

## **ARTICLE XVIII Administration**

### **Section 1. ORGANIZATION.**

The administration of the Ordinance is vested in the following officers and organizations of the Village: the Zoning Officer; the Board of Appeals; the Planning Commission, and the Village Board of Trustees.

### **Section 2. ZONING OFFICER.**

2.001 APPOINTMENT OF THE ZONING OFFICER. The Zoning Officer shall be appointed by the Village President with the advice and consent of the Village Board of Trustees.

2.002 POWERS AND DUTIES OF THE ZONING OFFICER. The Zoning Officer shall enforce the Ordinance and, in addition thereto and in furtherance of such enforcement authority, shall:

- a. Issue all zoning certificates and make and maintain records thereof;
- b. Assign street numbers and maintain records thereof;
- c. Issue all occupancy permits and make and maintain records thereof;
- d. Conduct inspections of buildings, structures and use of land to determine compliance with the terms of the Ordinance;
- e. Maintain permanent and current records of the Ordinance including, but not limited to, all maps, amendments, special uses, variances, appeals, and applications therefor;
- f. Provide and maintain a public information service relative to all matters arising out of the Ordinance;
- g. Forward to the Planning Commission all applications for amendments to the Ordinance;
- h. Transmit to the Board of Appeals applications for appeals, variances, special uses or other matters on which the Board of Appeals is required to pass under the Ordinance;
- i. Issue occupancy permits regulating the erection of buildings or structures and use of land for periods not to exceed ten (10) days for specific purposes such as temporary carnivals, church, charity and revival meetings which are not detrimental to the public health, safety, morals, comfort, convenience or general welfare; provided, however, that said uses or operations and any incidental temporary structures or tents are in conformance with all other ordinances and codes of the Village; and
- j. Initiate, direct and review from time to time studies of the provisions of the Ordinance and make recommendations to the Planning Commission for improving the Ordinance in its applicability to current and changing conditions.

### **Section 3. SOIL AND WATER CONSERVATION DISTRICT REVIEW.**

Any person who petitions the Village for a variation, amendment or other relief from the Ordinance shall furnish a copy of such petition or proposal to the Rock Island County Soil and Water Conservation District for its review and comment. The District shall be given no more than thirty (30) days from the time of receipt of the petition or proposal to issue its written opinion concerning the petition or proposal and to submit the same to the Zoning Officer for further action, If no opinion is tendered in that period of time, the Zoning Officer may proceed to act on the petition without further reference to the District.

**Section 4. BOARD OF APPEALS.**

- 4.001 CREATION. The Board of Appeals, as established under the applicable provisions of the Illinois Revised Statutes, is the Board of Appeals referred to in the Ordinance.
- 4.002 MEMBERSHIP. The Board of Appeals shall consist of seven (7) members appointed by the Village President with the consent of the Village Board. At least two (2) such members shall be named from among the members of the Village Planning Commission. The members of the Board of Appeals shall serve for overlapping terms of five (5) years. One of the members shall be designated by the Village President with the consent of the Village Board as Chairman and shall hold office until his successor is appointed.
- 4.003 JURISDICTION. The Board of Appeals is hereby vested with the following jurisdiction and authority:
- a. To hear and pass on all applications for Special Use Permits in the manner prescribed by the Ordinance;
  - b. To hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer under the Ordinance;
  - c. To hear and pass on the applications for variance from the terms provided in the Ordinance in the manner prescribed and subject to the standards established herein;
  - d. To interpret the provisions of the Ordinance, including the Zoning Map, in the manner provided for herein; and
  - e. To hear and decide all matters referred to it or upon which it is required to pass under the Ordinance, as prescribed by the applicable provisions of the Illinois Revised Statutes.
- 4.004 MEETINGS AND RULES. All meetings of the Board of Appeals shall be held at the call of the Chairman at such time as the Board may determine. All meetings and hearings conducted by the Board shall be open to the public. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall also keep records of its hearings and other official actions. A copy of the very rule or regulation, order, requirement, decision, or determination of the Board shall be filed immediately in the office of the Village Clerk and shall be a public record. The Board shall adopt its Own rules and procedures, provided they are not in conflict with the Ordinance or with the applicable Illinois State Statutes. It may select or appoint such officers as it deems necessary.
- 4.005 FINALITY OF DECISIONS OF THE BOARD OF APPEALS. All decisions and findings of the Board of Appeals on appeals, applications for a variance or applications for special use, shall, after a hearing, be final administrative decisions and shall be subject to such judicial review as may be provided by law.

**Section 5. PLANNING COMMISSION.**

- 5.001 CREATION. The Planning Commission of the Village, as established under the applicable provisions of the Illinois Revised Statutes and the Village Code, is the

Planning Commission referred to in the Ordinance.

