

CHAPTER 2

BUILDING HEIGHT AND BULK

SECTION:

- 10-2-1: Height and Bulk Restrictions
 10-2-2: Variance Procedure
 10-2-3: Violations; Penalty

10-2-1: **HEIGHT AND BULK RESTRICTIONS:** After the effective date hereof, there shall be constructed or erected within the corporate limits of the Village any commercial or industrial structural facilities or any expansion of any such existing facilities which shall exceed thirty feet (30') in height from the surface grade of the lot upon which the same is constructed or erected or expanded, or which shall upon completion cause said structural facilities to exceed fifty-percent (50%) of said lot in area, except upon application submitted and approved in accordance with the provisions of this Chapter. (Ord. 6-83-2, 6-7-1983)

10-2-2: **VARIANCE PROCEDURE:**

- A. Application for Variance: Applications for variance from the provisions of Section 10-2-1 of this Chapter shall be submitted to the Village Clerk, as follows:
1. Said application shall submitted to the Village Clerk at his or her office not less than fourteen (14) days prior to the meeting of the Board of Trustees at which said application shall receive its first reading.
 2. At said first reading, the Board shall set the application for public Hearing at a regular or special meeting of the Board held not more than fifty-six (56) days thereafter.
 3. Notice of the public Hearing shall be published in a newspaper of general circulation within the Village at least three (3) times, once a week for three (3) weeks, prior the public hearing.

4. Application hereunder shall contain the following information:
 - a. Statement of applicants name and address; address of lot sought to be improved, including legal descriptions; statement briefly describing proposed structure; statement of manner in which proposed structure will vary from the requirements of this chapter, name and address of any architect, structural engineer, and building contractor involved in the construction project.
 - b. A plat or accurate drawing of said lot, showing the proposed placement of the structure on said lot and the distance therefrom to all structures on adjacent lots, including lots across streets and alleyways therefrom.
 - c. A representational drawing or photograph of the intended appearance of the proposed structure.
 - d. Applicant's affidavit of title to the premises sought to be improved.
 - e. Applicant's affidavit of the use and occupancy to which the proposed structure would be put. Such affidavit must additionally address any concerns of noise, air, and water pollution and any other new or extraordinary environmental impact or fire safety concern upon the community of the Village and its environs that may arise because of such proposed use and occupancy.
5. The Board may at first reading reject any application that fails to include the matters and documents required by subsection A4 of this section.
6. Any variation in any of the information contained in said application shall require the filing of a new or amended application. Amendment of a pending application shall require republication if the amendment affects any of the information provided in the published public notice.
7. At the time of application, the applicant shall pay unto the Village Clerk, who shall deposit the same with the Village Treasurer in the Village general fund, an application fee of two hundred dollars (\$200.00). Filing of an amended application shall incur an amendment fee of seventy five dollars (\$75.00) if republication is required.

- B. Public Housing: Public hearing of applications hereunder shall be conducted by the Village President or by the presiding trustee in his absence, in the following manner:
1. The Board shall hear first the applicant or his or her representative in presentation of the application; it shall then hear from any Village residents therein in attendance; it shall then receive any written comments from Village residents; it shall then allow the opportunity unto the applicant or said representative to present a final summary.
 2. The presiding officer may establish time limits for such presentations at the beginning of each meeting.
 3. Testimony and documentary evidence shall be received in said hearing as liberally as possible to allow all interested persons an ample opportunity to present his or her position, but obvious hearsay, prejudicial statement, or unauthentic documents shall not be received.
 4. Upon the conclusion of said hearing, the presiding officer shall declare the hearing closed and shall forthwith call before the Board the question of whether to grant the application for variance from the provisions of section 10-2-1 of this chapter, unless the Board, by two-thirds (2/3) vote, tables the question to a specific date for further hearing or consideration. All votes of the Board hereunder shall be publicly announced. If the applicant is not in attendance at the announcement of the vote on the main question, he or she shall be informed of the decision of the Board by regular address stated in the application. (Ord. 6-83-2, 6-7-1983; amd. 2002 Code)

10-2-3: **VIOLATIONS; PENALTY:**

- A. Violation of the provisions of this chapter, other than minor procedural requirements under section 10-2-2 hereof, unless varied by the Board of Trustees pursuant to application in accordance with this chapter, shall be punished by injunction of the construction or proposed construction of the proposed structural facility until the requirements of this chapter have been complied with, by mandatory requirement that any structure commenced or expanded in violation of the requirements of this chapter be removed from said lot, and by fine in the amount of seven hundred fifty dollars (\$750.00).

- B. A violation of this chapter, other than said minor procedural requirements, is deemed a “continuing violation”, to which subsection 1-4-1A of this code shall apply, and each day after notice by the Village to the lot owner that said structure violation this chapter until removal of the same shall constitute a separate offense for which fine in the amount of seven hundred fifty dollar (\$750.00) shall be imposed. (Ord. 6-83-2, 6-7-1983; amd. 2002 Code)