

ARTICLE 2. CODE ADMINISTRATION

CURRENT CODE	REORGANIZED CODE PROVISIONS
	<p><u>2.1 PURPOSE</u></p> <p><u>The purpose of this Article is to outline the specific powers of the different commissions, boards and officials as they relate to this Zoning Code.</u></p> <p><u>2.2 VILLAGE BOARD</u></p> <p><u>The Village Board shall have the following powers as related to this Code:</u></p> <ul style="list-style-type: none"><u>A. To make decisions on applications for zoning code text and map amendments (Section 4.2).</u><u>B. To make decisions on applications for special use permits (Section 4.4).</u><u>C. To make decisions on applications for planned developments (Article 5).</u><u>D. To make decisions on applications for site plan review (Section 4.5).</u><u>E. To make decisions on applications for design review permits (Section 4.6).</u><u>F. To make decisions on applications for exterior appearance review (Section 4.7).</u>
§11-103	<p><u>2.3 PLAN COMMISSION</u></p> <p><u>A. Powers</u></p> <p><u>The Plan Commission shall have the following powers as related to this Code:</u></p> <ul style="list-style-type: none"><u>1. To make recommendations on applications for zoning code text and map amendments (Section 4.2) when referred by the Village Board.</u><u>2. To make recommendations on applications for special use permits (Section 4.4).</u><u>3. To make recommendations on applications for planned developments (Article 5).</u><u>4. To make recommendations on applications for site plan review (Section 4.5).</u><u>5. To make recommendations on applications for design review permits (Section 4.6).</u><u>6. To make recommendations on applications for exterior appearance review (Section 4.7).</u><u>7. To make decisions on applications for sign permits (Section 4.8).</u>

B. Creation and Membership

1. The Plan Commission shall consist of nine (9) members appointed by the President and Village Board, voting jointly. All members shall be residents of the Village.
2. All appointments of ~~successors~~ Plan Commission members upon the expiration of the term of any member shall be for a period of three (3) years and until a successor has been appointed and has qualified for office.

~~All members appointed by the President and Village Board or before May 1, 2001, shall serve for a term of three (3) years and until their successors have been appointed and have qualified for office. Of the four (4) appointments scheduled to be made in the year 2003, three (3) shall be for a term of three (3) years and one shall be for a term of four (4) years. Of the five (5) appointments scheduled to be made in the year 2005, two (2) shall be for a term of two (2) years and three (3) shall be for a term of three (3) years. In all such cases, such terms shall continue until a successor has been appointed and has qualified for office. A vacancy that may occur shall be filled for the balance of the unexpired term by appointment of the president and board of trustees, voting jointly. Commencing in the year 2006,~~

3. A member shall be eligible for reappointment, provided, however, that no member shall serve more than the greater of two (2) consecutive terms that were full terms at the time of service, or six (6) years. Serving a portion of an unexpired term shall not be counted toward the two (2) term limit.
4. All members of the Plan Commission shall serve without compensation.

C. Chairperson And ~~Vice Chairperson~~

The Village President, with the advice and consent of the Village Board, shall name one (1) member of the Plan Commission as Chairperson to preside at all meetings and hearings and to fulfill the customary functions of that office; ~~and another member as vice chairperson.~~ The Chairperson ~~and vice chairperson~~ may administer oaths. In the absence of the Chairperson, ~~the vice chairperson or, in the absence of the vice chairperson,~~ a temporary Chairperson elected by the Plan Commission, shall act as Chairperson and shall have all the powers of the Chairperson. ~~The vice chairperson shall have such other powers and duties as may from time to time be provided by the rules of the plan commission.~~

D. Staff Secretary, Minutes and Public Records

~~The Village Manager~~ Zoning Administrator shall designate a staff secretary of the Plan Commission, who shall attend all its proceedings. The staff secretary shall provide for the keeping of minutes of the proceedings, agendas, findings and recommendations and other pertinent records of the Plan Commission, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact. The staff secretary shall maintain permanent

records of all meetings, hearings, and proceedings and all correspondence of the Plan Commission. The staff secretary shall provide for keeping a file of all records of the Plan Commission, and such records shall, except to the extent provided by the Illinois Freedom of Information Act, be public records open to inspection.

