

## **Article 2. Code Administration and Enforcement**

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## **2-101. General Provisions**

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- A. **Purpose.** The purpose of this Article is to establish the roles of review and decision-making bodies, and the review, decision-making, and enforcement procedures required to develop land within the jurisdiction of the Village.
- B. **Applicability.**
1. The provisions of this Article shall be applicable to all development activity within the Village's jurisdiction, including amendments to previously approved development activity. Where there are ambiguities in the associated review procedures and decision-making criteria for particular applications, the Village Manager shall interpret the procedures and identify the review process for such application or development activity.
  2. No land shall be used or occupied, and no structures shall be demolished, erected, moved, extended, or enlarged, nor shall any timbering, clearing and grubbing, or filling of any lot for the construction of any building, infrastructure, or site improvement be initiated until the Village has issued an appropriate permit which will certify that the proposed work is in conformity with the provisions of this Code.

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## **2-102. Review and Decision-Making Bodies**

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- A. **Village Manager.**
1. **General Powers.** The Village Manager shall be charged with the administration and enforcement of this Code. In addition to the jurisdiction, authority, and duties conferred on the Village Manager by other provisions of State statutes and Village Codes, the Village Manager shall have all powers necessary to such administration and enforcement, and shall, in particular, have the jurisdiction, authority, and duties hereinafter set forth.
  2. **Rules; Regulations; Application Forms.** The Village Manager shall, consistent with the express standards, purposes, and intent of this Code, promulgate, adopt, and issue such procedural rules, regulations, and forms as are in the Village Manager's opinion necessary to the effective administration and enforcement of the provisions of this Code.
  3. **Village Manager Designee.** The Village Manager may assign the administration of this Code to a designated member of Village staff, including any member of the Department of Development and Planning Services, the Village Engineer, or other professional with expertise related to the specific provision. Any use of the term Village Manager in this Code shall also include their designee.
  4. **Staff Assistance to the Zoning Board of Appeals and Plan Commission.** The Village Manager shall make staff and consulting assistance available to the Zoning Board of Appeals and the Plan Commission, and the Village Manager, or their delegate, shall in that capacity:
    - a. Attend the meetings of each such body,

- b. Inform each such body of all facts and information at the Village Manager's disposal with respect to any matter brought before such body,
  - c. Assist each such body by performing research and making recommendations on matters brought before each such body, and
  - d. Perform such other duties as may be assigned to the Village Manager by this Code and by the direction of the Village Board.
5. **Records.** The Village Manager shall, subject to Village record retention policies, maintain:
  - a. Permanent and current records of this Code, including all maps; amendments; special permits; planned development and site plan approvals and denials; interpretations; and decisions rendered by the Zoning Board of Appeals, the Plan Commission, the Village Attorney, and the Village Manager, together with relevant background files and materials together with the final disposition of the Village Board,
  - b. A current file of all Zoning Reviews, all Certificates of Occupancy, and notices of violations, terminations, discontinuance, or removal, issued by or entrusted to the Village Manager's office, for such times necessary to ensure continuous compliance with the provisions of this Code.
6. **Zoning Text; Zoning Map.** In lieu of any state or local requirement for annual publication of the Zoning Map, the Village Manager shall regularly update the Zoning Map and cause an up-to-date copy of both the Zoning Code Text and the Zoning Map to be available to the public on the Village's website.
7. **Applications: Receipt, Processing, Referral to Interested Parties and Agencies.** The Village Manager shall receive all applications required to be filed pursuant to this Code. Upon receipt of any such application, the Village Manager shall see to its expeditious processing, including its prompt referral to and retrieval from each official department, board, or commission of the Village, or other government, with any interest or duty with respect to such application. Unless the Board of Trustees directs or determines otherwise, the Village Manager may waive any application requirements that require the submission of supporting information where the applicant demonstrates to the Village Manager that the information required is not relevant to the application submitted.
8. **Investigation of Applications.** Whenever the Plan Commission, the Zoning Board of Appeals, or the Board of Trustees shall, by general rule or specific direction, so request, the Village Manager shall conduct or cause to be conducted such surveys, investigations, and field studies, and shall prepare or cause to be prepared such reports, maps, photographs, charts, and exhibits, as shall be necessary and appropriate to the processing of any application filed pursuant to this Code.
9. **Village Manager Authority.** Pursuant to the provisions of this Section the Village Manager shall review and make decisions regarding the approval or denial of all matters assigned to their authority under this Code, including but not limited to administrative procedures.

10. **Extensions of Time.** The Village Manager may, upon written request, for good cause shown and without any notice or hearing, grant extensions of any time limit imposed on an applicant or permittee by this Code unless a Code or resolution shall expressly provide otherwise.
11. **Inspection and Enforcement.** In furtherance of the enforcement of this Code, the Village Manager shall undertake such regular and continuing programs of inspection of work approved and underway and of existing structures and uses as may be feasible and proper; shall undertake such additional inspections as may be necessary to the performance of their duties hereunder; shall receive from any person complaints alleging, with particularity, a violation of this Code; and when appropriate shall cause such investigations and inspections as may be warranted by such complaints to be made. Upon finding the existence of any violation of this Code, the Village Manager shall take or direct all actions necessary or appropriate to penalize and abate such violation.
12. **Reports.** The Village Manager shall, as from time to time appropriate, prepare and submit a report to the Board of Trustees, the Zoning Board of Appeals, and the Plan Commission concerning the administration of the land use and development regulations of the Village, setting forth such information and statistical data as may be of interest and value in advancing and furthering the goals and purposes of such regulations and setting forth the Village Manager's recommendations for the improvement of such regulations and their administration.
13. **Administrative Adjustments.** Pursuant to the provisions of Section 2-104 of this Article, the Village Manager shall have authority to review and approve, approve with conditions, or deny applications for Administrative Adjustments in those cases specified in Section 2-104-B.

**B. Zoning Board of Appeals.**

1. **Established.** The Zoning Board of Appeals established by Chapter 2 of the Northbrook Municipal Code is the Zoning Board of Appeals referred to in this Code. The provisions of this Code with respect to such body shall be deemed supplementary to the provisions of Chapter 2, Article VI of the Northbrook Municipal Code. Reference should be made to said Chapter 2, Article VI for a complete description of the membership, term of office, and rules of procedure of the Zoning Board of Appeals.
2. **Necessary Vote.** The concurring vote of at least a majority of the currently appointed Zoning Board of Appeals shall be necessary on any motion to reverse any order, requirement, decision, or determination appealed to it; to decide in favor of the applicant any application made; or to effect any variation from the provisions of this Code. Any lesser vote on any such motion, even if a majority of those voting, shall be considered a final decision denying the appeal, application, or variation.
3. **Record and Decisions.**
  - a. The transcript of testimony, if any; the minutes of the Staff Secretary; all applications, requests, exhibits, and papers filed in any proceeding before the Zoning Board of

- Appeals; and the decision of the Zoning Board of Appeals shall constitute the record. The Zoning Board of Appeals may rely on the personal knowledge of its members, on its inspections of the property, and on any reports available to it; provided, however, that the Zoning Board of Appeals shall make the knowledge, inspection, or report a matter of record at the public hearing and afford every party reasonable time to respond to it.
- b. Every decision of the Zoning Board of Appeals shall be by written resolution which shall include findings of fact; shall refer to all the evidence in the record and to the exhibits, plans, or specifications upon which such decision is based; shall specify the reason or reasons for such decision; shall contain a conclusion or statement separate from the findings of fact setting forth the specific relief granted or denying relief; and shall expressly set forth any limitations or conditions imposed on any relief granted or work or use authorized.
  - c. The Zoning Board of Appeals may take final action prior to the preparation of the written resolution and, before taking such action, the Zoning Board of Appeals must first state its findings and conclusions as above required at a meeting open to the public.
  - d. In any case where this Code provides that the failure of the Zoning Board of Appeals to act within a fixed period shall be deemed to be a denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Zoning Board of Appeals rendered on the day following the expiration of such fixed period.
4. **Appeals.** An appeal from any final decision of the Zoning Board of Appeals may be taken in the manner provided in Article III of the Illinois Code of Civil Procedure pertaining to Administrative Review.
5. **Jurisdiction and Authority.** The Zoning Board of Appeals shall have the following jurisdiction and authority:
- a. Subject to the provisions of Section 2-102-B of this Article, to hear and decide appeals from, and to review orders, decisions, or determinations made by the Village Manager and to that end shall have the powers of the Village Manager with respect to such order, decision, or determination.
  - b. Subject to the provisions of Section 2-112 of this Article, to recommend approval or denial of VG-O District Design Review to the Village Board of Trustees.
  - c. Subject to the provisions of Section 2-114 of this Article, to grant or deny variations from the requirements of this Code and extensions to previously approved variations.
  - d. Subject to the provisions of Section 2-114 of this Article, to grant or deny requests for exceptions from the requirements of this Code.
  - e. Subject to the provisions of Section 2-114 of this Article, to initiate changes and amendments to this Code.

**C. Plan Commission.**

1. **Established.** The Plan Commission established by Chapter 2 of the Northbrook Municipal Code is the Plan Commission referred to in this Code. The provisions of this Code with respect to such body shall be deemed supplementary to the provisions of said Chapter 2, Article VI of the Northbrook Municipal Code. Reference should be made to said Chapter 2, Article VI for a complete description of the membership, term of office, rules of procedure and powers and duties of the Plan Commission.
2. **Necessary Vote.** The concurring vote of at least a majority of the appointed Commissioners in attendance at the meeting shall be necessary to adopt any motion to recommend approval of any matter or application.
3. **Record and Decisions.**
  - a. The transcript of testimony, if any; the minutes of the Staff Secretary; all applications, requests, exhibits and papers filed in any proceeding before the Plan Commission; and the decision and report, or reports, of the Commission shall constitute the record.
  - b. Every recommendation or decision of the Plan Commission upon an application filed pursuant to this Code shall be by written resolution which shall include findings of fact; shall refer to all the evidence in the record and to the exhibits, plans or specifications, upon which such recommendation or decision is based; shall specify the findings of decision; and shall contain a conclusion or statement separate from the findings of fact setting forth the recommendation or decision of the Commission. Every resolution shall expressly set forth any limitations or conditions recommended or imposed by the Commission.
  - c. In reaching its recommendation or decision on any such application, the Plan Commission may rely on the personal knowledge of its members, on its inspections of the property and on any reports available to it; provided, however, that the Commission shall make the particular knowledge, inspection or report a matter of record at the public hearing and afford every party reasonable time to respond to it.
  - d. The Plan Commission shall take no final or binding vote on any recommendation or decision pertaining to an application pending before it unless it shall first have before it the written resolution herein required; provided, however, that where special circumstances warrant it, the Plan Commission may take final action on any such application prior to the preparation of such resolution but in such event it shall, before taking such action, first state its findings and conclusions as above required at a meeting open to the public and shall, in addition, state the special circumstances warranting such action.
  - e. In any case where this Code provides that the failure of the Plan Commission to act within a fixed period shall be deemed a recommendation for granting or not granting an application, such failure shall, notwithstanding the absence of required findings and

conclusions, be considered to be a decision of the Commission rendered on the day following the expiration of such fixed period.

- f. As to other matters brought before the Plan Commission, the Commission shall prepare such report as it shall deem appropriate to the subject matter.

4. **Jurisdiction and Authority.** In addition to the jurisdiction conferred on it by Chapter 2 of the Northbrook Municipal Code, the Plan Commission shall have the following jurisdiction and authority:

- a. Subject to the provisions of Section 2-103 of this Article and Chapter 2 of the Northbrook Municipal Code, to prepare and recommend a Comprehensive Plan, including an Official Map, to the Board of Trustees, which, upon its adoption by the Board of Trustees, shall be known as the "Official Comprehensive Plan" of the Village of Northbrook.
  - b. Subject to the provisions of Section 2-103 of this Article and Chapter 2 of the Northbrook Municipal Code, to review, prepare and recommend to the Board of Trustees changes in and amendments to the Official Comprehensive Plan, including the Official Map.
  - c. Subject to the provisions of Section 2-114 of this Article, to hear, review and offer its recommendations to the Board of Trustees on applications for variations requested pursuant to Subsection 2-114-5 of this Article.
  - d. Subject to the provisions of 2-117 of this Article, to initiate, hear, review and offer its recommendations to the Board of Trustees on applications for amendment of this Code.
  - e. Subject to the provisions of Section 2-113 of this Article, to hear, review and offer its recommendations to the Board of Trustees on applications for special permits.
  - f. Subject to the provisions of Section 2-118 of this Article, to hear, review and offer its recommendations to the Board of Trustees on applications for planned development approval.
  - g. To aid and assist the Board of Trustees and the departments of the Village in implementing general plans and in planning, developing and completing specific projects.
  - h. To review and report on any matters referred to it by the Board of Trustees or the Village Manager.
5. The Plan Commission's jurisdiction and authority to hear and review applications for relief under the Zoning Code may be reserved by the Board of Trustees to itself pursuant to Section 11-104 of this Part. In such an event, the lack of a recommendation from the Plan Commission will not be considered a failure to act by the Plan Commission.

**D. Board of Trustees.**

**1. Preliminary Review of Applications by the Board of Trustees.**

- a. For all properly filed and complete and accurate preliminary applications for relief under the Zoning Code that are referred to the Board of Trustees pursuant to Section 2-103, the Board of Trustees shall, upon receipt, commence and conclude its review of the preliminary application. The purpose of such review is to broadly acquaint the Board of Trustees with the applicant's proposal and to provide the applicant and a subsidiary body, if applicable, with any preliminary views, concerns, or policy direction that members of the Board may have at a time in the process when positions are still flexible and adjustment is still possible and prior to the time when the applicant is required to expend the funds necessary to prepare the complete documentation required for a formal application.
  - b. At the meeting at which the preliminary application is considered, any member of the Board of Trustees may make any comments, suggestions or recommendations regarding the preliminary application deemed necessary or appropriate by that member; provided, however, that no final or binding action shall be taken with respect to any preliminary application. Any views expressed in the course of the Board's review of any preliminary application shall be deemed to be only preliminary and advisory and only the individual views of the member expressing them. Nothing said or done in the course of such review shall be deemed to create, or to prejudice, any rights of the applicant or to obligate the Board of Trustees, or any member of it, to approve or deny any formal application following full consideration thereof as required by this Code.
2. **Referral or Reservation of Responsibility to Review and Hear Applications.** After conducting its review of a preliminary application, the Board of Trustees may either (a) refer the application to a subsidiary body, or (b) reserve the application to itself when appropriate due to timing, nature of relief being requested, or workload of subsidiary bodies as further described in this Section 2-102.
  - a. **Reservation to Board of Trustees.** The Board of Trustees may reserve to itself the responsibility to review, conduct a public hearing, and take final action on any application in accordance with the following provisions:
    - i. All public hearings on applications for relief conducted by the Board of Trustees shall be noticed in the manner set forth in Section 2-103 of this Article.
    - ii. All public hearings on applications for relief conducted by the Board of Trustees shall be conducted in the manner set forth in Section 2-103 of this Article.
    - iii. Any application for which the Board of Trustees reserves to itself the responsibility of reviewing and conducting the public hearing will not require a separate recommendation or decision from any subsidiary body. The reservation by the Board of Trustees of the responsibility to conduct a public hearing on an application will not be considered a failure to act by any subsidiary body.



