

**ARTICLE XI
ADMINISTRATION AND ENFORCEMENT**

11.1 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

- A. It shall be unlawful to commence the construction, alteration, repair, removal, or demolition of any structure in the Village without obtaining a Building Permit from the Village.
- B. It shall also be unlawful to occupy or use any structure in the Village in whole or in part without obtaining a Certificate of Occupancy from the Village.
- C. The Building Commissioner shall either issue or deny a certificate of occupancy within ten (10) days of application therefor.
- D. The Building Commissioner shall not issue a Building Permit or Certificate of Occupancy unless he or she has certified that the property for which the Permit or Certificate is sought complies with all applicable provisions of this Ordinance and with other applicable codes and ordinances of the Village.

11.2 CERTIFICATES OF ZONING COMPLIANCE

- A. Except where expressly waived by another provision of this Ordinance, a Certificate of Zoning Compliance shall be obtained from the Zoning Administrator in the following situations:
 - 1. The construction, reconstruction, remodeling, alteration or moving of any structure;
 - 2. The use of land, vacant on the effective date of this Ordinance, for any purpose, except the raising of crops;
 - 3. The grading, excavation or improvement of land preliminary to any construction on or use of such land; and
 - 4. The issuance of building or other permits pertaining to the construction, reconstruction, remodeling, alteration or moving of any structure or the use of any land or structure.
 - 5. The use of a residence for a home occupation.

- B. In any case where a Certificate of Zoning Compliance is not required under this Ordinance, the Zoning Administrator shall, on written request, issue a certificate of such fact.
- C. No application for a zoning variation, a special permit, an amendment or for approval of a planned unit development concept plan shall be processed unless an application for a Certificate of Zoning Compliance shall have been issued, or denied solely on one or more grounds that form the basis for the applications referenced above. It is the intent of this Section that no application as referenced above shall be processed until the Zoning Administrator is satisfied that the proposed use or development complies with the provisions of this Ordinance in all respects except those within the scope of such application.
- D. Within ten (10) days following receipt of a completed application for a Certificate of Zoning Compliance, the Zoning Administrator shall cause the application and related submissions to be reviewed for compliance with this Ordinance and shall inform the applicant whether the applications has been granted or denied.

In any case where an application is granted, the 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 ___ OF THE GLENDALE HEIGHTS MUNICIPAL 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 __ AND SECTION __ OF THE GLENDALE HEIGHTS MUNICIPAL CODE FOR DETAILS.”

- E. In any case where an application is denied, the Zoning Administrator shall state specific reasons therefor and shall cite the specific provisions of this Ordinance upon which such denial is based. If relief from such demand would be available pursuant to a companion application filed in connection with the application for a Certificate of Zoning Compliance, the Zoning Administrator shall so inform the applicant and shall promptly process such companion application. If such application is approved, the Administrator shall issue the requested Certificate of Zoning Compliance in accordance with the terms and conditions of such approval.

- F. If relief from the Zoning Administrator's denial of a Certificate of Zoning Compliance would be available by variation, conditional use permit or other review, but no application therefor has been filed, the Zoning Administrator shall so state and shall refer the applicant to the appropriate provisions of this Ordinance.
- G. Each Certificate of Zoning Compliance issued pursuant to this Section 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 Ordinance.
- H. Every certificate issued pursuant to this Section shall be kept on file in the Office of the Zoning Administrator and shall be a public record open to inspection in accordance with the provisions of the Illinois Freedom of Information Act.
- I. 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.
- J. Subject to an extension of time granted by the Zoning Administrator, a Certificate of Zoning Compliance shall become null and void six (6) months after the date on which it was issued unless within such period construction, reconstruction, remodeling, alteration or moving of a structure is commenced or a use is commenced.
- K. Any Certificate of Zoning Compliance issued in violation of the provisions of this Ordinance, whether intentionally, negligently or innocently, shall be deemed void ab initio and shall give rise to no rights whatsoever.
- L. Applications
 - 1. All applications for a Certificate of Zoning Compliance shall be filed with the Office of the Zoning Administrator or with such other Village official or body as the Zoning Administrator may, by administrative order designate.
 - 2. Every application for a Certificate of Zoning Compliance shall, provide the following information, if applicable:
 - a. A description or graphic representation of any development or construction that will occur or any use that will be established or maintained if the requested relief is granted.
 - b. A table showing the following, as applicable:

- (1) The total lot area of the subject property, in both acres and in square feet;
 - (2) The total existing and proposed lot area, expressed in acres, in square feet and as a percent of the total development area, devoted to residential uses, by type of structure, commercial uses, office uses, industrial uses and institutional uses, open space, rights-of-way, streets, and off-street parking and loading areas; and
 - (3) The existing and proposed:
 - (i) Number of dwelling units, by number of bedrooms and dwelling unit gross floor area; and
 - (ii) Gross and net floor area devoted to residential uses, commercial uses, office uses, industrial uses, institutional uses and recreational uses.
- c. A table listing all bulk, space and yard requirements, all parking requirements, and all loading requirements applicable to any proposed development or construction and showing the compliance of such proposed development or construction with each such requirement. Where any lack of compliance is shown, the reason therefor shall be stated and an explanation of the Village's authority, if any, to approve the application despite such lack of compliance shall be set forth.
- d. The certificate of a registered architect or civil engineer licensed by the State of Illinois, or of an owner-designer, that any proposed use, construction or development complies with all the provisions of this Ordinance and other Village ordinances or complies with such provisions except in the manner and to the extent specifically set forth in said certificate.

11.3 REQUIREMENTS FOR ALL APPLICATIONS

- A. The requirements of this section shall apply to all applications except conditional uses submitted under the provisions of this Ordinance, including applications for Variances, and Zoning Amendments. (See Article XII for Conditional Use Requirements)
1. Optional Pre-Filing Conference
 - a. Prior to filing an application, an applicant may request a Pre-Filing Conference with the Plan Commission.- An application for the Conference together with the filing fee shall be submitted to the Zoning Administrator.
 - b. At the Conference, the applicant may outline his proposed project and submit preliminary information such as a concept plan. The Plan Commission shall advise the applicant concerning in what respects his

proposal conforms to applicable Village plans and ordinances and to desired standards of design.

- c. In the event an application for an amendment or a variance is subsequently filed, the Conference filing fee will be credited toward the application filing fee.

3. Disclosure Of Interest

- a. The party signing the application shall be considered the applicant.
- b. An applicant must be the fee owner, trustee, beneficiary, contract purchaser, lessee, or option holder of the affected property or his or her agent or nominee.
 - (1) If the applicant is not the fee owner of the affected property, the application shall disclose the full names, addresses, and telephone numbers of all owners.

In addition, an affidavit of the fee owner or owners shall be filed with the application stating that the applicant has authority to make the application.

- (2) Applicant or Fee Owner Is Corporation
If either the applicant or the fee owner is a corporation, the application shall disclose the names and addresses of the corporation's officers, directors, registered agents, and those shareholders owning in excess of five percent of the outstanding stock or interest in the corporation.
- (3) Applicant is Trustee
If the applicant is a trustee, the full name, address, telephone number, and extent of interest of each beneficiary must be disclosed in the application.
- (4) Applicant is Beneficiary, Agent, or Nominee
If the applicant is a beneficiary, agent, or nominee, the application must disclose the names, addresses, and telephone numbers of those parties on whose behalf he or she is acting.
- (5) Applicant is Option Holder or Contract Purchaser
If the applicant is an option holder or contract purchaser a valid (unexpired, fully executed, enforceable) non-contingent (except for zoning and financing approval) contract or option to purchase the premises for which the application is being filed shall be submitted.

- c. Disclosure of present ownership interests shall be accompanied by a certified statement of proposed ownership of all land.

4. Public Notice

- a. An applicant for any zoning action that requires a public hearing must provide notice of such hearing to owners of surrounding property.