E. Quorum and Necessary Vote

1. No business shall be transacted by the Plan Commission without a quorum, consisting of five (5) members, being present. The concurring vote of a majority of the Plan Commission, consisting of at least four (4) members, shall be necessary on any motion to recommend approval of any matter or any application. Any lesser vote on any such motion, even if a majority of those voting, shall be considered a final decision to recommend denial of such matter or application. If less than a quorum is present, the hearing may be adjourned from time to time as provided in the Illinois Open Meetings Act. The staff secretary shall in writing notify all members of the date of the adjourned hearing and shall also notify such other interested parties as may be designated in the vote of adjournment.
2. Any one (1) or more voting members of the Plan Commission may file minority or dissenting reports in support of any position concerning a matter brought before the Plan Commission.

F. Absent Members

No member absent from any portion of a hearing shall be qualified to vote upon the matter heard unless that member shall first certify on the record that he/she has reviewed the entire record of any such portion of the hearing during which he/she was absent and has fully informed himself/herself of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.

G. Meetings, Hearings and Procedures

Regular meetings of the Plan Commission shall be held at the call of the Chairperson or as provided by rule of the Plan Commission. Special meetings shall be called at the request of the Chairperson or of any three (3) members of the Plan Commission or of the Village Board.

1. All meetings and hearings of the Plan Commission shall be open to the public except when closed pursuant to the provisions of the Illinois Open Meetings Act.
2. All testimony at any hearing of the Plan Commission shall be given under oath.
3. The Plan Commission shall adopt its own rules of procedure governing it and regulating its business as it, from time to time, deems proper and necessary. The adoption, amendment or revision of such rules shall be by a majority vote of all members of the Plan Commission. Every member of the Plan Commission shall be furnished a copy of such proposed rules and any amendment or revision thereto at least ten (10) days before consideration for adoption. Such rules shall be filed with the staff

secretary of the Plan Commission and with the Village Clerk. Any rule so adopted that relates solely to the conduct of the Plan Commission's meeting or hearings and that is not mandated by this Code or the statutes of the State of Illinois, may be waived by the Chairperson upon good cause being shown.

H. Record

The record shall be constituted of: the transcript of testimony, if any; the minutes of the staff secretary; all applications, requests, exhibits and papers filed in any proceeding before the Plan Commission; and the decision and report, or reports, of the Plan Commission.

I. Decisions

1. Every recommendation or decision of the Plan Commission upon an application filed pursuant to this Code shall:
 - a. Be by written resolution which shall include findings of fact.
 - b. Refer to all the evidence in the record and to the exhibits, plans or specifications upon which such recommendation or decision is based.
 - c. Specify the reason or reasons for such recommendation or decision.
 - d. Contain a conclusion or statement separate from the findings of fact setting forth the recommendation or decision of the Plan Commission. Every resolution shall expressly set forth any limitations or conditions recommended or imposed by the Plan Commission.
2. The Plan Commission may take final action on any recommendation or decision pertaining to an application pending before it prior to the preparation of a written resolution. In such event it shall, before taking such action, first state its findings and conclusions as above required at a meeting open to the public.
3. The Plan Commission's recommendation or decision shall be deemed made as of the date of the taking of such final action.
4. The written resolution incorporating such findings and conclusions shall be presented and approved at the next regular meeting of the Plan Commission open to the public.
5. In any case where this Code provides that the failure of the Plan Commission to act within a fixed period shall be deemed a recommendation for grant or denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Plan Commission rendered on the day following the expiration of such fixed period.
6. As to other matters brought before the Plan Commission, the Plan Commission shall prepare such report as it shall deem appropriate to the subject matter.

J. Conflicts

No member of the Plan Commission shall participate in the hearing or disposition of any matter in which that member has an interest as that term is defined in the Hinsdale Code of Ethics. Any conflict of interest prohibited by the Hinsdale Code of Ethics or state law shall disqualify a member.