- iv. For each application for which the Board of Trustees has reserved to itself the responsibility of reviewing and conducting the public hearing, the Board of Trustees will include in its final action on the application the following elements:
- a) references to all the evidence in the record and to the exhibits, plans or specifications, upon which the Board of Trustees' decision is based,
  - b) Review criteria for the Board of Trustees' decision corresponding to the standards for granting the requested relief, and
  - c) any limitations or conditions imposed by the Board of Trustees.

## 2-103. General Procedures

- A. **Procedures Overview.** Table 2-103-A provides an overview of the review and decision-making bodies for all procedures of this Code.

Table 2-103-A: Review Procedures Overview						
Key: R = Recommending Body; D = Decision-Making Body; * = Public Hearing Required; ^ = Pre-Application Meeting Required;		Reference	Administrative Agency			
			Village Manager	Board of Trustees	Plan Commission	Zoning Board of Appeals
Administrative Procedures						
Administrative Adjustment	^	2-104-C	D			
Certificate of Occupancy	^	2-105-C	D			
Floodplain Development Permit	^	2-106-C	D			
Interpretations	^	2-107-C	D			
Site Plan	^	2-108-C	D			
Land Use Verification	^	2-109-C	D			
Temporary Use Permit	^	2-110-C	D			
Elected/Appointed Official Procedures						
Administrative Appeal	^	2-111-D				D*
VG-O District Design Review	^	2-112-C		D		R
Special Permit	^	2-113-C		D	R*	
Variance	^	2-114-C				D*
Variance Combined with other Applications	^	2-114-C		D	R*	
Comprehensive Plan Adoption		2-115-C		D	R*	
Comprehensive Plan Amendment	^	2-116-C		D	R*	
Code and Zoning Map Amendment	^	2-117-C		D	R*	
Planned Unit Development	^	2-118-C		D	R*	

**B. Application Requirements.**

**1. Authority to File.**

- a. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner.
- b. An easement holder may also apply for development approval for such development as is authorized by the terms of the easement.
- c. The Village Manager may require an applicant to present evidence of authority to submit the application as well as a letter from the current landowner.

**2. Pre-Application Meeting.**

- a. The purpose of a pre-application meeting is to provide an opportunity for the applicant and Village staff to review applicable submittal requirements, procedures, and schedules and discuss development requirements.
- b. A pre-application meeting is required for all application types unless waived by the Village Manager of Development and Planning Services.
- c. If a pre-application meeting is required or requested, the applicant shall provide the materials detailed in the Village application requirement checklists.
- d. The pre-application meeting is intended to facilitate the review process. Discussion and review are not binding.

**3. Submittal Provisions.**

- a. **Application Information.** Applications for all procedures of this Code shall include the information detailed per application type in the Northbrook Zoning Applications Manual. The Village Manager will prepare Northbrook Zoning Applications Manual and will make it available on the Village website.
- b. **Fees.** The Board of Trustees is authorized to establish fees for processing and administering applications. Application fees, as published on the adopted fee schedule, shall be paid at the time of application submittal.
  - i. Additional fees may be required as determined during the review of the application, when additional fees are determined to be required, fees must be paid prior to initiating the next review step.
- c. **Completeness Review.**
  - i. **Sufficiency to be Determined by Village Manager.** All applications shall be sufficient for processing before the Village Manager is required to review the

application. An application shall be sufficient for processing when it contains all of the information necessary, in accordance with the appropriate section of the Northbrook Zoning Applications Manual, to decide whether or not the development as proposed will comply with the requirements of this Code.

- ii. **Application Incomplete.** On determining an application is incomplete, the Village Manager shall provide the applicant with written notice of the submittal deficiencies.
- iii. **Application Complete.** On determining an application is complete, the Village Manager shall provide written notice to the applicant that the application has been accepted for review.

C. **Void Approval.** Any approval issued in violation of the provisions of this Code, whether intentionally, negligently or innocently, shall be void.

D. **Public Notice Requirements.**

1. **Public Notice Responsibility.**

- a. It shall be the responsibility of the applicant to ensure public notice is provided in compliance with the requirements of this Section, including all costs. Should public notice not be provided in compliance with the requirements of this Section, the associated public hearing shall be cancelled, unless determined otherwise by the Village Manager.
- b. At the hearing, the applicant shall present to the hearing body an affidavit, certification or other evidence satisfactory to the hearing body, demonstrating, to the satisfaction of the hearing body, that the applicable notice requirements have been satisfied.

2. **Public Notice Content.** Public notices, regardless of type, shall, at a minimum, the date, time and place of such hearing or meeting, a description of the matter to be heard or considered including the specific relief being requested, and the address or particular location, as well as a legal description of the subject property, except the legal description does not need to be included on the notices by sign.

3. **Public Notice Types.** Notwithstanding any state requirement requiring a particular type of notice, the following public notice types are established.

- a. **Notice by Posting.** Notice that is published by the Village Manager on the Northbrook Official Government Website. This notice will be posted at least 15 days in advance of the hearing date.
- b. **Notice by Mail.** Notice that is delivered by the applicant, by first class mail, to all owners of all property located, in whole or in part, within 250 feet of the subject property measured in all directions of the subject property excluding public and railroad rights-of-way. This notice will be mailed no less than 15 days, nor more than 30 days, in advance of the hearing date. For purposes of this notice, the mailing of a notice addressed to the

name and address on the most recent Cook County or Lake County real estate tax records shall be deemed a satisfaction of any notice by mail requirement.

- c. **Notice by Sign.** Notice that is posted by the applicant on the subject property with a ground sign of approximately six square feet of gross surface area containing the legibly written notice. This sign must be located on the subject property so as to be visible from at least one right-of-way abutting the subject property. The applicant must remove the sign within three days after the hearing is closed.

4. **Public Notice Requirements by Procedure.** Public notice shall be required by procedure type in accordance with Table 2-103-D (4).

Table 2-103-D-4: Public Notification Requirements by Procedure				
Key: ● = Notice Required		Notification Type		
	Reference	Posting	Mail	Sign
Administrative Procedures				
Administrative Adjustment	2-104-C	No Notice Required		
Certificate of Occupancy	2-105-C			
Floodplain Development Permit	2-106-C			
Interpretations	2-107-C			
Site Plan	2-108-C			
Land Use Verification	2-109-C			
Temporary Use Permit	2-110-C			
Elected/Appointed Official Procedures				
Administrative Appeal	2-111-D	●		
VG-O District Design Review	2-112-C	No Notice Required		
Special Permit	2-113-C	●	●	●
Variance	2-114-C	●	●	
Variance Combined with other Applications	2-114-C	●	●	
Comprehensive Plan Adoption	2-115-C	●		
Comprehensive Plan Amendment	2-116-C	●	● [1]	● [1]
Code and Zoning Map Amendment	2-117-C	●	● [1]	● [1]
Planned Unit Development	2-118-C	●	●	●
Notes				
[1] Required for map amendments only.				

5. **Affidavit of Compliance with Notice by Mail and Notice by Sign.** When notice by mail or notice by sign is required, the applicant must provide a sworn affidavit to the Village, on a form provided by the Village, affirming that the requirements for notice by mail and notice by sign have been met. For notice by mail, the affidavit must contain a complete list of the names and last known addresses of the persons entitled to notice. The applicant must also provide the Village with a list of names, addresses and property identification numbers (PIN) of all notice recipients. This affidavit must be filed with the Village no less than ten days in

advance of the scheduled hearing or meeting, exclusive of the date of the hearing or meeting itself.

E. **General Administrative Procedures.** All decisions regarding administrative procedures shall be made based on the objective review criteria established per procedure type.

F. **Appeals.**

1. The finding of fact in an administrative procedure may be appealed to the Zoning Board of Appeals per Section 2-114-D (2).
2. The finding of fact of an elected/appointed official procedure may be appealed to the Circuit Court.

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## **2-104. Administrative Adjustment**

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A. **Purpose.** Administrative Adjustments are meant to allow the Village Manager to approve or deny limited deviations from the standards of this Code under specified circumstances only.

B. **Applicability.** Administrative Adjustments may be approved for the following Code sections:

1. **Standards Subject to General Review Criteria.**

- a. Section 3-106-A: Single-Family District dimensional standards encroachments: allowed encroachments into required yard,
- b. Section 4-106-A: Multi-Family and Mixed-use District dimensional standards encroachments: allowed encroachments into required yard setbacks,
- c. Section 5-106-A: Office District dimensional standards encroachments: allowed encroachments into required yard setbacks,
- d. Section 6-106-A: Commercial District dimensional standards encroachments: allowed encroachments into required yard setbacks,
- e. Section 7-106-A: Industrial District dimensional standards encroachments: allowed encroachments into required yard setbacks,
- f. Section 8-106-A: Institutional and Open Space District dimensional standards encroachments: allowed encroachments into required yard setbacks,
- g. Section 10-108-B-2(a): Increase in fence height up to 12 feet to accommodate outdoor recreation areas.

2. **Standards Subject to General and Additional Review Criteria.**

- a. Section 10-105-D: Adjustments to pedestrian walkway standards due to site topography or natural resources,

- b. Article 10 - General Development Standards; Allowed Adjustments to Landscape Standards:
  - i. Section 10-106-I-2: Adjustment to the minimum width of a building foundation landscape area,
  - ii. Section 10-106-I-3: Adjustment to the minimum width of a parking area perimeter landscape area,
  - iii. Section 10-106-I-4: Adjustment to the minimum number of parking area islands,
- c. Section 10-107-D-2: Adjustments to roof mounted equipment screening/approval of alternative screening methods.

**C. Procedures.**

1. **Pre-Application Meeting.** If a pre-application meeting is required, in accordance with Table 2-103 Procedures Overview, or requested it shall follow the process detailed in Section 2-103-B-2 Pre-Application Meetings.
2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 2-103-B-3.
3. **Village Manager Review and Decision.** Once the application is accepted, the Village Manager shall review the application based on the review criteria, refer the application to appropriate Village Departments as needed, and either:
  - a. Issue an approval of the Administrative Adjustment, or
  - b. Issue a denial of the Administrative Adjustment, detailing the application's failure to comply with the review criteria, to the applicant.

**D. Review Criteria.**

1. **General Review Criteria.**
  - a. The modification is consistent with the purpose and intent of the applicable regulation,
  - b. The modification, in the case of dimensional standard modifications, is the smallest modification necessary to accommodate the proposed improvement or resolve the subject issue, and
  - c. The modification is consistent with the Comprehensive Plan.
2. **Additional Review Criteria.** The Administrative Adjustment is either:
  - a. Required to compensate for some unusual aspect of the development site or the proposed development that is not shared by landowners generally (e.g. lot shape or configuration),

- b. Proposed to protect sensitive natural resources or save healthy established trees,
- c. Required to eliminate a minor inadvertent failure to fully comply with a standard,
- d. Required due to natural conditions, such as watercourses, riparian buffers, natural rock formations, or topography,
- e. Required due to the presence of existing utilities or other easements, or
- f. Proposed for site security purposes, based on a site security plan, meeting all requirements.

**E. Effect of Decision.**

- 1. **Permit Validity.** Upon approval, the Administrative Adjustment shall be valid for one year from the date of the approval, unless construction, or the use, has commenced.
- 2. **Permit Extension.** The Village Manager may grant one, one-year extension of this period upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

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## **2-105. Certificate of Occupancy**

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- A. **Purpose.** The Certificate of Occupancy provides a procedure for the inspection of complete and accurate premises to ensure compliance with this Code and approved plans prior to commencement of the use or occupancy of such premises. The Certificate may also evidence compliance with other provisions of the Northbrook Municipal Code, as set forth in those provisions.
- B. **Applicability.** A Certificate of Occupancy shall be required prior to the occupancy of:
  - 1. Any building, structure, or addition thereto, constructed, reconstructed, remodeled, altered or moved after the effective date of this Code;
  - 2. Land vacant as of the effective date of this Code, except the raising of crops;
  - 3. Any land, building, structure, or addition thereto, changed to any other use or occupancy, whether or not construction, remodeling, alteration or moving is involved, except for changes involving only substitution of occupants in existing dwelling units.
- C. **Procedures.**
  - 1. **Pre-Application Meeting.** If a pre-application meeting is required, in accordance with Table 2-103 Procedures Overview, or requested it shall follow the process detailed in Section 2-103-B-2 Pre-Application Meetings.
  - 2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 2-103-B-3.

3. **Village Manager Review and Decision.** Once the application is accepted, the Village Manager shall review the application based on the review criteria, refer the application to appropriate Village Departments as needed, and either:
  - a. Issue the Certificate of Occupancy, or
  - b. Issue a denial of the Certificate of Occupancy, detailing the application's failure to comply with the review criteria, to the applicant.
- D. **Review Criteria.** The following criteria shall be used in the review of Certificates of Occupancy.
  1. All applicable standards of this Code are met; and
  2. All applicable standards of the Northbrook Municipal Code are met.
- E. **Effect of Decision.**
  1. The issuance of a Certificate of Occupancy allows for occupancy or use of any building, structure, or land in the Village.
  2. Every Certificate of Occupancy issued pursuant to this Section shall be kept on file in the Office of the Village Manager and shall be a public record open to inspection pursuant to the provisions of the Illinois Freedom of Information Act.
- F. **Temporary Certificate of Occupancy.** A Temporary Certificate of Occupancy may be issued for a period not to exceed six months where construction, reconstruction, remodeling or alteration of a structure does not require the vacating of the structure, or where parts of the structure are finished and ready for occupancy before the completion of such construction, reconstruction, remodeling or alteration and are certified upon inspection to be safe for use or occupancy and to be in full compliance with all applicable provisions of this Code, other relevant Codes of the Village, the applicant's plans as approved, and any conditions attached to any approvals issued pursuant to this Code with respect to such structure or its premises.
- G. **Certificate of Occupancy for Existing Uses.** The Village Manager may issue a Certificate of Occupancy certifying the lawful existence and use of any existing building, structure, or land in the same manner, and subject to the same standards and limitations, as authorized by this Section with respect to new structures and uses.
- H. **Certificate of Occupancy for Legal Nonconformities.** The Village Manager may issue a Certificate of Occupancy certifying the lawful existence and use of any nonconforming building, structure, or land in the same manner, and subject to the same standards and limitations, as authorized by this Section with respect to new structures and uses and subject also to the additional standards and limitations of Article 12.

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## **2-106. Floodplain Development Permit**

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- A. **Purpose.** The Floodplain Development Permit provides a procedure for ensuring that all development applications within the Village are reviewed to determine whether or not they are



located within the floodplain; and all development activities within the flood plain are approved, constructed and maintained in compliance with the National Flood Insurance Program of the Federal Emergency Management Agency, and in compliance with the Rivers, Lakes and Streams Act, 615 ILCS 5/4.9 et seq., as amended.

- B. **Applicability.** No person, firm, corporation, or governmental body, unless specifically exempted from regulation by applicable state and federal laws and regulations, shall commence any development in a flood fringe area, a floodway, or a floodplain on which a detailed study has not been conducted and that drains more than one square mile, without first obtaining a Floodplain Development Permit from the Village Manager.

