

ARTICLE 4. APPLICATIONS, APPROVALS & ENFORCEMENT

CURRENT
CODE

REORGANIZED CODE PROVISIONS

4.1 PURPOSE

The purpose of this Article is to describe the applicability, procedures, requirements, and approval criteria for each zoning application and approval.

This is a new introductory paragraph for the Article.

§11-601

4.2 AMENDMENTS

A. Purpose

The amendment process established by this section is intended to provide a means for making changes to the text of this Code and the Zoning Map ~~that have more or less general or application~~. It is not intended to relieve particular hardships, nor to confer special privileges or rights. Rather, it is intended as a tool to adjust the provisions of this Code and the Zoning Map in light of changing, newly discovered or newly important conditions, situations or knowledge.

B. Initiation

An application for an amendment may be filed by the Village Board, Plan Commission, Zoning Board of Appeals, or owner of, or any person having a contractual interest in, any property ~~in the Village, to be affected by a proposed amendment to the zoning map, or any person interested in a proposed amendment to the text of this Code.~~

C. Authority

This Code and the Zoning Map may be amended from time to time by ordinance duly enacted by the Village Board in accordance with the procedures set out in this section.

D. Procedure

1. Applications for amendments shall be filed in accordance with the requirements of Section 3.2. Applications proposed by the Village Board, Plan Commission or Zoning Board of Appeals shall not be subject to application requirements or fees but shall be transmitted to the ~~Village Manager~~ Zoning Administrator in such form as ~~may seem~~ appropriate to the initiating body.
2. **Preliminary Consideration By Village Board**
 - a. Every properly filed and complete application for an amendment, before being processed in any other manner, shall be referred to the Village Board for a determination as to whether the application merits a hearing and consideration by the Plan Commission or should be

summarily denied.

- b. Notice of the meeting at which the issue will be considered shall be given to the applicant at least ~~forty eight (48) hours~~ seven (7) days before such meeting and the applicant, or his/her representative, shall, subject to the rules for a public hearing, have the right to be heard on the issue.
- c. The Village Board, no later than the first meeting after the meeting at which the issue first appeared on the agenda, shall either summarily deny the application or refer it to the Plan Commission for public hearing. The affirmative vote of four (4) members of the Village Board shall be necessary to summarily deny an application. Any other vote shall be sufficient to refer the application for a public hearing. In the case of such referral, the date of such referral shall be deemed to be the date of filing for computation of all time periods under this Code. A summary denial shall have the same legal effect as a denial after a full hearing.
- d. In considering the issue of whether to deny or refer an application for a public hearing, the Village Board shall be guided by the legislative standard that applies to granting an application for an amendment as set forth in Paragraph E, below. ~~The Village Board should deny an application in any case where its legislative judgment is that the standard cannot be met with regard to the proposed amendment.~~

3. Public Hearing

In any case where an application for amendment is referred to the Plan Commission for a public hearing, a public hearing shall be set, noticed and conducted ~~and conducted by the plan commission~~ in accordance with Article 3.

4. Action By Plan Commission

Within ~~forty five (45)~~ sixty (60) days following the conclusion of the public hearing, the Plan Commission shall transmit its recommendation to the Village Board ~~in the form specified by subsection 11-103H of this Code.~~ The failure of the Plan Commission to act within ~~(45)~~ sixty (60) days following the conclusion of the public hearing, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the proposed amendment as submitted.

5. Action by Village Board

Within sixty (60) days following the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Village Board shall either deny the application or adopt the proposed amendment, with or without modifications. The failure of the Village Board to act within sixty (60) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application.

6. Written Protest

In the event a duly signed and acknowledged protest against a proposed amendment is filed with the Village before the adoption of such amendment by the owners of twenty percent (20%) or more of the frontage to be affected by the proposed amendment, or by the owners of twenty percent (20%) or more of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) or more of the frontage directly opposite the frontage to be affected, such amendment shall not be passed except by a two-thirds (2/3) vote of the Village Board ~~all the Trustees then holding office.~~

E. Findings of Fact

~~The Plan Commission recommendation and Village Board decision on any zoning amendment, whether text or map amendment, is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan Commission and Village Board shall consider the following standards: The wisdom of amending the Zoning Map or the text of this Code is a matter committed to the sound legislative discretion of the Board of Trustees and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied the Board of Trustees should be guided by the principle that its power to amend this Code is not an arbitrary one but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the Board of Trustees should weigh, among other factors, the following factors:~~

- ~~1. The consistency of the proposed amendment with the purposes of this Code.~~
- ~~2. The existing uses and zoning classifications for properties in the vicinity of the subject property.~~
- ~~3. The trend of development in the vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present zoning classification.~~
- ~~4. The extent, if any, to which the value of the subject property is diminished by the existing zoning classification applicable to it.~~
- ~~5. The extent to which any such diminution in value is offset by an increase in the public health, safety and welfare.~~
- ~~6. The extent, if any, to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.~~
- ~~7. The extent, if any, to which the value of adjacent properties would be affected by the proposed amendment.~~
- ~~8. The extent, if any, to which the future orderly development of adjacent properties would be affected by the proposed amendment.~~
- ~~9. The suitability of the subject property for uses permitted or permissible under its present zoning classification.~~

**CURRENT
CODE**

REORGANIZED CODE PROVISIONS

- ~~10. The availability of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.~~
- ~~11. The availability of adequate utilities and essential public services to the subject property to accommodate the uses permitted or permissible under its present zoning classification.~~
- ~~12. The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.~~
- ~~13. The community need for the proposed amendment and for the uses and development it would allow.~~
- ~~14. The reasons, where relevant, why the subject property should be established as part of an overlay district and the positive and negative effects such establishment could be expected to have on persons residing in the area.~~

STANDARDS FOR ZONING MAP AND TEXT AMENDMENTS

Standards	Map Amendments	Text Amendments
1. The existing use and zoning of nearby property.	X	
2. The extent to which property values of the subject property are diminished by the existing zoning.	X	
3. The extent to which the proposed amendment promotes the public health, safety, comfort, convenience and general welfare of the Village.	X	X
4. The relative gain to the public, as compared to the hardship imposed upon the applicant.	X	X
5. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one (1) or more of the uses permitted under the existing zoning classification.	X	
6. The length of time that the property in question has been vacant, as presently zoned, considered in the context of development in the area where the property is located.	X	
7. The evidence, or lack of evidence, of community need for the use proposed by the applicant.	X	
8. The consistency of the proposed amendment with the Comprehensive Plan.	X	X
9. The consistency of the proposed amendment with the intent and general regulations of this Code.		X
10. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.		X
11. That the proposed amendment will benefit the residents of the Village as a whole, and not just the applicant, property owner(s), neighbors of any property under consideration, or other special interest groups, and the extent to which the proposed use would be in the public interest and would not serve solely the interest of the applicant.	X	X
12. Whether the proposed amendment provides a more workable way to achieve the intent and purposes of this Code and the Comprehensive Plan.		X
13. The extent to which the proposed amendment creates nonconformities.	X	X
14. The trend of development, if any, in the general area of the property in question.	X	
15. Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or	X	

are reasonably capable of being provided prior to the development of the uses, which would be permitted on the subject property if the amendment were adopted.

**CURRENT
CODE**

REORGANIZED CODE PROVISIONS

Item 4.2.B: The initiation section simplifies who can legally apply for an amendment.

Item 4.2.D.2.b: The current notice practice should be codified in the Code. The Zoning Task Force has indicated/recommended that this time period should be 7 days. However, it is not clear why special notice of a public hearing date would be given to the applicant, who would have interest in following the applications process.

Item 4.2.D.4: The current decision deadline should be codified in the Code. The Zoning Task Force has indicated/recommended that this time period should be 60 days.

Item 4.2.E: The standards for decision have been reorganized into a table to clarify which apply to text amendments and which apply to map amendments. They have also been updated to reflect the LaSalle/Sinclair factors, which are standard Illinois zoning practice.

§11-503

4.3 VARIATIONS

A. Purpose

The variation procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this Code that create practical difficulties or particular hardships. When such difficulties or hardships are more appropriate for remedy, if at all, pursuant to other provisions of this Code, the variation procedure is inappropriate.

B. Initiation

Applications for variations may be filed by the owner of, or a person having a contractual interest in, property within the Village.

C. Authority

The Zoning Board of Appeals shall have the authority to grant variations from the provisions of this Code, in accordance with the procedures set forth in Paragraph D, below, and in those specific instances described in Paragraph E, below, and only when such applications meet each ~~in accordance with each~~ of the standards of Paragraph F, below.