K. Jurisdiction and Authority

In addition to the powers of Paragraph A, above, in relation to this Ordinance, and the jurisdiction conferred on it by the state statutes and other codes and ordinances of the Village, the Plan Commission shall have the following jurisdiction and authority:

- ~~1. Subject to the provisions of part II of this article, To prepare and recommend a Comprehensive Plan, including an official map, to the Village Board, which, upon its adoption by the Village Board, shall be known as the "Official Comprehensive Plan" of the Village of Hinsdale.~~
- ~~2. Subject to the provisions of part II of this article, To review, prepare and recommend to the Village Board changes in and amendments to the Official Comprehensive Plan, including the Official Map.~~
- ~~3. Subject to the provisions of section 11-601 of this article, To initiate, hear, review and offer its recommendations to the Village Board on applications for amendments to the Zoning Code.~~
- ~~4. Subject to the provisions and standards of section 11-602 of this article, To hear, review and offer its recommendations to the Village Board on applications for special use permits.~~
- ~~5. Subject to the provisions and standards of section 11-603, To hear, review and offer its recommendations to the Village Board on applications for planned development approval.~~
- ~~6. Subject to the provisions of subsection 11-604E of this article, To hear, review and offer its recommendations to the Village Board on applications for site plan approval made to the board of trustees.~~
- ~~7. Subject to the provisions and standards of section 11-605 of this article, To hear, review and offer its recommendations to the Village Board on applications for design review permits.~~
- ~~8. Subject to the provisions and standards of section 11-606 of this article, To review and offer its recommendations to the Village Board on applications for building permits requiring exterior appearance review.~~
- ~~9. Subject to the provisions of section 11-607 of this article, To hear, review and decide applications for sign permits.~~
3. To aid and assist the Village Board and the departments of the Village in implementing general plans and in planning, developing and completing specific projects.

4. To review and report on any matters referred to it by the Village Board or the ~~Village Manager~~ Zoning Administrator.
5. Upon reasonable written request, to make its special knowledge and expertise available to any official, department, board or commission of the Village, county, state or federal governments to aid them in the performance of their respective duties relating to the planning and development of the Village and its region.
6. In furtherance of the above jurisdiction and authority, to make such investigations, maps, reports and recommendations in connection therewith relating to the planning and development of the Village as seem desirable to it or at the direction of the Village Board; provided, however, that the expenditures of the Plan Commission shall not exceed the amount appropriated.

It is recommended that the provisions related to organization and conduct be moved to the Municipal Code.

§11-102

2.4 ZONING BOARD OF APPEALS

A. Powers

The Zoning Board of Appeals shall have the following powers as related to this Code:

1. To make decisions on applications for variations (Section 4.3)
2. To hear appeals of Zoning Administrator decisions as related to this Code (Section 4.11)

B. Creation and Membership

1. The Zoning Board of Appeals shall consist of seven (7) members appointed by the Village President and Village Board, voting jointly. All members shall be residents of the Village.
2. The members appointed by the Village President and Village Board shall serve for a period of five (5) years and until a successor has been appointed and has qualified for office. A member shall be eligible for reappointment. ~~respectively, for the following terms: one for one year, one for two (2) years, one for three (3) years, one for four (4) years, one for five (5) years, one for six (6) years, and one for seven (7) years and until their successors have been appointed and have qualified for office.~~ A vacancy that may occur shall be filled for the balance of the unexpired term by appointment of the president and board of trustees, voting jointly. ~~All appointments of successors upon the expiration of any term of any member shall be for a period of five (5) years and until a successor has been appointed and has qualified for office.~~
3. All members of the Zoning Board of Appeals shall serve without compensation.

C. Chairperson ~~And Vice Chairperson~~

The Village President, with the advice and consent of the Village Board, shall name one (1) member of the Zoning Board of Appeals as Chairperson, to preside at all meetings and hearings and to fulfill the customary functions of that office ~~, and another member as vice chairperson~~. The Chairperson ~~and vice chairperson~~ may administer oaths. In the absence of the Chairperson, ~~the vice chairperson, or, in the absence of the vice chairperson,~~ a temporary Chairperson elected by the Zoning Board of Appeals shall act as Chairperson and shall have all the powers of the Chairperson. ~~The vice chairperson shall have, in addition, such other powers and duties as may from time to time be provided by the rules of the board of appeals.~~