- b. The required notice shall consist of the following actions:
- (1) Sign Display
 - (i) The applicant shall post a sign in the front yard of the affected property, facing a public street and no further than thirty (30) feet therefrom. In the case where the Village is the applicant and the property owner does not consent to the erection of the sign, the sign shall be posted on public property adjacent to the property.
 - (ii) The sign shall plainly state the type of zoning action requested and the scheduled date, time, and location of the public hearing thereupon.
 - (iii) The sign shall be erected no less than fifteen (15) days prior to the date of the scheduled public hearing and remain continuously in place until the public hearing is concluded but no more than ten (10) days thereafter.
 - (2) Written Notification
 - (i) The applicant shall also provide written notice of the public hearing to the owners of record of each parcel of real estate within two hundred and fifty (250) feet in all directions from the boundaries of the property affected by the application.
 - (ii) All public rights-of-way shall be excluded in calculating the two hundred and fifty (250) foot notice area.
 - (iii) The owners of record for this purpose shall be considered those appearing on the records of the County Recorder of Deeds or those who paid property taxes for the most recent year according to the records of the Township Assessor.
 - (iv) The written notice shall be delivered not more than thirty (30) nor less than fifteen (15) days prior to the scheduled date of the public hearing.
 - (v) The written notice shall be substantially in the form of notice provided by the Village Clerk. It shall contain:
 1. the name and address of the applicant
 2. the street address and legal description of the property affected by the application
 3. the type of zoning action requested
 4. the date, time, and location of the public hearing thereupon.
 - (vi) The notice shall be delivered in person or by certified mail, return receipt requested. In either case, the signatures of those receiving the notice, in the form of postal return receipts or otherwise, shall be obtained

and filed with the Zoning Administrator prior to the public hearing.

- (vii) In addition, the applicant shall file an affidavit stating that he or she has complied with all notice requirements together with a copy of the written notice sent and a list of the names and addresses of all property owners within the two hundred and fifty (250) foot notice area.

(3) Newspaper Publication

The Zoning Administrator shall publish a notice of the public hearing in the newspaper of general circulation in the Village at least fifteen (15) days but no more than thirty (30) days before the scheduled date of the hearing.

B. Fees.

1. Fee Established; Lien. Every application filed pursuant to this Ordinance shall be subject to a non-refundable application and filing fee in the amount established from time to time by the Village Board, plus the actual cost, as hereinafter defined, incurred by the Village in processing such application.

The owner of the property which is the subject of the application and, if different, the applicant, shall be jointly and severally liable for the payment of said fee. By signing the application, owner shall be deemed to have agreed to pay such fee and to consent to the filing and foreclosure of a lien on the subject property to ensure collection of any such fee, plus the costs of collection, which has not been paid within 30 days following the mailing of a written demand for such payment to the owner at the address shown on the application. Any lien filed pursuant to this Subsection may be foreclosed in the manner provided by statute for mortgages or mechanics liens.

2. Recoverable Costs. For purposes of calculating the fee due pursuant to Paragraph B1 above, the actual costs incurred by the Village in processing an application shall be deemed to consist of the following items of direct and indirect expense:
 - a. Legal Publication (direct cost)
 - b. Recording Secretarial Services (direct cost)
 - c. Court Reporter (direct cost)
 - d. Administrative Preparation and Review (hourly salary times a multiplier to be established from time to time by the Zoning Administrator at a level sufficient to recover 100 percent of the direct and indirect cost of such service)

- e. Document Preparation and Review (hourly salary times a multiplier to be established from time to time by the Zoning Administrator at a level sufficient to recover 100 percent of the direct and indirect cost of such service)
 - f. Professional and Technical Consultant Services (direct cost)
 - g. Legal Review, Consultation and Advice (direct cost)
 - h. Copy Reproduction (direct cost)
 - i. Document Recordation (direct cost)
3. Fee Payment and Escrow.
- a. Initial Payment and Escrow. Every application filed pursuant to this Ordinance shall be accompanied by the required fee plus an additional amount for recoverable costs as provided in Paragraph B2 above, as fixed from time to time by administrative order of the Zoning Administrator, to be deposited in an application fee escrow. No interest shall be payable on any such escrow.
 - b. Charges Against Escrow. From the date of filing of any application pursuant to this Ordinance, the Village shall maintain an accurate record of the actual costs, as hereinabove defined, of processing such application. The Zoning Administrator shall, from time to time, draw funds from the escrow account established for such application to pay such costs and shall transfer such funds to the appropriate Village accounts. The Administrator shall maintain an accurate record of all such drawings.
 - c. Additional Escrow Deposits. Should the Zoning Administrator at any time determine that the escrow account established in connection with any application is, or is likely to become, insufficient to pay the actual costs of processing such application, the Administrator shall inform the applicant of that fact and demand an additional deposit in an amount deemed by him to be sufficient to cover foreseeable additional costs. Unless and until such additional amount is deposited by the applicant, the Zoning Administrator may direct that processing of the application shall be suspended or terminated.
 - d. Final Settlement. As soon as reasonably feasible following final action on an application, the Zoning Administrator shall cause a final accounting to be made of the escrow deposits made in connection with such application and the actual cost of processing such application and shall make a final charge of such costs against such escrow deposits. A copy of the accounting shall be provided to the owner and the applicant.