- 5.002 JURISDICTION. The Planning Commission is hereby vested with the following jurisdiction and authority:
- a. Hear all applications for amendments to the Ordinance and report its findings and recommendations to the Village Board;
  - b. On its own initiative, propose and recommend to the Village Board amendments to the provisions of the Zoning Ordinance, provided that it has first held a public hearing thereon;
  - c. Receive from the Zoning Officer his recommendations as related to the effectiveness of the Ordinance and report its conclusions and recommendations to the Village Board; and
  - d. Hear and decide all matters upon which it is required to pass under the Ordinance.

**Section 6. PRESIDENT AND VILLAGE BOARD.**

The President and Village Board of trustees shall be vested with the following jurisdiction and authority:

- 6.001 Receive and decide upon all recommendations from the Planning Commission concerning amendments to the Ordinance;
- 6.002 Receive from the Planning Commission all recommendations concerning the effectiveness-of the Ordinance; and
- 6.003 Decide all matters upon which it is required to pass under the Ordinance.

**Section 7. ZONING CERTIFICATES AND OCCUPANCY PERMITS.**

- 7.001 ZONING CERTIFICATES. Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department or employee of the Village unless the application for such permit has been examined by the Zoning Officer and receives his certification that it and complies with all provisions of the Ordinance. Any permit or certificate issued in conflict with the provisions of the Ordinance shall be null and void.
- 7.002 OCCUPANCY PERMITS. No building, or addition thereto, constructed after the effective date of the Ordinance shall be occupied, and no land vacant on the effective date of the Ordinance shall be used for any purpose until an occupancy permit has been issued by the Zoning Officer. No change in a use other than that of a permitted use to another similar permitted use, shall be made until an occupancy permit has been issued by the Zoning Officer. Every occupancy permit shall state that the use or occupancy complies with the provisions of the Ordinance.
- a. APPLICATION FOR OCCUPANCY PERMIT. Every application for a building permit as required by the Building Code of the Village shall be deemed to be an application for an occupancy permit. For a new use of land where no building permit is required, an application for an occupancy permit shall be made directly to the Zoning Officer.

- b. ISSUANCE OF OCCUPANCY PERMIT. No occupancy permit for a building, or portion thereof, constructed after the effective date of the Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Zoning Officer to be in conformity with the plans and specifications upon which the zoning certificate was based. Pending the issuance of an occupancy permit, a temporary occupancy permit may be issued, to be valid for a period not to exceed six (6) months from its issue date, during the completion of any addition or during partial occupancy of the premises. Reasons for refusal to issue an occupancy permit must be in writing and must be forwarded to the applicant no later than fourteen (14) days after the request for an occupancy permit has been submitted.

**Section 8. VARIANCES.**

- 8.001 PURPOSE AND FINDINGS OF FACT. The Board of Appeals, after a public hearing to determine the facts in any request for a variance, may vary the regulations of the Ordinance in harmony with their general purpose and intent, but only in the specific instances hereinafter set forth, and only when the Board makes its findings of fact in accordance with the standards hereinafter prescribed and issues them in writing, and further, only when it finds that there are practical difficulties and particular hardships imposed by carrying out the strict letter of the regulations of the Ordinance.
- 8.002 APPLICATION FOR VARIANCE AND NOTICE OF HEARING.
  - a. An application for a variance shall be filed in writing with the Zoning Officer. The application shall contain such information as the Board of Appeals may require.
  - b. Notice of the time and place of the public hearing shall be published at least once in the official newspaper, not less than fifteen (15) days nor more than thirty (30) days before the hearing. The published notice may be supplemented by such additional forms of notice as the Board may deem appropriate.
- 8.003 STANDARDS FOR VARIANCE. The Board of Appeals shall not vary the regulations of the Ordinance, as authorized in this Section, unless there is evidence presented to it in each specific case that:
  - a. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
  - b. The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification;
  - c. The purpose of the variance is not based exclusively upon a desire to make more money out of the property;
  - d. The alleged difficulty or hardship is caused by the Ordinance and has not been created by any persons presently having an interest in the property;

- e. The granting of a variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
  - f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- 8.004 AUTHORIZED VARIANCES. Variances from the regulations of the Ordinance shall be granted by the Board of Appeals only in accordance with the standards established in this Section and may be granted only in the following instances and in no others:
- a. YARD DIMENSION. To permit any yard or setback of less dimension than required by the applicable regulations;
  - b. HEIGHT. To permit any building or structure to exceed the height limitations imposed by the applicable regulations;
  - c. LOT SIZE. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than fifty (50) percent of the required area and width;
  - d. PARKING. To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
  - e. PARKING OR LOADING SPACE. To reduce the applicable off-street parking or loading facilities required by not more than one (1) parking space or loading space, or to reduce such facilities by no more than twenty percent (20%). whichever number is greater;
  - f. PARKING LOCATION. To increase by not more than twenty-five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served; and,
  - g. FLOOR AREA. To increase by not more than ten percent (10%) the maximum gross floor area of any use if so limited by the applicable regulations.
  - h. SCREENING. To modify the screening requirements in an appropriate manner in a particular situation to achieve a suitable screening and buffer area between applicable zoning districts.
- 8.005. GRANTING A VARIANCE. Once a quorum of at least four (4) members of the Board of Appeals is reached, a majority vote of the quorum shall be necessary to grant a variance. A tie vote will result in the variance request being deferred to a later day. No order of the Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit is obtained within such period and the erection or alteration of subject building is started or the use is commenced within such period.”