D. Procedure

1. Applications for variations shall be filed in accordance with the requirements of Section 3.2.
2. The Zoning Board of Appeals shall conduct a public hearing on a variation application, which shall be set, noticed and conducted in accordance with Article 3. Variations are only permitted for the specific instances described in Paragraph E, below. The Zoning Board of Appeals must make findings of fact, based upon the evidence presented at the public hearing, with respect to each of the standards in Paragraph E, below. A public hearing shall be set, noticed, and conducted by the

~~Zoning Board of Appeals in accordance with Subsection 11-303 of this Code. A public hearing shall be set, noticed, and conducted by the Zoning Board of Appeals in accordance with Subsection 11-303 of this Code.~~

3. Within ~~thirty-five (35)~~ sixty (60) days following the close of the public hearing, the Zoning Board of Appeals shall render its decision ~~granting or denying the variation, in the manner and form specified by Subsection 11-402F of this Code.~~ The failure of the Zoning Board of Appeals to act within thirty-five (35) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the variation.

E. Authorized Variations

The Zoning Board of Appeals may vary the provisions of this Code only as provided in this section. ~~The authority of the Zoning Board of Appeals to vary the provisions of this Code are subject to the prohibitions set forth in Paragraph E2 of this Section and proof by the applicant of each of the standards set forth in Subsection F of this Section.~~ Under no circumstances shall the list of permitted variations in this section be construed as an entitlement, right or claim for any applicant. The Zoning Board of Appeals may vary the provisions of this Code in the following cases and in no others:

1. To reduce ~~the dimension of any required minimum yard, setback, or building spacing requirements.~~
2. To allow structures and uses to ~~be located in any~~ encroach into a required setback where such encroachment is not permitted by the Code. ~~yard in addition to, and to a greater degree than, those authorized by applicable district regulations.~~
3. To reduce the required lot width or lot area of any lot by no more than ten percent (10%), except as provided in Paragraph 4, below. No such variation shall permit the development of more than one an additional dwelling unit above that permitted by the Code ~~in addition to the number of dwelling units that could be developed in the absence of such a variation or any increase in the otherwise permitted maximum floor area ratio.~~

~~To reduce by more than ten percent (10%) the required lot width and area of any lot created concurrent with and as part of the terms of an annexation agreement for the land of which the lot is a part. No variation pursuant to this subsection shall permit either the development of more than one dwelling unit in addition to the number of dwelling units that could be developed in the absence of such a variation or any increase in the otherwise permitted maximum floor area ratio.~~

4. To reduce the required lot width or lot depth of any lot by fifteen percent (15%) of a lot meeting all of the following criteria:
 - a. The subject lot is a legal nonconforming lot of record created by plat or deed recorded before 1923.
 - b. The subject lot was vacant on January 1, 1991, or became vacant thereafter by reason of demolition or destruction of a ~~pre-code~~

- ~~nonconforming~~ structure that was not authorized to be rebuilt or replaced pursuant to ~~Subsection 10-104C~~ of this Code.
- c. The subject lot has not, at any time after 1960, immediately abutted a vacant lot with the same owner as the subject lot when the combination of the vacant lot with the subject lot would have created a lot meeting the lot size standards then applicable to the subject lot.
- d. The subject lot has not immediately abutted any vacant lot since January 1, 1991. No variation pursuant to this subsection shall permit the development of ~~more than one~~ an additional dwelling unit above that permitted by the Code in addition to the number of dwelling units that could be developed in the absence of such a variation or any increase in the ~~otherwise~~ permitted maximum floor area ratio.
5. To increase the maximum allowable height of a structure in a nonresidential district by no more than ten percent (10%) only where necessary to accommodate variations in grade.
6. To reduce by not more than twenty percent (20%), or one (1) space, whichever is greater, the minimum number of off-street parking spaces or loading spaces otherwise required, and to vary the number of parking or loading spaces required in connection with a change of use or an increase in use intensity.
7. To increase the maximum distance that required parking can be located from the zoning lot of the use for which such parking is required by no more than twenty percent (20%).
8. To increase the maximum allowable height for the illumination of residential recreational facilities by no more than twenty percent (20%).
9. To move a ~~pre-Code~~ nonconforming structure ~~to an extent or in a manner not permitted by subsection 10-104E of this code.~~
10. To allow the otherwise prohibited restoration of a partially damaged or destroyed ~~precode~~ nonconforming structure or structure devoted to a nonconforming use.
11. To vary the bulk, yard and space requirements when a zoning lot, whether vacant or legally used, is reduced in size, by reason of the exercise of the right of eminent domain by an authorized governmental body or by reason of a conveyance made under the specific threat of an eminent domain proceeding, so that the remainder of said zoning lot, or any structure or use on said zoning lot, does not conform with one or more of such bulk, yard, or space requirements of the district in which said zoning lot is located.
12. To increase the maximum floor area ratio permitted in the B-2 District by no more than ten percent (10%).
13. To increase the maximum building coverage permitted in the B-2 District by no more than ten percent (10%).

14. To increase the maximum elevation permitted in the R-1, R-2, R-3 and R-4 Districts.
 15. To increase the maximum allowable height of a personal wireless services antenna support structure of a tower design by no more than fifteen percent (15%).
 16. To allow the front façade of a single-family dwelling ~~to be developed to face a frontage other than that required by this Code the frontage it is required to face pursuant to subsection 3-110I of this code.~~
 17. To increase the maximum floor area ratio by no more than the minimum amount required to authorize construction on property in the R-1, R-2, R-3, or R-4 Districts of a four-hundred forty (440) square foot detached garage when replacing an existing attached garage accessory to an existing single-family detached dwelling on the subject property, only if all of the following criteria are met:
 - a. The existing attached garage is the only garage on the subject property.
 - b. The existing attached garage is unusable as a garage, in the determination of the Director of Public Services based on reasonable evidence provided by the applicant, because of flooding outside of the reasonable control or correction of the subject property owner.
 - c. The proposed detached garage will not exceed a total floor area of four-hundred forty (440) square feet and will comply with every other applicable provision of this Code.
 - d. The floor area ratio and building coverage of the subject property has not been increased by expansion of the single-family dwelling for at least ten (10) years prior to the date of application for the variation.
- ~~(l) To allow, for a period not to extend beyond four (4) years following the effective date of this code:~~
- ~~(i) The storage in a parking area in a residential district of more than the maximum number of class I or II vehicles specified in subsection 9-101D4(e) of this code; or~~
 - ~~(ii) The storage in a parking area in any required yard in a residential district of class II vehicles; or~~
 - ~~(iii) The storage in a parking area in a residential district of no more than one class III vehicle; or~~
 - ~~(iv) The provision of buffers and landscaping for class II vehicles other than those required by subsection 9-107D of this code.~~
- ~~Every variation granted pursuant to this subsection E1(l) shall run only to the applicant, as a personal privilege, and only with respect to the specific vehicle that is the subject of the application.~~
- ~~(m) To increase by not more than twenty percent (20%) the maximum floor area ratio permitted in the R-1 single family residential district for any proposed development that was the subject of a variation application filed with the village and approved by the zoning board of appeals after~~

~~January 1, 1989, but before the effective date of this code.~~

F. Prohibited Variations

Notwithstanding any other provision of this section, no variation shall be granted that:

1. Is intended as a temporary measure only.
2. Is greater than the minimum variation necessary to relieve the particular hardship or practical difficulty demonstrated by the applicant.

G. Standards

1. General Standard

No variation shall be granted pursuant to this section unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this section.

2. Unique Physical Condition

The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming, irregular or substandard shape or size, exceptional topographical features, or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the zoning lot rather than the personal situation of the current owner of the lot.

3. Not Self-Created

The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title, and was not known to the owner prior to acquisition of the subject property. The condition must have existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.

4. Denied Substantial Rights

The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

5. Not Merely Special Privilege

The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available

to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property. Where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

6. Code and Plan Purposes

The variation would not result in a use or development of the subject property that is not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Comprehensive Plan.

7. Essential Character of the Area

The variation would not result in a use or development on the subject property that:

- a. Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements permitted in the vicinity.
- b. Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity.
- c. Would substantially increase congestion in the public streets due to traffic or parking.
- d. Would unduly increase the danger of flood or fire.
- e. Would unduly tax public utilities and facilities in the area.
- f. Would endanger the public health or safety.

8. No Other Remedy

There is no other means than the requested variation to avoid or remedy the alleged hardship or difficulty to a degree sufficient to permit a reasonable use of the subject property.

H. Variation Less Than Requested

A variation less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the entirety of the relief requested.

I. Conditions on Variations

The Zoning Board of Appeals may impose such specific conditions and limitations concerning use, construction, character, location, landscaping, screening and other matters relating to the purposes and objectives of this Code upon the premises benefited by a variation as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities

and services. Such conditions shall be expressly set forth in the resolution granting the variation. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of the variation.