D. Staff Secretary, Minutes and Public Records

The ~~Village Manager~~ Zoning Administrator shall designate a staff secretary of the Zoning Board of Appeals, who shall attend all of its proceedings. The staff secretary shall provide for the keeping of minutes of the proceedings, agendas, findings and recommendations and other pertinent records of the Zoning Board of Appeals, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact. The staff secretary shall maintain permanent records of all Zoning Board of Appeals meetings, hearings and proceedings, and all correspondence of the Zoning Board of Appeals. The staff secretary shall provide for keeping a file of all records of the Zoning Board of Appeals, and such records shall, except to the extent provided by the Illinois Freedom of Information Act, be public records open to inspection.

E. Quorum and Necessary Vote

No business shall be transacted by the Zoning Board of Appeals without a quorum, consisting of four (4) members, being present. The concurring vote of at least four (4) members of the Zoning Board of Appeals shall be necessary on any motion to reverse any order, requirement, decision or determination appealed to it, to decide in favor of the applicant any application made, or to effect any variation from the provisions of the Zoning Code. Any lesser vote on any such motion, even if a majority of those voting, shall be considered a final decision denying the appeal, application or variation. If less than a quorum is present, the hearing may be adjourned from time to time as provided in the Illinois Open Meetings Act. The staff secretary shall in writing notify all members of the Zoning Board of Appeals of the date of the adjourned hearing, and shall also notify such other interested parties as may be designated in the vote of adjournment.

F. Absent Members

No member absent from any portion of a proceeding shall be qualified to vote upon the matter heard unless that member shall first certify on the record that he/she has reviewed the entire record of any such portion of the proceeding during which he/she was absent and has fully informed himself/herself of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.

G. Meetings, Hearings and Procedures

1. Regular meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson or as provided by rule of the Zoning Board of Appeals. Special meetings shall be called at the request of the Chairperson or of any two (2) members of the Zoning Board of Appeals or of the Village Board.
2. All meetings, hearings and deliberations of the Zoning Board of Appeals shall be open to the public except when closed pursuant to the provisions of the Illinois Open Meetings Act.
3. All testimony at any hearing of the Zoning Board of Appeals shall be given under oath.
4. The Zoning Board of Appeals shall adopt its own rules of procedure for the conduct of its business consistent with the Zoning Code and the statutes of the State of Illinois. Such rules shall be filed with the staff secretary of the Zoning Board of Appeals and with the Village Clerk. Any rule so adopted that relates solely to the conduct of the Zoning Board of Appeals hearing and that is not mandated by this code or the statutes of the State of Illinois, may be waived by the Chairperson upon good cause being shown.

H. Record

The record shall be constituted of: the transcript of testimony, if any; the minutes of the staff secretary; all applications, requests, exhibits and papers filed in any proceeding before the Zoning Board of Appeals; and the decision of the Zoning Board of Appeals.

I. Decisions

1. Every decision of the Zoning Board of Appeals shall:
 - a. Be by written resolution, which shall include findings of fact.
 - b. Refer to all the evidence in the record and to the exhibits, plans or specifications upon which such decision is based
 - c. Specify the reason or reasons for such decision.
 - d. Contain a conclusion or statement separate from the findings of fact setting forth the specific relief granted or denying relief.
 - e. Expressly set forth any limitations or conditions imposed on any relief granted or work or use authorized.
2. The Zoning Board of Appeals may take final action on any decision pertaining to an application pending before it, prior to the preparation of a written resolution, but in such event it shall, before taking such action, first state its findings and conclusions as above required at a meeting open to the public. The Zoning Board of Appeals decision shall be deemed made as of the date of the taking of such final action. The written resolution incorporating such findings and conclusions shall be presented and

approved at the next regular meeting of the Zoning Board of Appeals open to the public.

3. In any case where this code provides that the failure of the Zoning Board of Appeals to act within a fixed period shall be deemed to be a denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Zoning Board of Appeals rendered on the day following the expiration of such fixed period.
4. The decisions of the Zoning Board of Appeals shall in all instances be considered final administrative determinations and shall be subject to appeal in accordance with the Illinois Administrative Review Act.