If the amount in the escrow account is insufficient to pay the total actual costs, a written demand for payment of the balance due shall be mailed

to the owner and the applicant. If unused balance remains in the escrow account after paying the total actual costs, it shall be returned to the applicant.

4. Condition of All Applications, Approvals and Permits; Time Periods. No application filed pursuant to this Ordinance shall be considered complete unless and until all fees and deposits due pursuant to this Subsection have been paid. Every approval granted and every permit issued pursuant to this Ordinance shall, whether or not expressly so conditioned, be deemed to be conditioned upon payment of fees as required by this Subsection.

Where this Ordinance provides that the passage of time without decision or action shall be deemed an approval or a recommendation for approval, time periods shall be tolled during any period of non-payment, but shall otherwise continue to run.

The failure to fully pay any such fee or deposit, when due, shall be grounds for refusing to process an application and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee or deposit relates.

5. Specified Public Bodies Exempt. The provisions of this Subsection shall not apply to, and no fee shall be required of, any public body or agency deriving the majority of its revenues from taxes levied within the Village of Glendale Heights.

11.4 VIOLATION, PENALTY AND ENFORCEMENT

- A. The Zoning Administrator and Building Commissioner are hereby designated and authorized to enforce this Ordinance.
- B. Any party that violates, omits, neglects, or refuses to comply with or resists the enforcement of any provision of this Ordinance shall, upon conviction, be fined not less than \$200 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

11.5 PLAN COMMISSION

- A. Creation

The Plan Commission of the Village is the Plan Commission referred to in this Ordinance.

B. Authority

1. The Plan Commission is hereby vested with the power to conduct hearings and make recommendations to the Village Board of Trustees on all amendments to this Ordinance, all conditional uses, all planned developments, and all other matters referred to it by the Village Board or on which it is required to act under this Ordinance.
2. The Plan Commission is also empowered to initiate, direct, and review studies of the provisions of this Ordinance and to make recommendations to the Village thereupon at least once a year.

11.6 ZONING ADMINISTRATOR

A. The Zoning Administrator is hereby vested with the authority to conduct hearings and make recommendations to the Village Board of Trustees on all variances in accordance with the provisions of this Ordinance and to hear all other matters referred to the Zoning Administrator.

1. Variance Hearing

- a. All variance hearings conducted by the Zoning Administrator shall be held at the call of the Zoning Administrator at such times as the Zoning Administrator may determine and shall be open to the public.
- b. All testimony by witnesses at any variance hearing provided for in this Ordinance shall be given under oath. The Zoning Administrator may compel the attendance of witnesses and may administer oaths.
- c. The Zoning Administrator shall keep minutes of its proceedings. The minutes shall show the findings upon which its recommendations and decisions are based.

2. The Director of Community Development shall serve as Zoning Administrator

B. The Zoning Administrator and Building Commissioner of the Village shall be charged with the enforcement of this Ordinance. In discharging this responsibility, the Zoning Administrator and Building Commissioner shall:

1. receive and if necessary forward to the Plan Commission as appropriate the applications and notices required by this Ordinance.
2. issue permits or certificates provided for herein.

3. maintain records of applications filed, permits and certificates issued, inspections made, reports rendered, and notices or orders issued under the provisions of this Ordinance.
4. conduct inspections of structures and uses to determine compliance with this Ordinance.
5. notify in writing the owner of record and/or any party believed to be responsible for violation a provision of this Ordinance and order action to correct the violation.
6. provide clerical or technical assistance to the Plan Commission.
7. request the assistance and cooperation of other Village officials, departments, boards, or commissions, or other agencies as necessary in the discharge of his or her duties.
8. procure such engineering, planning, or legal assistance from technical experts outside the Village government as may be necessary to discharge his or her duties and as is authorized by the Village Board.
9. review all applications for Certificates of Zoning Compliance and Certificates of Occupancy and approve or disapprove such applications and issue or refuse to issue such certificates based on compliance or noncompliance with the provisions of this Ordinance.