J. Affidavit of Compliance with Conditions

Whenever any variation authorized pursuant to this section is made subject to conditions and limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the ~~Village Manager~~ Zoning Administrator so stating.

K. Effect of Grant of Variation

The grant of a variation shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits and approval that may be required by the codes and ordinances of the Village including, but ~~not limited to, a certificate of zoning compliance, a building permit, a certificate of occupancy, subdivision approval, and site plan approval.~~

L. Limitations on Variations

1. Subject to an approved request for an extension of time ~~granted by the village manager pursuant to subsection 11-101K of this article~~, no variation from the provisions of this Code shall be valid for a period longer than one (1) year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a certificate of occupancy is issued and a use is commenced within that period.
2. A variation shall be deemed to authorize only the particular construction or development for which it was issued and shall automatically expire and cease to be of any force or effect if such construction or development shall be removed and not replaced within six (6) months following such removal.

Item 4.3.E: Because the purpose of a variation is to respond to hardships that run with the land, many communities do not place limits upon the types of variations that can be granted. Hinsdale's Code currently limits the types of variations that can be granted. Certain permissions are also questionable. For example, variations related to eminent domain should not be included within the Code, restrictions on the maximum height that a wireless antenna can be increased by variance are not in line with federal requirements (antennas can be limited in height with the stipulation that they may exceed that height by variation if proved that additional height is needed to transmit signal, which may exceed the 15% allowed by Code), and the increase in maximum floor area for detached garages in certain residential districts does not function as a variation but as a special exception. This is a key policy issue that can be considered by the Village based upon experiences with the variation procedure and the types of applications seen. If the limits on what can be varied are maintained, these should be continually evaluated against any changes to the setback and bulk requirements.

Item 4.3.G: The accompanying technical review report describes a simplified set of standards for a variation. However, current requirements are common in Illinois zoning ordinances.

§11-602

4.4 SPECIAL USE PERMITS**A. Purpose**

Special uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration and impact to determine the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing of the public need and benefit against the local impact and effect in each case.

B. Initiation

Applications for special use permits may be filed by the owner of, or a person having a contractual interest in, property within the Village.

C. Authority

The Village Board may grant special use permits, after receiving recommendation from the Plan Commission, authorizing the development of uses listed as special uses in the regulations applicable to the district in which the subject property is located, in accordance with the procedures of Paragraph D, below, and the standards set out in Paragraph E, below.

D. Procedure

1. Applications for special use permits shall be filed in accordance with the requirements of Section 3.2.
2. The Plan Commission shall conduct a public hearing on a special use permit application, which shall be set, noticed and conducted in accordance with Article 3. The Plan Commission shall base its recommendation on the standards of Paragraph E, below.
3. Within sixty (60) days following the conclusion of the public hearing, the Plan Commission shall transmit its recommendation to the Village Board ~~in the form specified by Subsection 11-103F of this Code, recommending either granting the application for a special use permit, granting the application subject to conditions, as specified in Subsection F of this Section or denying the application.~~ The failure of the Plan Commission to act within sixty (60) days, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the proposed special use permit.
4. Within sixty (60) days following receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Village Board shall either deny the application or, by ordinance duly adopted, shall grant the special use permit, with or without modifications or conditions. The failure of the Village Board to act within sixty (60) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the special use permit. The Village Board shall base its decision on the standards of Paragraph E, below.

E. Standards**1. General Standards**

No special use permit shall be recommended for approval or granted unless the applicant establishes the following:

- a. The proposed use and development will be in harmony with the general and specific purposes of this Code, the regulations of the district in question were established, and the general purpose and intent of the Comprehensive Plan.
- b. The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety and general welfare.
- c. The proposed use and development will be constructed, arranged and operated so as not to dominate the immediate vicinity, or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.
- d. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries and schools, or the applicant will provide adequately for such services.
- e. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.
- f. The proposed use and development will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.
- g. The proposed use and development complies with all additional standards imposed on it by the particular provision of this Code authorizing such use. When the district regulations authorizing any special use in a particular district impose special standards to be met by such use in such district, the special use permit shall not be recommended for approval or granted unless the applicant shall establish compliance with such special standards.

2. Additional Considerations

In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and Village Board shall consider:

- a. Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

- b. Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.
- c. Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping and screening.

F. Conditions on Special Use Permits

The Plan Commission may recommend and the Village Board may impose such conditions and limitations as part of the special use permit concerning use, construction, character, location, landscaping, screening and other matters relating to the purposes and objectives of this Code ~~upon the premises benefited by a special use permit~~ as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Such conditions shall be expressly set forth in the ordinance granting the special use. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of the special use permit.

G. Affidavit of Compliance with Conditions

Whenever any special use permit is granted made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the ~~Village Manager~~ Zoning Administrator so stating.

H. Effect of Issuance of a Special Use Permit

The grant of a special use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any other permits or approvals that may be required by the codes and ordinances of the Village ~~including, but not limited to, a certificate of zoning compliance, a building permit, a certificate of occupancy and subdivision approval.~~

I. Limitations on Special Use Permits

1. Subject to an approved request for an extension of time ~~granted by the village manager pursuant to subsection 11-101K of this article~~, no special use permit shall be valid for a period longer than one (1) year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or a certificate of occupancy is issued and a use commenced within that period.
2. A special use permit shall be deemed to authorize only the particular use for which it was issued, and shall automatically expire and cease to be of any force or effect if the use is, for any reason, discontinued for a period

of six (6) consecutive months or more.

3. Except when otherwise provided in the ordinance granting a special use permit, a special use permit shall be deemed to relate to, and be for the benefit of, the use and lot in question rather than the owner or operator of such use or lot.

J. Amendments to Special Use Permits

A special use permit may be amended, varied or altered only pursuant to the procedures and subject to the standards and limitations provided in this section for its original approval.

Item 4.4.D.3: The current decision deadline should be codified in the Code. The Zoning Task Force has indicated/recommended that this time period should be 60 days.

§11-604

4.5 SITE PLAN REVIEW

A. Purpose

The site plan review process recognizes that even those uses and developments that have been determined to be generally suitable for location in a particular district are capable of adversely affecting the purposes for which this Code was enacted unless careful consideration is given to critical design elements. It is the purpose of this section to provide a vehicle for the review of the developer's attention to such elements.

B. Authority

The Village Board may grant site plan review approval to uses and developments requiring such approval, as described in Paragraph C, below, after receiving recommendation from the Plan Commission in accordance with the procedures of Paragraph D, below, and the standards set out in Paragraph E, below

C. Site Plan Review Required

Site plan review by the Village Board in accordance with this section shall be required in connection with the following activities:

1. A special use permit, including planned development approval.
2. Any development or redevelopment of non-residential structures.
3. Any development or redevelopment of multi-family and townhouse structures.
4. Any development or redevelopment of residential recreation facilities that exceed one-thousand five-hundred (1,500) square feet. Basketball backboards are not subject to site plan review.
5. Any development or redevelopment involving a personal wireless

services antenna, with or without an antenna support structure.

- ~~1. Any development or redevelopment for which this Code requires A special use permit, including planned development approval.~~
- ~~2. Any development or redevelopment for which this Code requires exterior appearance review or a design review permit.~~
- ~~3. Any development or redevelopment of any structure, whether new or existing, involving a parcel under single ownership or control having an area in excess of thirty thousand (30,000) square feet. Remodeling that does not involve the creation of any new floor space or the change of any use, and all single family detached dwelling units are exempt from site plan review.~~
- ~~4. Any nonresidential development on a lot abutting or across a right of way from any residential district.~~
- ~~5. Any development or redevelopment involving the creation or expansion of a parking lot or garage.~~
- ~~6. Any development or redevelopment involving a recreational vehicle storage area subject to subsection 9-101D7 or D8 of this code.~~
- ~~7. Any development or redevelopment involving a residential recreational facility.~~
- ~~8. Any development or redevelopment involving an antenna or antenna support structure.~~
- ~~9. Any development or redevelopment involving a personal wireless services antenna, with or without an antenna support structure.~~

~~D. Parties entitled to seek site plan approval. Applications for site plan review may be filed by the owner of, or any person having a contractual interest in, the subject property.~~

D. Procedure

1. Applications for site plan review shall be filed in accordance with the requirements of Section 3.2.
2. The Plan Commission shall conduct a public meeting on a site plan review application, which shall be set, noticed and conducted in accordance with Article 3. The Plan Commission shall base its recommendation on the standards of Paragraph E, below.
3. Within sixty (60) days following the conclusion of the public meeting, the Plan Commission shall transmit its recommendation to the Village Board, ~~in the form specified in Subsection 11-103H of this Code, recommending either approval or denial of the site plan application disapproval based on one or more of the standards set forth in Paragraph F1 of this Section.~~ In the case of any recommendation for denial, the recommendation shall contain alternate site plan approaches that could be developed to avoid

the specified deficiency or shall state the reasons why such deficiency cannot be avoided consistent with the applicant's objectives as required by Paragraph F2 of this Section shall be provided as part of the recommendation. The failure of the Plan Commission to act within sixty (60) days, or such further time to which the applicant may agree, shall be deemed to be a recommendation for approval of the site plan as submitted.

