision is Modified):

The Zoning Administrator has been notified of our decision and has been ordered to issue a permit as requested subject to the above modifications.

A complete record of the hearing and the decision of the Board is available for your inspection at the office of the Zoning Board of Appeals. If copies are desired, they may be secured upon request.

Very truly yours,

_____
SECRETARY
ZONING BOARD OF APPEALS

Copies to: Building Inspector
All Parties to Appeal

***(Recommended to be sent to applicant by Certified Mail)**

Exhibit 23

NOTICE TO APPLICANT ON RESULTS OF HEARING

_____
_____
_____

Dear

On _____ (Date), the Zoning Board of Appeals considered your request for _____ (variation from/amendment to) the Zoning Code.

Based upon the evidence presented at the hearing and in conformance with the requirements necessary to grant a _____ variance from/zoning amendment to), your request has been _____ _____ (granted/denied/granted with the following conditions:).

(State Conditions)

_____
_____
_____

(NOTE: If granted, insert the following):

The Zoning Administrator has been notified of our decision and has been instructed to issue a permit as requested (subject the above conditions).

A transcript of the public hearing is available for your inspection, along with the findings of fact, decision of the Board, and other records of the case, in the Office of the Zoning Administrator.

Yours truly,

_____
SECRETARY
ZONING BOARD OF APPEALS

ADVISORY REPORT

REQUEST FOR A VARIANCE/SPECIAL-USE PERMIT

(From Zoning Board of Appeals/Plan Commission to Governing Body)

_____(Date)

To the Members of the Corporate Authorities:

A public hearing was held on _____ (Date) at _____ P.M. (Time) in the Newton, Illinois (office, building, and address) by the Zoning Board of Appeals to consider a _____ _____ (variance/special-use permit) for _____ (describe proposed use) on property zoned _____ and described as _____
_____
_____
(Legal description and address)

After hearing the evidence and reviewing the exhibits submitted at the hearing, the Zoning Board of Appeals has made the following findings of fact:*

A. Existing Hardship Conditions:** (Describe reason(s) for requesting variance and state how the hardship is unique to this property.)

B. Variance Requested:** (State the specific variance requested and explain how this is the minimum variance which would allow reasonable use of the property.)

C. Effect on Nearby Property: (Describe the compatibility of the proposed use with neighboring development and the effect it will have on the value of this property.)

D. Effect on General Welfare: (Explain how proposed development will or will not be detrimental to the general welfare, health, safety, comfort, etc.)

E. Adequacy of Public Facilities and Transportation System: (Explain how the proposed development will or will not place a burden on existing facilities and streets.)

F. Availability of Utilities: (State whether utilities are presently available and, if not, whether they will be provided by the applicant to serve the proposed use.)

G. Conformance with Present Zoning: (Explain how proposed development relates to existing zoning of property.)

H. Suggested Conditions: (Include any additional restrictions which the Board deems necessary or desirable to protect the character of the area, such as screening or certain developments from adjacent properties.)

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* The findings of fact identified on this form are minimum and the reviewing agency is encouraged to expand its findings based on the complexity of a given application.

** To be used for variances only.

Exhibit 23

ADVISORY REPORT

REQUEST FOR ZONING MAP AMENDMENT

_____(DATE)

TO THE MEMBERS OF THE VILLAGE BOARD OF _____:

A public hearing was held on _____ (Date) at _____ P.M. (Time), in the _____ _____ (Office and/or Building), _____ _____ (Address), Illinois, by the Planning Commission/Zoning Board of Appeals to consider an amendment to the (City/County) zoning ordinance to change the zone district classification of the following property: _____ _____ _____ (Legal Description and Address) from _____ (Present zoning classification) to _____ _____ (Zoning classification requested) to permit _____ _____ (Describe proposed use of property).

After considering the testimony presented at the hearing, the Zoning Board of Appeals/Planning Commission makes the following findings of fact and recommendations:*

A. The Subject Property: (Describe property making specific mention of characteristics relevant to the request for rezoning).

B. Character of the Area: (Describe existing uses of adjacent and surrounding properties. Explain relationship between the character of the area and the request for rezoning).

C. Present Zoning of Area:

D. Suitability of Present Zoning: (Explain the suitability or unsuitability of present zoning based on "A", "B" and "C" above as well as the current trend of development in the area.)

E. Need for the Proposed Use:

F. Impace of the Proposal on Governmental Services:

The Zoning Board of Appeals/Planning Commission recommends by a vote of _ to _____ that the subject property (be/not be) rezoned from its present _____ classification to the _____ classification.

Respectfully Submitted,

ZONING BOARD OF APPEALS/ PLANNING COMMISSION

By: _____
Chairman/Secretary

* The findings of fact identified on this form are minimal and the reviewing agency is encouraged to expand its findings based on the complexity of a given application.

Exhibit 23

ADVISORY REPORT

REQUEST FOR ZONING TEXT AMENDMENT

_____ (Date)

TO THE MEMBERS OF THE CORPORATE AUTHORITIES:

A public hearing was held on _____ (Date) at _____ P.M. (Time) in the ___ _____ (Place), _____ (Address), Illinois, by the Zoning Board of Appeals/Plan Commission to consider an application to amend the Zoning Code to change Section _____ from: "_____ _____ _____" to read "_____ _____ _____ _____".

After considering the testimony presented at the hearing, the _____ (Zoning Board of Appeals/Plan Commission) makes the following findings of fact and recommendations:*

A. Reason for Amendment:

B. Effect on General Welfare:

The _____ (Zoning Board of Appeals/Plan Commission) recommends by a vote of _____ to ____ that Section _____ of the Zoning Code shall _____ (be/not be) changed as described above.

Respectfully submitted,

_____
SECRETARY
ZONING BOARD OF APPEALS/PLAN COMMISSION

_____

* The findings of fact identified on this form are minimal and the reviewing agency is encouraged to expand its findings based on the complexity of a given application.