- 8.006 EFFECT OF DENIAL OF VARIANCE. Application for a variance that has been denied wholly or in part by the Board of Appeals shall not be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence found to be valid by the Board of Appeals.

**Section 9. APPEALS.**

- 9.001 Scope of Appeals. An appeal may be taken to the Board of Appeals by- any person, firm, corporation, office, department, board or commission aggrieved by a decision of the Zoning Officer. Such appeal shall be made within such time as shall be prescribed by the Board of Appeals by filing with the Zoning Officer a Notice of Appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board of Appeals all of the papers constituting a record upon which the appeal is based.
- 9.002 FINDINGS ON APPEAL.
- a. An appeal shall stay all proceedings in-furtherance of the actions appealed from unless the Zoning Officer certifies to the Board of Appeals, after the notice of the appeal has been filed with him, that by reason of facts stated in the appeal a stay would, in his opinion, cause imminent peril to life or property.
  - b. The Board of Appeals shall select a reasonable time and place for the hearing of the appeal, give due notice thereof to the parties concerned, and shall render a written decision on the appeal without unreasonable delay. The Board of Appeals may, upon the concurring vote of four (4) members, affirm or reverse wholly or in part or modify the order requirement, decision, or determination that, in its opinion, is justified by the evidence. To that end, the Board of Appeals shall have all the powers of the Zoning Officer from whose decision the appeal was made. The Zoning Officer shall maintain records of all actions of the Board of Appeals relative to decisions made on appeals,

**Section 10. SPECIAL USE PERMITS.**

- 10.001 PURPOSE. The development and administration of the Ordinance is based upon the division of the Village into zoning districts, within which districts the use of land and buildings and the size and location of buildings and structures in relation to the land occupied are substantially uniform. The Ordinance recognizes, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration in each case of the impact of those uses upon neighboring uses and of the public need for the particular use at the location being considered. Such special uses fall into two categories:
- a. Uses publicly operated or traditionally influenced by a public interest,
  - b. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact on neighboring property or public facilities.

10.002 INITIATION OF SPECIAL USE. Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, any one of which is specifically enforceable, may file an application to use such land for one or more of the special uses provided for in the Ordinance for the zoning district in which the land is located.



- 10.003 APPLICATION FOR A SPECIAL USE PERMIT. An application for a special use permit shall be filed with the Zoning Officer on a form prescribed by the Board of Appeals. The application shall be accompanied by such plans and/or data prescribed by the Board of Appeals and shall include a statement in writing by the applicant and adequate evidence showing that the proposed use will conform to the standards set forth in this Section, Such application shall be forwarded by the Zoning Officer to the Board of Appeals with a request for a public hearing and a decision relative thereto.
- 10.004 HEARING ON APPLICATION. Upon receipt of the application in proper form, the Board of Appeals shall hold at least one (1) public hearing on the proposed special use. Notice of time and place of such hearing shall be published in the official newspaper not less than fifteen (15) days nor more than thirty (30) days preceding said hearing. The published notice may be supplemented by such additional forms of notice as the Board of Appeals may deem appropriate.
- 10.005 AUTHORIZATION. For each application for a special use permit the Zoning officer shall prepare and file with the Board of Appeals his findings and recommendations, including any recommended stipulations of additional conditions and guarantees that he deems necessary for the protection of the public interest.
- 10.006 STANDARDS. No special use permit shall be granted by the Board of Appeals unless the Board finds:
- a. That the establishment, maintenance, or operation of the special use will not be detrimental to nor endanger the public health, safety, morals, comfort or general welfare;
  - b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor will substantially diminish property values within the neighborhood;
  - c. That the establishment, maintenance or operation of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
  - d. That adequate utilities, access roads, drainage and/or other necessary facilities have been planned or are being provided;
  - e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public-streets; and
  - f. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is to be located, except as such regulations may in each instance, be modified as the Board of Appeals deems appropriate,
- 10.007 CONDITIONS AND GUARANTEES. Prior to the granting of any special use permit, the Board of Appeals shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of this Section. In all cases in which special uses are granted, the Board of Appeals shall require such evidence and guarantees of the applicant as it may deem necessary to assure that the conditions stipulated in connection therewith are being and will continue to be

complied with.

