

ARTICLE 26

ADMINISTRATION AND ENFORCEMENT

26-100. ORGANIZATION:

26-100.1. The administration of this Ordinance is hereby vested in three (3) offices of the government as follows:

*The Office of the Zoning Administrator
The Zoning Board of Appeals
The Plan Commission*

26-100.2. This Article first sets out the authority of each of these three (3) offices and then describes the procedure and substantive standards with respect to the following administrative functions:

Issuance of Zoning Certificates
Issuance of Occupancy Certificates
Variations
Appeals
Special Use Permits
Amendments
Fees
Penalties

26-101. THE OFFICE OF THE ZONING ADMINISTRATOR:

The Zoning Administrator shall administer and enforce this Ordinance and shall:

26-101.1. Issue all Zoning Certificates and maintain records thereof.

26-101.2. Issue all Occupancy Certificates and maintain records thereof.

26-101.3. Conduct inspections of buildings, structures and land to determine compliance with this Ordinance, and issue notices of violations, indicating the nature of the violation and ordering the action necessary to correct it.

26-101.4. Order the discontinuance of any illegal use of land, buildings or structures; the removal of illegal buildings or structures or of illegal additions, alterations or structural changes; the discontinuance of any illegal work being done; or shall take any other action authorized by statute or by this Ordinance to ensure compliance with its provisions.

26-101.5. Prepare and cause to be published, on or before March 31 of each year, a map showing the existing zoning uses, divisions, restrictions, regulations and classifications in effect on the preceding December 31.

26-101.6. Maintain permanent records of the administration of this Ordinance, including, but not limited to, all maps, amendments, Special Use Permits, Planned Unit Developments, variations, appeals and applications there for.

26-101.7. Provide and maintain a source of public information relative to all matters arising out of this Ordinance.

26-101.8. Receive, file and forward to the Plan Commission all required site plan applications for Special Use Permits, for Planned Unit Development approvals and for amendments to this Ordinance.

26-101.9. Receive, file and forward to the Zoning Board of Appeals all applications for appeals, variations and other matters that the Board is required to consider under this Ordinance.

26-101.10. Administer the provisions of this Ordinance relating to temporary uses.

26-101.11. Initiate, direct and review, from time to time, a study of this Ordinance and make recommendations to the Plan Commission.

26-102. THE ZONING BOARD OF APPEALS:

26-102.1. Creation and Membership. A Zoning Board of Appeals is hereby authorized to be established. The Board shall consist of seven (7) members appointed by the Mayor and subject to confirmation by the Board of Trustees. The present members of said Board shall serve until the expiration of their current terms. The successor to each member so appointed shall serve for a term of five (5) years expiring June 30 of the fifth year, and until a successor has been duly appointed and qualified. One (1) of the members of the Board shall be designated by the Mayor as Chairperson of the Board, and shall hold his said office as Chairperson until a successor is appointed and qualified. The said Chairperson may appoint a secretary of the Board who shall keep the minutes and maintain the records of the Board. The Mayor shall have the power to remove any member of the Board for cause upon written charges and after a public hearing. Vacancies on the Board shall be filled for the unexpired term of the member whose place has become vacant, in the manner herein provided for the appointment of such member. The members of the Board shall serve without salary.

26-102.2. Jurisdiction. The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:

26-102.2.1. To hear and decide appeals in which it is alleged that there is error in any order, requirement, decision, interpretation or determination (all hereafter referred to collectively as a "decision") made by the Zoning Administrator under this Ordinance, in the manner and subject to the standards set out in **Section 26-107.** of this Ordinance.

26-102.2.2. To hear and decide applications for variations from the terms in this Ordinance in the manner prescribed by and subject to the standards set out in **Section 26-106.** of this Ordinance.

26-102.2.3. To hear and decide all other matters referred to it or upon which it is required to consider under this Ordinance.

26-102.3. Meetings and Rules. All meetings of the Zoning Board of Appeals shall be held in conformance with the Bylaws of the Board. All hearings conducted by said Board shall be open to the public. Any person may appear and testify at a hearing either in person or by duly authorized agent or attorney. All testimony shall be given under oath. The Chairperson, or in the Chairperson's absence, the Acting Chairperson, shall administer oaths and may compel the attendance of witnesses. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall be filed in the office of the Zoning Administrator and shall be a public record. The Board shall adopt its own rules and procedures, not in conflict with this Ordinance or with the applicable statutes, and may select or appoint such officers in conformance with the Board's Bylaws.