4. Within ninety (90) days following the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Village Board, by ordinance duly adopted, shall approve the site plan as submitted, or shall make modifications acceptable to the applicant and approve such modified site plan, or shall deny the application, ~~it in the manner specified in Subsection F of this Section~~ either with or without a remand to the Plan Commission for further consideration. The failure of the Village Board to act within ninety (90) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying site plan approval.

E. Standards

1. Standards for Site Plan Review

Each site plan submitted for review shall include the following details: the location of principal and accessory structures, infrastructure, open space, landscaping, exterior lighting, traffic movement and flow, number of parking spaces, design of parking lots, and location of landscaping and screening.

a. Site Design

The location, arrangement, size, design and general site compatibility of buildings, lighting and signs, including:

- i. Efficient use of land that responds to the existing off-site utilities and service conditions in order to minimize the demand for additional municipal services, utilities and infrastructure.
- ii. Compatibility with, and mitigation of, any potential impact upon, adjacent property.
- iii. Site illumination designed and installed to minimize adverse impact on adjacent properties.
- iv. Signs in accordance with this Code.

b. Landscaping, Screening and Open Space

Landscaping and the arrangement of open space or natural features on the site should:

- i. Create a desirable and functional environment for motorists, pedestrians, bicyclists and occupants of residential dwellings, business owners and employees. To achieve such an

environment, landscaping may take advantage of open space design features such as bike paths, running paths and outdoor relaxation areas.

- ii. Preserve unique natural resources, including measures to preserve and protect existing healthy, mature trees.
- iii. Protect natural resources and landscaping on adjacent sites.
- iv. Design drainage facilities to promote the use and preservation of natural watercourses and patterns of drainage.
- v. Utilize plant materials suitable to withstand the climatic conditions of the Village and microclimate of the site. The use of species native to northeastern Illinois is encouraged.
- vi. Use of screening to buffer the impact of the development on adjacent uses and enhance the appearance and image of the Village by screening incompatible uses and certain site elements, and to create a logical transition to adjoining lots and developments.

c. Circulation and Off-Street Parking

Circulation systems and off-street parking shall be designed to:

- i. Provide adequate and safe access to the site for motor vehicles as well as alternate modes of transportation, including pedestrians and bicyclists.
- ii. Minimize potentially dangerous traffic movements.
- iii. Separate pedestrian and auto circulation and provide for bicycle parking or storage insofar as practical.
- iv. Minimize curb cuts by using cross-access easements and shared parking.
- v. Design off-street parking lots or garages to minimize adverse impacts on adjacent properties, particularly through the use of perimeter and interior landscaping, and promote logical and safe parking and internal circulation.
- vi. Define pedestrian access from the parking area to the building(s). A clearly defined visible and identifiable network of pedestrian connections should be provided in and between parking lots, street sidewalks, open spaces and buildings.

2. Standards for Site Plan Denial

The Village Board shall deny, and the Plan Commission shall not recommend, a site plan, if it meets any of the following criteria submitted pursuant to this Section except on the basis of specific written findings directed to one or more of the following standards:

- a. The application is incomplete in specified particulars or contains ~~or reveals~~ violations of this Code or other applicable regulations that the applicant, after written request, has failed or refused to supply or correct.
- b. The application is submitted in connection with another application, the approval of which is a condition precedent to the necessity for site plan review, and the applicant has failed to secure approval of that application.
- c. The site plan fails to adequately meet specified standards required by this Code with respect to the proposed use or development, including special use standards where applicable.
- d. The proposed site plan interferes with easements or rights-of-way.
- e. The proposed site plan unreasonably destroys, damages, detrimentally modifies or interferes with the enjoyment of significant natural, topographical or physical features of the site.
- f. The proposed site plan is unreasonably injurious or detrimental to the use and enjoyment of surrounding property.

~~The proposed site plan creates undue traffic congestion or hazards in the public streets, or the circulation elements of the proposed site plan unreasonably create hazards to safety on or off site or disjointed, inefficient pedestrian or vehicular circulation paths on or off site.~~

~~The screening of the site does not provide adequate shielding from or for nearby uses.~~

~~The proposed structures or landscaping are unreasonably lacking amenity in relation to, or are incompatible with, nearby structures and uses.~~

- g. In the case of site plans submitted in connection with an application for a special use permit, where applicable, the proposed site plan makes inadequate provision for the creation or preservation of open space or for its continued maintenance.
- h. The proposed site plan creates unreasonable drainage or erosion problems or fails to fully and satisfactorily integrate the site into the overall existing and planned drainage system serving the Village.
- i. The proposed site plan places unwarranted or unreasonable burdens on specified utility systems serving the site or area or fails to fully and satisfactorily integrate the site's utilities into the overall existing and planned utility systems serving the Village.
- j. The proposed site plan does not provide for required public uses designated on the Official Map.
- k. The proposed site plan otherwise adversely affects the public health,

safety or general welfare.

F. Alternative Approaches

With the exception of site plan denial in accordance with Sections 4.5.E.2.a or 4.5.E.2.b, In citing any of the foregoing standards, other than those of Subparagraphs 1(a) and 1(b), as the basis for disapproving a site plan, the Plan Commission or the Village Board shall suggest alternate site plan approaches that could be developed to avoid the specified deficiency or shall state the reasons why the deficiency cannot be avoided consistent with the applicant's objectives.

G. Effect of Site Plan Approval

1. Approval of a site plan shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the codes and ordinances of the Village ~~including, but not limited to, a certificate of zoning compliance, a building permit, a certificate of occupancy and subdivision approval.~~
2. A copy of every approved site plan shall be filed with the ~~Village Manager~~ Zoning Administrator and the development of the site shall be in substantial conformity with such approved and filed plan.

H. Limitations on Site Plan Approval

Subject to an approved request for an extension of time ~~granted by the village manager pursuant to subsection 11-101K of this Code~~, no site plan approval shall be valid for a period longer than one (1) year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a certificate of occupancy is issued and a use commenced within that period.

I. Adjustments and Alterations to Approved Site Plan

1. Minor Adjustments

During the development of the site, the ~~Village Manager~~ Zoning Administrator may authorize minor adjustments to an approved site plan ~~approved by the Board of Trustees~~ when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development. Such minor adjustments shall be limited to the following:

- a. Altering the location of any one (1) structure or group of structures by not more than twenty (20) feet or one-fourth ($\frac{1}{4}$) of the distance shown on the approved site plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the site plan, whichever is less.
- b. Altering the location of any circulation element by not more than twenty (20) feet or one-fourth ($\frac{1}{4}$) of the distance shown on the

CURRENT CODE	REORGANIZED CODE PROVISIONS
--------------	-----------------------------

approved site plan between such circulation element and any structure, whichever is less.

- c. Altering the location of any open space by not more than fifty (50) feet.
- d. Altering any final grade by not more than twenty percent (20%) of the originally approved grade.
- e. Altering the location or type of landscaping elements.

Such minor adjustments shall be consistent with the intent and purpose of this Code and the site plan as approved, shall be the minimum necessary to overcome the particular difficulty, and shall not be approved if they would result in a violation of any standard or requirement of this Code.

2. Major Adjustments

Any adjustment to an approved site plan ~~approved by the Board of Trustees~~ that is not authorized as a minor adjustment ~~by the preceding Paragraph 4~~ shall be considered to be a major adjustment and shall be granted only upon application to and approval by the Village Board. The Village Board ~~by ordinance duly adopted~~ may grant approval for a major adjustment without referral to the Plan Commission upon finding that any changes in the site plan as approved will be in substantial conformity with said site plan. If the Village Board determines that a major adjustment is not in substantial conformity with the site plan as approved, then the Village Board of Trustees shall refer the request to the Plan Commission for further consideration and review as provided in Paragraph 3, below ~~Subsection E of this Section.~~

3. Amendments

After a site is developed in accordance with an approved site plan, the approved site plan may be amended, varied or altered in the same manner and subject to the same limitations, as provided for original approval of site plans.

Item 4.5.C: The types of development subject to site plan review have been simplified to reflect current Village practice.