C. **Procedures.**

1. **Pre-Application Meeting.** If a pre-application meeting is required, in accordance with Table 2-103 Procedures Overview, or requested it shall follow the process detailed in Section 2-103-B-2 Pre-Application Meetings.
2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 2-103-B-3 and shall include any required approvals or permits from other governmental agencies, such as, but not limited to, the Federal Emergency Management Agency; U.S. Army Corps of Engineers; and Cook or Lake County Highway Departments.
3. **Village Manager Review and Determination.** Once the application is accepted, the Village Manager shall review the application based on the review criteria and either:
  - a. Determine the development site is not located in a flood fringe area, floodway, or floodplain on which a detailed study has not been conducted and that drains more than one square mile, and issue the Floodplain Development Permit; or
  - b. Determine the development site is located in a flood fringe area, floodway, or floodplain on which a detailed study has not been conducted and that drains more than one square mile, refer the application for Professional Engineer Review, and issue or deny the permit per the recommendation of the professional engineer; and/or
  - c. Determine the application meets one of the following criteria and requires IDNR/OWR review or permits:
    - i. The application is filed by an organization(s) that is exempt from review by local jurisdictions, in accordance with the Illinois Compiled Statutes.
    - ii. The application is filed by the IDNR/OWR state, federal, or local unit of government, including projects of the Village and Cook or Lake County and is located in a floodplain deemed to require the review of a registered professional engineer, as specified in the Northbrook Standards and Specifications Manual.
    - iii. The application includes alternative transition sections and hydraulically equivalent compensatory storage areas in regulatory floodways.

- iv. The application proposes changes in the mapped floodway or published flood profiles.
  - v. The application includes a determination regarding Base Flood Elevation where none now exist.
  - vi. The application includes structures within, under, or over publicly navigable rivers, lakes and streams.
- 4. **Professional Engineer Review.** The professional engineer shall conduct a hydraulic and hydrologic review to ensure that the development meets the minimum requirements of this Code, including, without limitations, 17 Ill. Admin. Code Part 3708, as applicable, and:
  - a. If the professional engineer determines the proposal qualifies as an Appropriate Use as listed in 17 Illinois Administrative Code Part 3708, they shall detail that the development meets the requirements Section 9-105-G of this Code and recommend the issuance of the Floodplain Development Permit by the Village Manager.
  - b. If the professional engineer determines that the floodway or base flood elevation is not proposed to be modified and all review criteria are met, they shall recommend the issuance of the Floodplain Development Permit by the Village Manager.
  - c. If the professional engineer determines that the floodway or base flood elevation is proposed to be modified, the professional engineer shall notify the applicant that a Conditional Letter of Map Revision is required prior to the issuance of the Floodplain Development Permit by the Village Manager.
  - d. If the professional engineer determines that the review criteria has not been met, they shall recommend denial of the Floodplain Development Permit by the Village Manager.
- D. **Review Criteria.** The following criteria shall be used in the review of applications for Floodplain Development Permits.
  - 1. All applicable standards of this Code are met;
  - 2. All applicable standards of the Northbrook Municipal Code are met;
  - 3. The flood profiles, flows and floodway data in the FEMA regulatory floodway study and other maps, studies and data referenced in Section 9-105-C of this Code are used for analysis of the base conditions.
  - 4. If the study data appears to be in error or conditions have changed, the applicant has contacted and received IDNR/OWR approval and concurrence on the appropriate minor modifications to the base conditions data used.
  - 5. If a party disagrees with the Village flood elevation data they have, at their own cost and expense, they prepared an engineering study, in accordance with the Northbrook Standards and Specifications Manual, and submitted the study to the Village Manager, IDNR/OWR and FEMA for review and received approval.

6. If the regulatory floodway elevation at the site of the proposed construction is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed construction is shown to meet the requirements of this Code for the 100 year frequency flood elevations of the regulatory floodway and conditions associated with the receiving stream for normal water elevations.
7. If the applicant learns from IDNR/OWR, county, or local governments, or a private owner that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified, or a regional flood control project is scheduled to be built, removed, constructed or modified within the next five (5) years, the proposed construction has been analyzed and shown to meet the requirements of this Code for:
  - a. The existing conditions, and
  - b. The expected flood profile conditions when the bridge, culvert or flood control project is built.
8. If a base flood elevation or 100-year frequency flood elevation is not available for a particular site, the protection standard of the historical Storm/Flood of Record and the best existing data available from the Village and the ISWS's Flood Plain Information Repository is used.

**E. Effect of Decision.**

1. The issuance of a Floodplain Development Permit allows for the applicant to obtain a building permit.
2. All information detailed below shall be kept on file in the Office of the Village Manager and shall be a public record open to inspection pursuant to the provisions of the Illinois Freedom of Information Act.
  - a. Base flood data,
  - b. SFHA and regulatory floodway maps,
  - c. Copies of federal or state permit documents,
  - d. Variation documentation,
  - e. Conditional Letter of Map Revision,
  - f. Letter of Map Revision,
  - g. Letter of Map Amendment, and
  - h. "As built" elevation and floodproofing or elevation certificates for all structures in or adjacent to the flood plain.

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## 2-107. Interpretations

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- A. **Purpose.** The Interpretation authority established by this Section is intended to recognize that the provisions of this Code, though detailed and lengthy, cannot possibly address every specific situation to which they may have to be applied. Many such situations can, however, be readily addressed by an Interpretation of the specific provisions of this Code in light of the general and specific purposes for which those provisions have been enacted. Because the Interpretation authority herein established is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this Code but, rather, is intended only to allow authoritative application of that content to specific cases.
- B. **Applicability.** Applications for Interpretations may be filed by any person having an interest in the circumstances giving rise to the need for an interpretation; provided, however, that interpretations shall not be sought by any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.
- C. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required, in accordance with Table 2-103 Procedures Overview, or requested it shall follow the process detailed in Section 2-103-B-2 Pre-Application Meetings.
  2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 2-103-B-3.
  3. **Village Manager Review and Decision.** Once the application is accepted, the Village Manager shall review the application based on the review criteria, refer the application to appropriate Village Departments as needed, and inform the applicant, in writing, of their interpretation, stating the specific precedent, reasons and analysis upon which the determination is based.
- D. **Review Criteria.** The following criteria shall be used in the review of Interpretations.
1. **General Review Criteria.** Interpretations of the text of this Code shall be based on the applicable purpose and applicability language per Article and the following criteria:
    - a. The clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision—as established in Article 14, and by the common and accepted usage of the term,
    - b. The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history to its adoption,
    - c. The general purposes served by this Code, as set forth in Article 1, and
    - d. Consistency with the Comprehensive Plan.

2. **Use Review Criteria.** Interpretations regarding the uses allowed by the Code shall be based on the following criteria:
  - a. No use interpretation shall be given with respect to the R-1 through R-8 Residential Districts.
  - b. Any use included in this Code shall be interpreted as defined in Article 14.
  - c. No use interpretation shall permit a use that is included in a use table (Tables 3-105, 4-105, 5-105, 6-105, 7-105, 8-105) but not allowed as either a permitted or Special Permit use in the subject district.
  - d. No use interpretation shall permit any use in any district unless evidence shall be presented that demonstrates that it will comply with all standards of the subject district.
  - e. No use interpretation shall permit any use in a district unless such use is substantially similar, in terms of impact on neighboring property, to other uses allowed in the same district.
  - f. If the proposed use is most similar to a use permitted only as a Special Permit use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the issuance of a Special Permit for such use (Section 2-113).
  - g. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the subject district.
3. **Zoning Map Boundaries Review Criteria.** Interpretations of the boundaries of the Zoning Map shall be based on the following criteria:
  - a. Boundaries shown as approximately following a utility line or a street, road, alley, railroad, or other public access way shall be interpreted as following the centerline of the right-of-way or easement for the utility line or access way,
  - b. Boundaries shown as approximately following a property line shall be interpreted as following the property line as it existed when the boundary was established. If a subsequent minor adjustment (such as from settlement of a boundary dispute or overlap) results in the property line moving 10 feet or less, the zoning boundary shall be interpreted as moving with the property line,
  - c. Boundaries shown as approximately following a watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.),
  - d. Boundaries shown as approximately following the shoreline of a body of water shall be interpreted as following the shoreline and as moving with shoreline to the extent the shoreline moves as a result of natural processes (flooding, erosion, sedimentation, etc.),

- e. Boundaries shown as entering a body of water shall be interpreted as continuing in the direction at which they enter the body of water and extending until they intersect another zoning district boundary or similarly extended boundary, or the limits of the Village's jurisdiction,
  - f. Boundaries shown as approximately following established municipal corporate limits or other political boundaries shall be interpreted as following the corporate limits or boundary,
  - g. Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such,
  - h. If the specific location of a depicted boundary cannot be determined from notations on the Zoning Map or application of the above standards, it shall be determined by using the map's scale to determine the boundary's distance from other features shown on the map.
- E. **Effect of Decision.** No interpretation shall authorize the establishment of such use nor the development, construction, reconstruction, alteration or moving of any building or structure but shall merely authorize the preparation, filing and processing of applications for any permits and approvals that may be required by the Village, including, but not limited to, a Special Permit, a land use verification, a Building Permit, a Certificate of Occupancy, Subdivision Approval and Site Plan Approval.

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## **2-108. Site Plan**

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- A. **Purpose.** The Site Plan process is established to ensure applicable development complies with all standards and requirements of this Code.
- B. **Applicability.** Site Plan approval shall be required prior to the issuance of a building permit for development that meets any of the following criteria and is not otherwise required to receive an elected/appointed official approval:
- 1. Any development or redevelopment, other than for one single family detached dwelling unit, involving a parcel under single ownership or control having an area in excess of 40,000 square feet.
  - 2. Any development or redevelopment involving the construction of any new structure or structures having a gross floor area in excess of 20,000 square feet or a height of more than three stories.
  - 3. Any development or redevelopment involving an existing structure having a floor area in excess of 20,000 square feet or a height in excess of three stories that would alter any such measure by more than 25 percent.
  - 4. Any development or redevelopment involving the creation or expansion of off-street parking or loading areas.

5. Any nonresidential development on a lot abutting or across a right-of-way from any residential district.
6. Any development or redevelopment involving wireless telecommunications equipment or towers, that is not a Special Permit use.
7. Individual parcels, buildings, and structures within an approved Planned Unit Development in the C-4 District, as established in Section 2-118 of this Article.

**C. Procedures.**

1. **Pre-Application Meeting.** If a pre-application meeting is required, in accordance with Table 2-103 Procedures Overview, or requested it shall follow the process detailed in Section 2-103-B-2 Pre-Application Meetings.
2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 2-103-B-3.
3. **Village Manager Review and Decision.** Once the application is accepted, the Village Manager shall review the application based on the review criteria, refer the application to appropriate Village Departments as needed, and either:
  - a. Approve the Site Plan,
  - b. Approve the Site Plan subject to modifications, or
  - c. Issue a Site Plan denial letter, detailing the application's failure to comply with the review criteria, to the applicant.

**D. Review Criteria.** The following criteria shall be used in the review of Site Plans.

1. All applicable standards of this Code are met.

**E. Effect of Decision.**

1. **Effect of Approval.** Approval of a Site Plan shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the Codes of the Village, including, but not limited to, a land use verification, a Building Permit, a Certificate of Occupancy and Subdivision Approval.
2. **Required Filing.** A copy of every approved Site Plan shall be filed with the Village Manager and the development of the site shall be in substantial conformity with such approved and filed plan.
3. **Limitations on Site Plan Approval.** Unless an up to one-year extension of time is granted by the Village Manager, no Site Plan approval shall be valid for a period longer than one year unless a building permit is issued, and construction is actually begun within that period and

is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use commenced within that period.

**F. Amendments.**

1. During the development of the site, the Village Manager shall have authority to authorize any adjustment to an approved Site Plan that they could have authorized in the course of their original review.
2. After a site is developed in accordance with an approved Site Plan, the approved Site Plan may be amended, varied, or altered in the same manner and subject to the same limitations as provided for the original approval of Site Plans.

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## **2-109. Land Use Verification**

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A. **Purpose.** A Land Use Verification provides confirmation from the Village Manager regarding whether a potential use is allowed in the district in which it is proposed to be located.

B. **Applicability.** Land Use Verification shall be required prior to the establishment, relocation, or expansion of any land use in the Village.

**C. Procedures.**

1. **Pre-Application Meeting.** If a pre-application meeting is required, in accordance with Table 2-103 Procedures Overview, or requested it shall follow the process detailed in Section 2-103-B-2 Pre-Application Meetings.
2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 2-103-B-3.
3. **Village Manager Review and Decision.** Once the application is accepted, the Village Manager shall review the application based on the review criteria and either:
  - a. Inform the applicant that the use is allowed in the proposed location,
  - b. Inform the applicant that the use is allowed in the proposed location but is subject to supplemental use standards or special use approval, or
  - c. Inform the applicant that the use is not allowed in the proposed location.

D. **Review Criteria.** The review of Land Use Verification applications shall be based on the following criteria:

1. Compliance with all applicable standards of this Code.
2. The validity of the Land Use Verification approval is contingent upon the details reviewed.
3. The applicant shall not modify the use or introduce new elements and presume approval within six months of the review.



**E. Effect of Decision.**

1. Land Use Verification shall not authorize the establishment, expansion or extension of any use nor the development, construction, relocation, alteration or moving of building or structure, but shall merely authorize the preparation, filing and processing of applications for any additional permits and approvals that may be required by the Codes of the Village, including, but not limited to, a Building Permit, a Certificate of Occupancy and Subdivision Approval.
2. **Validity.** Land Use Verification shall be valid for six months from the date of issuance.
3. **Permit Extension.** The Village Manager may grant one, six-month extension of this period upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

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## **2-110. Temporary Use Permit**

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- A. **Purpose.** The purpose of the Temporary Use Permit is to establish a clear process for allowing temporary, short-term uses that are not allowed as permitted uses in the zoning districts.
- B. **Applicability.** A Temporary Use Permit shall be required prior to the establishment of any new temporary use, as allowed in Sections 3-108, 4-108, 5-108, 6-108, 7-108, and 8-108.
- C. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required, in accordance with Table 2-103 Procedures Overview, or requested it shall follow the process detailed in Section 2-103-B-2 Pre-Application Meetings.
  2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 2-103-B-3.
  3. **Village Manager Review and Decision.** Once the application is accepted, the Village Manager shall review the application based on the review criteria, refer the application to appropriate Departments as needed, and either:
    - a. Issue the Temporary Use Permit,
    - a. Issue the Temporary Use Permit with modifications or subject to conditions, or
    - b. Deny the Temporary Use Permit in which case the Village Manager shall issue a denial letter detailing the decision to the applicant.
- D. **Review Criteria.** The following criteria shall be used in the review of Temporary Use Permit.
1. All applicable standards of this Code are met.

**E. Effect of Decision.**

1. **Permit Validity.** Upon approval, the Temporary Use Permit shall be valid for the dates identified on the approved permit.
2. **Permit Extension.** Temporary Use Permits cannot be extended.
3. **Permit Revocation.** A Temporary Use Permit may be revoked by the Village Manager if any requirements, limitations, or conditions included in the Temporary Use Permit are not complied with.