Exhibit 23

CHECKLIST ANALYSIS FOR VARIANCES

YES	NO		
____	____	1.	Does the strict observance of the Zoning Code impose a hardship (other than financial) on the applicant?
____	____	2.	Does the applicant have documentary evidence of the hardship claimed, such as an engineering report, soil scientist's report, photographs, doctor's statement, etc.?
____	____	3.	Is the hardship self-imposed?
____	____	4.	Is the hardship unique to this property or does it apply generally to other properties in the neighborhood?
____	____	5.	Is this the minimum variance that will permit reasonable use of the applicant's land and/or buildings?
____	____	6.	Will the variance requested be in harmony with the general purpose and intent of the Zoning Code?
____	____	7.	Will the proposed use be compatible with existing uses in the neighborhood?
____	____	8.	Is the proposed use consistent with the municipality's comprehensive plan?
____	____	9.	Are the necessary utilities available to serve this proposed use, i.e., water, sewer, gas, electricity?
____	____	10.	Will the proposed use adversely affect the value of surrounding properties?
____	____	11.	Is the existing street system adequate to handle the additional traffic generated by the proposed use?
____	____	12.	If granted, should special conditions be imposed on the development, e.g., that shrubbery be used to screen the development from adjoining properties, that a specified number of parking spaces be provided, etc.?

Exhibit 23

CHECKLIST ANALYSIS FOR ZONING AMENDMENTS

To promote a systematic review of major considerations, every proposed zoning amendment should be analyzed by answering the following questions. The individual should also ask himself the reasons for his conclusions and express them for the record.

YES	NO		
____	____	1.	Will change be contrary to the general welfare?
____	____	2.	Is an administrative procedure available and preferable to rezoning?
____	____	3.	Would the original purpose of the regulation be thwarted?
____	____	4.	Have procedural requirements been met?
____	____	5.	Are there sites for the proposed use in existing districts?
____	____	6.	Is change contrary to the established land-use pattern?
____	____	7.	Would change create an isolated, unrelated district, i.e., "spot zoning"?
____	____	8.	Have major land uses changed since the zoning was applied, i.e., new expressway, new dam, etc?
____	____	9.	Is existing development of the area contrary to existing zoning ordinances (variations or violations)?
____	____	10.	Can the owner of the property realize an economic benefit from uses in accord with existing zoning?
____	____	11.	Would change of present district boundaries be inconsistent in relation to existing uses?
____	____	12.	Would the proposed change conflict with existing commitments or planned public improvements?
____	____	13.	Will change contribute to dangerous traffic patterns or congestion?
____	____	14.	Would change alter the population density pattern and thereby harmfully increase the load on public facilities?
____	____		a. Schools?
____	____		b. Sewers?

____ ____ c. Parks?
____ ____ d. Other? Identify: _____

____ ____ 15. Will change adversely influence living conditions in the vicinity due to any type of pollution?

____ ____ 16. Will property values in the vicinity be inflated by change?

____ ____ 17. Will property values in the vicinity be adversely affected by change?

____ ____ 18. Will change constitute an "entering wedge" and thus, be a deterrent to the use, improvement, or development of adjacent property in accord with existing zoning codes?

____ ____ 19. Will change result in private investment which would be beneficial to the redevelopment of a deteriorated area?

____ ____ 20. Would change combat economic segregation?

Exhibit 23

ORDINANCE NO. _____

VARIANCE OR SPECIAL-USE PERMIT

WHEREAS, a public hearing was held in the _____ (office and/or building) at Newton, Illinois (Address) on _____ (Date) at _____ P.M. (Time), before the Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, an application was presented requesting the granting of a _____ _____ (variance/special-use permit) to permit the _____ _____ (Proposed Use) in a/an _____ zone district on the property hereinafter described; and

WHEREAS, the Zoning Board of Appeals has recommended the _____ _____ (approval/approval with conditions/denial) of said application; and

WHEREAS, the _____ (Governing Body) of Newton, Illinois concurs in the aforesaid findings and recommendations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, ILLINOIS.

[ED. NOTE: The content of the ordinance should include the request that was granted/denied; the name; the address; and any other pertinent information that is critical for the reader to understand the decision.]

ADOPTED this _____ day of _____, _____.

<u>NOTE:</u> This is not necessary if the final decision is made by the Zoning Board or the Plan Commission.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING MAP OF THE ZONING CODE

WHEREAS, a public hearing was held in _____ (Place) at Newton, Illinois (Address) on _____ (Date) at _____ P.M. (Time), before the _____ (Zoning Board of Appeals/Plan Commission) and notice of said hearing was duly given; and

WHEREAS, an application was presented requesting an amendment to the Zoning Code changing the zone district classification of _____ _____ (Legal Description of Property) from _____ (Present Zoning Classification) to _____ (Proposed Zoning Classification) to permit the construction of _____ _____; and

WHEREAS, the Corporate Authorities of Newton, Illinois concur in the aforesaid findings and recommendations;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, ILLINOIS:

Section 1: **Amendment.** The request for a zoning amendment to change the zone district classification of the following described property _____ _____ from _____to _____ (granted/denied).

[SEE EXHIBIT "A" FOLLOWING]

Section 2: **Severability of Provisions.** Each section, paragraph, sentence, clause and provision of this Ordinance is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance, nor any part thereof, other than that part affected by such decision.

Section 3: **Effective.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Section 4: Passed this _____ day of _____, _____ by the City Council of the City of Newton, Jasper County, Illinois, and deposited and filed in the office of the City Cl4erk in said City on that date.

_____
CITY CLERK

NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT

Approved by the Mayor of the City of Newton, Jasper County, Illinois this _____ day of _____ _____, _____.

_____
MAYOR

ATTEST:

_____
CITY CLERK

(SEAL)

Exhibit 23

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 40 THE ZONING CODE; SEC. 40-2-2

WHEREAS, a public hearing was held in _____ (Place) at Newton, Illinois (Address) on _____ (Date) at _____ P.M. (Time), before the Newton Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, an application was presented for an amendment to the Zoning Code changing Section _____ _____ from "_____ _____ _____" to "_____ _____ _____"; and

WHEREAS, the Newton Zoning Board of Appeals has recommended the _____ (approval/denial) of said application; and

WHEREAS, the City Council of Trenton, Illinois concur in the aforesaid findings and recommendations;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, ILLINOIS:

Section 1: **Amendment.** The request for a zoning amendment to change Section _____ of the Zoning Code as follows:

[SEE EXHIBIT "A" FOLLOWING]

Section 2: **Severability of Provisions.** Each section, paragraph, sentence, clause and provision of this Ordinance is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance, nor any part thereof, other than that part affected by such decision.