Item 4.5.E: The current Code only includes standards for denial. Site plan review should have standards that look positively at the different site elements. Item 4.4.E.1 includes proposed standards that would guide site plan reviewers in the different site elements that need to be considered. These are not required design elements, but rather guidelines for those aspects that need to be considered. Item 4.4.E.2 maintains the existing standards for denial. Only those that are addressed in Item 4.4.E.1 have been stricken.

§11-605 4.6 DESIGN REVIEW PERMIT

A. Purpose

The design review permit process is intended to provide a procedure for the review of plans for work in the Historical Gateway Design Review Overlay

District to ensure that such work will comply with standards established to preserve the integrity of areas and structures which have been determined to merit special protection.

B. Authority

The Village Board may grant design review permits to uses and developments requiring such approval, as described in Paragraph C, below, after receiving recommendation from the Plan Commission in accordance with the procedures of Paragraph D, below, and the standards set out in Paragraph E, below

C. Design Review Permit Required

A design review permit shall be required as part of any building permit in the Historical Gateway Design Review Overlay District. In any case where the proposed work requires the issuance of a special use permit, variation or other approval, no design review permit shall be granted unless and until such special use permit, variation or other approval has been issued. The issuance of any such other approval shall not be deemed to establish any right to the issuance of a design review permit.

~~The Board of Trustees, in accordance with the procedures and standards set out in this Section and by ordinance duly adopted, may grant a Design Review Permit for any use or development in the Design Review Overlay District that is permitted in the base district in which such use or development is located; provided, however, that no such permit shall be granted unless such use or development complies with the regulations of the base district in which it is located and all necessary certificates, permits, and approvals for such use or development shall have been secured.~~

D. Procedure

1. Applications for a design review permit shall be filed in accordance with the requirements of Section 3.2.
2. The Plan Commission shall conduct a public meeting on a design review permit application, which shall be set, noticed and conducted in accordance with Article 3. The Plan Commission shall base its recommendation on the standards of Paragraph E, below.
3. Within ~~35~~ sixty (60) days following the conclusion of the public hearing ~~meeting provided in Subsection D3 of this Section~~, the Plan Commission shall transmit its recommendation to the Village Board of either approval, approval with conditions or denial of the design review permit, ~~in writing, recommend to the Board of Trustees to grant the Design Review Permit without modification, grant the Design Review Permit with modifications or subject to conditions, or deny the Design Review Permit.~~ In reaching its recommendation, the Plan Commission shall be guided by the purposes for which the Historical Gateway Design Review Overlay District is designated and by the particular standards of Paragraph E, below and ~~considerations set forth in Subsection E of this Section.~~ The failure of the Plan Commission to act within ~~35~~ sixty (60) days, or such longer period of time as may be agreed to by the applicant, shall be

deemed a recommendation of denial of the design review permit to deny the Design Review Permit.

4. Within ~~35~~ sixty (60) days after receiving the Plan Commission recommendation or, if the Plan Commission fails to act within ~~35~~ sixty (60) days following the conclusion of the public meeting hearing provided in Subsection D3 of this Section, within ~~70~~ sixty (60) days following the conclusion of such public meeting hearing, the Village Board shall either approve, approve with conditions or deny the design review permit, by ordinance duly adopted, grant the Design Review Permit without modification, grant the Design Review Permit with modifications or subject to conditions, or deny the Design Review Permit. The failure of the Village Board to act within sixty (60) days the time limits set in this Subsection, or such longer time as may be agreed to by the applicant, shall be deemed a denial of the design review permit. ~~In reaching its decision, the Board of Trustees shall be guided by the purposes for which the Design Review District is designated and by the particular standards and considerations set forth in Subsection E of this Section.~~
5. If a design review permit is approved granted pursuant to this Section, the ~~Village Manager~~ Zoning Administrator shall issue the design review permit, noting thereon any modifications or conditions imposed by the Village Board, within seven (7) days following the Village Board's decision, following the passage of the ordinance by the Board of Trustees pursuant to Subsection D5 of this Section Each permit shall state on its face, in bold type, that:

“THIS PERMIT DOES NOT SIGNIFY ZONING, BUILDING CODE, OR SUBDIVISION REVIEW OR APPROVAL AND HOLDER IS NOT AUTHORIZED TO UNDERTAKE ANY WORK WITHOUT SUCH REVIEW AND APPROVAL WHERE REQUIRED.”

E. Standards

In passing upon applications for design review permits, the Plan Commission and the Village Board shall consider and evaluate whether the proposed construction or change in use meets the propriety of issuing the Design Review Permit in terms of its effect on the purposes for which the Design Review Overlay District is designated, and the standards of this section. ~~In addition, the Plan Commission and the Board of Trustees shall be guided by the following standards and considerations~~

1. Quality of Design and Site Development

New and existing buildings and structures, and appurtenances thereof, which are constructed, reconstructed, materially altered, repaired or moved shall be evaluated under the following quality of design and site development guidelines:

- a. The quality of the open spaces between buildings and in setback spaces between street and facade.
- b. The quality of materials and their relationship to those in existing adjacent structures.

- c. The quality of the design in general and its relationship to the overall character of neighborhood.
- d. The quality of the site development in terms of landscaping, recreation, pedestrian access, automobile access, parking, servicing of the property, and impact on vehicular traffic patterns and conditions on-site and in the vicinity of the site, and the retention of trees and shrubs to the maximum extent possible.

2. Visual Compatibility

New and existing buildings and structures, and appurtenances thereof, which are constructed, reconstructed, materially altered, repaired or moved shall be visually compatible in terms of the following guidelines:

- a. The height of the proposed buildings and structures shall be visually compatible with adjacent buildings.
- b. The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways and places to which it is visually related.
- c. The relationship of the width to height of windows shall be visually compatible with buildings, public ways and places to which the building is visually related.
- d. The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings, public ways and places to which it is visually related.
- e. The relationship of a building or structure to the open space between it and adjoining buildings or structures shall be visually compatible with the buildings, public ways and places to which it is visually related.
- f. The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways and places to which it is visually related.
- g. The relationship of the materials and texture of the facade shall be visually compatible with the predominant materials used in the buildings and structures to which it is visually related.
- h. The roof shape of a building shall be visually compatible with the buildings to which it is visually related.
- i. Building facades and ~~appurtenances~~ additional structures, such as walls, fences, and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the buildings, public ways and places to which such elements are visually related.
- j. The size and mass of buildings and structures in relation to open

spaces, windows, door openings, porches and balconies shall be visually compatible with the buildings, public ways and places to which they are visually related.

- k. A building shall be visually compatible with the buildings, public ways and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or non-directional character.

3. Special Considerations for Existing Buildings

For existing buildings, the Plan Commission and the Village Board shall consider the availability of materials, technology and craftsmanship to duplicate existing styles, patterns, textures and overall detailing.

4. Manuals and Guidelines

The Plan Commission may, from time to time, provide for specific manuals or guidelines for architectural styles or common-occurring buildings or site features and elements to assist applicants for design review permits. Such manuals or guidelines shall be advisory only and shall bind neither the applicant nor the Plan Commission or the Village Board with respect to any specific case.

F. Modifications and Conditions

In approving an application for a design review permit, the Plan Commission may recommend and the Village Board may authorize the issuance of the design review permit for plans as submitted, or on condition that specified modifications in such plans be made, or on any other condition deemed necessary to achieving the purposes and objectives of this section and the purpose of the Historical Gateway Design Review Overlay District. Such conditions and modifications shall be set forth in the resolution granting approval and in the design review permit. The violation of any such condition or modification shall be a violation of this Code.

G. Affidavit of Compliance with Conditions

Whenever a design review permit ~~issued pursuant to this Section~~ is made subject to conditions to be met by the applicant, the applicant, upon meeting such conditions, shall file an affidavit with the ~~Village Manager~~ Zoning Administrator stating such compliance.

H. Limitation on Permits

A design review permit shall become null and void six (6) months after the date on which it was issued unless within such period the work authorized by such permit is commenced. A design review permit shall relate solely to the work shown on plans approved by the issuance of such permit and it shall be unlawful for any person to deviate from such plans without obtaining an amended permit in the same manner as herein provided for obtaining original permits.

**CURRENT
CODE**

REORGANIZED CODE PROVISIONS

Item 4.6.C: It is not clear in what circumstances the design review permit applies. The proposed clarification states that a design review permit is required as part of a building permit in the Historical Gateway Design Review Overlay District, which would include interior remodeling. Should remodeling that is entirely in the *interior* be exempt from such requirement? Currently, design review would apply to single-family residential as well, which can be considered onerous due to the inherent subjectivity of determining whether the architecture of a single-family home is considered “good or bad.” The creation of design guidelines for single-family homes, especially when the character of homes is as varied as it is in Hinsdale, can also be exceedingly difficult.