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## **2-111. Administrative Appeal**

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- A. **Purpose.** The appeal procedure is provided as a safeguard against arbitrary, ill-considered or erroneous administrative decisions. It is intended to avoid the need to resort to legal action by providing a local procedure for the review and correction of administrative errors. It is not, however, intended to subvert either the clear purposes, intent or meaning of this Code or the rightful authority of the Village Manager to enforce this Code. To these ends, the reviewing body should give all proper deference to the spirit and language of this Code and to the reasonable interpretations of those charged with its administration. The Village Manager shall have the authority to make final administrative decisions regarding the interpretation, application, and enforcement of this Code, subject to review through the appeal process described herein.
- B. **Applicability.** An application for appeal to the Zoning Board of Appeals may be filed by any person aggrieved or adversely affected by an order, decision, determination or failure to act of the Village Manager acting pursuant to their authority and duties under this Code.
- C. **Concurrent Applications.** An application for an Appeal may be submitted, reviewed, and decided upon concurrently with an application for a Permitted Variance (Section 2-114)
- D. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required, in accordance with Table 2-103 Procedures Overview, or requested it shall follow the process detailed in Section 2-103-B-2 Pre-Application Meetings.
  2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 2-103-B-3.
  3. **Village Manager Review.** Once the application is accepted, the Village Manager shall:
    - a. Stay all proceedings in the furtherance of the action appealed from, unless they certify to the Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would, in the Village Manager's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order, which may be granted by the Zoning Board of Appeals or by the Circuit Court on application, upon reasonable written notice to the Village Manager and on due cause shown; and

- b. Schedule the Zoning Board of Appeals Public Hearing.
- 4. **Zoning Board of Appeals Hearing and Decision.** The Zoning Board of Appeals shall:
  - a. Conduct a public hearing on the application,
  - b. Review and discuss the application, and
    - i. Affirm the decision in whole, either approve or deny the application or refuse issuance of the permit, as applicable,
    - ii. Affirm the decision in part, either approve or deny the application or refuse issuance of the permit, as applicable,
    - iii. Reverse the decision in whole, in which case the Village Manager shall issue a denial letter, detailing the decision to the applicant, or
    - iv. Reverse the decision in part, in which case the Village Manager shall issue a denial letter, detailing the decision to the applicant.
- E. **Review Criteria.** An Administrative Appeal shall be granted if a minimum of one of the following findings is made:
  - 1. The decision constituted an erroneous application or interpretation of this Code,
  - 2. The decision constituted an abuse of the Village Manager's discretion to interpret or apply this Code, or
  - 3. The decision was rendered based upon an erroneous material fact.
- F. **Effect of Decision.** In any case where this Code imposes conditions and limitations upon any right, any such right granted by the Zoning Board of Appeals on appeal shall be subject to such conditions and limitations in the same manner and to the same extent as if secured without the necessity of an appeal.

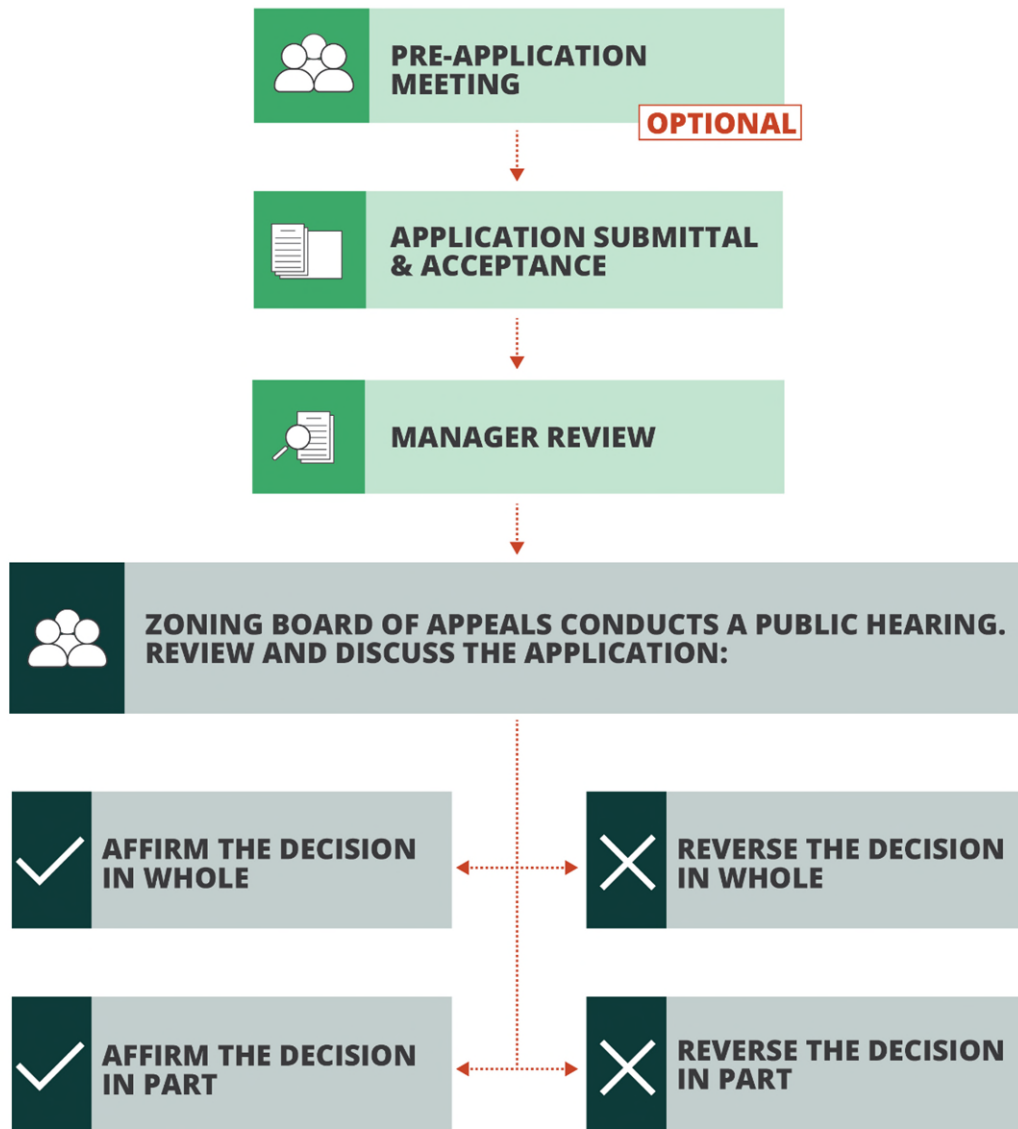


Figure 1 Administrative Appeals

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## **2-112. VG-O District Design Review**

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- A. **Purpose.** The Design Review process is intended to provide a procedure for the review of significant development in the Village Green Overlay District to ensure that it is compatible with the Village Green Overlay area. The design review shall be as set forth in the design review criteria in Section 2-112-D below.
- B. **Applicability.** All new development or redevelopment in the VG-O district that will impact between 10,000 square feet and 50,000 square feet of gross floor area or total development site area, shall be subject to the Design Review process.
- C. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required, in accordance with Table 2-103 Procedures Overview, or requested it shall follow the process detailed in Section 2-103-B-2 Pre-Application Meetings.
  2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 2-103-B-3.
  3. **Village Manager Review.** Once the application is accepted, the Village Manager shall:
    - a. Refer the application to appropriate Village Departments for review and comment,
    - b. Prepare a report and recommendation on the application, based on the comments received from the referred to Village Departments, and
    - c. Schedule the Zoning Board of Appeals meeting.
  4. **Zoning Board of Appeals Meeting and Recommendation.** The Zoning Board of Appeals shall review and discuss the application and recommend that the Board of Trustees either:
    - a. Issue the Design Review Permit without modification,
    - b. Issue the Design Review Permit with modifications or subject to conditions, or
    - c. Deny the Design Review Permit.
- D. **Review Criteria.**
1. **General Building Design and Relation to Street and Pedestrians.** All building designs shall be evaluated under the following guidelines, as well as the way in which the design relates to the street on which the subject building is, or is proposed to be, located:
    - a. **Height, Bulk, Scale and Massing.** Overall height and massing of proposed buildings and structures shall be modulated to reduce the appearance of height and bulk.
    - b. **Rooflines.** Rooflines shall be designed to generate visual interest.

- c. **Façade.** Architectural details in building facades shall provide visual interest and be generally compatible with surrounding buildings and properties.
  - d. **Proportion of Openings.** The size and number of openings (windows, doors, etc.) shall be proportionate to the overall facade.
  - e. **Rhythm of Entrance Porch and Other Projections.** The scale of entrances and other projections shall be designed to relate proportionately to sidewalks and pedestrians.
  - f. **Open Spaces.** The quality and location of the open spaces between buildings and in setback spaces between the street and façade shall be suitably located in relation to the street, other open spaces and pedestrian ways.
2. **Visual Compatibility.** Visual compatibility shall be considered and reviewed in terms of the following criteria.
- a. **Height.** The height of proposed buildings and structures as it relates to adjacent buildings.
  - b. **Materials.** The quality of materials and their relationship to those in existing adjacent structures.
  - c. **Proportion of Front Facade.** The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.
  - d. **Proportion of Openings.** The relationship of the width to the height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.
  - e. **Rhythm of Solids to Voids in Front Facades.** The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related
  - f. **Rhythm of Spacing and Buildings on Streets.** The relationship of a building or structure to the open space between it and adjoining buildings or structures shall be visually compatible with the buildings, public ways, and places to which it is visually related.
  - g. **Relationship of Materials and Texture.** The relationship of the materials and texture of the facade shall be visually compatible with the predominant materials used in the buildings and structures to which it is visually related.
  - h. **Roof Shapes.** The roof shape of a building shall be visually compatible with the buildings to which it is visually related.
  - i. **Walls of Continuity.** Building facades and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of

enclosure along a street to ensure visual compatibility with the buildings, public ways, and places to which such elements are visually related.

- j. **Scale of Building.** The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the buildings, public ways, and places to which they are visually related.
3. **Overall Site Design and Landscaping.** The overall site design shall be reviewed in terms of the quality of the following elements:
  - a. **Landscaping and Screening.** Parking lots, unsightly equipment and service areas shall be screened from public view by means of landscaping, fencing, or other means of screening.
  - b. **Lighting.** Exterior lighting shall be architecturally integrated with building style, material and color, and shall not be directed off site.
  - c. **Parking.** Automobile access, servicing of the property, and impact on vehicular traffic patterns and conditions on-site and in the vicinity of the site, and the retention of trees and shrubs to the maximum extent possible shall also be reviewed.
4. **Special Considerations for Existing Buildings.** For existing buildings the availability of materials, technology, and craftsmanship to duplicate existing styles, patterns, textures, and overall detailing shall be considered.

**E. Effect of Decision.**

1. **Modifications and Conditions.** In approving an application for a Design Review Permit, the Board of Trustees may, by resolution duly adopted, authorize the issuance of the Design Review Permit for plans as submitted, or on condition that specified modifications in such plans be made, or on any other condition deemed necessary to achieving the purposes and objectives of this Section. Such conditions and modifications shall be set forth in the resolution granting approval and in the Design Review Permit. The violation of any such condition or modification shall be a violation of this Code.
2. **Limitation on Permits.**
  - a. A Design Review Permit shall become null and void 12 months after the date on which it was issued unless, within such period, the work authorized by such permit is commenced.
  - b. A Design Review Permit shall relate solely to the work shown on plans approved by the issuance of such permit and it shall be unlawful for any person to deviate from such plans without obtaining an amended permit (Section 2-112-E-4).
3. **Extensions of Time.**
  - a. The Village Manager may, upon written request, for good cause shown and without any notice or hearing, grant extensions of any time limit imposed on an applicant or

permittee by this Code unless a Code shall expressly provide otherwise. The total period of time granted by such extension or extensions shall not exceed the length of the original period or 90 days, whichever is less. The Village Manager shall inform the Village Board of all extensions granted pursuant to this Subsection.

- b. The Village Board may, upon written request, for good cause shown, and without any notice or hearing, grant extensions of any time limit imposed on an applicant or permittee by this Code provided a Code, as appropriate, is duly adopted by a two-thirds vote of the Board of Trustees. The total period of time granted by such extension or extensions shall be specifically stated in the Code.

#### 4. **Amendments.**

- a. **Minor Amendments.** Minor amendments to an approved Design Review permit shall be treated as a Site Plan (Section 2-108). Minor amendments include changes to building elevation design and any amendments that do not qualify as a major amendment
- b. **Major Amendments.** Major amendments to an approved Design Review Permit shall be treated as a new application for Design Review. Major amendments include:
  - i. Modification of condition(s), design standards, or other requirements specified by the Design Review Permit,
  - ii. A change in land use or development type beyond that permitted by the approved Design Review Permit,
  - iii. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access,
  - iv. When there is an increase in the total number of residential dwelling units originally included in the approved Design Review Permit,
  - v. When the total floor area of a commercial or industrial use is increased more than 10 percent beyond the total floor area last approved by Board of Trustees, or
  - vi. Any change which alters the basic development concept of the Design Review Permit.



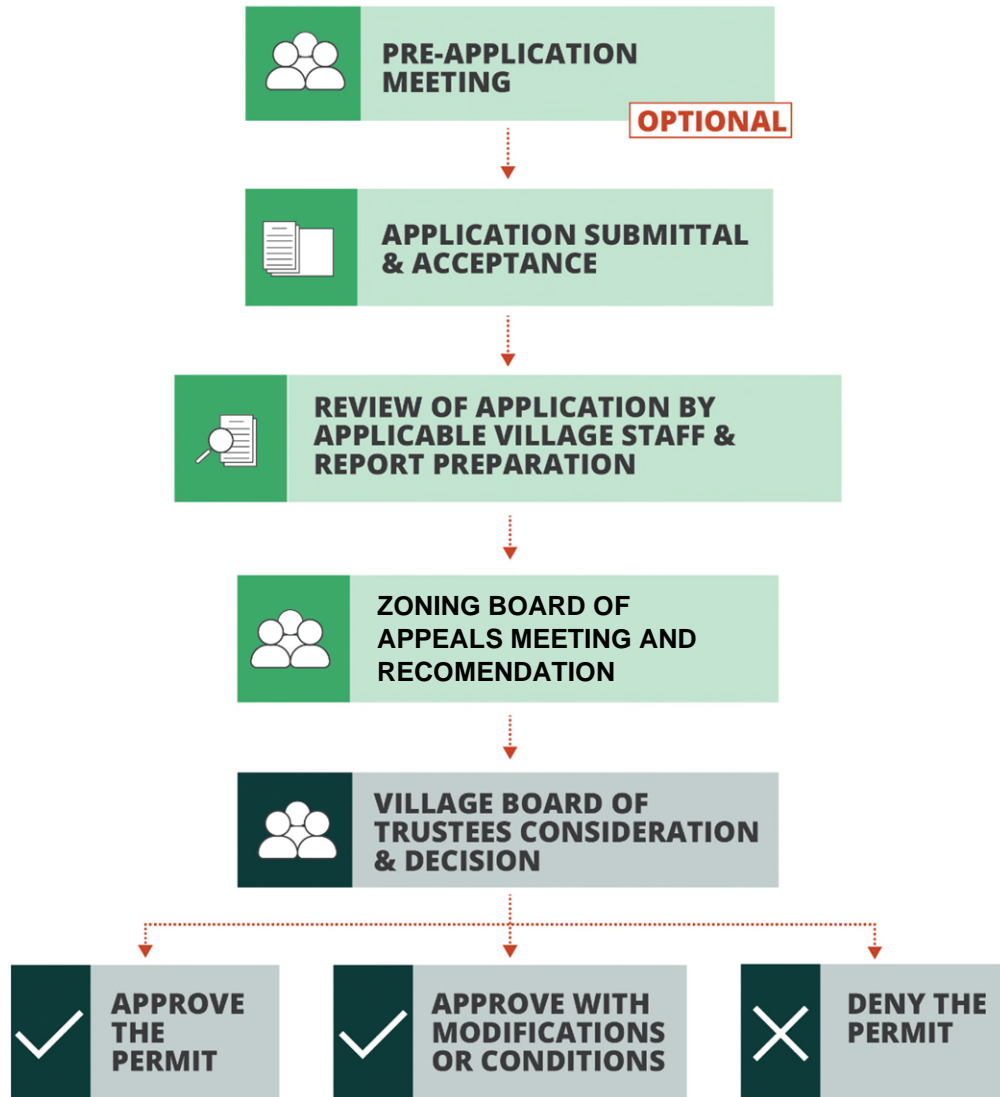


Figure 2 VG-O District Design Review

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## **2-113.Special Permit**

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- B. **Purpose.** Special Permit uses are those uses having some special impact or uniqueness that require a careful review of their location, design, configuration and impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. Special Permit uses are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect.
- C. **Applicability.**
1. A Special Permit shall be required prior to the establishment of any use identified as a Special Permit use in a particular district in Tables 3-105-A, 4-105-A, 5-105-A, 6-105-A, 7-105-A or 8-105-A.
  2. An application for a Special Permit may be filed by the owner of, or any person having a contractual interest in, the subject property.
- D. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required, in accordance with Table 2-103 Procedures Overview, or requested it shall follow the process detailed in Section 2-103-B-2 Pre-Application Meetings.
  2. **Optional Preliminary Consideration.** The applicant may elect to conduct a Preliminary Application Consideration meeting with the Board of Trustees prior to application submittal. If the applicant elects, the following steps shall be taken. If the applicant chooses to waive the Preliminary Application Consideration meeting, the Application Submittal, as outlined in Step 3 (see Section 2-103-B-2(b)), shall be placed on the next available Board of Trustees meeting agenda to acknowledge receipt of application.
    - a. **Preliminary Application, Submittal and Acceptance.** Preliminary application submittal and acceptance shall follow the standards and process established in Section 2-103-B-2.
    - b. **Preliminary Application, Village Manager Review.** Once the application is accepted, the Village Manager shall schedule the Board of Trustees Preliminary Application Consideration meeting.
    - c. **Preliminary Application Board of Trustees Consideration Meeting.** See 2-102.D.
  3. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 2-103-B-3.
  4. **Village Manager Review.** Once the application is accepted, the Village Manager shall:
    - a. Refer the application to appropriate Village Departments for review and comment,
    - b. Prepare a report and recommendation on the application, based on the comments received from the referred to Village Departments, and

