

ORDINANCE NO. 15-04

**AN ORDINANCE ESTABLISHING THE ZONING CODE
FOR THE VILLAGE OF DUNLAP**

WHEREAS, pursuant to Division 13 of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-13-1, *et seq.*), the Village of Dunlap has the authority to establish rules and regulations governing the zoning and use of all land located within the Village boundaries; and

WHEREAS, the zoning ordinances of Peoria County currently govern the zoning requirements, zoning classifications, and land uses of property within the Village and property subject to a pre-annexation agreement with the Village of Dunlap; and

WHEREAS, the Village now seeks to implement a zoning ordinance that will govern and regulate the use of land within the Village boundaries and property subject to a pre-annexation agreement with the Village forthwith; and

WHEREAS, in September 2014, the Village established a Zoning Commission by Ordinance No. 14-15 for the purpose of drafting and reviewing a proposed zoning ordinance for the Village;

WHEREAS, the Zoning Commission, after proper publication of notice, held a public hearing on April 1, 2015, at the Dunlap Village Hall to allow public review and comment on the new proposed zoning ordinance for the Village, and the Zoning Commission has subsequently submitted its report and proposed Zoning Ordinance 2015 (attached hereto as Exhibit 1; the "Zoning Code") to the Village Board, including the submission of the proposed zoning map for the Village (attached hereto as Exhibit 2; the "Zoning Map") establishing the zoning districts for all property within the Village; and

WHEREAS, the Village Board now seeks to implement the Zoning Code for the Village of Dunlap, which shall supersede and preempt the governance of the Peoria County zoning ordinances over property within the Village and property subject to a pre-annexation agreement with the Village; and

WHEREAS, pursuant to Division 13 of Article 11 of the Illinois Municipal Code, the Village has the authority to implement the Zoning Code; and

WHEREAS, The Village Board hereby finds the Zoning Map is an accurate and fair representation of the current land uses in the Village and is otherwise consistent with the current zoning districts established for each parcel under the zoning ordinances of Peoria County; and

WHEREAS, the Village Board hereby re-affirms the prior findings of the Village under Ordinance No. 98-7 with regard to the potential harm created by the secondary effects of adult use establishments and businesses, thereby making it in the best interest of the Village to adopt zoning provisions limiting the location of such uses consistent to state law (65 ILCS 5/11-5-1.5) and as otherwise set forth in the Zoning Code; and

WHEREAS, the Village Board hereby finds that it is in the best interests of the Village and its citizens to adopt and implement the Village of Dunlap Zoning Code (Exhibit 1) and the Zoning Map (Exhibit 2) for governing and regulating land uses within the Village;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF DUNLAP, PEORIA COUNTY, ILLINOIS, THAT:

Section 1. The above recitations are found to be true and correct.

Section 2. Effective April 20, 2015, the Village Board hereby adopts the Zoning Code as set forth in Exhibit 1, and such Zoning Code shall be added to the Village Code as Title 15.

Section 3. Effective April 20, 2015, the Village Board hereby adopts the Zoning Map as set forth in Exhibit 2 as the official zoning map for the Village of Dunlap and the zoning districts designated thereon for all land located within the Village, subject to future additions, revisions, and amendments thereto pursuant to the provisions of the Zoning Code.

Section 4. The following persons are hereby appointed as the members of the Zoning Board of Appeals as provided in Section 15.15.03 of the Zoning Code hereby adopted by this Ordinance:

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|------------------|---------------------------|
| Five-year term: | Christopher Robin McClain |
| Four-year term: | Jim Carmody |
| Three-year term: | Rakesh Dhall |
| Two-year term: | Ken Parkhill |
| One-year term: | Bob Anderson |

The first year of each term shall run from April 20, 2015, through the first regular Village Board meeting in May 2016, with all successive years running from the first regular Village Board meeting in May to the subsequent first regular Village Board meeting in May the following year. All future terms of office for members of the Zoning Board of Appeals after the expiration of the initial term designated herein shall be for five-year terms unless otherwise provided by the Zoning Code as amended from time to time.

Section 5. Christopher Robin McClain is hereby designated as the Chairperson of the Zoning Board of Appeals.

Section 6. This Ordinance is hereby ordered to be published in pamphlet form by the Dunlap Village Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 7. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

**PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF DUNLAP,
PEORIA COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS ____ DAY
OF _____, 2015.**

APPROVED

President

ATTEST:

Village Clerk

CERTIFICATE OF PUBLICATION

I, TRACY N. KORGER and the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Village of Dunlap, a municipal corporation of and in the County of Peoria, Illinois, that the foregoing Ordinance No. 15-04, titled "An Ordinance Establishing the Zoning Code for the Village of Dunlap", is a true and accurate copy of the Ordinance passed by the Village Board and President of the Village of Dunlap on the meeting date set forth therein, and that the Ordinance was published by me in pamphlet form this _____ day of _____, 2015, by making three (3) copies thereof available on that date for public inspection.

Village Clerk

[Seal]

EXHIBIT 1

**Village of Dunlap Zoning Ordinance 2015
(Zoning Code)**

EXHIBIT 2

Village of Dunlap Zoning Map