Throughout the review process, the architecture of single-family homes did not present itself as an issue. It is, however, an established practice by communities to require site plan review and/or design review of multi-family and non-residential development. Because there are fewer applications for these types of developments and because they are of significant size and impact, design review of these structures is recommended.

Design review, exterior appearance review and site plan review cover the same ground. It would be beneficial to streamline this process and consolidate the site plan review application, the design review application and the exterior appearance review application into one application (typically, site plan review is used for this purpose), since all require Plan Commission recommendation and Village Board approval. By consolidating these processes, conflicting approvals and additional revisions can be avoided. The specific standards used, which would likely be enhanced, for the Historical Gateway Design Review Overlay District would be integrated into that districts standards.

Item 4.6.D.3 & 4: The current decision deadline should be codified in the Code. The Zoning Task Force has indicated/recommended that this time period should be 60 days.

Item 4.6.D.2: Need to clarify whether or not a public hearing is required. Typically, design review meetings are not done as a public hearing but as a public meeting. While notice can be sent as a courtesy for a public *meeting*, a public hearing would require formal notice and hearing procedures.

Item 4.6.E: An issue with the design review permit is that the standards included are vague. The only standards for review consist of general statements that address “quality of design” and “visual compatibility,” but there are no specific criteria. The section also states that design manuals or guidelines *may* be available, but this is not a requirement. In order to ensure that developments subject to design review permit approval are, in fact, of “high quality” and “visually compatible,” more specific standards are required, even if those are located in a separate document (which should be referenced here). The exterior appearance review then references the same standards used for the design review permit, which creates the same issues regarding specificity.

§11-606

4.7 EXTERIOR APPEARANCE REVIEW

A. Purpose

The exterior appearance review process is intended to protect, preserve and enhance the character and architectural heritage and quality of the Village, to protect, preserve and enhance the character of the Village and property values, and to promote the health, safety and welfare of the Village and its residents.

B. Authority

The Village Board may grant exterior appearance review approval to building permits requiring such approval, as described in Paragraph C, below, after receiving recommendation from the Plan Commission in accordance with the procedures of Paragraph D, below, and the standards set out in Paragraph E, below

C. Exterior Appearance Review Required

Exterior appearance review shall be required as part of any building permit, except for single-family detached dwellings. Exterior appearance review shall be conducted as part of site plan review.

D. Procedure

1. Applications for exterior appearance review shall be filed in accordance with the requirements of Section 3.2.
2. The Plan Commission shall conduct a public meeting on an exterior appearance review application, which shall be set, noticed and conducted in accordance with Article 3. The Plan Commission shall base its recommendation on the standards of Paragraph E, below.
3. Within ~~90~~ sixty (60) days following receipt of the Plan Commission's recommendation, or its failure to act as above provided, the Village Board shall either approve, approve with conditions or deny the exterior appearance review application ~~approve the building permit application as submitted, or shall make modifications acceptable to the applicant and approve such modified building permit application, or shall disapprove the application.~~ The failure of the Village Board to act within ~~90~~ sixty (60) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying ~~building permit~~ the application ~~approval~~.

E. Standards

~~In passing upon applications for building permits requiring an reviewing~~ exterior appearance review applications, pursuant to this Code, the Plan Commission's recommendation and the Village Board's decision shall be guided by the standards of Section 4.5.E.

F. No Superseder

This section shall not be construed to limit the application or effect of the Village's building codes and ordinances or to relieve the applicant from the responsibility of complying with all such codes and ordinances.

(PLEASE SEE ADDITIONAL DISCUSSION ITEMS UNDER SECTION 4.6 ABOVE)

References to building permits in this section have been removed because they create confusion as they are two separate applications.

Item 4.7.D.3: The current decision deadline should be codified in the Code. The Zoning Task Force has indicated/recommended that this time period should be 60 days.

Item 4.7: There is the implication that exterior appearance review is conducted in concert with site plan review. Is this accurate? It is our recommendation that these be consolidated into one review (site plan review).

Item 4.7.C: When does exterior appearance review apply? Proposed language states that such review is required for all building permits except single-family dwellings.

§11-607

4.8 SIGN PERMIT**A. Purpose**

The sign regulations and standards set forth in this Code are intended to protect the health, safety and welfare of Village residents by establishing specific conditions and limitations on signs within the Village. The sign permit process is designed to insure that all such regulations and standards have been satisfied.

B. Initiation

An application for a sign permit may be filed by the owner of, or any person having a contractual interest in, property within the Village on which the sign is proposed to be located.

C. Authority

The Plan Commission may, in accordance with the procedures of Paragraph D, below, and the standards of Paragraph E, below, ~~set out in this Section,~~ grant sign permits authorizing the construction and maintenance of signs ~~subject to the regulations of Section 9-106 of this Code and the standards stated in this Section.~~

D. Procedure

1. Applications for a sign permit shall be filed in accordance with the requirements of Section 3.2.
2. Within sixty (60) days following receipt ~~the proper filing~~ of a completed application, the Plan Commission shall either grant approve, approve with conditions or deny the sign permit ~~or, by written resolution stating the reasons therefor, deny the application or grant the application with modifications or conditions.~~ The failure of the Plan Commission to act within sixty (60) days, or such further time to which the applicant may agree, shall be deemed to be a decision granting the sign permit.

E. Standards

All signs shall meet the requirements of Article 14 (Signs). In addition, no sign permit shall be granted unless the applicant establishes:

1. *Visual compatibility:* The proposed sign will be visually compatible with the building on which the sign is proposed to be located and surrounding buildings and structures in terms of height, size, proportion, scale, materials, texture, colors and shapes.
2. *Quality of design and construction:* The proposed sign will be constructed and maintained with a design and materials of high quality and good relationship with the design and character of the neighborhood.
3. *Appropriateness to activity:* The proposed sign is appropriate to and necessary for the activity to which it pertains.

4. *Appropriateness to site:* The proposed sign will be appropriate to its location in terms of design, landscaping and orientation on the site, and will not create a hazard to pedestrian or vehicular traffic, detract from the value or enjoyment of neighboring properties, or unduly increase the number of signs in the area.

F. Authority to Modify Certain Sign Regulations

1. Authority

Subject to the standards and limitations set forth in this section, the Plan Commission shall have the authority, in connection with the granting of a sign permit, to modify the provisions of Article 14 (Signs) in those specific instances enumerated in Paragraph 2, below, and in accordance with each of the standards enumerated in Paragraph 3, below.

2. Permitted Modifications

The Plan Commission may permit modification of the provisions of Article 14 (Signs) only as follows:

- a. To decrease to any degree or to increase by not more than twenty percent (20%), the minimum or maximum allowable height from grade of any sign.
- b. To increase by no more than five percent (5%) the maximum sign area otherwise allowed.
- c. To increase by no more than one (1) sign the maximum number of signs of any functional type otherwise allowed.
- d. To allow no more than one (1) of the following signs to be located on a lot where signs of such functional types are not otherwise allowed: business sign, identification sign, joint-identification sign, off-premise identification sign and public service sign.
- e. To adjust the required spacing between any signs or structures.

3. Standards for Modifications

No modification shall be granted pursuant to this section unless the applicant properly applies for the specific relief required and establishes compliance with all of the following standards:

- a. Carrying out the strict letter of the provisions of Article 14 (Signs) would create a particular hardship or a practical difficulty not caused by an act or omission of the applicant.
- b. The subject property or the structure on which the sign is proposed to be located is burdened with an unusual physical limitation, such as an irregular shape, unusual geographic location, exceptional topographical feature, or other extraordinary physical condition, that is peculiar to the subject property and that is more than merely an

inconvenience or cost consideration to the applicant.

- c. The modification, if granted, would have no adverse impact on any abutting or adjacent property and no adverse impact on the essential character of any part, or all, of the neighborhood of the subject property.
- d. The modification, if granted, would have no adverse impact on, and would not endanger, public health or safety.
- e. The application satisfies the standards of Paragraph E, above.

G. Conditions on Sign Permits

The Plan Commission may impose such conditions and limitations concerning the construction and maintenance upon the grant of a sign permit as may be necessary or appropriate to insure satisfaction of the standards set forth in this section and the purposes and objectives of this Code and to minimize any adverse effects upon other property in the vicinity. Such conditions shall be expressly set forth in the ~~written resolution granting approval of the sign permit~~. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of the sign permit.

H. Effect of Issuance of a Sign Permit

The approval of a sign permit shall not authorize construction or maintenance of any sign, but shall merely authorize the preparation, filing and processing of applications for any other permits or approvals that may be required by the codes and ordinances of the Village ~~including, but not limited to, a building permit~~.