J. Conflicts

No member of the Zoning Board of Appeals shall participate in the hearing or disposition of any matter in which that member has an interest as such term is defined in the Hinsdale Code of Ethics. Any conflict of interest prohibited by the Hinsdale Code of Ethics or state law shall disqualify a member.

K. Appeals

An appeal from any final decision of the Zoning Board of Appeals may be taken in the manner provided in Article III of the Illinois Code of Civil Procedure pertaining to administrative review.

L. Jurisdiction and Authority

In addition to the powers in Paragraph A above, the Zoning Board of Appeals shall have the following jurisdiction and authority:

- ~~1. Subject to the provisions of section 11-502 of this article, To hear and decide appeals from, and to review orders, decisions or determinations made by the Village Manager and to that end have the powers of the Village Manager with respect to such order, decision or determination.~~
- ~~2. Subject to the provisions and standards of section 11-503 of this article, To grant or deny variations from the requirements of the Zoning Code.~~
1. Subject to the provisions and standards of section 11-601 of this article, To initiate changes and amendments to the Zoning Code.
2. Upon reasonable written request, to make its special knowledge and expertise available to any official, department, board or commission of the Village, county, state, or federal governments to aid them in the performance of their respective duties relating to zoning and its administration in the Village.
3. In furtherance of the above jurisdiction and authority, to make such investigations, maps, reports, and recommendations in connection therewith, relating to zoning and its administration in the Village as seem desirable to it; provided, however, that the expenditures of the Zoning Board of Appeals shall not exceed the amount appropriated.

It is recommended that the provisions related to organization and conduct be moved to the Municipal Code.

§11-101

2.5 ZONING ADMINISTRATOR

The Village Manager, or his/her designee, shall be considered the Zoning Administrator, and shall have the following powers and duties, as related to this Zoning Code:

- A.** ~~The Village Manager~~ Zoning Administrator shall be charged with the administration and enforcement of this Code. In addition to the jurisdiction, authority and duties conferred on the ~~Village Manager~~ Zoning Administrator by other provisions of state statutes and Village codes and ordinances, the ~~Village Manager~~ Zoning Administrator shall have all powers necessary to such administration and enforcement and shall, in particular, have the jurisdiction, authority and duties hereinafter set forth.
- B.** ~~The Village Manager~~ Zoning Administrator, consistent with the express standards, purposes, and intent of this Code, shall promulgate, adopt, and issue such procedural rules, regulations and forms as are in the ~~Village Manager~~ Zoning Administrator's opinion necessary to the effective administration and enforcement of the provisions of this Code.
- C.** ~~The Village Manager~~ Zoning Administrator, within budgets available for that purpose, shall make staff and consulting assistance available to the Zoning Board of Appeals and the Plan Commission, and the ~~Village Manager~~ Zoning Administrator, ~~or his/her delegate~~, shall in that capacity:
1. Attend the meetings of each body.
 2. Inform each body of all facts and information at the ~~Village Manager~~ Zoning Administrator's disposal with respect to any matter brought before each such body.
 3. Assist each body by performing research and making recommendations on matters brought before each such body.
 4. Perform other duties as may be assigned to the ~~Village Manager~~ Zoning Administrator by this Code and by the rules of each body.
- D.** ~~The Village Manager~~ Zoning Administrator shall maintain the following records:
1. Permanent and current records of this Code, including all maps, amendments, special use permits, planned development and site plan approvals and denials, interpretations, and decisions rendered by the Zoning Board of Appeals, Plan Commission and Village Attorney, as well as his/her decisions, together with relevant background files and materials.
 2. A current file of all certificates of zoning compliance, all certificates of

occupancy, and all notices of violations, discontinuances, terminations, or removals, issued by or entrusted to the ~~Village Manager Zoning Administrator's~~ office for such time as necessary to ensure continuous compliance with the provisions of this Code.

3. A current file of all nonconforming uses and signs in the Village, by location and type of use.

E. The ~~Village Manager Zoning Administrator~~ shall prepare and have available for public sale on or before March 31st of each year:

1. The compiled text of this Code in book or pamphlet form, including all amendments thereto through the preceding December 31st.
2. The official Zoning Map, showing the zoning districts, divisions and classifications in effect on the preceding December 31st.