26-102.4. Decisions and Recommendations of the Zoning Board of Appeals. Decisions and findings of the Zoning Board of Appeals on all matters except variations, shall, after a hearing, be final administrative decisions and shall be subject to such judicial review as law may provide. Variations from this Ordinance shall, after recommendation of the Zoning Board of Appeals and approval by the Village Board, be granted by ordinance of the Board of Trustees.

26-103. THE PLAN COMMISSION:

26-103.1. Creation and Membership. The Plan Commission is the Plan Commission of the Village of Flossmoor created by ordinance in Chapter 7, Article 6 of the Municipal Code of the Village of Flossmoor.

26-103.2. Jurisdiction. The Plan Commission is hereby vested with the following jurisdiction and authority in the administration of this Ordinance:

26-103.2.1. To sit as a Zoning Commission to hear all application for Special Use Permits, Planned Unit Development approvals and amendments to this Ordinance, and report its findings and recommendations to the Board of Trustees in the manner prescribed in this Article.

26-103.2.2. To hear and decide all other matters upon which it is required to pass under this Ordinance.

26-104. ZONING CERTIFICATE:

26-104.1. Certificate Required. No change in use in any building, structure or on any land shall be made, nor shall any building or structure be erected, constructed, reconstructed, enlarged, moved or structurally altered, nor shall any excavation or grading for any building or structure be done, without a Zoning Certificate. No building permit, and no other permit pertaining to the use of land, buildings or structures, shall be issued by any employee of the Village unless the proposed building or structure and the proposed use thereof comply with all the provisions of this Ordinance.

26-104.2. Application. Every application for a building permit shall also be deemed an application for a Zoning Certificate, shall be made in triplicate on the prescribed form and shall include:

26-104.2.1. Plans in triplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of buildings and structures already existing, if any; the location and dimension of all proposed off-street parking and loading spaces and access ways thereto; and such other matters as the Zoning Administrator may deem necessary to determine conformance with this Ordinance.

26-104.2.2. Information describing the existing and proposed use of each building and land area on the lot; the number of families or dwelling units proposed to be accommodated; and such other matters as the Zoning Administrator may deem necessary to determine conformance with this Ordinance.

26-104.3. Action by the Zoning Administrator. Within fifteen (15) days after the receipt of an application for a Zoning Certificate, the Zoning Administrator shall issue the Certificate, provided all applicable provisions of this Ordinance are complied with, or the Zoning Administrator shall refuse to issue a Zoning Certificate and shall advise the applicant in writing of the reasons for the refusal. If the Zoning Administrator fails to act within fifteen (15) days, the applicant may then file with the Zoning Administrator a written demand that action be taken immediately. If the Zoning Administrator fails to act within three (3) days after receipt of said written demand, the applicant may treat the application as denied and may appeal from such denial to the Zoning Board of Appeals in the manner and subject to the standards of **Section 26-107** of this Ordinance.

26-104.4. Period of Validity. No Zoning Certificate shall be valid for a period longer than one (1) year from the date of its issuance unless the work authorized by it is substantially under way by the end of said period.

26-105. OCCUPANCY CERTIFICATE:

26-105.1. Certificate Required. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until an Occupancy Certificate shall have been issued there for by the Zoning Administrator. No such Certificate shall be issued unless the proposed use or occupancy complies with all the provisions of this Ordinance. An Occupancy Certificate issued in conflict with the provisions of this Ordinance shall be void.

26-105.2. Application. Every application for a building permit shall also require an application for an Occupancy Certificate. Where no building permit is required, an application for an Occupancy Certificate shall be made to the Zoning Administrator in such form as the Zoning Administrator may from time to time provide.