- c. Schedule the Plan Commission Public Hearing.
- 5. **Plan Commission Hearing and Recommendation.** The Plan Commission shall conduct a public hearing on the application; review and discuss the application, Village Manager's report, and public comment received; and recommend the Board of Trustees either:
  - a. Issue the Special Permit without modification,
  - b. Issue the Special Permit with modifications or subject to conditions, or
  - c. Deny the Special Permit in which case the Village Manager shall issue a denial letter, detailing the decision to the applicant.
- 6. **Board of Trustees Meeting and Decision.** The Board of Trustees shall review the application, the Village Manager's report, and the recommendation of the Plan Commission and either:
  - a. Issue the Special Permit without modification,
  - b. Issue the Special Permit with modifications or subject to conditions, or
  - c. Deny the Special Permit.
- 7. **Protest.** Any written protest against the proposed Special Permit that is received by the Village Clerk prior to the date on which consideration by the Board of Trustees is scheduled to occur shall be distributed electronically to the members of the Board of Trustees; however, notwithstanding any state statute to the contrary, such protest shall not change the vote requirement for adoption by the Board of Trustees.

**E. Review Criteria.**

- 1. **General Standards.** No Special Permit shall be recommended or issued unless the applicant establishes that:
  - a. The proposed use and development will be in harmony with the general and specific purposes for which this Code was enacted and for which the regulations of the district in question were established and with the general purpose and intent of the Official Comprehensive Plan.
  - b. The proposed use, drainage and development will not have a substantial or undue adverse effect upon adjacent property, the public health, safety and general welfare.
  - c. The proposed use and development will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.
  - d. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire

protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.

- e. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.
  - f. The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic feature of significant importance.
  - g. The proposed use and development complies with all additional standards imposed on it by the particular provision of this Code authorizing such use.
2. **Supplemental Standards for Specified Special Permit Uses.** Where the district regulations authorizing any Special Permit use in a particular district impose supplemental standards to be met by such use in such district, a permit for such use in such district shall not be recommended or issued unless the applicant shall establish compliance with such supplemental standards.
3. **Considerations.** In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and Board of Trustees shall consider:
- a. **Mitigation of Adverse Impacts.** Whether, and to what extent, all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping and screening.

**F. Effect of Decision.**

- 1. **Violation of Conditions.** Violation of any of the conditions imposed by the Board of Trustees in the approval and issuance of a Special Permit shall be a violation of this Code and shall constitute grounds for revocation of the Special Permit.
- 2. **Effect of Issuance of a Special Permit.** The granting of a Special Permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the Codes of the Village, including but not limited to a land use verification, a Building Permit, a Certificate of Occupancy and subdivision approval.
- 3. **Limitations on Special Permits.**
  - a. Subject to an extension of time granted by the Village Manager, no Special Permit shall be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use commenced within that period.

- b. A Special Permit shall be deemed to authorize only the particular use for which it was issued, and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of six consecutive months or more.
- c. Except when otherwise provided in the Code granting a Special Permit, a Special Permit shall be deemed to relate to, and be for the benefit of, the current owner or operator of the use or lot in question rather than to the lot itself.
- d. The privileges and rights granted by a Special Permit Code may be transferred to another owner or operator that is operating in full compliance with the terms of the Special Permit, but only after:
  - i. The execution and filing by the new owner or operator of an unconditional agreement and consent to accept and abide by each and all terms, conditions, and limitations set forth in the Code in a form acceptable to the Village Manager.

**4. Amendments.**

- a. **Administrative Amendments.** Administrative amendments to Special Permits shall be treated as a Site Plan (Section 2-108). Administrative amendments include any amendment that:
  - i. The intensity of the use is consistent with, or reduced from, the originally approved special permit.
  - ii. The construction or placement of new buildings, building additions, and/or new structures are compliant with the zoning district bulk standards.
  - iii. Maintains or reduces any authorized variation or exception, and
  - iv. Complies with all special restrictions established in the approved Special Permit Ordinance.
- b. **Minor Amendments.** Minor amendments to Special Permits shall be reviewed and approved by the Board of Trustees following a public hearing meeting all notice requirements of a Special Permit (Section 2-113). Minor amendments include any amendments that have no substantial impact on neighboring properties or the general public.
- c. **Major Amendments.** Major amendments to an approved Special Permit shall be treated as a new application for Special Permit approval. Major amendments include any amendments that do not qualify as an administrative or minor amendment.

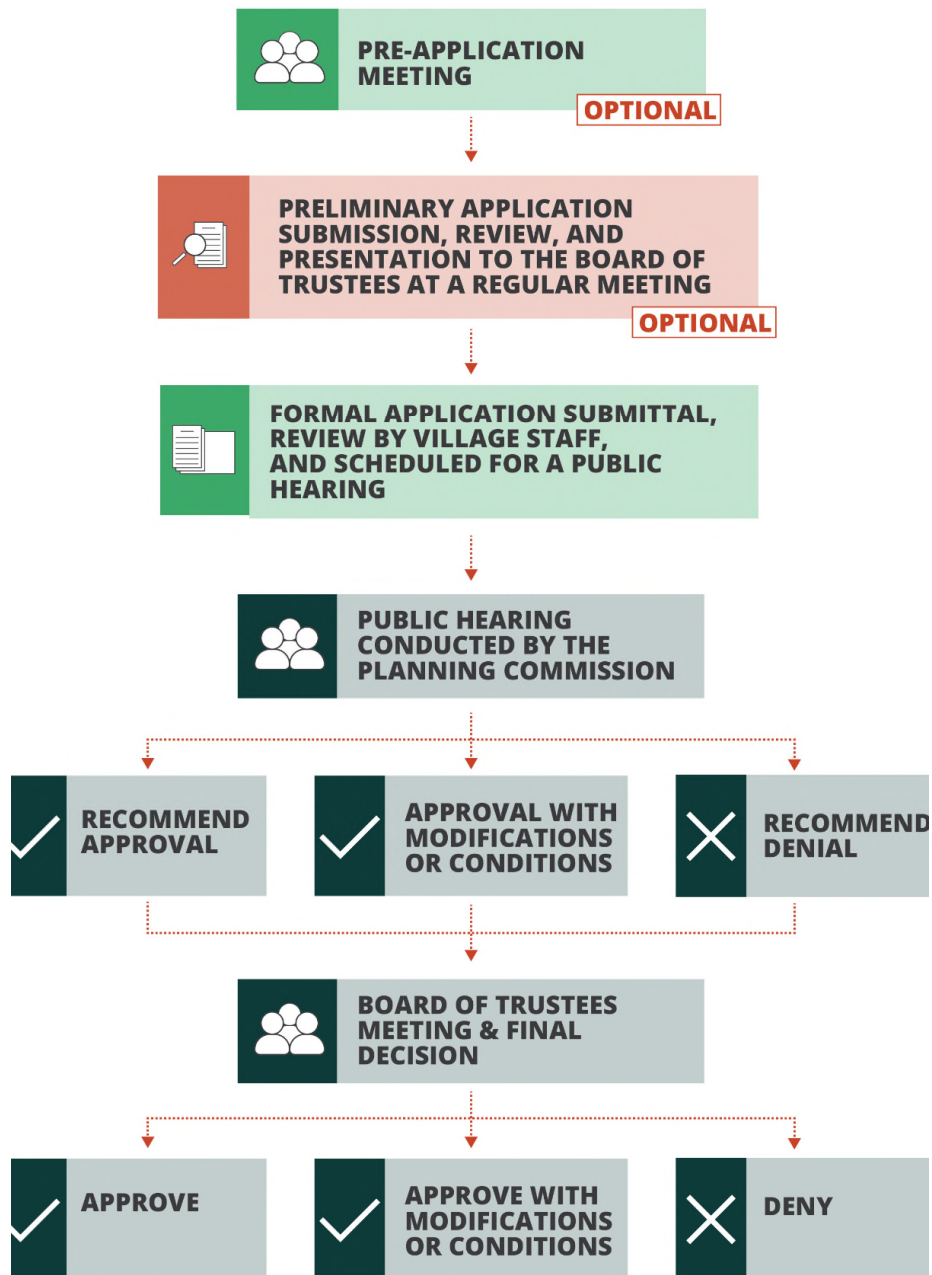


Figure 3 Special Permit

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## **2-114. Variance**

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- A. **Purpose.** The Variance procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen, particular applications of this Code that create practical difficulties or particular hardships.
- B. **Applicability.** A variance from any standard of this Code, with the exception of the prohibited variances enumerated below, may be requested.
1. **Prohibited Variances.**
    - a. In no event shall a Variance be considered which would allow the establishment of a use which is not otherwise allowed in a district, or which would change the district classification or the district boundary of the property in question.
    - b. No Variance shall be considered that is intended as a temporary measure only.
    - c. No Variances of the Flood Hazard Overlay District regulations shall be considered.
- C. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required, in accordance with Table 2-103 Procedures Overview, or requested it shall follow the process detailed in Section 2-103-B-2 Pre-Application Meetings.
  2. **Application Submittal and Acceptance.**
    - a. Application submittal and acceptance shall follow the standards and process established in Section 2-103-B-3.
  3. **Village Manager Review.** Once the application is accepted, the Village Manager shall:
    - a. Refer the application to appropriate Village Departments for review and comment,
    - b. Prepare a report and recommendation on the application, based on the comments received from the referred to Village Departments, and
    - c. Schedule the Zoning Board of Appeals Public Hearing.
  4. **Zoning Board of Appeals Hearing and Decision.** The Zoning Board of Appeals shall conduct a public hearing on the application; review and discuss the application, Village Manager's report, and public comment received; and either:
    - a. Approve the Variance without modification,
    - b. Approve the Variance with modifications or subject to conditions, or
    - c. Deny the Variance.

5. **Alternative Review Procedure for Combined Applications.** When a Variance is submitted as part of a development application, the Plan Commission shall hold a public hearing and make a recommendation to the Board of Trustees. The Board of Trustees shall take final action. The Variance shall not be referred to the Zoning Board of Appeals in this case.
  - a. **Plan Commission Hearing and Recommendation.** The Plan Commission shall conduct a public hearing on the application; review and discuss the application, Village Manager's report, and public comment received; and recommend the Board of Trustees either:
    - i. Approve the Variance without modification,
    - ii. Approve the Variance with modifications or subject to conditions, or
    - iii. Deny the Variance.
  - d. **Board of Trustees Meeting and Decision.** The Board of Trustees shall review the application, the Village Manager's report, and the recommendation of the Plan Commission; and either:
    - i. Approve the Variance without modification,
    - ii. Approve the Variance with modifications or subject to conditions, or
    - iii. Deny the Variance.
5. **Protest.** Any written protest against the proposed Variance that is received by the Village Clerk prior to the date on which consideration by the Board of Trustees is scheduled to occur shall be distributed electronically to the members of the Board of Trustees; however, notwithstanding any state statute to the contrary, such protest shall not change the vote requirement for adoption by the Board of Trustees.

**D. Review Criteria.**

1. **Factors for Consideration.** In the review of Variance applications, the Zoning Board of Appeals may take the following factors into consideration:
  - a. The existing uses and zoning of nearby properties,
  - b. The extent to which a particular zoning regulation diminishes property values,
  - c. The extent to which the diminution of the plaintiff's property values promotes the health, safety, morals, or general welfare of the public,
  - d. The balance between the gain to the public versus the hardship to the individual property owner,
  - e. The property's suitability for the zoned purpose,
  - f. The amount of time the subject property has been vacant as zoned in the context of land development in the vicinity, and



g. The community's need for the proposed use.

2. **Findings of Fact.** Before any Variance is approved, the Zoning Board of Appeals shall make a favorable finding of fact, based upon evidence presented by the applicant, that each of the following criteria has been considered:

- a. The Variance is in harmony with the general purpose and intent of the regulation and this Code.
- b. There is an unusual hardship in meeting the requirements of this Code that is not the result of any action of the property owner or applicant.
- c. The plight of the applicant is due to such unique circumstances that the proposed Variance will not serve as a special privilege, but will alleviate some condition not shared by other property in the same locality and district.
- d. The proposed Variance will not alter the essential character of the locality.
- e. The proposed Variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the streets, increase the danger of fire or crime, diminish the value of nearby property, nor impair the public health, safety, comfort, convenience, or general welfare.

**E. Effect of Decision.**

1. **Conditions on Variations.**

- a. The Zoning Board of Appeals may impose conditions and limitations concerning, but not limited to, use, construction, character, location, landscaping, screening upon the premises benefited by a Variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services.
- b. Such conditions shall be expressly set forth in the resolution granting the Variance.
- c. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of the Variance.

2. **Limitations on Variances.**

- a. An approved Variance shall be valid for a period of one year after the date of its approval, unless a building permit is issued, and construction has actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued, and a use is commenced within that period.
- b. The Village Manager may, upon written application made prior to the expiration of the one-year period, grant a single extension which shall not exceed one year. When considering a request for extension of a Variance, the Village Manager shall utilize the

Review Criteria to determine if the Factors for Consideration and Findings of Fact continue to warrant the Variance.

- c. If a Variance is approved for a subdivision, it shall be valid for a period that is coterminous with the period that the tentative subdivision plat is valid per the Northbrook Subdivision and Development Code and shall be run with the land only after the recordation of a duly approved final subdivision plat.
  - d. A Variance shall be deemed to authorize only the specific construction or development for which it was issued and shall automatically expire and cease to be of any force or effect if such construction or development shall be removed and not replaced within six months following such removal.
3. **Adjustments to Variations.** The Village Manager is authorized to review and approve insignificant adjustments to previously approved zoning variations. An adjustment shall be deemed to be insignificant if, in the opinion of the Village Manager, it does not increase the intensity of use, further reduce any authorized variation, has no discernible impact on neighboring properties or the general public and complies with all special restrictions established in the approved resolution authorizing the variations.