11.7 APPEALS

- A. Any party aggrieved by an administrative order, requirement, decision, or determination made under this Ordinance by the Zoning Administrator, Building Commissioner, or other authorized administrative official may appeal to the Village Board.
- B. A Notice of Appeal shall be filed with the Zoning Administrator within forty-five (45) days of the order or decision being appealed.
- C. The Notice of Appeal shall contain:
 1. The name, address, and telephone number of the party filing the appeal.
 2. The location of the property affected by the decision being appealed.

3. Identification of the provision of the Ordinance governing the decision being appealed.
 4. The reason given by the administrative official for the decision.
 5. A brief summary of the factual evidence upon which the appeal is based.
 6. A plot plan and verbal description of the use affected by the decision being appealed.
- D. The Zoning Administrator shall forthwith transmit the Notice of Appeal and the complete record of the decision to the Village Board. The Village Board shall fix a reasonable time for a hearing on the appeal and give a minimum of ten (10) days notice to the party filing the Notice.
- E. After the hearing, the Village Board shall take final action on the appeal, subject only to judicial review in accordance with applicable state statutes. A majority vote of all Village Board members shall be required for the Village Board to take action.

11.8 AMENDMENTS AND REZONING

- A. Purpose. To adapt to changing development conditions and provide for the phased implementation of the Village Comprehensive Development Plan, the Village Board may from time to time amend the provisions of the text of this Ordinance, or the Zoning District Map, as provided by Illinois Statutes.
- B. An amendment may be proposed by the Village Board, the Plan Commission, the Zoning Administrator, or by the fee owner, lessee, option holder, contract purchaser, trustee, beneficiary of any property in the Village or his or her authorized agent in accordance with the requirements of Section 11.3 of this Ordinance.
- C. Except in the case of an amendment proposed by a board, commission, or official of the Village, an Application for Zoning Amendment shall be filed with the Zoning Administrator to initiate any amendment.

11.81 APPROVAL PROCEDURE

- A. Contents Of Application For Zoning Amendment

An application for amendment to the Zoning Ordinance shall contain the following information:

1. The name, address, and phone number of the applicant
2. The location of the subject property intended to be affected by the proposed amendment
3. A complete disclosure of interest, as provided in Requirements for All Applications in the Administration section herein
4. A typewritten list of all owners of property within two hundred and fifty (250) feet of the subject property, as determined in accordance with the provisions on Public Notice in Requirements for All Applications in the Administration section herein
5. Descriptions of the present and proposed uses of the subject property
6. The zoning classifications of the subject property and of all other properties within two hundred and fifty (250) feet thereof
7. A recent (one year or less) plat of survey and a legal description of the subject property prepared by a registered land surveyor of Illinois showing all of the improvements thereon as it exists as of the date of application
8. A description of the proposed amendment to the Ordinance
9. A statement of evidence that the proposed amendment conforms to the Criteria for Zoning Amendments herein
10. A site plan at a scale of not less than one (1) inch to one hundred (100) feet that includes:
 - a. Lot lines and required yards
 - b. Location, shape, size, and height of all existing and proposed buildings and structures, including decorative walls and other elements and entrance features
 - c. Existing and proposed landscaping
 - d. Common open space and common recreation facilities, if any
 - e. Locations of off-street parking
 - f. Phases of development
 - g. Data indicating gross and net site acreage, lot dimensions and areas, building heights and number of stories, and acreage devoted to common open space or recreation.

11. Architectural renderings showing the appearance of the proposed use, as required by the Plan Commission
12. Any other information the Plan Commission may require to determine whether the proposed amendment meets the requirements of this Ordinance
13. A non-refundable filing fee as provided in Requirements for All Applications in the Administration section hereof.

B. Public Notice

The requirements for Public Notice provided in the Administration section herein under Requirements for All Applications shall be complied with.