26-105.3. Issuance of Occupancy Certificates. No Occupancy Certificate for a building, structure or portion thereof, constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises inspected and certified to be in conformity with the plans and specifications upon which the Zoning Certificate was based. Pending issuance of an Occupancy Certificate, a Temporary Occupancy Certificate may be issued, to be valid for a period not to exceed six (6) months from its date, during the completion of any addition or during partial occupancy of the premises. An Occupancy Certificate shall be issued, or written notice shall be given to the applicant, stating the reason why a Certificate cannot be issued, not later than fifteen (15) days after the Zoning Administrator is notified in writing that the building or premises is ready for occupancy.

26-105.4. Period of Validity. No Occupancy Certificate shall be valid for a period longer than ninety (90) days from the date of its issuance unless the use or occupancy authorized by it shall have been established within such period.

26-106. VARIATIONS:

26-106.1. Authority. In specific cases in which there are practical difficulties or particular hardship in the way of carrying out the strict letter of the regulations of this Ordinance, the Zoning Board of Appeals shall have the power and duty to hold public hearings and make recommendations to the Board of Trustees to determine and vary the applications of such regulations, in harmony with their general purpose and intent, but only in accordance with the requirements hereinafter set forth.

26-106.2. Application and Notice of Hearing. An application for a variation shall be filed with the Zoning Administrator, who shall forward a copy of the application to the Zoning Board of Appeals. The application shall be in such form, contain such information, and be accompanied by such plans as the Board may by rule require. The Board shall hold a public hearing on such application not more than sixty (60) days after its

filing. Notice of the time and place of such public hearing shall be published at least once, not more than thirty (30) days or less than fifteen (15) days before the hearing, in a newspaper of general circulation in the Village.

26-106.3. Standards for Variations. The Zoning Board of Appeals shall not recommend nor shall the Board of Trustees vary the regulations of this Ordinance in any manner prohibited by **Section 26-106.5.** The Zoning Board of Appeals shall not recommend that the Board of Trustees grant a variation unless the Zoning Board shall make findings of fact, based upon the evidence presented to it in that specific case, that: (**Ord. #804, 3/17/86**)

26-106.3.1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship or practical difficulty to the owner, as distinguished from a mere inconvenience would result if the strict letter of the regulation were carried out.

26-106.3.2. The conditions upon which the petition for a variation are based are unique to the property for which the variance is sought and are not applicable generally to other property within the same zoning classification.

26-106.3.3. Deleted (**Ord. #861, 1/5/88**)

26-106.3.4. The alleged difficulty or hardship has not been created by any persons presently having an interest in the property.

26-106.3.5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

26-106.3.6. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.

26-106.3.7. Conditions in the area have substantially changed, and at least one (1) year has elapsed, since any denial of any prior application for substantially the same variation.

26-106.4. The Board shall impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such variation upon other properties in the neighborhood, and to better carry out the general intent of this Ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this Ordinance.

26-106.5. Prohibited Variations. The Board of Trustees shall not in any event grant any variation that:

26-106.5.1. Permits in any district a use not listed by this Ordinance as a permitted use in such district.

26-106.6. Decisions. Not more than thirty (30) days after the close of the public hearing, the Zoning Board shall make its findings of fact and its determination in writing and shall forthwith transmit a copy thereof to the Board of Trustees. The concurring vote of four (4) members of the Zoning Board shall be necessary to recommend a variation. Where a building permit is required, no ordinance passed by the Board of Trustees shall be valid for a period longer than one (1) year from the date of such order unless a building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period. If any of the benefits conferred by any variation, whether heretofore or hereafter granted, are abandoned or are not utilized for any continuous period of one (1) year, said variation shall, to the extent of such abandonment or nonuse, become void. Any variation which fails to receive the recommendation of the Zoning Board of Appeals shall not be granted except by the favorable vote of two-thirds (2/3rds) of all Trustees of the municipality. Every variation shall be accompanied by findings of fact describing the practical difficulty or particular hardship, and shall specify the reason or reasons for making the variation. (**Ord. #804, 3/17/86**)

26-107. APPEALS:

26-107.1. Scope of Appeals. An appeal, in which it is alleged that there is error in any decision made by the Zoning Administrator under this Ordinance, may be taken to the Zoning Board of Appeals by any party aggrieved by such decision or by any officer of the Village. Such an appeal shall be taken within forty-five (45) days of the action complained of by filing with the Zoning Administrator and the Zoning Board of Appeals a Notice of Appeal specifying the grounds thereof. The Zoning Administrator shall without delay

forward to the Board a copy of the Notice of Appeal together with the record upon which the decision was made. (*Ord. #804, 3/17/86*)

26-107.2. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the decision appealed unless the Zoning Administrator certifies to the Board, after the notice of the appeal has been filed, that by reason of facts stated in the Certificate, a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed unless by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator.