Section 3: **Effective.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Section 4: Passed this _____ day of _____, _____ by the City Council of the City of Newton, Jasper County, Illinois, and deposited and filed in the office of the City Cl4erk in said City on that date.

_____
CITY CLERK

NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT

Approved by the Mayor of the City of Newton, Jasper County, Illinois this _____ day of _____ _____, _____.

_____
MAYOR

ATTEST:

_____
CITY CLERK

(SEAL)

Exhibit 23

VIOLATION OF ZONING CODE COMPLAINT FORM

NEWTON, ILLINOIS
OFFICE OF ZONING ADMINISTRATOR

COMPLAINT ON VIOLATION

STATEMENT BY PERSON MAKING COMPLAINT:

On the basis of my understanding of _____ _____ (Cite specific zoning ordinance provision) of the Zoning Code, it is my belief that the property located at _____ _____ (Address) and being used by _____ _____ (Name of alleged violator) may be in violation of the Zoning Code because (Cite reasons below):

_____
_____
_____
_____

_____
(Name of Person Making Complaint)

_____
(Address) (Zip Code)

_____
(Date) (Phone)

<u>ACTION OF ZONING ADMINISTRATOR:</u>

A. Review of complaint filed indicates:
[ ] No violation of provisions of Zoning Code.
[ ] The following provisions of the Zoning Code may be in violation:

_____
_____
COMMENTS: _____
_____

<u>ACTION OF ZONING ADMINISTRATOR:</u> (CONTINUED)

B. Inspection of premises indicates:

[ ] no violation of provisions of Zoning Code
[ ] violations noted of the following provisions of Zoning Code (cite specific Zoning Code provisions):

_____

_____

DATE(S) OF INSPECTION: _____

C. Action on Complaint:

[ ] no violation was found
[ ] action(s) taken as follows: _____

_____

[ ] person making complaint was informed of the following action(s): _____

_____

_____
ZONING ADMINISTRATOR

DATE: _____, _____

Exhibit 23

NOTICE OF ZONING VIOLATION

(NOTE: PRINT ON RED CARD STOCK)

NEWTON ZONING DEPARTMENT
NEWTON, ILLINOIS

NOTICE:
ZONING VIOLATION
STOP ALL WORK

LOCATION: _____

VIOLATION: _____

_____

Any and all persons contributing to the continuation, maintenance or operation of this violation or the removal of this notice shall be liable to prosecution and, upon conviction, shall be subject to a fine of not more than **$750.00** per day for each day of the violation.

VISIT OR CALL THE NEWTON, ILLINOIS ZONING DEPARTMENT WITHIN FIVE (5) DAYS FROM THIS DATE

PHONE: _____ **OFFICE HOURS:** _____
(Times and Days)

DATE OF ISSUANCE: **BY:** _____

_____, _____ **ZONING ADMINISTRATOR**

ORDER NUMBER: _____ **NEWTON, ILLINOIS**

Exhibit 23

LETTER ON VIOLATION OF ZONING ORDINANCE*

_____, _____

_____
_____
_____

Dear

As required under the Zoning Code, you are hereby notified that you are in violation of Section _____ of the Zoning Code which states that _____
_____
(quote or explain terms of zoning code).

You are in violation of the Zoning Code for the following reason(s):
_____
_____

Action to correct these violations should begin within ten (10) days after receipt of this letter and should be completed within thirty (30) days unless a written extension is granted by this office.

Violation was first noted as having occurred on _____, _____ (Date) and penalties provided for in Section _____ of the Zoning Code shall be applicable as of that date if corrective action is not taken within the specified time period.

If you have any questions regarding this matter, please contact this office.

Yours truly,

_____
ZONING ADMINISTRATOR

cc: Chairman, Zoning Board of Appeals

*SEND BY CERTIFIED MAIL

CHAPTER III

SUBDIVISION REGULATION ADMINISTRATION

The subdivision forms contained in this chapter were designed to simplify the subdivision review process and provide the municipality with a complete file for later reference, enforcement and inspection. The forms presented will have to be adapted for municipal use depending upon specific code requirements and established procedures. The forms were designed to be quite exhaustive in order to encompass most of the regulatory directions that a well written Subdivision Code may take.

AUTHORITY AND PURPOSE OF SUBDIVISION REGULATIONS

Subdivision regulations deal with the definition of requirements and the provision of assurances to provide services and facilities to be met by a prospective developer in the preliminary stages of development. The origin of subdivision regulations is related to the fulfillment of specific state legal requirements for the registration and transfer of land. It has been held by the courts that plat registration is a privilege rather than a right; therefore, a state, through the use of its police power (or a municipality, through enabling legislation), may attach various conditions to be satisfied before allowing the plat to be recorded.

The major purpose of subdivision regulations is to require the developer to provide at least a minimum amount of necessary improvements such as adequate streets, storm and sanitary sewer systems, water systems, and the like, and to develop the area without unnecessarily destroying existing natural amenities such as trees, streams and wildlife. If these improvements were not required of the developer at the time of construction, the burden of providing such basic services and facilities would eventually fall on the local municipality.

FUNCTIONS OF THE ADMINISTRATIVE OFFICER

The duties of the Administrative Officer include:

A. Providing information concerning the Subdivision Code.

B. Receiving and reviewing plats, engineering drawings, etc., to insure compliance with all requirements of the Subdivision Code.

C. Forwarding copies of the plat to other reviewing officers.

D. Writing advisory reports.

E. Inspecting building sites.

F. Investigating violations.

DESIGN CONSIDERATIONS PRIOR TO SUBDIVISION PLATTING

Understanding good subdivision design requires a thorough knowledge of the principles of subdivision planning. Subdivision planning is a process which includes the following procedures:

1. Site survey and analysis;

2. Sketch plan and development program;

3. Preliminary platting;

4. Utility engineering (improvement plans);

5. Final platting.

Step 1 represents the most critical stage of good subdivision planning. The site designer or subdivision planner may be the individual who owns the property, his engineer, landscape architect, land planner or even his architect. The developer and his land planner/designer should consult the municipal engineer or professional planner for their knowledge of the area to be developed and to obtain local standards and requirements. The Plan Commission or local engineer usually has on file, maps and basic information (topography, soils, utilities, etc.) which will be useful to the subdivision designer in his preliminary planning and program steps.