C. Staff Review

The Zoning Administrator may, together with other departments and officials of the Village, prepare a written review of the application, provided such review is completed and forwarded to the Plan Commission within ten (10) days of receipt of the application.

D. Public Hearing

Upon receipt of a complete and accurate application, the Zoning Administrator shall establish a date for a public hearing and transmit the application to the Plan Commission.

E. Plan Commission Action

The Plan Commission shall hold a public hearing on the application. Within sixty (60) days after the close thereof, the Commission shall transmit to the Village Board written findings of fact pertaining to the Criteria for Zoning Amendments herein together with a recommendation for action on the proposed amendment.

F. Village Board Action

1. The Village Board shall not act upon any proposed amendment until either it has received a report thereupon from the Plan Commission or until sixty (60) days have elapsed from the close of the public hearing.
2. The Village Board shall not approve an amendment unless it shall find that the amendment meets applicable Criteria for Zoning Amendments herein.

G. Protest

1. A written protest may be filed with the Village Clerk against a proposed amendment that is signed by the owners of at least twenty percent (20%) of the frontage of:
 - a. the property to be affected by the proposed amendment, or
 - b. the property immediately adjacent thereto or across an alley therefrom, or
 - c. the property having frontage directly opposite the frontage to be affected by the proposed amendment.
2. If such a protest is filed, the proposed amendment shall not be approved except by a vote of two-thirds of the Village Trustees currently holding office.
3. The protester shall serve a copy of the protest upon the applicant and upon his or her attorney, if any, by certified mail.

H. Repeal

If no development has taken place on the property affected by an amendment to the Zoning District Map within one year of the date of such amendment, the Plan Commission may hold a public hearing, after giving Public Notice as provided under Requirements for All Applications in the Administration section hereof, and recommend to the Village Board that such amendment be repealed and that the Map be amended to provide for a different zoning classification for the property.

I. Resubmission

1. No application for an amendment that has been denied by the Village Board shall be resubmitted within one year of the date of denial except on the grounds of new factual evidence or a change in conditions found to be valid by the Plan Commission.
2. This restriction shall not, however, apply to a Map amendment proposing a different zoning classification than that denied by the Village Board. Nor shall it apply to any amendment proposed by the Village Board or Plan Commission.

11.82 CRITERIA FOR ZONING AMENDMENTS

- A. The Plan Commission shall make the following findings on a proposed amendment before recommending adoption of the amendment to the Village Board:

1. Compatible With Use or Zoning of Environs

The proposed use or the uses permitted under the proposed zoning classification are compatible with existing uses or existing zoning of the property to which the amendment will apply and of property in the environs.

2. Supported by Trend of Development

The trend of development in the general area since the original zoning of the affected property was established supports the proposed use or zoning classification.

3. Consistent with Comprehensive Plan

The proposed use or zoning classification is in harmony with the objectives of the Comprehensive Plan of the Village.

4. Furthers Public Interest

The proposed use or zoning classification promotes the public interest and not solely the interest of the applicant.

11.83 ENDANGERED SPECIES

- A. In addition to the requirements of Section 11.81 above, an application for amendment to the Zoning Ordinance for rezoning a parcel of real estate from an agricultural classification to another classification shall include a completed Agency Action Report on a form promulgated by the Illinois Department of Conservation.
- B. The Zoning Administrator shall forward the completed Agency Action Report to the Illinois Department of Conservation to initiate a consultation process. Action on the application for amendment shall not commence until the completion of the consultation process, except as otherwise provided under Subsection D. below.
- C. Upon receipt from the Illinois Department of Conservation of notification that no known endangered species are known to be present and of termination of the consultation process, action on the application shall commence.
- D. Upon receipt from the Illinois Department of Conservation of notification that an endangered species is identified, action on the application for amendment shall commence and such information shall be entered of record at the public hearing before the Plan Commission for consideration in the decision on the application for rezoning.
- E. If an endangered species is identified the consultation process will not proceed until development of the parcel is under consideration. At that time, the applicant shall submit to the Village a completed Detailed Action Report and continue the consultation process as defined in Subsection F.