10.008 DENIAL AND REVOCATION OF A SPECIAL USE PERMIT.

- a. DENIAL OF A SPECIAL USE PERMIT. An application for a special use permit that has been denied wholly or in part by the Board of Appeals shall not be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Appeals.
- b. REVOCATION OF A SPECIAL USE PERMIT. In any case where a use has not been established within one (1) year after the date of the granting of the permit, then without further action by the Board of Appeals, the special use permit is revoked and its authorization shall be null and void.

**Section 11. OTHER POWERS OF THE BOARD OF APPEALS.**

The Board of Appeals is hereby vested with the following additional authority and jurisdiction:

- 11.001 INTERPRETATION OF DISTRICT MAP. Where the application of the rules for interpretation or district boundaries contained in Article III leaves a reasonable doubt as to the boundary between two districts, the Board of Appeals, after notice to the owners of the affected property and after a public hearing, shall interpret the map in such a way as to carry out the intent and purposes of the Ordinance.
- 11.002. TEMPORARY USES AND PERMITS. The Board of Appeals may issue a permit for the temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by the Ordinance, provided that such use be of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare. The terms "temporary" and "substantial" as used herein are subject to definition by the Board of Appeals as it deems appropriate to a given use.
- 11.003 CERTAIN INDUSTRIES IN THE "I" DISTRICT. In determining whether certain uses shall be located in the "I" District, the Board of Appeals shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use for location in the "I" District, the Board shall determine whether the proposed use would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, and negative aesthetic and psychological effects.

**Section 12. AMENDMENTS.**

- 12.001 AUTHORITY. For the purpose of promoting the public health, safety, morals, comfort, and general welfare, conserving the value of property throughout the Village, and lessening or avoiding congestion in the public streets and highways, the Village Board may from time to time in the manner hereinafter set forth amend the Ordinance. The Ordinance may be amended, provided that in all amendments adopted under the authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantages of the entire community, and the uses to

which the property is devoted at the time of the adoption of such amendment.

- 12.002 INITIATION OF AMENDMENTS. Amendments may be proposed by the Village Board, the Planning Commission or by any interested person or organization.
- 12.003 APPLICATION FOR AMENDMENT. An application for an amendment shall be filed with the Zoning Officer in such form and accompanied by such information as required by the Zoning Officer, who shall forward the application to the Planning Commission with his recommendation and with the request to hold a public hearing on said application for amendment.
- 12.004 HEARING ON APPLICATION. The Planning Commission shall hold a public hearing on each application for an amendment at such time and place as shall be established by the Planning Commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Planning Commission may prescribe.
- 12.005 NOTICE OF HEARING. Notice of time and place of such hearing shall be published at least once in the official newspaper not less than fifteen (15) nor more than thirty (30) days before such hearing. The published notice may be supplemented by such additional forms of notice as the Planning Commission may deem appropriate.
- 12.006 FINDINGS OF FACT AND RECOMMENDATION. Within forty-five (45) days after the close of the hearing on a proposed amendment, the Planning Commission shall make written findings of fact and shall submit same together with its recommendation to the Village Board. Where the purpose and effect of the proposed, amendment is to change the zoning classification of particular property, the findings of fact and recommendation shall include the following information:
- (a) Existing use of property within the general area of the property in question;
  - (b) The zoning classification of property within the general area of the property in question;
  - (c) The suitability of the property in question to the uses permitted under the existing zoning classification;
  - (d) The trend in development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification; and
- 12.007 MINIMUM PARCEL SIZE. A lot, lots or parcel of land shall not qualify for a zoning amendment unless it possesses two hundred (200) feet of frontage or contains twenty-five thousand (25,000) square feet of area, or adjoins a lot, lots or parcel of land which bears the same zoning district classification as the land proposed for the zoning amendment.
- 12.008 RECOMMENDATION. The Planning Commission shall recommend the adoption of a proposed amendment only when it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant. The Planning Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph, the "A-1" District shall be considered the highest classification and the "I" District shall be considered the lowest classification.

12.009 ACTION BY THE VILLAGE BOARD.

- a. The Village Board shall not act upon a proposed amendment to the Ordinance until it shall have received a written report and recommendation from the Planning Commission on the proposed amendment.
- b. The Village Board may grant or deny any application for an amendment, provided, however, that in the event a written protest against any proposed amendment, signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly across the street from the frontage proposed to be altered, is filed with the Village Clerk, amendment shall not be passed except by a favorable vote of two-thirds (2/3's) of all members of the Village Board.

12.009 EFFECT OF DENIAL OF AMENDMENT. No application for an amendment that has been denied wholly or in part by the Village Board shall be resubmitted for a period of one (1) year from the date of said denial except on the grounds of new evidence or proof of change of conditions found to be valid by the Planning Commission.