Illustrations 6 and 7 indicate the various factors which should be considered by the site designer during the process of developing his sketch plat. **Illustrations 8 through 11** indicate the next stages in subdivision planning and are inserted after the forms prepared for each plan or plat.

APPLICATION PROCEDURES AND PERMITS

Sketch Plat

The sketch plat is intended to serve as an initial step in subdivision procedure. It provides the subdivider and planning board with an opportunity to discuss the subdivision proposal more or less informally, and provides a basis for classification. The sketch plat also provides the subdivider with the opportunity to correct any design or development errors without excessive and sometimes prohibitive costs.

The subdivider submits a complete sketch plat application such as shown in **Exhibit 25** and sketch plat to the Administrative Officer at least two (2) weeks prior to the next regular Plan Commission meeting. The Administrative Officer then fills out a sketch plat technical checklist **(See Exhibit 26)** to insure that all information has been provided. The Administrative Officer then fills out an administrative checklist **(See Exhibit 27)** which specifies the procedures to be followed.

Preliminary Plat

The purpose of the preliminary plat is to give the Plan Commission some basis upon which to discuss improvements and the development plan, and to consider preliminary approval. The preliminary plat represents a clear indication of how the subdivider intends to develop the land, but allows for adjustments and revisions. It also gives agencies other than the planning board an opportunity to review the plans before development starts. The preliminary plat represents a relatively detailed picture of what the subdivision will entail and indicates to the subdivider what burdens he will have to assume in the way of improvements and utilities.

Before any tract of land may be subdivided, the developer must submit an application for tentative approval of his preliminary subdivision plat to the Administrative Officer **(See Exhibit 28)** who then insures that the plat is complete through the use of the preliminary plat technical checklist as shown in **Exhibit 29.** He then fills out the administrative checklist **(See Exhibit 30)** which specifies the procedures to be followed. The Administrative Officer also transmits the departmental evaluation checklist **(See Exhibit 31)** to all municipal departments who will be reviewing the preliminary plat. This checklist will provide for uniform, complete review of the plat and will identify any conflicts between the plat and any plans that the municipality may have.

Variances

In some instances, a developer may not be able to levelop his property according to the terms of the subdivision regulations. Perhaps part of his land may contain a steep slope which may dictate a cut to reduce the street grade. In this instance, he may want to reduce the right-of-way and/or street width requirements. To do this, he must apply for a variance when he submits his preliminary plat. The variance application and review form **(See Exhibit 32)** was designed to identify the specific code requirements to be varied, to state the reasons for the request, and to review the proposal as to its adequacy.

Improvement or Construction Plans

The purpose of improvement or construction plans is to give the municipality exact details as to how all improvements will be installed (i.e., streets, sewer and water lines, grading and filling, etc.). These plans may be submitted either prior to, or in conjunction with the final plat. Because of their technical nature, they are usually reviewed by the municipal engineer who forwards his recommendation to the Plan Commission and governing body.

The Administrative Officer, upon receipt of the plans, fills out a technical checklist **(See Exhibit 33)** to insure that the plans are complete. He then fills out the administrative checklist **(See Exhibit 34)** which specifies the procedures to be followed.

Final Plat

The final plat is a formal detailed map conforming substantially to the preliminary plat previously approved by the Plan Commission. Although the subdivider may submit a proposal for development of a portion of the subdivision tract, the final plat must conform to the subdivision regulations and any conditions set forth at preliminary approval.

The developer submits a final plat application **(See Exhibit 35)** and a final plat to the Administrative Officer who then insures that the plat is complete through the use of the technical checklist - final plat **(See Exhibit 36).** He then fills out the administrative checklist - final plat **(Exhibit 37)** which specifies the procedure to be followed.

The final plat administrative checklist also refers to the improvement plans and posting of the performance bond. This bond should be required in the event that the subdivision is abandoned by the developer; the bond is then cashed, giving the municipality enough funds to complete the necessary improvements.

Exhibit 23

APPLICATION FOR CLASSIFICATION OF SUBDIVISION SKETCH PLAT

MUST BE FILED IN TRIPLICATE WITH _____
(ADMINISTRATIVE OFFICER)

APPLICATION NO. _____ FILED _____, _____

(DO NOT WRITE ABOVE THIS LINE)

TO: _____ PLAN COMMISSION

Application is hereby made for the classification of a Sketch Plat of a proposed subdivision of land. Copies of the proposed plat are attached:

1. Applicant's Name: _____ PHONE:(____)_____
   Address: _____
   (Street) (City) (Zip Code)

2. Name and address of present owner (if other than #1 above):
   Name: _____
   Address: _____
   (Street) (City) (Zip Code)

3. Interest of applicant if other than owner: _____

4. Location of subdivision: _____
   (Street Address)

5. Number of proposed lots: _____

6. Area of entire tract: _____ Portion to be subdivided: _____

7. Development plans:
   (a) sell lots only? [ ] Yes[ ] No
   (b) construct houses for sale? [ ] Yes[ ] No
   (c) other: _____

8. Name and address of person preparing sketch plat:
   Name: _____ PHONE: (__)_____
   Address: _____
   (Street) (City) (Zip Code)

SIGNATURE OF APPLICANT: _____

(DO NOT WRITE BELOW THIS LINE)

RECEIVED BY: _____ (ADMINISTRATIVE OFFICER)
DATE: _____, _____

Exhibit 23

CHECKLIST -- SKETCH PLAT -- TECHNICAL

APPLICATION NO.: _____ DATE SUBMITTED _____, _____
NAME OF PROPOSED SUBDIVISION: _____

NAME OF APPLICANT: _____

NAME OF OWNER: _____

SKETCH PLAT

____ Plat based on tax map or other suitable base.

____ Location map.

____ Subdivision Title.

____ Date of preparation.

____ Scale not greater than one inch to _____ feet.

____ North arrow.

____ Topographical data (correct contour interval).

____ Name, address, and seal of licensed land surveyor who prepared plat (on plat).

____ Dimensions and bearings or angles of all property boundaries, and areas of lots.

____ Name of the owner and all adjoining property owners (on plat).

____ All existing structures and wooded areas within _____ feet shown.

____ Tax map sheet of surrounding area with lot and block numbers.

____ Proposed building setback lines.

____ Conforms to Official Map and Master Plan.

____ Number of proposed lots.

____ Proposed streets or extensions.

____ Correct zoning classification.

CHECKLIST -- SKETCH PLAT -- ADMINISTRATIVE

APPLICATION NO.: _____ DATE SUBMITTED _____, _____
NAME OF PROPOSED SUBDIVISION: _____
NAME OF APPLICANT: _____
NAME OF OWNER: _____