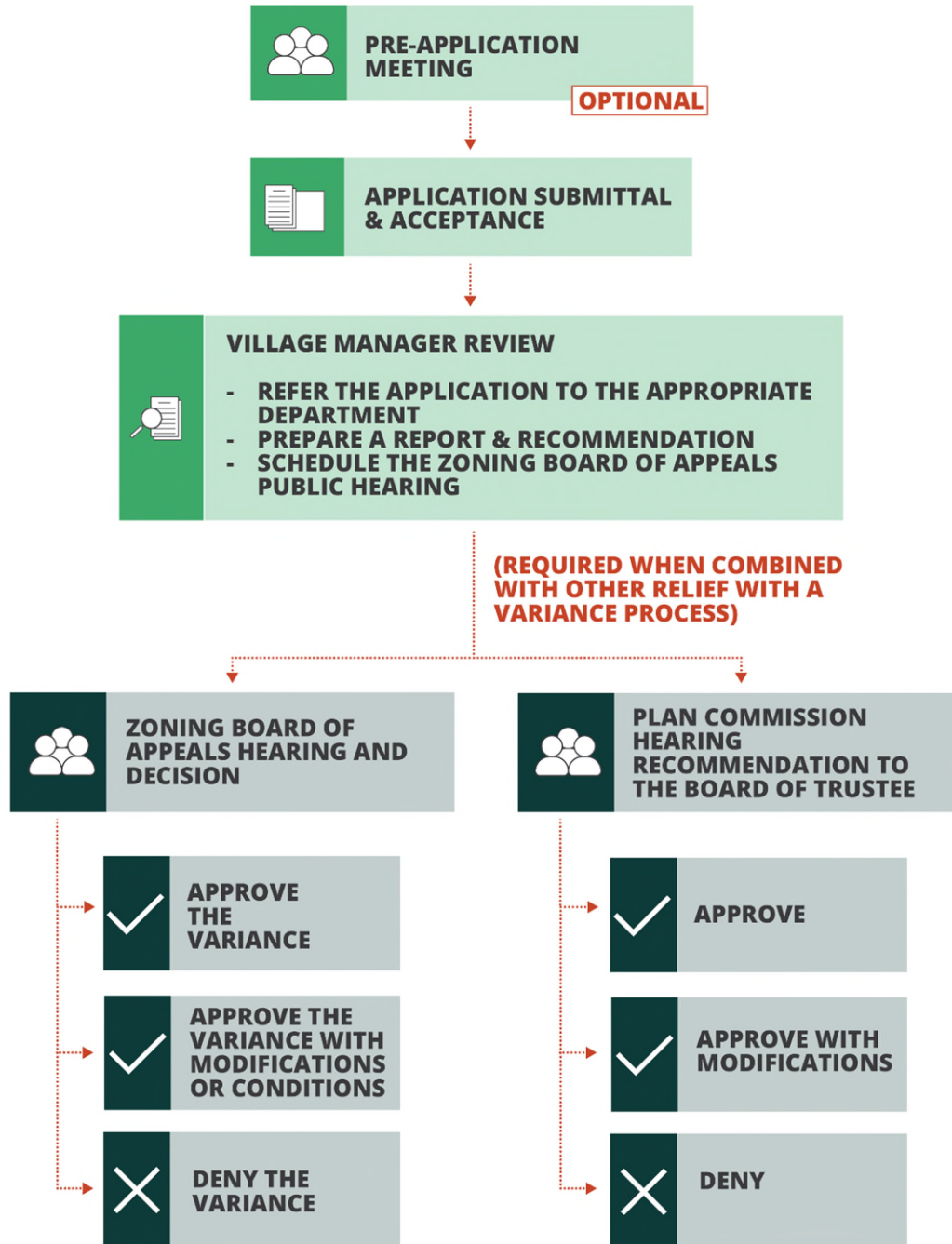


Figure 4 Variance

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## **2-115. Comprehensive Plan Adoption**

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- A. **Purpose.** The Official Comprehensive Plan shall be considered an official statement of the policy of the Village of Northbrook with respect to:
1. The existing and developing character of the various areas of the Village and its vicinity;
  2. The proper objectives, standards and direction for future maintenance, growth, development and redevelopment of the Village;
  3. The means to be employed to protect existing character or development and to encourage future development that will be in the best interests of the Village; and
  4. The actions and programs to be undertaken by the Village with respect to its future maintenance and development.
- B. **Applicability.**
1. The Plan Commission, with the assistance of the Village Manager and the Village's staff, are responsible for the development and revision of the Official Comprehensive Plan.
  2. The process of plan development is necessarily an informal one, not readily adaptable to rigid procedures, but the Plan Commission and the Village Manager, in developing a plan, shall make all reasonable efforts to obtain the views, comments and criticisms of interested persons.
- C. **Procedures.**
1. **Village Manager Review.** Once the plan is developed or revisions are prepared, the Village Manager shall:
    - a. Refer the plan to appropriate Village Departments for review and comment,
    - b. Prepare a report and recommendation on the plan, based on the comments received from the referred to Village Departments, and
    - c. Schedule the Plan Commission Public Hearing.
  2. **Plan Commission Hearing and Recommendation.** The Plan Commission shall conduct a public hearing on the plan; review and discuss the policies, goals, objectives, principles and standards of the proposed plan, the Village Manager's report, and public comment received; and recommend the Village Board either:
    - a. Adopt the Plan as presented, or
    - b. Adopt the Plan with modifications.
  3. **Board of Trustees Meeting and Decision.** The Board of Trustees shall review the plan, the Village Manager's report, and the recommendation of the Plan Commission and either:

- a. Adopt the Plan as presented,
- b. Adopt the Plan with modifications, or
- c. Refer the Plan back to the Plan Commission for further refinement.

D. **Review Criteria.** The wisdom of whether to adopt a proposed plan as the Village's Official Comprehensive Plan is a matter committed to the legislative discretion of the Board of Trustees and is not dictated by any set standard. However, in determining whether a proposed Plan should be adopted, the Board should be guided by the feedback received from the public throughout the course of plan development as well as the recommendation of the Plan Commission.

E. **Effect of Decision.**

1. **Plan Filing and Notice of Adoption.** The Code adopting the Official Comprehensive Plan, or any part thereof, shall provide that the Village Manager shall cause a certified copy thereof to be placed on file in the Office of the Village Clerk, and shall cause a notice evidencing the adoption of such plan, or part thereof, to be filed with the Cook County Recorder of Deeds.
2. **Effect of Adoption.** After the adoption of the Official Comprehensive Plan, or a part thereof, no Code, regulation or Official Map relating to the physical maintenance, development, or redevelopment of the Village or any land within it shall be enacted, established, amended or varied and no right-of-way, street, utility or public structure or land shall be authorized, established, developed, redeveloped or modified in location or extent except in accordance with the policies, goals, objectives, principles and standards of the Official Comprehensive Plan or relevant part thereof unless the Board of Trustees shall first make a specific finding that the facts and circumstances affecting the particular matter justify a departure from the Plan.

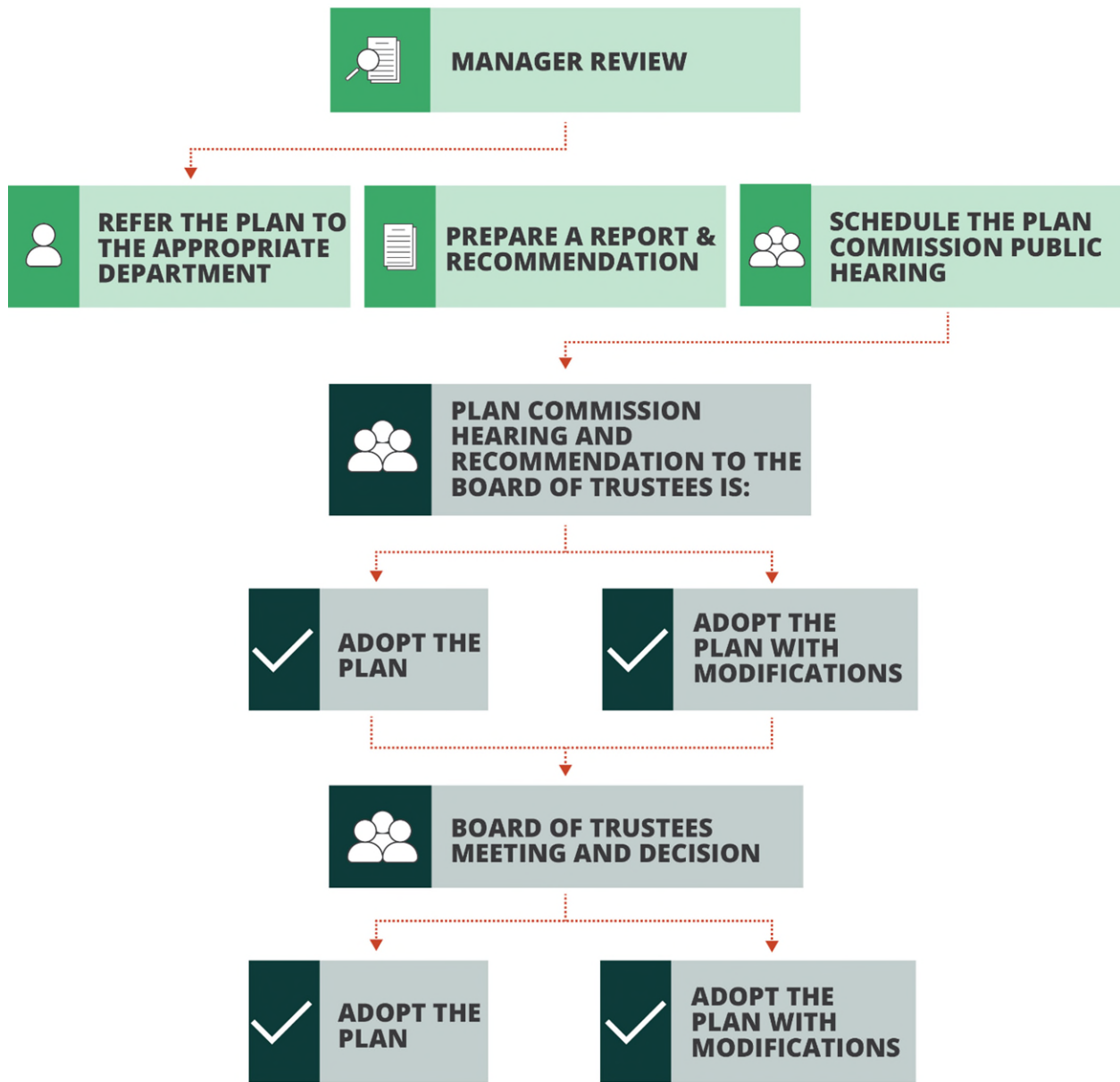


Figure 5 Comprehensive Plan Adoption

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## **2-116. Comprehensive Plan Amendment**

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- A. **Purpose.** The Comprehensive Plan Amendment process established by this Section is intended to provide a means for making changes to the Plan that have more or less general significance or application. It is not intended to relieve particular hardships nor to confer special privileges or rights. Rather, it is intended as a tool to adjust the provisions of this Code in light of changing, newly discovered or newly important conditions, situations or knowledge.
- B. **Applicability.** A Comprehensive Plan Amendment may be initiated by the Board of Trustees, the Plan Commission, the Village Manager, or by any owner of property affected by the provisions of such plan sought to be amended.
- C. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required, in accordance with Table 2-103 Procedures Overview, or requested it shall follow the process detailed in Section 2-103-B-2 Pre-Application Meetings.
  2. **Application Submittal and Acceptance.**
    - a. Amendments initiated by the Board of Trustees, the Plan Commission or the Village Manager shall require no formal application and shall be processed following the Comprehensive Plan Adoption procedures.
    - b. Amendments initiated by the owner of affected property shall follow the standards and process established in Section 2-103-B-3.
  3. **Village Manager Review.** Once the application is accepted, the Village Manager shall:
    - a. Refer the application to appropriate Village Departments for review and comment,
    - b. Prepare a report and recommendation on the application, based on the comments received from the referred to Village Departments, and
    - c. Schedule the Plan Commission Public Hearing.
  4. **Plan Commission Hearing and Recommendation.** The Plan Commission shall conduct a public hearing on the application; review and discuss the application, Village Manager's report, and public comment received; and recommend the Board of Trustees either:
    - a. Amend the Official Comprehensive Plan as presented,
    - b. Amend the Official Comprehensive Plan with conditions, or
    - c. Deny the Amendment.
  5. **Board of Trustees Meeting and Decision.** The Board of Trustees shall review the application, the Village Manager's report, and the recommendation of the Plan Commission and either:

- a. Amend the Official Comprehensive Plan as presented,
    - b. Amend the Official Comprehensive Plan with conditions, or
    - c. Deny the Amendment, in which case the Village Manager shall issue a denial letter, detailing the decision to the applicant.
  6. **Protest.** Any written protest against the proposed Comprehensive Plan Amendment that is received by the Village Clerk prior to the date on which consideration by the Board of Trustees is scheduled to occur shall be distributed electronically to the members of the Board of Trustees; however, notwithstanding any state statute to the contrary, such protest shall not change the vote requirement for adoption by the Board of Trustees.
- D. **Review Criteria.** In the review of a Comprehensive Plan Amendment application, the Plan Commission and Board of Trustees shall ensure the amendment is generally consistent with the overall policies, goals, objectives, principles and standards of the Official Comprehensive Plan.
- E. **Effect of Decision.**
1. After the adoption of an amendment to the Official Comprehensive Plan, or a part thereof, no Code, regulation or Official Map relating to the physical maintenance, development, or redevelopment of the Village or any land within it shall be enacted, established, amended or varied and no right-of-way, street, utility or public structure or land shall be authorized, established, developed, redeveloped or modified in location or extent except in accordance with the policies, goals, objectives, principles and standards of the Official Comprehensive Plan or relevant part thereof unless the Board of Trustees shall first make a specific finding that the facts and circumstances affecting the particular matter justify a departure from the Plan.
  2. **Amendment Filing and Notice of Adoption.** The Code adopting the amendment to the Official Comprehensive Plan, or any part thereof, shall provide that the Village Manager shall cause a certified copy thereof to be placed on file in the Office of the Village Clerk, and shall cause a notice evidencing the adoption of such amendment, or part thereof, to be filed with the Cook County Recorder of Deeds.