- F. The applicant shall complete the Detailed Action Report, and submit it to the Village. Sufficient information must be provided about the proposed development determine the potential indirect, direct and cumulative adverse impacts to the endangered species present or its essential habitat.
1. The Detailed Action Report shall include, but is not limited to the following components:
 - a. Name and address of the Village of Glendale Heights.
 - b. The name of the Zoning Administrator.
 - c. A detailed map indicating the precise location of the proposed development.
 - d. A detailed description of the proposed development, including any direct or indirect alteration or destruction of the vegetation, changes anticipated to air or water quality, alteration of the topography, or any other detail that might jeopardize the listed species or its essential habitat.
 - e. Starting and ending dates of the proposed project.
 - f. Discussion of alternatives which were considered.
 2. Upon completing the portion of the Detailed Action Report involving the proposed project, the applicant shall provide background information on the endangered species present. The direct and indirect effects of the proposed development on the endangered species and its essential habitat including cumulative effects shall be analyzed by the applicant.
 3. Upon completion, the Village shall submit the Detailed Action Report to the Illinois Department of Conservation for the formulation of a biological opinion as to whether the proposed development, taken with its cumulative effects, will jeopardize the endangered species present or have an adverse impact on its essential habitat. The biological opinion shall result in one of the following conclusions:
 - a. the development may promote the conservation of an endangered species or its essential habitat, in which case the consultation process is terminated;
 - b. the development is not likely to jeopardize an endangered species or its essential habitat, in which case the consultation process is terminated; or
 - c. the proposed development is likely to jeopardize an endangered species or its essential habitat, in which case the consultation process shall continue.
 4. If the biological opinion concludes that the proposed development is likely to have an adverse impact, recommendations to avoid these impacts shall be

provided to the applicant by the Village upon receipt from the Illinois Department of Conservation;

5. A meeting shall be scheduled with representatives of the applicant, the Village and the Illinois Department of Conservation to discuss practicable alternative to the proposed development that would avoid, minimize, or compensate for the impacts;
 6. After the consultation meetings have taken place to discuss practicable alternatives, the applicant shall notify the Village in writing, stating its decision to proceed, modify, or forgo the action, and which, if any, of the alternatives included in the Detailed Action Report it is adopting. The Village shall in turn notify the Illinois Department of Conservation;
 7. If the Village disagrees with the applicant's decision, it shall notify the applicant in writing within twenty-one (21) days.
- G. The consultation process shall be initiated or a terminated consultation process shall be reopened if:
1. New information reveals effects of the identified development that may adversely affect an endangered species or its essential habitat in a manner not previously considered; or
 2. The proposed development is subsequently modified such that it may adversely affect a listed species or its essential habitat in a manner which was not considered in the consultation process; or
 3. Additional endangered species or their essential habitat are identified within the vicinity of the development.

11.9. VARIANCES

A. Purpose

A variation recognizes that the same district regulations do not affect all properties equally and is intended to provide relief from the strict terms of the Ordinance to property owners upon whom the ordinance has imposed undue hardship or difficulty.

11.91 APPROVAL PROCEDURE

A. Optional Pre-Filing Conference

1. Prior to filing an application for a variance, an applicant may request a Pre-Filing Conference with the Zoning Administrator. An application for the Conference, together with the filing fee, shall be submitted to the Zoning Administrator.
2. At the Conference, the applicant may outline his proposed variance and submit preliminary information. The Zoning Administrator shall advise the applicant concerning in what respects his proposal conforms to applicable Village plans and ordinances and to desired standards of design.
3. In the event an application for a variance is subsequently filed, the Conference filing fee will be credited toward the application filing fee.

B. Contents of Application

An application for a variance for any property shall be filed with the Zoning Administrator and shall contain the following information:

1. The name, address and phone number of the applicant.
2. A complete disclosure of interests as provided under "Requirements for All Applications" in the Administration section herein.
3. A recent plat of survey (one (1) year or less) and legal description of the property prepared by a registered land surveyor of Illinois showing all improvements thereon as it exists as of the date of application.
4. A typewritten list of all property owners within two hundred and fifty (250) feet of the property.
5. A site plan showing the proposed locations of all proposed structures, parking and loading areas, open spaces, landscaping, yards, refuse and service areas, utilities, signs, traffic accesses and circulation ways.
6. Architectural renderings or sketches illustrating the appearance of buildings or structures.
7. A narrative statement evaluating compliance with findings of fact for variances listed in this section.