SKETCH PLAT

____ Application and supporting documents received in accordance with subdivision regulations. Date: _____, _____
____ Application fee paid. Amount: $_____
____ Layout prepared by _____Date: _____, _____
____ Area of proposed subdivision: _____
Number of lots: _____
____ Copies of Sketch Plat forwarded to:

		COMMENTS RECEIVED	
_____ (City/Village)	Engineer	_____ (date)	_____ (date)
_____ (City/Village)	Building Inspector	_____ (date)	_____ (date)
_____ (City/Village)	Tax Assessor (County)	_____ (date)	_____ (date)
_____ (City/Village)	Tax Assessor (Township)	_____ (date)	_____ (date)
_____	(other)	_____ (date)	_____ (date)
_____	(other)	_____ (date)	_____ (date)
_____	(other)	_____ (date)	_____ (date)
_____	Administrative Officer	_____ (date)	

____ Copy of plat returned to applicant with letter regarding Plan Commission action. DATE: _____, _____

Exhibit 23

APPLICATION FOR TENTATIVE APPROVAL
OF PRELIMINARY SUBDIVISION PLAT

MUST BE FILED IN TRIPLICATE WITH ADMINISTRATIVE OFFICER

_____, Illinois

_____ Administrative Officer

APPLICATION NO.: _____ FILED: _____, _____

(DO NOT WRITE ABOVE THIS LINE)

TO: Plan Commission
_____, Illinois

Application is hereby made for tentative approval of the Preliminary Plat of a major subdivision hereinafter more particularly described:

1. Applicant's Name: _____ PHONE: (__)_____
   Address: _____
   (Street) (City) (Zip Code)

2. Name and address of present owner (if other than #1 above):
   Name: _____
   Address: _____
   (Street) (City) (Zip Code)

3. Interest of applicant if other than owner: _____

4. Location of subdivision _____(Street)
   _____
   (Legal Description)

5. Development plans:_____
   (a) Sell lots only? [ ] Yes[ ] No
   (b) Construction of houses for sale? [ ] Yes[ ] No
   (c) Other:_____

6. Name and profession of person designing preliminary plat?
   Name: _____ Profession:_____
   Address:_____
   (Street) (City) (Zip Code)
   Phone: (__)_____

<u>Preliminary Plat Application</u> (Continued)

7. List proposed improvements and utilities and intentions to install or post performance guarantee prior to final approval.

	IMPROVEMENT	INTENTION
1.		
2.		
3.		
4.		
5.		

8. List of maps and other material accompanying application, and number of each:

	ITEM	NUMBER
1.	Preliminary Subdivision Plat (2 copies required)	
2.	Statement of Mineral Rights (1 copy required)	
3.		
4.		
5.		
6.		

Signature of Applicant: _____

(DO NOT WRITE BELOW THIS LINE)

Date received and fee collected by_____ _____
(City/Village) (Administrative Officer)

DATE: _____, _____ FEE: $_____

_____
ADMINISTRATIVE OFFICER

<u>Preliminary Plat Application:</u> (Continued)

* Action of the Plan Commission:

_____
_____
_____
_____
_____

DATE:_____, _____ Approved _____ Disapproved _____

_____
CHAIRMAN

_____
SECRETARY

Action of governing body if favorably referred.

Date _____, _____ Approved _____ Disapproved _____

* When Plan Commission is Referral Agency, this section should be changed as follows:

Action of the Plan Commission. Date _____, _____

Favorably referred to the governing body _____ Disapproved _____

_____
CHAIRMAN

_____
SECRETARY

Action of governing body if favorably referred.

Date _____, _____ Approved _____ Disapproved _____

_____
MAYOR

_____
CLERK

Exhibit 23

CHECKLIST -- PRELIMINARY PLAT -- TECHNICAL

APPLICATION NO.: _____ DATE SUBMITTED _____, _____

NAME OF PROPOSED SUBDIVISION: _____

NAME OF APPLICANT: _____

NAME OF OWNER: _____

PRELIMINARY PLAT

INFORMATION SHOWN ON PRELIMINARY PLAT:

____ Location map (corporate limits within 1.5 miles).

____ Subdivision Title.

____ Tract boundary lines.

____ Date.

____ North arrow.

____ Scale (one inch to _____ feet).

____ Index drawing (if more than one plat sheet).

____ Names of owners and subdivider.

____ Name of licensed land surveyor.

____ Statement that "This plat is not for record".

____ Existing subdivisions and platted streets (within ___ feet).

____ All adjacent lot lines and lot numbers.

____ Locations of all existing easements (width and purpose).

____ Locations of all existing utilities (size and available capacity).

____ Locations of major watercourses, ponding areas, natural drainageways and flood hazard areas.

____ Locations of rock outcrops, sinkholes, forested areas, other pertinent features, buildings, etc.

____ Contour intervals.

<u>Checklist - Preliminary Plat - Technical</u> (Continued)

____ Lot dimensions, area and numbers.

____ Proposed street layout (conforming with Official Map and Master Plat).

____ Street names.

____ Street lights.

____ Street grades.

____ Street right-of-way (width and area).

____ Pavement type and width.

____ Proposed type of curb and gutter.

____ Sidewalks, bikeways, trails, etc.

____ Crosswalks (on long blocks).

____ Landscaping, planting strips and screens.

____ Locations, type and size of all proposed utilities:

____ water	____ fire hydrants	____ sewer
____ drainage	____ gas	____ electric

____ Proposed retention basins and drainage area.

____ Erosion and sediment control measures.

____ Percolation test locations.

____ Location of soils and groundwater test pits.

____ Location of all proposed easements (width and purpose).

____ Proposed community facilities (conforming with Official Map and Master Plan).

____ Proposed parks and playgrounds

____ Open spaces (acreage noted).

____ Future subdivisions.

OTHER SUBMISSION ITEMS TO ACCOMPANY PRELIMINARY PLAT:

____ Zoning compliance (if not in compliance, refuse plat unless applicant is concurrently applying for re-zoning).

____ Soils map.

____ Soils test data.

<u>Checklist - Preliminary Plat - Technical</u> (Continued)