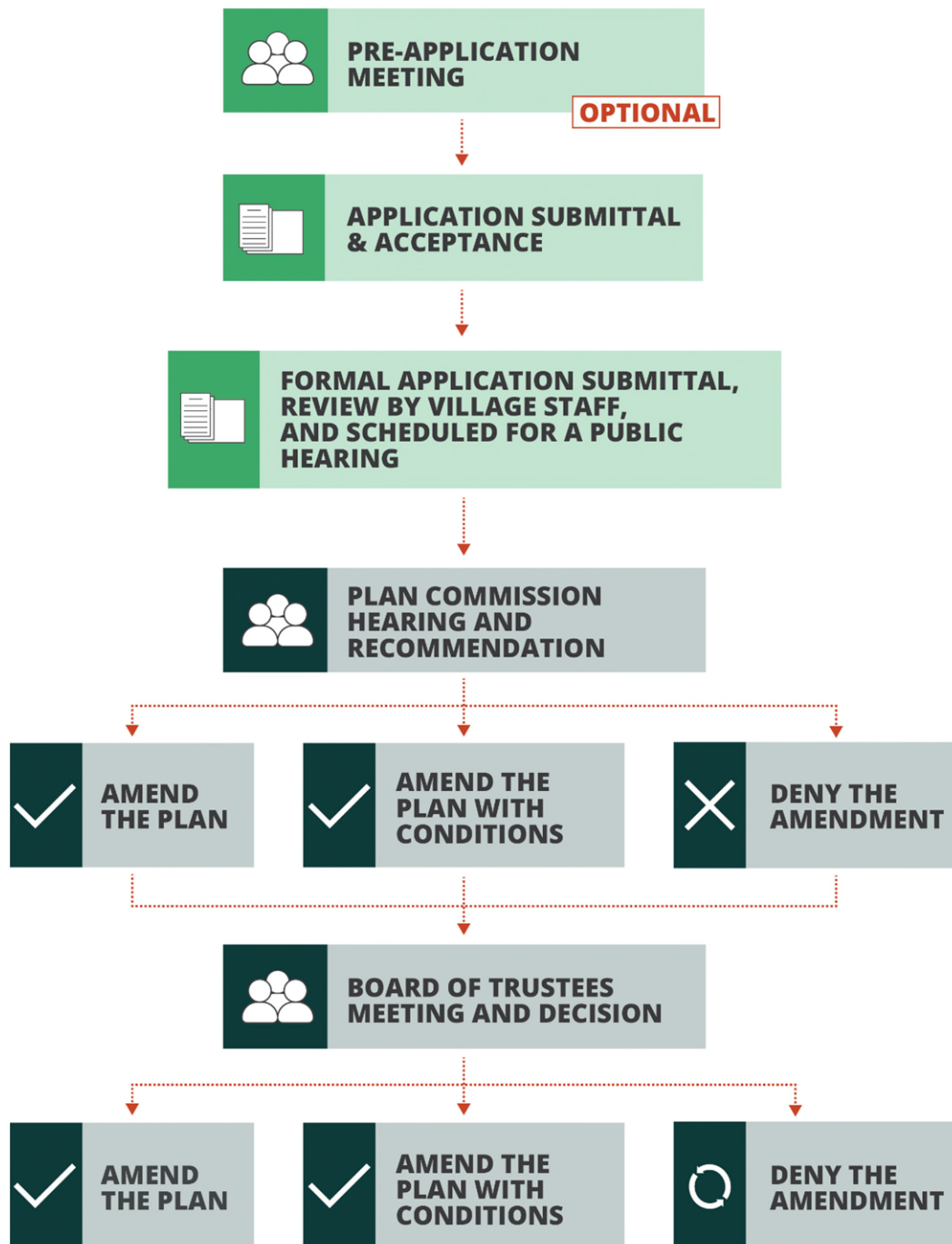


Figure 6 Comprehensive Plan Amendment

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## **2-117. Code and Zoning Map Amendment**

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- A. **Purpose.** The Code and Zoning Map Amendment process established by this Section is intended to provide a means for making changes in the text of this Code that have more or less general significance or application. It is not intended to relieve particular hardships nor to confer special privileges or rights. Rather, it is intended as a tool to adjust the provisions of this Code in light of changing, newly discovered or newly important conditions, situations or knowledge.
- B. **Applicability.** An application for a Code and Zoning Map Amendment may be filed by the Board of Trustees, the Plan Commission, the Zoning Board of Appeals, the Village Manager, and any person interested in a proposed amendment to the text of this Code, or the owner of, or any person having a contractual interest in any property to be affected by a proposed amendment to the Zoning Map.
- C. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required, in accordance with Table 2-103 Procedures Overview, or requested it shall follow the process detailed in Section 2-103-B-2 Pre-Application Meetings.
  2. **Optional Preliminary Consideration.** The applicant may elect to conduct a Preliminary Application Consideration meeting with the Board of Trustees prior to application submittal. If the applicant elects, the following steps shall be taken. Applicants who choose to waive the Preliminary Application Consideration meeting with the Board of Trustees shall have the Application Submittal, as outlined in Step 3 (see Section 2-103-B-2(b)), shall be placed on the next available Board of Trustees meeting agenda to acknowledge receipt of application.
    - a. **Preliminary Application Submittal and Acceptance.** Preliminary application submittal and acceptance shall follow the standards and process established in Section 2-103-B-2.
    - b. **Village Manager Review.** Once the application is accepted, the Village Manager shall schedule the Board of Trustees Preliminary Application Consideration meeting.
    - c. **Board of Trustees Preliminary Application Consideration Meeting.**
      - i. Village staff shall present the preliminary application in sufficient detail to broadly acquaint the Board of Trustees with the proposal during a public meeting.
      - ii. The Board of Trustees may provide the applicant with any preliminary views or concerns that they may have at a time in the process when positions are still flexible, and adjustment is still possible prior to the time when the applicant is required to expend the funds necessary to prepare the complete documentation required for a formal application.
      - iii. The Board of Trustees may make any comments, suggestions or recommendations regarding the preliminary application deemed necessary or appropriate by that

member; provided, however, that no final or binding action shall be taken with respect to any preliminary application.

- iv. Any views expressed during the Board of Trustees Preliminary Application Consideration meeting shall be deemed to be only preliminary and advisory and only the individual views of the members expressing them. Nothing said or done during such review shall be deemed to create, or to prejudice, any rights of the applicant or to obligate the Board of Trustees, or any member of it, to approve or deny any formal application following full consideration thereof as required by this Code.
3. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 2-103-B-3.
4. **Village Manager Review.** Once the application is accepted, the Village Manager shall:
  - a. Refer the application to appropriate Village Departments for review and comment,
  - b. Prepare a report and recommendation on the application, based on the comments received from the referred to Village Departments, and
  - c. Schedule the Plan Commission Public Hearing.
5. **Plan Commission Hearing and Recommendation.** The Plan Commission shall conduct a public hearing on the application; review and discuss the application, Village Manager's report, and public comment received; and recommend the Board of Trustees either:
  - a. Amend the Code or Zoning Map as presented,
  - b. Amend the Code or Zoning Map with conditions, or
  - c. Deny the Amendment.
6. **Board of Trustees Meeting and Decision.** The Board of Trustees shall review the application, the Village Manager's report, and the recommendation of the Plan Commission and either:
  - a. Amend the Code or Zoning Map as presented,
  - b. Amend the Code or Zoning Map with conditions,
  - c. Refer the Code or Zoning Map back to the Plan Commission for additional refinement, or
  - d. Deny the Amendment, in which case the Village Manager shall issue a denial letter, detailing the decision to the applicant.
7. **Protest.** Any written protest against the proposed Amendment that is received by the Village Clerk prior to the date on which consideration by the Board of Trustees is scheduled to occur shall be distributed electronically to the members of the Board of Trustees; however, notwithstanding any state statute to the contrary, such protest shall not change the vote requirement for adoption by the Board of Trustees.

- D. **Review Criteria.** The wisdom of amending the Code and/or Zoning Map is a matter committed to the legislative discretion of the Board of Trustees and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied, the Board should be guided by the principle that its power to amend this Code is not an arbitrary one but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the Board should weigh the following factors:
1. The existing uses and zoning classifications of properties in the vicinity of the subject property.
  2. The trend of development in the vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present plan designation or zoning classification.
  3. The extent to which the value of the subject property is diminished by the existing plan designation or zoning classification applicable to it.
  4. The extent to which such diminution in value is offset by an increase in the public health, safety, and welfare.
  5. The extent, if any, to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.
  6. The extent, if any, to which the value of adjacent properties would be affected by the proposed amendment.
  7. The extent, if any, to which the future orderly development of adjacent properties would be affected by the proposed amendment.
  8. The suitability of the subject property for uses permitted or permissible under its present plan designation and zoning classification.
  9. The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.
  10. The community need for the proposed map amendment and for the uses and development it would allow.
- E. **Effect of Decision.**
1. After the adoption of a Code or Zoning Map Amendment no physical maintenance, development, or redevelopment of the Village or any land within it shall be done except in accordance with the amended Code or map.
  2. **Zoning Map Amendment Filing and Notice of Adoption.** The Code adopting the Zoning Map amendment shall provide that the Village Manager shall cause a certified copy thereof to be placed on file in the Office of the Village Clerk.

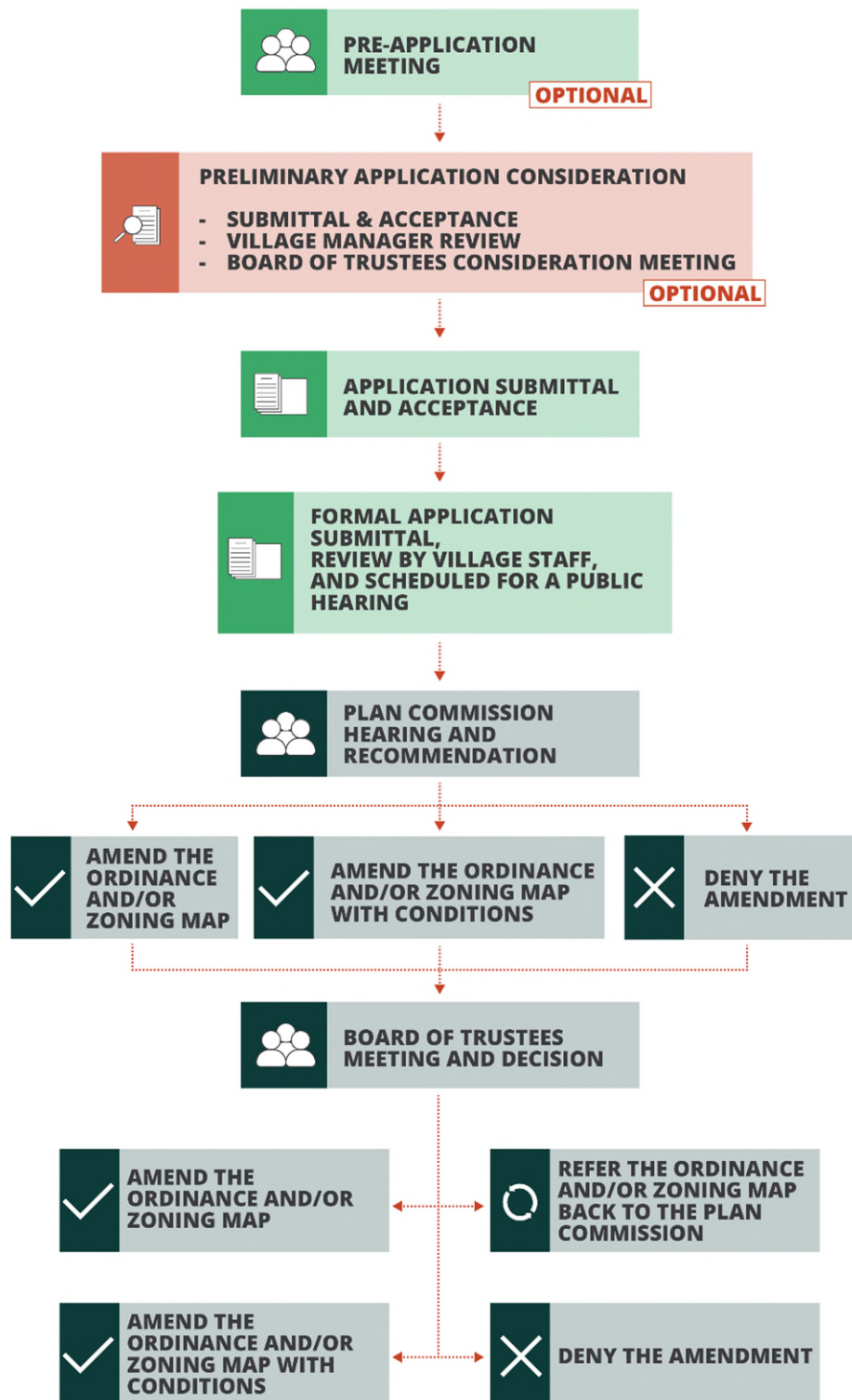


Figure 7 Code and Zoning Map Amendment

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## **2-118.Planned Unit Development**

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- A. **Purpose.** The Planned Unit Development (PUD) process is established to achieve high quality, creative, and innovative land planning and site design that furthers the objectives of the Village, as detailed in Table 4-102, but which cannot be achieved through the strict application of the development and design standards of this Code. The PUD is a process by which deviations from base district development and design standards, that meet the needs and character of the site-specific features and context of the district, may be approved.
- B. **Applicability.**
1. **Village Green Overlay District.** All new development or redevelopment in the VG-O district that will impact more than 50,000 square feet of gross floor area or total development site area, shall be subject to the PUD process regardless of whether deviations from base and overlay district standards are sought.
  2. **All Other Districts.** In all other districts, except the C-4 District, a PUD may be considered for any new development or redevelopment impacting 200,000 square feet or more of gross floor area or development site area.
  3. **C-4 District.**
    - a. In the C-4 District, any new development or redevelopment occurring after October 30, 2023, shall undergo a PUD process. The development shall be approved as a planned development in accordance with the procedures outlined in this Section and the special permit requirements set forth in Section 2-113. Once approved, all development within the PUD shall be governed by the final plan approved as part of the planned development.
    - b. Any use or structure existing in the C-4 District as of October 30, 2023, that is not part of a planned development approved on or after October 30, 2023, shall be deemed to be a legal nonconformity subject to the provisions of Article 12 of this Code.
- C. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required, in accordance with Table 2-103 Procedures Overview, or requested it shall follow the process detailed in Section 2-103-B-2 Pre-Application Meetings.
  2. **Optional Preliminary Consideration.** The applicant may elect to conduct a Preliminary Application Consideration meeting with the Board of Trustees prior to application submittal. If the applicant elects, the following steps shall be taken. Applicants who elect to waive the Preliminary Application Consideration meeting will still have their Application Submittal, as outlined in Step 3 (see Section 2-103-B-2(b)), shall be placed on the next available Board of Trustees meeting agenda to acknowledge receipt of t application.

- a. **Preliminary Application, Submittal and Acceptance.** Preliminary application submittal and acceptance shall follow the standards and process established in Section 2-103-B-2.
  - a. **Preliminary Application, Village Manager Review.** Once the application is accepted, the Village Manager shall schedule the Board of Trustees Preliminary Application Consideration meeting.
  - b. **Preliminary Application Board of Trustees Consideration Meeting.** See Section 2-102.D.
- 3. **Application Submittal and Acceptance.**
  - a. Application submittal and acceptance shall follow the standards and process established in Section 2-103-B-3.
  - b. When a subdivision of land, subject to the Northbrook Subdivision Code, is proposed in connection with a planned development, review of the tentative plat of the proposed subdivision shall be carried out simultaneously with review of the PUD application.
- 4. **Village Manager Review.** Once the application is accepted, the Village Manager shall:
  - a. Refer the application to appropriate Village Departments for review and comment,
  - b. Prepare a report and recommendation on the application, based on the comments received from the referred to Village Departments, and
  - c. Schedule the Plan Commission Public Hearing.
- 5. **Plan Commission Hearing and Recommendation.** The Plan Commission shall review and discuss the application, Village Manager's report, and either:
  - a. Recommend Approval of the PUD,
  - b. Recommend Approval of the PUD with conditions, or
  - c. Recommend Denial of the PUD.
- 6. **Board of Trustees Meeting and Decision.** The Board of Trustees shall review the application, the Village Manager's report, and the recommendation of the Plan Commission; and either:
  - a. Approve the PUD,
  - b. Approve the PUD with conditions,
  - b. Refer the PUD back to the Plan Commission, as applicable, for additional refinement, or
  - c. Deny the PUD, in which case the Village Manager shall issue a denial letter, detailing the decision to the applicant.



