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**To:** Greg Stewart  
**Subject:** permit ordinance

## **CHAPTER 1**

### **GENERAL ZONING PROVISIONS**

#### **SECTION:**

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#### **10-1-1: ZONES DESIGNATED:**

The city of Carmi, Illinois, is hereby divided into four (4) zones designated as zone I, zone II, zone III, and zone IV.

A. Zone I is known and designated as the industrial zone, and all types of business, including manufacturing and other industrial uses may be established, maintained and carried on in said zone I.

B. Zone II is known and designated as the business zone, and all types of business, excepting manufacturing and other industrial uses, may be established, maintained and carried on in said zone II.

C. Zone III is known and designated as business zone A and all types of business may be located, established, maintained and carried on in said zone with the exception of the following: Manufacturing or other industrial use; open air markets, businesses in temporary structures, businesses which are seasonal as opposed to year round.

D. Zone IV is known and designated as the residential zone, and no business or industry may be established, maintained or carried on in said zone IV without a special use permit granted by the Carmi city council. (Ord. 1370, 2-20-2007)

#### **10-1-2: PERMITS REQUIRED:**

A. Construct, Alter, Remove, Demolish Building Or Structure: It shall be unlawful to construct, alter, remove or demolish, or to commence the construction, alteration, removal or demolition of a building or structure without first filing with the city clerk an application in writing and obtaining a formal permit.

No permit will be issued until an inspection by the city utility and street departments has been completed and the appropriate heads of the utility department have signed off on the permit application. In addition, no permit will be issued until such a time that a sign off has been obtained by the company providing natural gas service to the property for which application is being made.

In addition to other information from time to time required by the council, and requested in the blanks for application, the applicant shall give the following information:

1. Property owner's name and address.
2. Adjoining property owners' names and addresses.

3. Location of buildings, power lines, water lines, sewer lines, natural gas lines, storm sewers, sidewalks, streets, alleys, and any other pipelines or easements relative to the new structure or improvement.

4. A description of the construction or improvement. (Ord. 1370, 2-20-2007)

B. Tree And Shrub Planting: It shall be unlawful to plant trees or shrubbery on or near the city right of way, under power lines, or over or near utility services without first filing with the city clerk an application in writing and obtaining a formal permit. No fee for the permit will be required. (Ord. 1377, 8-6-2007)

#### **10-1-3: PERMIT COSTS:**

Permit costs under this zoning ordinance shall be as follows:

A. Permits to demolish: No fee.

B. Permits to construct, alter, or improve a building or structure under section 10-1-2 of this chapter: No fee. (Ord. 1370, 2-20-2007)

#### **10-1-4: STORMWATER MANAGEMENT:**

Adequate stormwater retention and release/drainage facilities shall be installed in all subdivisions accepted after the passage date hereof, and on the site of all commercial and industrial developments hereafter constructed, and located within the jurisdictional boundaries of the Carmi zoning ordinance, to avoid changes in stormwater runoff onto adjacent properties. All stormwater detention and release facilities shall be subject to the approval of the city engineer, and will be governed by the applicable rules and regulations of the Illinois department of transportation (IDOT), relating to the issuance of drainage permits for private drainage systems that discharge into state highways, as amended from time to time. Said IDOT rules and regulations, and all future amendments and modifications of those rules and regulations, are incorporated by reference, as if fully set forth herein.

In each case, the applicant's proposed facilities for stormwater detention and release must be studied and designed by a certified engineer at the applicant's expense and constructed to prevent overtaxing or otherwise damaging of Carmi's drainage system, and the drainage systems of adjoining landowners. A copy of the certified engineer's runoff study must accompany the building permit application. (Ord. 1370, 2-20-2007)

#### **10-1-5: EXISTING PROPERTY:**

It is not the intent or purpose of this chapter to require the alteration or change of any use of property existing as of the passage date hereof; and it is expressly provided that any small business, commercial or professional venture, endeavor or project which does not: a) require, have or use employees, b) require a building other than a residence occupied as a bona fide home, or a major conversion or alteration (50 percent or more) thereof; c) cause or create electrical or other interference which affects radio or television reception in the general area; d) create or cause unusual noise or odors; may be maintained and carried on (solely by the individual proprietor) in zone IV; provided that such property is at all times maintained to the same standard of neatness and beauty as other residential property in the general area. (Ord. 1370, 2-20-2007)

#### **10-1-6: BOARD OF APPEALS:**

The Carmi city council shall serve as the appeals board for all matters relating to zoning in the city of Carmi. (Ord. 1370, 2-20-2007)

#### **10-1-7: BUSINESS PERMIT REQUIREMENTS:**

A. Required: From and after the passage date hereof no business of any nature shall be located, established, carried on within the corporate limits of the city of Carmi without first securing a permit for such business, in accordance with the further provisions of this chapter; provided however that this section does not apply to businesses being carried on as of the passage date hereof.