§11-401

4.9 CERTIFICATE OF ZONING COMPLIANCE

A. Purpose

The certificate of zoning compliance is intended to serve two general purposes. First, it provides a procedure for reviewing plans for conformance with this Code and a means for evidence of such conformance. Second, it serves as an adjunct to, and thus must be filed prior to or with, all other applications filed pursuant to this Code with respect to a specific use or development proposal. When so filed, it serves as a vehicle for routine plan review by the ~~Village Manager~~ Zoning Administrator prior to consideration of special requests by other officials, boards and commissions, thus avoiding needless special reviews of defective plans.

B. Authority

The ~~Village Manager~~ Zoning Administrator shall have authority to issue certificates of zoning compliance in accordance with the provisions of this Section.

C. Certificates of Zoning Compliance Required

Unless expressly waived by another provision of this Code, a certificate of zoning compliance is required:

1. For the construction, reconstruction, remodeling, alteration or moving of any structure, except signs.
2. For the use or occupancy of vacant land, except for the raising of crops or as a garden.
3. For the grading, excavation or improvement of land ~~preliminary~~ prior to any construction on, or use of, such land.
4. Prior to issuance of building permits, or other permits pertaining to the construction, reconstruction, remodeling, alteration or moving of any structure or the use of any land or structure.
5. Prior to establishment of a home occupation.
6. For a temporary use, unless specifically exempted by this Code
7. Prior to annexation of land to the Village.

When a certificate of zoning compliance is not required by this Code, the ~~Village Manager~~ Zoning Administrator shall, on written request, issue a certificate of such fact.

~~D. Relation to Other Applications~~

~~No application filed pursuant to Part III of this Article XI with respect to a specific use or development proposal shall be processed unless an application for a Certificate of Zoning Compliance shall first have been approved, or denied solely on one or more grounds that form the basis for the application filed pursuant to said Part III. It is the intent of this Section that no application filed pursuant to Part III of this Article XI with respect to a specific use or development proposal shall be processed until the Village Manager is satisfied that the proposed use or development complies with the provisions of this Code in all respects except those within the scope of such application.~~

D. Procedure

1. Applications for a certificate of zoning compliance shall be filed in accordance with the requirements of Section 3.2.
2. Within thirty (30) days following receipt of a certificate of zoning compliance application, the ~~Village Manager~~ Zoning Administrator shall review the application for compliance with this Code and shall inform the applicant whether the application has been granted or denied.
3. When an application is granted, the ~~Village Manager~~ Zoning Administrator shall issue a certificate of zoning compliance, which shall state on its face, in bold type, that:

“THIS CERTIFICATE DOES NOT SIGNIFY BUILDING CODE REVIEW OR APPROVAL AND IS NOT AUTHORIZATION TO UNDERTAKE ANY WORK WITHOUT SUCH REVIEW AND APPROVAL WHERE EITHER IS

REQUIRED. SEE THE HINSDALE BUILDING CODE FOR DETAILS.”

“BEFORE ANY STRUCTURE TO WHICH THIS CERTIFICATE IS APPLICABLE MAY BE OCCUPIED OR USED FOR ANY PURPOSE, A CERTIFICATE OF OCCUPANCY MUST BE OBTAINED. SEE SECTION 44-402 OF THE HINSDALE ZONING CODE AND THE HINSDALE BUILDING CODE FOR DETAILS.”

4. When an application is denied, the ~~Village Manager~~ Zoning Administrator shall state the specific reasons why and shall cite the specific provisions of this Code upon which the denial is based. If relief would be available pursuant to a companion application filed in connection with the application for a certificate of zoning compliance, the ~~Village Manager~~ Zoning Administrator shall inform the applicant and promptly process such companion application. If such application is approved, the ~~Village Manager~~ Zoning Administrator shall issue the requested certificate of zoning compliance in accordance with the terms and conditions of the approval.
5. If relief from the Village Manager's denial of a certificate of zoning compliance would be available by variation, special use permit or site plan review, but no application has been filed, the ~~Village Manager~~ Zoning Administrator shall refer the applicant to the appropriate provisions of this Code.
6. Each certificate of zoning compliance shall state the specific use of the subject property for which it is issued, shall identify the specific plans, if any, pursuant to which it is issued, and shall set forth any conditions imposed in connection with any approval granted pursuant to this Code.
7. Every certificate of zoning compliance issued shall be kept on file in the office of the ~~Village Manager~~ Zoning Administrator and shall be a public record open to inspection in accordance with the provisions of the Illinois Freedom of Information Act.

E. Effect of Issuance of Certificate of Zoning Compliance

The issuance of a certificate of zoning compliance shall not authorize the establishment, expansion or extension of any use nor the development, construction, relocation, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any additional permits and approvals that may be required by the codes and ordinances of the Village including, but not limited to, a building permit, a certificate of occupancy and subdivision approval.

F. Limitations on Certificates of Zoning Compliance

Subject to an approved extension of time granted by the ~~Village Manager~~ pursuant to ~~Subsection 11-101K of this Code~~, a certificate of zoning compliance shall become null and void in twelve (12) months for single-family detached structures and eighteen (18) months for multiple-family and ~~commercial nonresidential~~ structures after the date it was issued unless construction, reconstruction, remodeling, alteration or moving of a structure is commenced or unless a use is commenced within such period.

G. Void Certificates of Zoning Compliance

Any certificate of zoning compliance issued in violation of the provisions of this Code, whether intentionally, negligently or innocently, shall be void ab initio and shall give rise to no rights whatsoever.

Strikethrough Item D: Language regarding relation to other applications is not necessary because a certificate is required before a building permit. The stricken language is redundant and confusing.

Since a certificate is issued to confirm compliance with the Code, the provisions can be simplified to require certificate approval before any building permit or certificate of occupancy is issued. However, as a matter of administration, zoning review is conducted as part of building permit review and approval. The requirement for a certificate of zoning compliance is redundant and creates an additional and unnecessary application. If the certificate of zoning compliance is retained, it is recommended that those actions, such as interior remodeling, that do not involve zoning be exempted from the certificate as no zoning review is conducted.

Item 4.8.C: Language regarding the use of vacant land being permitted for the raising of crops has been expanded to allow for garden use, in order to address what is a more realistic situation for a built-out community such as Hinsdale.

§11-501

4.10 INTERPRETATIONS**A. Purpose**

The interpretation authority established by this section is intended to recognize that the provisions of this Code, though detailed and lengthy, cannot possibly address every specific situation to which they may have to be applied. Many such situations, however, can be readily addressed by an interpretation of the specific provisions of this Code in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority herein established is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this Code but rather is intended only to allow authoritative application of that content to specific cases.

B. Initiation

Applications for interpretations may be filed by any person having an interest in the circumstances giving rise to the need for an interpretation. Interpretations shall not be sought by any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.

C. Authority

The Village Manager, ~~subject to the procedures, standards, and limitations of this Section,~~ may render interpretations, including use interpretations, of the provisions of this Code and of any rule or regulation issued pursuant to it. Decisions for use interpretations must consider the standards of Paragraph E, below.

D. Procedure

1. Applications for an interpretation shall be filed in accordance with the requirements of Section 3.2.
2. Within thirty (30) days following the receipt of an properly completed application, the ~~Village Manager~~ Zoning Administrator shall inform the applicant in writing of his/her interpretation, stating the specific precedent, reasons and analysis upon which the determination is based. ~~The failure of the Village Manager to act within 30 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application rendered on the day following such 30-day period.~~
3. Appeals of interpretation decisions rendered by the ~~Village Manager~~ Zoning Administrator may be taken to the Zoning Board of Appeals as ~~provided in Section 11-502 of this Code.~~
4. 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 Zoning Administrator and shall be a public record of the Village open to inspection by interested parties at reasonable times and upon reasonable notice.