8. Any other information the Zoning Administrator may require to determine if the variance meets the requirements herein.

C. Fees

1. All-applications shall be accompanied by a non-refundable filing fee as provided from time to time by the Village Board.
2. An applicant other than one applying for a variance for an individual single family residential lot shall also pay a cash deposit as provided by the Village Board from time to time to be applied against any additional costs incurred by the Village necessary for the processing of the application, such as consulting engineering services, consulting planning services, legal services, or court reporter services.
3. Any costs incurred in excess of the cash deposit shall be invoiced by the Village to the applicant who shall be responsible for payment of the invoice upon its receipt.
4. No application shall be processed until the applicant has first exhibited a receipt of the Village Clerk showing payment of the filing fee and cash deposit.

D. Staff Review

The Zoning Administrator may, together with other departments and officials of the Village, prepare a written overview of the application, provided such review is completed.

E. Public Hearing

Upon receipt of a complete and accurate application, the Zoning Administrator shall set a date for a public hearing before the Zoning Administrator.

F. Public Notice

The Public Notice requirements provided in the Administration section herein under "Requirements for All Applications" shall be complied with.

G. Zoning Administrator Action

The Zoning Administrator shall hold a public hearing on the application. Within sixty (60) days after the close thereof, the Zoning Administrator shall submit to the Village Board findings of fact relating to the requirements for variances herein, a recommendation for action, and any conditions or restrictions relating to the recommendation. All recommendations shall require a majority vote of all its members.

H. Village Board Action

The Village Board of Trustees, upon receiving the recommendation from the Zoning Administrator may, by ordinance, without further public hearing, approve any variance or may refer it back to the Zoning Administrator for further consideration. Any variance which fails to receive the approval of the Zoning Administrator shall not be passed except by the favorable vote of two-thirds of the Village Board of Trustees.

11.92 FINDINGS OF FACT FOR VARIANCES

In making a recommendation to the Board of Trustees for approval or conditional approval of a variance, the Zoning Administrator shall transmit written findings that all of the following facts apply:

A. Practical Difficulties or Particular Hardship

For reasons fully set forth in the written findings, the strict application of the provisions of this Ordinance would result in practical difficulties or particular hardship upon the applicant, as distinguished from mere inconvenience.

B. Circumstances Relate to the Property Only

These special circumstances relate only to the land or building(s) for which a variance is sought and not to any business or activity the applicant carries on, or seeks to carry on, therein, nor to the personal, business, or financial circumstances of the applicant or any other party with interest in the property.

C. Not Alter Local Character

The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values, or public safety or welfare in the vicinity.

D. Consistent With Ordinance and Plan

The granting of a variance will be in harmony with the general purpose and intent of this Ordinance and of the Official Comprehensive Master Plan of the Village.

E. Minimum Variance Recommended

The variance recommended by the Zoning Administrator is the minimum required to provide the applicant with reasonable use and enjoyment of his property.

11.93 USE VARIANCES

No variance shall be granted in whole or in part the effect of which would be substantially equivalent to a change in zoning district classification of a property, or that would permit any use not otherwise permitted in the applicable district.

If the Zoning Administrator finds that an amendment to this Ordinance rather than a variance is necessary to grant the applicant relief, it shall so advise the applicant and recommend to the Plan Commission that such action be taken.

11.94 CONDITIONS

The Zoning Administrator may recommend, and the Board of Trustees may require, any conditions or restrictions on a property that is to benefit from a variance that either finds necessary to carry out the intent of these provisions.

11.95 RIGHTS OF APPLICANTS AND PROPERTY OWNERS

Applicants for variances shall have the following rights, in addition to any others they may possess in law, at any hearing before the Zoning Administrator.

- A. To have subpoenas issued for persons to appear at the variance hearings and for the examination of documents by the person requesting the subpoena either before or at the variance hearings in accordance with the provisions and limitations provided in State Statute.
- B. To cross examine all witnesses testifying.
- C. To present witnesses on their behalf.
- D. Property owners who object to the zoning application may, upon request, be granted one (1) continuance for the purpose of presenting evidence to rebut testimony given by the applicant. The date of such continued hearing shall be at the discretion of the Zoning Administrator.