26-107.3. Hearing and Decision. The Board shall select a reasonable time and place for the hearing of the appeal and give notice thereof to the parties, including the appellant, the Zoning Administrator and any other affected party who has requested written notification. The Board shall render a written decision on the appeal within a reasonable time after the conclusion of the hearing, and shall promptly forward a copy of the decision to the parties. The Board may affirm or may, upon the concurring vote of four (4) members, reverse wholly or in part or modify the decision of the Zoning Administrator, as in its opinion ought to be done, and to that end shall have all the powers of the Zoning Administrator. (*Ord. #804, 3/17/86*)

26-108. SPECIAL USE PERMITS:

26-108.1. Purpose. This Ordinance is based upon the division of the Village into districts, within which the uses of land, and the uses and bulk of buildings and structures, are substantially uniform. It is recognized, however, that there are Special Uses which, because of their unique characteristics, can only be properly classified in any particular district or districts upon consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such Special Uses fall into two (2) categories:

Uses publicly operated or traditionally related to a public interest; and

Uses entirely private in character, but of such nature that their operation may give rise to unique problems with respect to their impact upon neighboring property, public facilities or the Village as a whole.

26-108.2. Authority. Special Use permits may be granted by the Board of Trustees, but only in accordance with the requirements hereinafter set forth.

26-108.3. Application and Notice of Hearing. An application for a Special Use permit shall be filed in triplicate with the Zoning Administrator, who shall forward a copy of the application to the Plan Commission. The application shall be in such form, contain such information and be accompanied by such plans as the Plan Commission may by rule require. The Plan Commission shall hold a public hearing on such application not more than sixty (60) days after its filing. Notice of the time and place of such hearing shall be published at least once, but not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper of general circulation in the Village.

26-108.4. Report. Within sixty (60) days after the close of the hearing, unless the applicant shall have consented to a longer period, the Commission shall transmit to the Board of Trustees a written report giving its findings and recommendations for action to be taken by the Board of Trustees on the application. The report shall include any recommended conditions or restrictions exceeding the minimum requirements otherwise provided herein to be imposed upon the premises benefited by the Special Use permit.

26-108.5. Standards for Special Use Permits. No Special Use permit shall be granted unless:

26-108.5.1. The proposed use is designated by this Ordinance as a Special Use in the district in which the use is to be located.

26-108.5.2. The proposed use will comply with all applicable regulations in the district in which the use is to be located. However, the Plan Commission may recommend and the Board of Trustees may approve exceptions to site and structure requirements and other regulations for the standard zoning districts, subject to the standards for Special Uses provided for herein.

26-108.5.3. The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

26-108.5.4. The location, nature and height of buildings, walls and fences, and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder nor discourage the appropriate development and use of adjacent land and buildings.

26-108.5.5. Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses, and the entrance and exit drives will be designed so as to prevent traffic hazards and nuisances.

26-108.5.6. The proposed use will not cause substantial injury to the value of other property in the neighborhood.

26-108.5.7. The Board of Trustees may impose such conditions and restrictions exceeding the minimum requirements otherwise provided herein upon the premises benefited by a Special Use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood and to better carry out the general intent of this Ordinance. Failure to comply with any such condition or restriction shall constitute a violation of this Ordinance.

26-108.6. Effect of Decision. No Special Use permit shall be valid for a period longer than one (1) year from the date it is granted unless a building permit or an Occupancy Certificate is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period. If any Special Use is abandoned or is discontinued for a continuous period of one (1) year, the Special Use permit for such use shall become void, and such use shall not thereafter be re-established unless a new Special Use permit is obtained.

26-109. AMENDMENTS:

26-109.1. Authority. The regulations and districts established by this Ordinance may be amended from time to time by ordinance, but no such amendment shall be made without a public hearing before the Plan Commission, and the adoption of an ordinance by the Board of Trustees.