____ Percolation text data.

____ Watershed outline and drainage computations.

____ Final land use plan for all project phases.

____ Development schedule.

____ Gross area (includes street R-O-W).

____ Net area (excludes street R-O-W).

____ Off-street parking and loading plan.

____ Landscaping and tree planting plan.

____ Statement as to how all proposed easements will be maintained.

____ Agreements, covenants, restrictions or proposed associations (terms or text).

____ Tentative approval of street names and house numbers from Postmaster.

____ Groundwater data.

____ Statement of mineral rights.

CHECKLIST -- PRELIMINARY PLAT -- ADMINISTRATIVE

APPLICATION NO.: _____ DATE SUBMITTED _____, _____
NAME OF PROPOSED SUBDIVISION: _____
NAME OF APPLICANT: _____
NAME OF OWNER: _____

PRELIMINARY PLAT

____ Application and supporting documents received in accordance with subdivision regulations. Date: _____, _____
____ Application fee paid. Amount: $_____ Date: _____, _____
____ Layout prepared by _____ Date: _____, _____
____ Number of lots: _____
____ Plat submitted to Plan Commission for study. Date: _____, _____
____ Adjoining municipality notified if required. Date: _____, _____
____ Copies of plat forwarded to:

		COMMENTS RECEIVED	
_____	Engineer	_____ (date)	_____ (date)
_____	Building Inspector	_____ (date)	_____ (date)
_____	Plan Commission	_____ (date)	_____ (date)
_____	Zoning Official	_____ (date)	_____ (date)
_____	(other)	_____ (date)	_____ (date)
_____	(other)	_____ (date)	_____ (date)
_____	(other)	_____ (date)	_____ (date)
_____	(other)	_____ (date)	_____ (date)

____ Action taken by Plan Commission:
____ tentative approval ____ denied _____ date

____ Copy of plat returned to applicant with letter regarding Plan Commission's action and recommendations. DATE: _____, _____
____ Lapse date for filing final plat: _____

Exhibit 23

DEPARTMENTAL EVALUATION CHECKLIST

_____Evaluating Dept.

TO: ALL DEPARTMENTS
FROM: _____(REVIEWING BODY)

REQUEST: Evaluate this Project and Return your Comments Cross-indexed to this Checklist Outline Format.

DATE: _____, _____

PROJECT NAME: _____

LOCATION: _____

DESCRIPTION OF PROJECT: _____
_____

PROJECT EVALUATION AND REVIEW CHECKLIST:

1. Background
   - A. Earlier Site Development Activity
   - B. Previous Actions
   - C. Known Site Problems

2. Public Water
   - A. Available
   - B. Delivery Capability
   - C. Fire Flow Adequacy
   - D. Water Pressure
   - E. Fire Hydrant Service
   - F. Relation to Master Water Plan
   - G. Revisions Needed

3. Public Sanitary Sewage
   - A. Available
   - B. Adequate Capacity
   - C. Status of Existing System
   - D. Revisions Needed
   - E. Relation to Master Sewer Plan

4. Drainage
   - A. Available Storm Sewer
   - B. On-site Capability
   - C. Off-site Capability
   - D. Effect on Existing Drainage Pattern
   - E. Revisions Needed
   - F. Relation to Master Drainage Plan

5. Land and Soil
   - A. Zoning Code Conformity
   - B. Building Bulk Coverage
   - C. Parking Coverage
   - D. Open Space
   - E. Soil Capability
   - F. Grading and Slopes
   - G. Site Planning Arrangement
   - H. Comprehensive Plan Compatilility
   - I. Existing Vegetation
   - J. Existing Terrain

6. Streets and Appurtenances
   - A. Existing Street Improvement
   - B. Street Right-of-way and Surface Width
   - C. Street Axle Load Limitation
   - D. Project Use or Traffic Demand
   - E. Street Ingress-Egress Adequacy
   - F. Sidewalks Needed
   - G. Street Lighting Sufficient
   - H. Relation to Major Street Plan
   - I. Street Revisions Needed

7. Public Safety (Police/Fire/ Civil Defense)
   A. Site Accessibility
   B. Security Capability
   C. Public Safety Demands
   D. Community Shelter Capability
   E. Existing Public Delivery Capability
   F. Traffic Safety
   G. Pedestrian Safety
   H. Increased Facilities Needed

8. Waste Management
   A. Types Generated and Quantities
   B. On-site Storage and Containment
   C. Methods of Removal
   D. Air-Water Demands and Quality Changes Released
   E. Noise, Odors, or Radiation Type and Quantities Released
   F. Pollution Control Measures Needed

9. Environmental Amenities
   A. Visual Compatibility
   B. Ecologic Disruption or Displacement
   C. Open Space/Recreation Facilities
   D. Landscaping
   E. Building and Grounds Arrangement
   F. Underground Utilities
   G. Exterior Lighting
   H. Adjoining Street Scape

10. Project Effects
    A. Public Schools
    B. Parks
    C. Public Transportation
    D. Housing
    E. All Utilities
    F. Taxation and Revenues/Expenditures

11. Additional Project Comments

Exhibit 23

VARIANCE APPLICATION AND REVIEW

(MUST BE FILED IN TRIPLICATE WITH ADMINISTRATIVE OFFICER)

APPLICATION NO.: _____ FILED: _____, _____
Fee Paid $_____

(DO NOT WRITE ABOVE THIS LINE)

TO: _____ Plan Commission

Application is hereby made for variance from the Subdivision Regulations to permit the proposed subdivision of land as shown on attached plat.

1. Applicant's Name: _____ PHONE: ( )_____
   Address: _____
   (Street) (City) (Zip Code)

2. Name and address of present owner (if other than #1 above):
   Name: _____ Phone: ( )_____
   Address: _____
   (Street) (City) (Zip Code)

3. Interest of applicant if other than owner: _____

4. Location of subdivision _____(Street)
   _____
   (Legal Description: Lot and block or metes and bounds)

5. Variance is requested from Section(s) _____ of the Subdivision Regulations for the following reason(s):
   _____
   _____
   _____

6. Area of entire tract: _____ Portion to be subdivided _____

7. Development plans:
   (a) Sell lots only? [ ] Yes[ ] No
   (b) Construct houses for sale? [ ] Yes[ ] No
   (c) Other:_____

Date: _____, _____ Signed: _____
(Applicant)

<u>Variance Application and Review</u> (Continued)

(TO BE FILLED OUT BY ADMINISTRATIVE OFFICER AND PLAN COMMISSION)

1. Conformity of the request to the Comprehensive Plan and Official Map.

2. Conformity of the request to the Zoning Code.

3. Conformity to the Intent and Purpose sections in the Zoning Code and Subdivision Code.

4. Does this request conflict with any other plans or programs?

5. Are there special conditions and circumstances present which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or building in the same area? If yes, what are the conditions and circumstances?