The ~~Village Manager Zoning Administrator~~, at all other times, shall maintain and have available for reproduction at least one (1) up to date copy of both the Zoning Code text and the Zoning Map, showing all amendments through the most recent meeting of the Village Board for which official minutes have been approved.

F. The ~~Village Manager Zoning Administrator~~ shall receive all applications required to be filed pursuant to this Code. Upon receipt of any such application, the ~~Village Manager Zoning Administrator~~ shall see to its expeditious processing, including its prompt referral to and retrieval from each official, department, board or commission of the Village, or other government, with any interest or duty with respect to such application.

G. Whenever the Plan Commission, Zoning Board of Appeals or Village Board shall so request, by general rule or specific direction, the ~~Village Manager Zoning Administrator~~ shall conduct or cause to be conducted such surveys, investigations and field studies, and shall prepare or cause to be prepared such reports, maps, photographs, charts and exhibits as shall be necessary and appropriate to the processing of any application filed pursuant to this Code.

H. The ~~Village Manager Zoning Administrator~~, from time to time, shall prepare and submit a report to the Village Board, Zoning Board of Appeals, and Plan Commission concerning the administration of the land use and development regulations of the Village, setting forth such information and statistical data as may be of interest and value in advancing and furthering the goals and purposes of such regulations, and setting forth the ~~Village Manager Zoning Administrator's~~ recommendations for the improvement of such regulations and their administration.

I. The ~~Village Manager Zoning Administrator~~ shall review all applications and issue certificates of zoning compliance in accordance with Section 4.9. ~~for certificates of zoning compliance and certificates of occupancy and shall approve or disapprove such applications and issue or refuse to issue such certificates based on compliance or noncompliance with the provisions of this code.~~

CURRENT CODE	REORGANIZED CODE PROVISIONS
	<p>J. Pursuant to the provisions of section 11-501 of this article, The Village Manager <u>Zoning Administrator</u> shall issue a written interpretation of the meaning and applicability of specific provisions of this Code in accordance with Section 4.10. Any interpretation of this Code that may be rendered by the Zoning Board of Appeals or the Zoning Administrator shall be kept on file with the manager and shall be a public record of the village open to inspection by interested parties at reasonable times and upon reasonable notice.</p> <p>K. Pursuant to the provisions of subsections 11-603K and 11-604I of this article, The Village Manager <u>Zoning Administrator</u> shall have authority to permit minor adjustments to final plans for planned developments and to site plans.</p> <p>L. In the enforcement of this Code, the Village Manager <u>Zoning Administrator</u> shall undertake such regular and continuing programs of inspection of work approved and under way and of existing structures and uses as may be feasible and proper within the limits of staff and budgeted funds, shall undertake such additional inspections as may be necessary to the performance of his/her duties hereunder, shall receive from any person complaints alleging with particularity a violation of this Code, and when appropriate shall cause such investigations and inspections as may be warranted by such complaints to be made. Upon finding the existence of any violation of this Code, the Village Manager <u>Zoning Administrator</u> shall take or direct all actions necessary and appropriate to abate and redress such violation.</p> <p>M. <u>The Zoning Administrator shall have authority to grant an extension of time, for good cause shown and without any notice or hearing, of any time limit imposed on an applicant by this Code, or of any time limit imposed by any ordinance or resolution of any body acting pursuant to this Code, unless that ordinance or resolution shall expressly provide otherwise.</u></p>

Most codes typically, for ease of use, create the position of Zoning Administrator so that the “keeper” of the code is appropriately titled and consistently referenced throughout the document. Therefore, language within this Section and this Code was changed to this reference.

This Village Manager as the Zoning Administrator can designate powers as needed, such as to the Building Official or to a Village planner. Also, if the Village were to create a formal position of Zoning Administrator at some later date, only one section would need to be amended, as opposed to amendments throughout the Code that refer to the Village Manager.

Item 2.5.H: Is this provision (regarding regular land use reports) still relevant?