

§ 335-85 Plans of operation. [Amended 10-24-2006]

A. Plan of operation review and approval requirements.

- (1) No person shall operate, and no property owner shall allow the operation of, a commercial enterprise, industry, home business, church, school, nonprofit organization or other nonresidential use without first obtaining the approval of a plan of operation from the Plan Commission as set forth in this section, and no residential or nonresidential activity shall be engaged in or carried on, except as approved in the plan of operation permit. All plans of operation as required by this chapter shall include written verification of the nature and scope of the proposed use from the property owner or his registered agent. For activities that require a plan of operation, property owner(s) and business operator(s) shall have a joint, ongoing obligation to obtain, maintain, and amend plans of operation pursuant to the requirements of this section for all such activities occurring on the owner's property.
- (2) As persons or entities requiring a plan of operation change the nature of the person's or entity's activity so as to change the category of its use as defined by § 335-32J, approval of an amended plan of operation shall be required.
- (3) The Zoning Administrator is permitted to approve plans of operation where the nonresidential use does not change and the new business at that same location would not result in additional employees, changes in hours of operation or a significant increase in the flow of traffic.
- (4) If implementation of an approved plan of operation has not been initiated within one year from the date of issuance, said plan of operation shall become void.
- (5) Notwithstanding the provisions of § 335-85A(4), an extension may be granted by the Plan Commission should circumstances warrant. The applicant for the plan of operation and the property owner or his registered agent shall be jointly responsible for timely securing such an extension.

B. Temporary plan of operation permits. Temporary plan of operation permits are required for seasonal business operations, such as fruit and vegetable stands. In addition, a temporary plan of operation permit shall be required for any business operation that seeks to temporarily deviate from its approved hours of operation or plan of operation on file, excepting special events as may be permitted under Chapter 241 of the Village Code. The length of the temporary permit shall be established at the time of permit issuance. The Zoning Administrator may approve a temporary plan of operation permit unless s/he determines that the proposed event is of such a magnitude that it warrants additional review, in which case the Zoning Administrator shall have discretion to refer said temporary plan of operation to the Plan Commission for review and consideration.

C. Plan of operation permit exemptions. The following public uses are exempt from plans of operation permit requirements:

- (1) Municipal facilities.
- (2) Public schools.

D. Required information for a plan of operation permit. All plans of operation shall be submitted to the Zoning Administrator on forms supplied by the Village. The applications for plan of operation permits shall show the following information:

- (1) Name, type and address of the business or institution.
 - (2) Name, address, and contact information of the property owner.
 - (3) Name and address of the business owner (name partners for a partnership and directors for a corporation or L.L.C.).
 - (4) Name, address, and contact information of the operator of the activity at the identified premises, if other than the property owner.
 - (5) The proposed hours of operation and activities to occur both inside and outside all principal and accessory structures.
 - (6) The number of full-time and number of part-time employees, including the average number of employees per shift.
 - (7) Verify that the Village has current site and floor plan information on file. If such records do not exist, current site and floor plan information, with dimensions, shall be provided for all commercial buildings.
 - (8) Parking, as required by this chapter.
 - (9) Description of business activity and processes, including the use of any hazardous and flammable materials (as identified within SARA Title III: The Emergency Planning and Community Right-to-Know Act) or equipment that emits noise or vibration audible from the outside of the building.
 - (10) Signage and illumination of building exterior.
 - (11) Such additional information as may be determined by the Plan Commission or Zoning Administrator for plan of operation approval.
- E. Criteria for plan of operation approval. The following criteria will be used by the Plan Commission in reviewing applications for plan of operation permits:
- (1) Proximity to residential neighborhoods and the potential for disturbing and disrupting residential uses.
 - (2) Adequacy of the principal structure and other structures on the site for the proposed activity. Plan of operation permits will only be issued to businesses to be conducted in permanent structures. Temporary plan of operation permits may be issued, at the discretion of the Plan Commission, for temporary structures or facilities not on a permanent foundation, such as wheeled-trailers, vendor carts and seasonal stands.
 - (3) Availability of adequate parking to meet the needs of employees and customers.
 - (4) Adequacy of street access.
 - (5) Compliance with all other applicable provisions of this chapter.
- F. Hours of operation.
- (1) Authority. Based upon the impact on residential areas in proximity to commercial uses and the cost of police protection and other public services necessary to adequately serve the business with extended hours of operation, the Village Board finds that it is necessary to limit hours of operation for all businesses.
 - (2) Hours allowed. The plan of operation required by this section shall contain a proposal for hours of operation. No business may be open to the public between the hours of 11:00 p.m. and 5:00 a.m. except for the following uses:
 - (a) Gasoline stations.
 - (b) Gasoline stations with incorporated food marts (under 5,000 square feet).
 - (c) Hotels and motels.

- (d) Twenty-four-hour package and delivery service.
- (e) Restaurants and taverns.
- (f) Any other business entity if approved by the Board of Trustees.
- (3) Setback from residences. All twenty-four-hour operations approved by the Village after the effective date of this chapter shall conform to a setback of 200 feet from any abutting residential property line.
- G. Enforcement and penalties. Any property owner, tenant or other person who shall violate any of the provisions of this chapter shall be subject to a penalty as provided in § 335-92.
 - (1) In the case of multi-tenant buildings, no plans of operation shall be reviewed or issued if the building owner or registered agent is found in violation of this chapter.
- H. Appeals. Any person aggrieved by the decision of the Zoning Administrator or Plan Commission under this subsection may appeal to the Board of Appeals pursuant to § 335-70.
- I. All business operators and property owners in the Village are required to file a complete and updated plan of operation to the Zoning and Planning Administrator, consistent with the requirements of § 335-85 of the Village Code, within 120 days of the effective date of this section.