6. If the variance is granted would it confer on the applicant any special privilege that is denied by the Code to owners of other lands, structures, or buildings in the same area?

7. Does literal interpretation of the Code deprive the applicant of rights commonly enjoyed by other properties in the same area under the provision of the Code?

<u>Variance Application and Review</u> (Continued)

8. Do the special conditions or circumstances result from actions by the applicant?

9. Does the variance request represent the minimum variance which would alleviate the problem?

10. Does the variance request represent superior site design or better utilization of the land?

11. Would the variance request have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the ordinance?

DATE APPLICATION FORWARDED TO THE PLAN COMMISSION _____, _____

APPLICATION ALSO FORWARDED TO:

		COMMENTS RECEIVED	
_____ (City/Village)	Engineer	_____ (date)	_____ (date)
_____	Other	_____ (date)	_____ (date)
_____	Other	_____ (date)	_____ (date)
_____	Other	_____ (date)	_____ (date)

<u>Variance Application and Review</u> (Continued)

PLAN COMMISSION RECOMMENDATION:
(a) approval (b) disapproval (c) approved with conditions

(State findings, reasons and all conditions):

_____ DATE: _____, _____
PLAN COMMISSION CHAIRMAN

_____ACTION:
(Governing Body)

(a) approval of Plan Commission recommendations

(b) disapproval

(c) approval with conditions

(State findings, reasons and all conditions):

_____ DATE: _____, _____
MAYOR

CHECKLIST - IMPROVEMENT PLANS - TECHNICAL

NAME OF SUBDIVISION: _____

NAME OF APPLICANT:_____ NAME OF OWNER:_____

ENGINEER'S NAME:_____ REGISTRATION NO._____

OTHER CONSULTANT:_____

PRELIMINARY PLAT APPLICATION NO.:_____ DATE:_____, _____

IMPROVEMENT PLANS

INFORMATION SHOWN ON IMPROVEMENT PLANS:

____ Location map.

____ Subdivision title.

____ Date.

____ North arrow.

____ Scale (vertical and horizontal).

____ Index drawing (if more than one sheet).

____ Names of owners and subdivider.

____ Name, seal and registration number of licensed professional engineer.

____ Names of other consultants.

____ Plans on linen or polyester base film.

____ Soils test data (including any foundation boring data).

____ Groundwater data (elevations of current and highest water table level of record).

____ Soils map.

____ Percolation test data.

____ Contour intervals (where appropriate).

____ Proposed grading by contours or by spot elevations.

____ Storm sewer plans, profiles, design criteria and specifications.

____ Runoff coefficients to determine the volume of runoff expected for a storm of the frequency specified in the regulations.

____ Plans for disposal of subsurface water as needed.

<u>Checklist - Improvement Plans - Technical</u> (Continued)

____ Details and specifications for inlets, manholes, catch basins, headwalls and surface drainage channels.

____ Adjacent contributory drainage area; size of area, slope of land, and runoff.

____ Plans, profiles, cross-sections and details of off-site outfall drainage or retention basins.

____ All easements (width and purpose).

____ All right-of-way (width).

____ Sanitary sewer plans, profiles, design criteria and specifications (all information required by the Illinois Environmental Protection Agency and/or the Illinois Commerce Commission).

____ Plans for water supply including profiles, design criteria and specifications (all information required by the Illinois Environmental Protection Agency and/or the Illinois Commerce Commission).

____ Proposed fire rating.

____ Plans, profiles, design criteria and specifications for sediment control.

____ Plans, profiles, design criteria and specifications for flood hazard control (as appropriate).

____ Plan and profile of each street.

____ Cross-section of each street type.

____ Details and specifications for pavement base and surfacing, curbs, sidewalks, driveway aprons, etc.

____ Plans, details, design criteria and specifications for alleys, crosswalks, entranceways, bicycle paths, pedestrian paths, trails, etc.

____ Street names and signs.

____ Street lighting standards.

____ Plans, details, design criteria and specifications for fences, walls and street trees.

____ Screen planting; plan for a typical 100-foot length of screen planting; quantities, sizes, species and specifications.

CHECKLIST - IMPROVEMENT PLANS - ADMINISTRATIVE

PRELIMINARY PLAT APPLICATION NO._____ DATE PLANS SUBMITTED_____

NAME OF PROPOSED SUBDIVISION: _____

NAME OF APPLICANT:_____

NAME OF OWNER:_____

ENGINEER:_____ REGISTRATION NO._____

IMPROVEMENT PLANS

____ Plans and supporting documents received in accordance with subdivision regulations. DATE _____, _____

____ Municipal Engineer's review completed DATE _____, _____

____ Results of Review:

- ____ Plans approved as submitted
- ____ Plans approved with corrections
  - ____ Corrected plans received DATE_____, _____

____ Governing body notified of results DATE _____, _____

____ Plan Commission notified of results DATE _____, _____

____ Municipal Engineer's estimate of costs of proposed improvements:

____	Water	____	Grading
____	Sewer	____	Other
____	Drainage	____	Other
____	Roads		

TOTAL: _____

____ Review and inspection fee $_____

____ Date fee paid: _____, _____

____ Adjoining municipality notified if required. DATE: _____, _____

____ As built drawings submitted. DATE:_____, _____

Exhibit 23

APPLICATION FOR FINAL APPROVAL OF FINAL SUBDIVISION PLAT

MUST BE FILED IN TRIPLICATE WITH ADMINISTRATIVE OFFICER

APPLICATION NO.: _____ FILED: _____, _____

(DO NOT WRITE ABOVE THIS LINE)

TO: Plan Commission

Application is hereby made for final approval of a Final Plat of the proposed subdivision shown and described on the accompanying maps and documents.