7. **Protest.** Any written protest against the proposed PUD that is received by the Village Clerk prior to the date on which consideration by the Board of Trustees is scheduled to occur shall be distributed electronically to the members of the Board of Trustees; however, notwithstanding any state statute to the contrary, such protest shall not change the vote requirement for adoption by the Board of Trustees.

**D. Review Criteria.**

1. **General Review Criteria.** In the review of all PUDs, the Board of Trustees shall find that all of the following objectives are met:
  - a. **Plan Alignment.** The PUD is consistent with and clearly puts into effect the goals, objectives, and policies set forth in adopted plans and policy documents of the Village.
  - b. **Placemaking.** The PUD has a distinctive identity and brand that is utilized in signs, streetscape, public art, architecture, public gathering spaces, and open spaces.
  - c. **Integrated Design with Identifiable Centers and Edges.** The PUD is laid out and developed as a unit in accordance with an integrated overall design. The design provides identifiable centers and edges through the harmonious grouping of buildings, uses, facilities, community spaces, and open spaces. The design is highly connected internally and externally and maximizes multimodal transportation.
  - d. **Compatibility with Adjacent Land Uses.** The PUD includes uses which are generally compatible with the uses of adjacent parcels, with consideration given to the level of activity or intensity, noise, light, and odor. If the uses are not generally compatible, adverse impacts are mitigated through building design, height, and placement; significant screening; landscaping; public open space; and other buffering features that protect uses within the development and surrounding properties beyond what is otherwise required by this Code.
  - e. **Landscape Conservation and Visual Enhancement.** The PUD preserves and enhances existing natural features and amenities, such as stands of mature trees, riparian areas, wildlife habitat, unique landforms or topography, and significant viewsheds, beyond that which is required by the Village.
  - f. **Open and Public Gathering Space.** The PUD includes prominent and accessible open space and public gathering space, meeting the ownership and maintenance standards of Article 8. The Board of Trustees may elect to condition their approval of the PUD on the dedication of open space and public gathering space to the Village for public use.
  - g. **Archaeological, Historical, or Cultural Impact.** The PUD does not substantially, adversely impact archaeological, historical, or cultural resources, including historic properties eligible for or listed in the National Register of Historic Places located on or off the parcel(s) proposed for development. Examples of adverse impacts include but are not limited to:



- i. Neglect, destruction, damage, or removal of resources; alteration of property inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties,
  - ii. Change of the character of the physical features of the resource's setting and association that contribute to its historic significance, and
  - iii. Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features.
2. **Modification Standards.** A PUD shall justify any request(s) for deviation from base or overlay district development and design standards by meeting at least one of the following standards that further the Village's adopted policies and goals.
  - a. **Environmentally Sustainable Site and Building Design.** The PUD is designed with consideration given to various methods of site design and building location, architectural design of individual buildings, and landscaping design in order to:
    - i. Substantially reduce energy, waste and water consumption, for example, by meeting environmentally friendly building or site certification standards or adaptive reuse,
    - ii. Enhance local food systems, or
    - iii. Improve onsite stormwater management and water quality, for example, by designing to the 100-year storm event.
  - b. **Other.** The applicant may propose an alternative modification standard for consideration by the Board of Trustees.

**E. Effect of Decision.**

1. **Regulation During and Following Completion of Development.** Following Final Plan approval, the approved deviations from base district development and design standards shall control in the event of an express conflict between the provisions of the Final Plan and this Code. Any base district development and design standard both in effect at the time of PUD adoption or established/amended in the future, which does not receive deviation approval, shall be complied with.
2. **PUD Filing and Notice of Adoption.** The Code adopting the PUD shall provide that the Village Manager shall cause a certified copy thereof to be placed on file in the Office of the Village Clerk, and shall cause a notice evidencing the adoption of such plan, or part thereof, to be filed with the Cook County Recorder of Deeds.
3. **Amendments.**
  - a. **Administrative Amendments.** Insignificant amendments to PUDs shall be treated as a Site Plan (Section 2-108). Administrative amendments include any amendments that:
    - i. Does not increase the intensity of the use,

- ii. Further reduce any authorized variation or exception,
  - iii. Has no discernible impact on neighboring properties or the general public, and
  - iv. Complies with all special restrictions established in the approved Special Permit Code.
- b. **Minor Amendments.** Minor amendments to PUDs shall be reviewed and approved by the Board of Trustees following a public meeting. Minor amendments include any amendments that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- c. **Major Amendments.** Major amendments to an approved PUD shall be treated as a new application for PUD approval. Major amendments include any amendments that do not qualify as an administrative or minor amendment.
- d. **C-4 District Amendments.** Any subsequent amendment to a planned development special permit approved pursuant to 2-118-B-3 of this Section, shall require approval in accordance with the applicable provisions of this Code governing amendments to planned development special permit ordinances. However, property owners required to apply for or consent to any such amendment shall be limited to those property owners directly impacted by the proposed amendment.

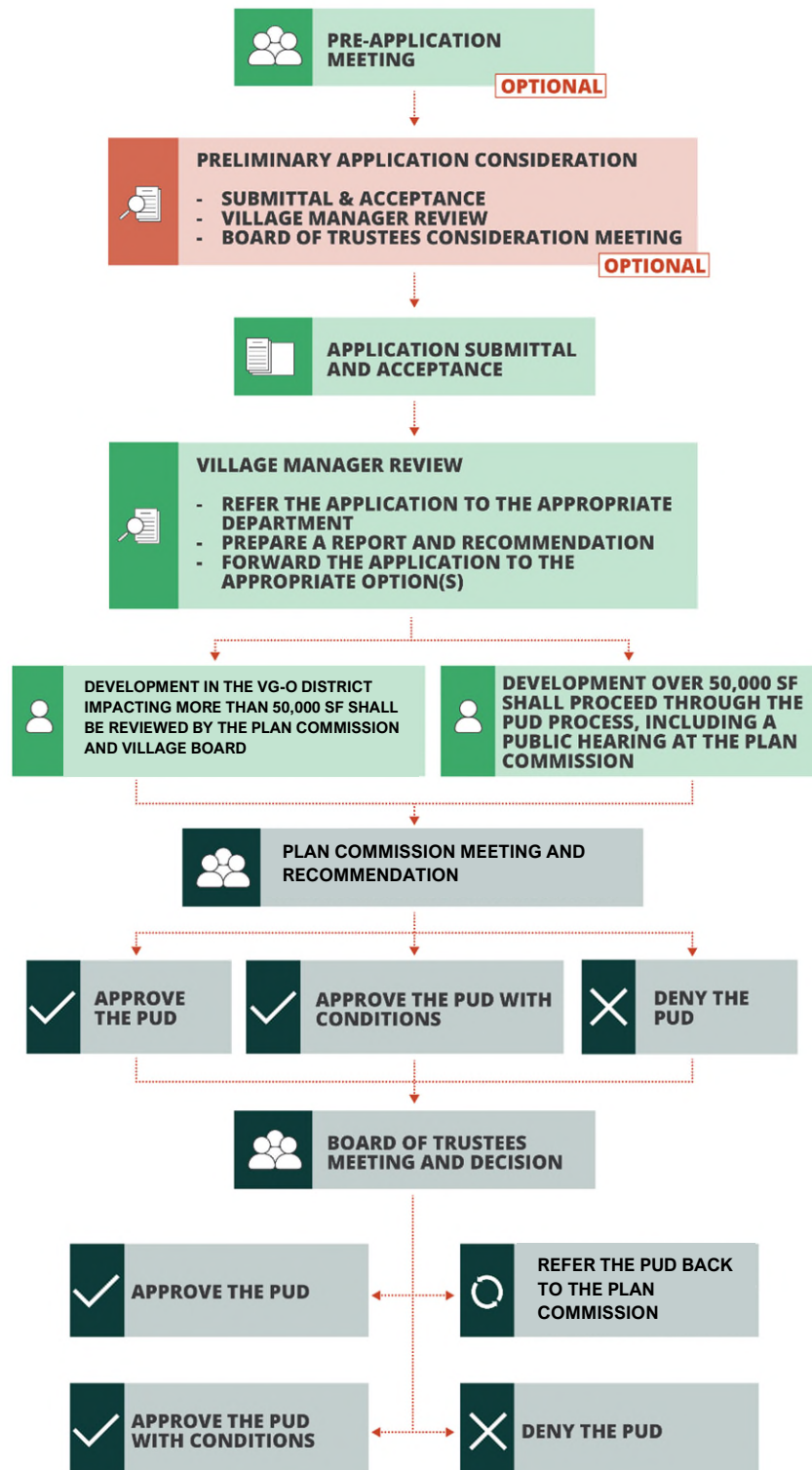


Figure 8 Planned Unit Development

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## **2-119. Enforcement**

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- A. **Types of Violations.** Any violation of a Code adopted pursuant to this Code shall constitute a violation of this Code, including the following types of violations.
1. **Development Without Authorization.** Engaging in the development, use, construction, land disturbance, or any other activity subject to the jurisdiction of this Code without all required plan approvals, permits, certificates, or other forms of authorization required by this Code shall constitute a violation of this Code.
  2. **Development Inconsistent with Approval.** Engaging in development, use, construction, land disturbance or other activity subject to the jurisdiction of this Code inconsistent with any approved plan, plat, permit, certificate, other form of authorization granted for such activity, including conditions of such approvals, shall constitute a violation of this Code.
  3. **Violation by Act or Omission.** Undertaking any activity contrary to the provisions of this Code, including but not limited to any act or omission, or failure to comply with any other provisions, procedures, or standards as required by this Code shall constitute a violation of this Code.
- B. **Enforcement Procedures.**
1. **Complaints Regarding Violations.** When the Village Manager identifies or is made aware of a potential violation of this Code, the enforcement procedures shall take place in accordance with this Section. Any person may submit a complaint alleging a violation of this Code.
    - a. Upon receiving a complaint that fully states the basis for the allegation, including the apparent cause of the alleged violation, the Village Manager shall properly record such complaint, investigate the alleged violation, and take appropriate action as provided by this Code.
    - b. Nothing shall limit the Village Manager from investigating possible violations of this Code without receiving a complaint.
  2. **Inspection and Investigation.** The Village Manager is authorized to conduct any lawful inspection and investigation necessary to ensure compliance with this Code.
    - a. Inspections may be conducted from public areas or common areas, including premises open to the general public, public right-of-way, as well as adjacent private areas where permission has been granted by the property owner. These inspections shall be carried out during normal business hours unless the Village Manager determines there is a special circumstance or an emergency necessitating inspection at another time.
    - b. Inspections of private areas not visible from a public area may only occur upon presentation of proper credentials and with the consent of the premises owner or with an administrative inspection warrant.

- c. No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the Village while that person is inspecting or attempting to inspect land or structures nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out their official duties.
- 3. **Notice of Violation and Correction Order.** Upon finding that a violation of this Code exists, the Village shall provide written notice of the violation and correction order.
  - a. **Contents of Written Notice of Violation.** The notice of the violation and correction order shall:
    - i. Describe the location and nature of the violation,
    - ii. State the actions necessary to abate the violation,
    - iii. Order that the violation be corrected within a specified reasonable time period not to exceed 30 days after receipt of the notice of the violation and correction order and with the limit for correction of the violation beginning five days after the notice if posted on the property,
    - iv. State that remedies and penalties may be assessed if the violation is not addressed within the time period for correction, and
    - v. State a notice of the violation and correction order may be appealed via local adjudication. The owner, other party, or person with standing has 30 days from receipt of the written notice of the determination within which to file an appeal.
  - b. **Delivery of Written Notice of Violation.** The notice of the violation and correction order shall be served to the responsible entity(ies) and the landowner of the property (if different) on which the violation exists and the person causing or maintaining the violation.
    - i. The notice of violation and correction order shall be delivered in any manner permitted by the State of Illinois, including:
      - a) Personal delivery,
      - b) Electronic delivery,
      - c) First-class mail, or
      - d) Posted on the property.
    - ii. The person providing the notice of the violation and correction order shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.

- iii. In the absence of evidence to the contrary, notice given by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.
- c. **Initial Notice Shall Constitute Final Notice.** The initial written notice of a violation shall constitute final notice regarding a violation, though additional written notice may be provided, at the sole discretion of the Village Manager.
- d. **Extension of Time Limit to Correct Violation.** On receiving a written request for an extension of the time limit for correction specified in the Notice of the Violation and Correction Order, the Village Manager may grant a single extension of up to 90 days for good cause shown. The notice of extension shall state the date prior to which the correction must be made, or the violator will be subject to the penalties described in the Notice of the Violation and Correction Order.
- e. **Emergency Enforcement Without Notice.** If it is determined that delay in correcting the violation would pose a danger to the public health, safety, or welfare, the Village Manager may seek immediate enforcement without prior written notice by invoking any of the remedies and penalties authorized in Subsection C; Remedies and Subsection D Penalties, below.
- f. **Repeat Violations.** If the same violation is repeated by the same offender over any two-year period, the Village may commence the application of remedies or penalties at the stage in the process where the previous violation was resolved.

**C. Remedies.**

**1. Stop Work and Cease-and-Desist Orders.**

- a. The Village Manager may issue a stop work or cease and desist order whenever any development subject to this Code, including a building or structure that is being constructed, demolished, renovated, altered, or repaired, is in violation of any applicable provision of this Code.
- b. The stop work or cease and desist order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation, and the action(s) necessary to lawfully resume work.

**2. Revocation of Certificate, Permit, or Other Approval.** The Village Manager may revoke any permit, certificate, or other approval granted under this Code, by written notice to the permit, certificate, or other approval holder, when:

- a. False statements or misrepresentations were made in securing the permit, certificate, or other approval,
- b. Work is being or has been done in substantial departure from the approved application or plan, including all conditions,

- c. There has been a failure to comply with the requirements of this Code, or
    - d. A permit or approval has been mistakenly granted in violation of this Code.
  - 3. **Denial or Withholding of Related Permits.** The Village Manager may deny or withhold a Certificate of Compliance or Certificate of Occupancy in accordance with the Building Code or deny or withhold any permit, approval, or other authorization under this Code to use or develop any land, structure, or improvements—until an alleged violation related to such land, use, or development is corrected and any associated civil penalty is paid.
  - 4. **Removal of Illegal Signs.**
    - a. The Village may remove any sign placed within the public right-of-way of a Village or state-maintained street in violation of the standards in this Code.
    - b. The Village Manager shall have the authority to summarily remove, abate, or remedy a sign or sign structure which the building inspector has determined to be dangerous or prejudicial to the public health or safety.
    - c. The expense of the action shall be paid by the sign owner or if the sign owner cannot be ascertained, by the property owner.
  - 5. **Abatement; Liens.** Where authorized by state statute, the Village Manager may order any work necessary to abate any violation of this Code and shall assess the cost of such work to the property owner. Upon the failure of the owner to pay such cost, the Village Manager shall file a lien for such costs, and for all costs of collection, against the property in question.
- D. **Penalties.** Any person who shall violate, disobey, omit, neglect or refuse to comply with, or who shall resist enforcement of, any provision of this Code shall be subject to as set forth in the annual fee Code. Each day a violation continues to exist shall constitute a separate offense.