E. Standards for Use Interpretations

The following standards shall govern the Village Manager, and the Zoning Board of Appeals on appeals of the Village Manager's decision, in issuing use interpretations:

1. No use interpretation shall be given for uses within the residential districts.
2. Any use defined in Article 16 (Definitions) of this Code shall be interpreted as that definition.
3. If a use is listed within another district as a permitted or special use, no use interpretation shall permit that use in a district where it is not listed. ~~a use listed as a permitted use or a special permit use in any district to be established in any district in which such use is not so listed.~~
4. No use interpretation shall permit any use in any district unless evidence is presented that demonstrates that it complies with any use limitation established for that particular district.
5. No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses, than to those uses permitted or specially permitted in a more restrictive district.
6. If the proposed use is most similar to a use permitted only as a special use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the issuance of a special use permit for such use ~~pursuant to Section 11-602 of this Code.~~

7. No use interpretation shall permit the establishment of any use that would be inconsistent with the purpose statement of the district in question.
8. Subject to the foregoing conditions and limitations, use interpretations shall be guided by the Standard Industrial Classification (SIC) Manual and the use classification methodology of the SIC Manual. ~~in rendering use interpretations the Village Manager shall be guided by the Standard Industrial Classification Manual and the use classification methodology used therein.~~

F. Effect of Favorable Use Interpretation

No use interpretation finding a particular use to be permitted or specially permitted in a particular district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits and approvals that may be required by the codes and ordinances of the Village ~~including, but not limited to, a special use permit, a certificate of zoning compliance, a building permit, a certificate of occupancy, subdivision approval and site plan approval.~~

G. Limitations on Favorable Use Interpretations

~~Subject to an approved extension of time granted by the Village Manager pursuant to Subsection 11-101K of this Code,~~ no use interpretation finding a particular use to be permitted or specially permitted in a particular district shall be valid for a period longer than six (6) months from the date of issue of the decision, unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.

A use interpretation finding a particular use to be permitted or specially permitted in a particular district shall be deemed to authorize only the particular use for which it was issued, and such permit shall not be deemed to authorize any allegedly similar use for which a separate use interpretation has not been issued. ~~Such permit shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of six (6) months or more.~~

Item 4.10.D.2: Because interpretations are not “approve or deny” decisions, it is inappropriate to “deny” an application with no response from the Village Manager. This type of provision is not applicable.

Item 4.10.D: Should use interpretations last a year, as has been recommended by the Zoning Task Force?

Item 4.10.G: The expiration of use interpretations has been eliminated. This is intended to create consistency in application, i.e., once a use interpretation has been rendered it should be considered to be the Village’s formal interpretation unless the Code is amended.

§11-502

4.11 APPEALS

A. Purpose

The appeal procedure is provided as a safeguard against arbitrary, ill-considered or erroneous administrative decisions. It is intended to avoid the need for legal action by establishing local procedures to review and correct administrative errors. It is not, however, intended as a means to subvert the clear purposes, meanings or intents of this Code or the rightful authority of the ~~Village Manager~~ Zoning Administrator to enforce the requirements of this Code. To these ends, the reviewing body should give all proper deference to the spirit and intent embodied in the language of this Code and to the reasonable interpretations of that language by those charged with the administration of this Code.

B. Initiation

An application for appeal to the Zoning Board of Appeals may be filed by any person aggrieved or adversely affected by an order, decision, determination or failure to act of the ~~Village Manager~~ Zoning Administrator acting pursuant to his/her authority and duties under this Code.

C. Authority

The Zoning Board of Appeals shall hear and decide appeals from, and review orders, decisions, determinations or the failure to act, of the ~~Village Manager~~ Zoning Administrator acting pursuant to his/her authority and duties under this Code. To that end, the Zoning Board of Appeals shall have the same powers and be subject to the same standards and limitations as the ~~Village Manager~~ Zoning Administrator with respect to any order, decision or determination being appealed.

D. Deadline for Appeal

An application for appeal to the Zoning Board of Appeals shall be filed no later than forty-five (45) days following the action being appealed ~~and in accordance with the requirements of Section 11-301 of this Code.~~

E. Procedure

1. Applications for an interpretation shall be filed in accordance with the requirements of Section 3.2.
2. Upon receipt of a properly completed application for an appeal, the ~~Village Manager~~ Zoning Administrator shall transmit the application to the Zoning Board of Appeals, together with all documents constituting the record upon which the action appealed from was taken.
3. ~~The Zoning Board of Appeals shall conduct a public hearing on an appeal application, which shall be set, noticed and conducted in accordance with Article 3. A public hearing shall be set, noticed, and conducted by the Zoning Board of Appeals Village Manager in accordance with Section 11-303 of this Code. A public hearing shall be set, noticed, and conducted by the Zoning Board of Appeals in accordance with Section 11-303 of this Code.~~
4. Within ~~thirty (30)~~ sixty (60) days following the close of the public hearing, the Zoning Board of Appeals shall render a decision on the appeal ~~in the~~

manner and form specified in ~~Subsection 11-102H~~ of this Code. Such decision may reverse, affirm or modify, in whole or in part, the action appealed from and may include such order or determination as is necessary, in the opinion of the Zoning Board of Appeals ~~is proper to be made in the premises~~. The failure of the Zoning Board of Appeals to act within the ~~thirty (30)~~ sixty (60) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the appeal.

F. Stay of Proceedings

An application for appeal ~~properly filed pursuant to Subsection D of this Section~~ shall stay all proceedings in furtherance of the action appealed from, unless the ~~Village Manager~~ Zoning Administrator certifies to the Zoning Board of Appeals, after the application for appeal has been filed with the ~~Village Manager~~ Zoning Administrator that, by reason of facts stated in the certificate, a stay would, in the ~~Village Manager~~ Zoning Administrator's opinion, cause imminent peril to life or property. In such a case, the proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Appeals or by the Circuit Court on application, upon reasonable written notice to the ~~Village Manager~~ Zoning Administrator and on due cause shown.

G. Right to Grant Variation in Deciding Appeals

In any case where the application for appeal is accompanied by an application for variation ~~in accordance with Section 11-503 of this Code~~, the Zoning Board of Appeals shall have the authority to grant, as part of the relief, a variation, but only in strict compliance with the provisions of this Code ~~each provision of said Section 11-503~~.

H. Conditions and Limitations on Rights Granted by Appeal

In any case where this Code imposes conditions and limitations upon any right, any such right granted by the Zoning Board of Appeals on appeal shall be subject to such conditions and limitations in the same manner and to the same extent as if secured without the necessity of an appeal.

§11-701
§11-702
§11-703
§11-704

4.12 ENFORCEMENT AND PENALTIES

A. Enforcement Authority and Duty

Upon finding the existence of any violation of this Code, the ~~Village Manager~~ Zoning Administrator shall have the authority and duty to take or direct all actions necessary or appropriate to abate and redress such violation.

B. Civil and Administrative Enforcement

1. Stop and Cease-And-Desist Orders

Upon finding the existence of any violation of this Code, the ~~Village Manager~~ Zoning Administrator shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Specifically, the ~~Village~~

~~Manager Zoning Administrator~~ shall order the discontinuance of any illegal use of land or structures, the removal of illegal structures, additions or alterations, and the discontinuance of illegal work being done.

2. Legal Actions

In the enforcement of this Code, the ~~Village Manager Zoning Administrator~~ shall exercise all the powers authorized by the statutes of the State of Illinois and Village codes and ordinances to ensure compliance with, or to prevent or abate any violation of, the provisions of this Code, and, in particular, shall, where necessary or appropriate, institute, or cause to be instituted, by the Village Attorney in the name of the Village of Hinsdale any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this Code.

3. Abatement and Liens

Where authorized by state statute, the ~~Village Manager Zoning Administrator~~ may order any work necessary to abate any violation of this Code and shall assess the cost of such work to the property owner. Upon the failure of the owner to pay such cost, the ~~Village Manager Zoning Administrator~~ shall file a lien for such costs and for all costs of collection against the property in question.

4. Revocation of Rezoning, Permits, Variations or Approvals

The violation of any provision of this Code, or of any permit or approval granted pursuant to this Code, or of any condition imposed pursuant to this Code shall be grounds for the revocation of any rezoning, permit, variation or approval granted pursuant to this Code and affecting the property involved in the violation. The ~~Village Manager Zoning Administrator~~ may recommend, and the Village Board may order, such revocation. Where the original rezoning, permit, variation or approval was granted following a public hearing required pursuant to this Code, the revocation shall be preceded by a similar public hearing.

5. Fines

In the enforcement of this Code, the ~~Village Manager Zoning Administrator~~ shall, where necessary and appropriate, order the issuance and enforcement of citations to recover fines and penalties for the violation of this Code as authorized by state law and this Code.

C. Penalties

Any person who shall violate, disobey, omit, neglect or refuse to comply with, or who shall resist enforcement of, any provision of this Code shall be subject to a fine of not less than twenty-five dollars (\$25) nor more than five-hundred dollars (\$500) for each offense. If service of summons is made by certified mail pursuant to Illinois Revised Statutes Chapter 24, Section 1-2-9.1, the maximum fine shall not exceed two-hundred dollars (\$200) for each offense. Each day a violation continues to exist shall constitute a separate offense.

D. Private Remedies Preserved

**CURRENT
CODE**

REORGANIZED CODE PROVISIONS

Nothing in this section shall be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this Code from bringing an appropriate action to secure such relief.