1. Applicant's Name: _____
   Address: _____
   (Street) (City) (Zip Code)

2. Name and address of present owner (if other than #1 above):
   Name: _____
   Address: _____
   (Street) (City) (Zip Code)
   Phone: ( )_____

3. Date of tentative approval of Preliminary Plat _____, _____

4. Preliminary Plat Application Number _____

5. Does the Final Plat follow exactly the Preliminary Plat in regard to details and area covered? _____ If not, indicate material changes:
   _____
   _____

6. Number of lots proposed for Final Approval _____

7. List of maps and other material accompanying application and number of each.

	ITEM	NUMBER
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

SIGNATURE OF APPLICANT: _____

<u>Application for Final Approval Subdivision Plat</u> (Continued)

DATE RECEIVED AND FEE COLLECTED BY ADMINISTRATIVE OFFICER:

Date: _____, _____ _____

ADMINISTRATIVE OFFICER

*ACTION OF THE PLAN COMMISSION:

_____

_____

_____

DATE: _____, _____ APPROVED_____ DISAPPROVED__

Extension of time limit for Final Approval agreed to by applicant? [ ] Yes [ ] No

DATE: _____, _____ _____

CHAIRMAN

_____

SECRETARY

* When the Plan Commission is Referral Agency, this section should be changed as follows:

ACTION OF THE PLAN COMMISSION DATE:_____, _____

FAVORABLY REFERRED TO THE GOVERNING BODY _____ DISAPPROVED_____

_____

CHAIRMAN

_____

SECRETARY

ACTION OF GOVERNING BODY IF FAVORABLY REFERRED:

DATE: _____, _____ APPROVED _____ DISAPPROVED_

Extension of time limit for Final Approval agreed to by applicant? Yes [ ] No [ ]

DATE: _____, _____ _____

CHAIRMAN/MAYOR

_____

CLERK

CHECKLIST - FINAL PLAT - TECHNICAL

Preliminary Plat Application No._____ Date Submitted_____

Name of Applicant _____

Name of Owner _____

FINAL SUBDIVISION PLAT

INFORMATION SHOWN ON FINAL PLAT:

____ Plat on linen or polyester base film.

____ Subdivision title.

____ Dimensions and bearings or angles of boundary lines of property being subdivided.

____ Date.

____ North arrow.

____ Scale (one inch to _____ feet).

____ Index drawing (if more than one plat sheet).

____ Existing subdivisions and platted streets (within ____ feet).

____ All adjacent lot lines and lot numbers.

____ Existing right-of-way width.

____ Locations of all existing easements (width and purpose).

____ Locations of all existing utilities (size and available capacity).

____ Locations of major watercourses, ponding areas, natural drainageways and flood hazard areas.

____ Locations of rock outcrops, sinkholes, forested areas, other pertinent features, etc.

____ Final land contours.

____ Lot lines with accurate dimensions and bearings or angles.

____ Lot areas and numbers.

____ Building setback lines.

____ Monument locations (type, material and size).

____ Lot marker locations.

____ Radii.

<u>Checklist - Final Plat - Technical</u> (Continued)

____ Curve data.

____ Station marks.

____ Seal of Surveyor.

____ Seal of Engineer.

____ Owner's certificate (with property description).

____ Reviewing Body certificate.

____ Notary Public certificate.

____ County Recorder certificate.

____ Street right-of-way (width).

____ Pavement (width).

____ Curb and gutter (width).

____ Parking lanes or areas (width, capacity).

____ Street names.

____ Street lights.

____ Sidewalks, bikeways, trails, etc.

____ Crosswalks (on long blocks).

____ Landscaping, planting strips and screening.

____ Retention basins.

____ Location of all proposed easements (width and purpose).

____ Proposed community facilities.

____ Proposed parks and playgrounds.

____ Open spaces (acreage noted).

____ Future subdivisions.

____ Erosion and sediment control measures.

____ Percolation test locations.

____ Location of soils and groundwater test pits.

<u>Checklist - Final Plat - Technical</u> (Continued)

OTHER SUBMISSION ITEMS TO ACCOMPANY FINAL PLAT:

____ Final soils map,

____ Soils test data.

____ Percolation test data.

____ Watershed outline and drainage computations.

____ Groundwater data.

____ Final land use plan for all project phases.

____ Final development schedule.

____ Gross area (includes street R-O-W).

____ Net area (excludes street R-O-W).

____ Final off-street parking and loading plan.

____ Final landscaping and tree planting plan.

____ Statements as to how all easements will be maintained.

____ Agreements, covenants, restrictions or proposed associations (text).

____ Final approval of street names and house numbers from Postmaster.

CHECKLIST - FINAL PLAT - ADMINISTRATIVE

Application No._____ Date submitted:_____
Name of proposed subdivision _____
Name of Applicant _____
Name of Owner _____

FINAL PLAT

____ Application and supporting documents and plat received in accordance with subdivision regulations. DATE: _____, _____

____ Fee paid. AMOUNT $_____ DATE: _____, _____

____ Official submission to Plan Commission for review.

DATE: _____, _____

____ Layout prepared by _____

DATE: _____, _____

____ Adjoining municipality notified, if required.

DATE: _____, _____

____ Copies of plat forwarded to:

		COMMENTS RECEIVED	
_____	Engineer	_____ (date)	_____ (date)
_____	Building Inspector	_____ (date)	_____ (date)
_____	Plan Commission	_____ (date)	_____ (date)
_____	Zoning Official	_____ (date)	_____ (date)
_____	Other	_____ (date)	_____ (date)
_____	Other	_____ (date)	_____ (date)
_____	Other	_____ (date)	_____ (date)
_____	Other	_____ (date)	_____ (date)

<u>Checklist - Final Plat - Administrative</u> (Continued)

____ All required improvements installed and approved by _____ Engineer. DATE: _____, _____

____ Performance bond amount set in lieu of completed improvements. DATE: _____, _____

____ Bond in amount of $_____ received on _____, _____

____ Bond approved by Municipal Attorney as to form, sufficiency and term. DATE: _____, _____

____ Action taken by Plan Commission:

Tentative Approval _____ Denied _____ DATE: _____, _____

____ Plat signed by (a) Mayor (b) Clerk DATE: _____, _____
____ Plat returned to subdivider. DATE: _____, _____

All required improvements guaranteed by bond installed and approved by Municipal Engineer. DATE: _____, _____

____ Bond released by governing body. DATE: _____, _____