B. Application: Any individual, firm or corporation desiring to locate, establish and carry on a business within the corporate limits of the city of Carmi shall make application for a permit, in duplicate, upon blanks to be furnished by the clerk. In addition to other information from time to time required by the council, and requested in the blanks for application, the applicant shall give the following information:

1. His correct name and address.
2. Structure of the business organization, whether individual, partnership, corporation, trust, etc.
3. Names and addresses of all persons associated with him, as owners, or in the case of a corporation, officers and directors.
4. Nature of the business to be conducted.
5. Address in Carmi where such business is to be established.

Such application shall be under oath and filed with the clerk, who is designated as the enforcing officer for this chapter.

C. Determination: When an application for a permit to establish and carry on a business is filed with the clerk, in accordance with the provisions of subsection B of this section, the clerk shall at once transmit one copy thereof to the city council. The clerk shall, within five (5) days from the date the permit application is filed, determine:

1. If the address where such business is to be located is within a zone permitting same, and
2. Whether or not such business violates, or may be reasonably anticipated to violate, any ordinance of the city or law of the state.

If such determination finds the application is permissible under the provisions of this chapter, the permit shall be issued by the clerk. Should the clerk determine the application is not permissible under the provisions of this chapter, the same shall be refused by him and a report of such denial, with reasons, shall be filed by him with the city council. Nothing in this chapter shall be construed or considered as restricting or prohibiting the locating and establishing of businesses within the city of Carmi, Illinois, for any reason or reasons other than those permitted by 65 Illinois Compiled Statutes 5/11 division 13 and other applicable laws and ordinances. (Ord. 1370, 2-20-2007)

#### **10-1-8: APPEAL PROCEDURE; VARIANCES:**

A. Procedure: Appeals may be taken by any person who feels aggrieved by the action taken by the clerk upon any application for a permit, and such appeal may include a request for variation of the zoning classifications when in the opinion of the appellant a variation should be granted. All appeals shall be made to the Carmi city council and shall be presented in accordance with the provisions of 65 Illinois Compiled Statutes 5/11-13-5, 11-13-6 and 11-13-12. The powers conferred by such statute for final action upon and decision of matters appealed is expressly retained by the council; and although variations are permissible, same may only be granted by ordinance, and in conformity with 65 Illinois Compiled Statutes 5/11-13-6 and 11-13-10.

B. Notice; Conduct Of Hearing: When an appeal has been taken, as authorized by subsection A of this section the city council shall give the notice and conduct the public hearing as provided in 65 Illinois Compiled Statutes 5/11-13-6 and shall hear all evidence offered in support of and against the proposition raised by the appeal. Within twenty (20) days following the hearing, the city council shall report its findings and recommendations, by filing the same with the clerk, in writing. At its next regular meeting following the filing of such findings and recommendations, or special meeting called for that purpose, the council shall consider the same, and final action by the council shall be concluded within sixty (60) days from the date of the first consideration thereof.

C. Action On Appeal: After receipt of the findings and recommendations of the city council, and within the time prescribed in subsection B of this section, the council shall, without further

public hearing: 1) adopt any proposed variation by enactment of an ordinance, or 2) refer the proposition back for further consideration, or 3) refuse the variation requested by adoption of resolution to that effect. No variation not recommended by the city council may be granted unless there is a two-thirds ( $\frac{2}{3}$ ) vote of all aldermen, in favor thereof.

D. Judicial Review Of Final Decision: The final decision and action of the council is subject to judicial review as provided in 65 Illinois Compiled Statutes 5/11-13-13. (Ord. 1370, 2-20-2007)

**10-1-9: PENALTY:**

Failure to obtain a permit as stated in section 10-1-2 of this chapter shall be deemed to be a violation of the zoning ordinance. Upon due investigation, the city clerk may determine that a violation of the zoning ordinance exists. The city clerk shall notify the violator in writing of such violation.

A. If the violator fails after ten (10) days' notice to correct the violation:

1. The city of Carmi shall make application to the circuit court for injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with this chapter;

2. Any person who violates this chapter shall upon conviction thereof be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense; and

3. A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.

4. The city of Carmi shall record a notice of violation on the title to the property.

The city of Carmi is authorized to issue an order requiring the suspension of the building project. The stop work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop work order. (Ord. 1377, 8-6-2007)