26-109.2. Initiation. Amendments may be proposed by the Mayor or any Trustee, by the Plan Commission, by the Zoning Board of Appeals or by any other person.

26-109.3. Application. An application for an amendment shall be filed in triplicate with the Zoning Administrator. The application shall be in such form and shall contain such information as the Plan Commission may from time to time require by rule and shall in any event include the text of the proposed amendment, a concise statement of its effect and a legal description of any land proposed to be reclassified.

26-109.4. Disposition of Application. The Zoning Administrator shall forward a copy of the application without delay to the Plan Commission.

26-109.5. Notice and Hearing. Within sixty (60) days after the forwarding of any application to the Plan Commission, the Commission shall hold a public hearing on such application. Notice of the time and place of such hearing shall be published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper of general circulation in the Village.

26-109.6. Report. Within sixty (60) days after the close of the hearing, unless the applicant shall have consented to a longer period, the Commission shall transmit to the Board of Trustees a written report giving its findings and recommendations for action to be taken by the Board of Trustees on the application. The concurring vote of a majority of the Commission in attendance at the hearing shall be required to make a recommendation.

26-109.7. Action by Board of Trustees. After receiving the report of the Commission, the Board of Trustees may adopt the amendment with or without change, or may reject it, or may offer it back to the Commission for further consideration. If no action is taken by the Board of Trustees within six (6) months after the report of the Commission is submitted to the Board of Trustees, the application shall be deemed to have been denied and shall not thereafter be granted. The Board of Trustees may also adopt the amendment with conditions.

26-109.8. Protest. To the extent provided by statute, the filing of protests by property owners shall require the vote of a two-thirds majority of the Board of Trustees for adoption of an amendment. (See Section 11-13-13 of the Illinois Municipal Code.)

26-110. FEES:

The Board of Trustees has established by separate ordinances schedules of fees required for building permits, Occupancy Certificates, variations, Special Use permits, amendments, Planned Unit Development approvals, temporary signs and other matters pertaining to this Ordinance. Until all such fees required by such ordinances, in effect from time to time, have been paid, no application for any of the above shall be deemed to have been filed and no action shall be taken on such application. (See Municipal Code, Article VIII, and Building Code, Section 6.)

26-111. SITE PLANS:

26-111.1. Applicability. Site plans, prepared and approved in accordance with the provisions of this Ordinance, shall be required in the review of certain applications for building permits, Zoning Certificates and Special Use permits.

26.111.2. Developments and Uses Requiring a Site Plan.

- 26-111.2.1.** All uses in the R-7 District.
- 26-111.2.2.** All uses in all B Districts.
- 26-111.2.3.** All uses in the Public Use District.
- 26-111.2.4.** All Special Use permits.

26-111.3. Required Information on Site Plans. Site plans and supporting documents shall be submitted to the Zoning Administrator in ten (10) clearly legible copies and shall include the following:

Existing and proposed property boundary lines.

Existing and proposed streets and easements.

Existing and proposed utilities.

Landscape plan showing existing vegetation, proposed removal of vegetation and the size, location and description of proposed landscape materials.

Location, type, size and height of existing and proposed fencing, retaining walls and screen planting.

Off-street parking and driveways, loading spaces and walkways, the size and angle of parking spaces and the width of the aisles.

Proposed location, general use, number of floors, height and the net and gross floor area for each building, and where applicable, the number of dwelling units.

Proposed signs.

Existing and proposed topography.

Provisions for the adequate disposition of storm water.

26-111.4. Optional Information. If the Plan Commission or a duly authorized Village enforcement official determines that additional information is required in order to determine the impact of a proposed development, the Commission may require, and the applicant shall provide, one (1) or more of the following: a financial impact study, a traffic study, a market study or additional site plan information.

26-112. PENALTIES:

26-112.1. Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists enforcement of any provision of this Ordinance, shall be subject to a fine of not less than \$25 nor more than \$500 for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

26-112.2. The owner or tenant of any building, structure or land and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

26-112.3. Nothing herein contained shall prevent the Village from taking such other lawful actions as is necessary to prevent or remedy any violation.