

SECTION X

ADMINISTRATION AND ENFORCEMENT

A. ZONING ADMINISTRATOR

1. **Designation of Position:** The Zoning Administrator shall be designated by the President and Board of Trustees and charged with the responsibility of administering and enforcing this Ordinance.
2. **Duties:** The Zoning Administrator shall:
 - a. Review and approve all Building Permits, Zoning Permits, Business Licenses, and Variation Requests relating to zoning matters;
 - b. Examine or approve an application pertaining to the use of land or structures when the application conforms with the provisions of this Ordinance;
 - c. When requested by the President or Village Board, or when the interest of the Village so requires, make investigations and render written reports;
 - d. Approve Zoning Certificates and such other notices or orders as may be necessary and make and maintain comprehensive records thereof;
 - e. Make inspections of structures and uses of land to determine compliance with the terms of this Ordinance, and where there are violations, initiate action to secure compliance;
 - f. Receive from the Village Clerk all notices for appeals, variations, amendments, and Special Use Permits which have been referred by the Village Clerk to the Zoning Board of Appeals or other appropriate reviewing body;
 - g. Maintain all zoning records which are a part of the administration of this Ordinance and keep all such records open to public inspection, but not for removal from this office;
 - h. Inform the Village Attorney of all violations and all other matters requiring prosecution or legal action;
 - i. Initiate, direct, and review from time to time, a study of the provisions of this Ordinance, and make reports of his recommendations to the Zoning Board of Appeals, the Plan Commission, and the Village Board of Trustees; and
 - j. Discharge such other duties as may be assigned to him by the Village Board or as may be placed upon him by this Ordinance.

B. ZONING CERTIFICATES

1. Applications for Zoning Certificates shall be accompanied by building layout plans in triplicate, drawn to scale, and fully dimensioned, adequate to show the shape, area, and dimensions of the lot to be built upon, the location, the ground area, height, and bulk of existing and proposed structures, and, if residential, the number of dwelling units each structure is designed to accommodate, location, and number of off-street parking and off-street loading spaces, and such other information as may be required by the Zoning Administrator for the proper enforcement of this Ordinance. Wherever a structure or use is of a type for which this Ordinance requires off-street parking on a ratio to the number of employees, the number of employees on which the parking requirement is based shall be shown on the application. One copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Administrator. The lot and location of the building thereon shall be staked out on the ground before construction is started.
2. No permit pertaining to the use of land or structures shall be issued by any officer, department, or employee of the Village of Tinley Park unless the application for such permit has been examined by the Zoning Administrator indicating that the proposed structure or use complies with the provisions of this Ordinance. Where no other permit is required for the use of land, this zoning authorization shall be construed as the permit to use the land.
3. An application for a permit, pertaining to the use of land or structures which requires compliance with the provisions of this Ordinance respecting Performance Standards, shall be signed by the landowner or a corporate officer, or authorized representative of the owner or corporation, certifying that the structure and the proposed use thereof complies with the applicable Performance Standards of the district in which it is located. Such certificate shall contain sufficient information and detail to enable the Zoning Administrator to determine that the proposed structure and use can and will be in compliance with the applicable Performance Standards. The Zoning Administrator shall, within fifteen (15) working days following receipt of such application and certificate, approve and authorize or deny the issuance of a Zoning Certificate. Approval also indicates that the application complies with other relevant provisions of this Ordinance. Such authorization shall thereafter be valid for all purposes for a period of one (1) year, and, if incomplete at that time, may be extended for successive one (1) year periods by requests in writing to, and written authorizations for, such extensions from the Zoning Administrator.

C. OCCUPANCY PERMITS

1. Subsequent to the effective date of this Ordinance, no change in the use or occupancy of land, nor any change of use or occupancy in an existing building, except solely for single-family dwelling purposes, shall be made, nor shall any new building be occupied for any purpose until a certificate has been issued by the Building Commissioner. Every Certificate of Occupancy shall state that the new occupancy complies with all

provisions of this Ordinance.

2. A record of all Certificates of Occupancy shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or in a building affected by such Certificate of Occupancy.
3. No permanent Certificate of Occupancy for a building or addition thereto, constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises have been inspected and certified by the Building Commissioner to be in full and complete compliance with the plans and specifications upon which the Zoning Certificate was issued.
4. Administrative Occupancy Permits will be required to be obtained by the sponsoring agency of a group home prior to its opening. An agency would qualify for a permit if they met the following criteria:
 - a. The application demonstrates that he has obtained required state licensing or certification to operate the proposed group home; and
 - b. The proposed group home is not located within the same block, nor closer than eight hundred (800) feet to another such facility in the R-1 through R-4 Residential Zoning Districts and no closer than six hundred (600) feet in the R-5 through R-7 Residential Zoning Districts, as measured from the nearest property line.

D. PROCEDURE IN CASE OF VIOLATIONS

Whenever there is found a violation of the terms of this Ordinance, the Zoning Administrator shall, at once, issue written notice to the owner and any other party responsible, specifying the nature of the violation and citing the provisions of the Ordinance which are violated, and said owner and any other party shall at once take appropriate steps to correct said violation. In case of failure by the owner or other responsible party to correct the violation within a reasonable time, the Zoning Administrator shall issue an Occupancy Certificate certifying such compliance.

E. ZONING BOARD OF APPEALS

1. **Creation and Membership:** There shall be a Zoning Board of Appeals consisting of seven (7) members appointed by the President and approved by the Board of Trustees of the Village of Tinley Park. One of said members shall be designated the Chairman of said Zoning Board of Appeals at the time of his appointment. The members of the Zoning Board of Appeals appointed pursuant to the provisions of a prior Zoning Ordinance of the Village of Tinley Park in office at the time of the adoption of this Ordinance, shall continue as members of the Zoning Board of Appeals for the remainder of the term for which they were appointed and until their successors are appointed and

qualified, and the Chairman of said Zoning Board of Appeals in office at the time of adoption of this Ordinance, shall continue as such Zoning Board Chairman for the remainder of the term for which he was appointed and until his successor is appointed and qualified. At the expiration of the respective terms of office of the present members and thereafter, the members of the Zoning Board of Appeals shall be appointed by the President and Board of Trustees for staggered terms of five (5) years each as provided in the Illinois Municipal Code and until their respective successors are duly appointed and qualified. The Chairman of the Zoning Board of Appeals or, in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. The President and the Board of Trustees of the Village of Tinley Park shall have the power to remove any member of said Zoning Board of Appeals for cause and after a Public Hearing. Vacancies upon said Zoning Board of Appeals shall be filled for the unexpired term of the member whose place has become vacant by appointment made by the President and Board of Trustees of the Village of Tinley Park. The word "Board", when used in this Section hereafter, shall be construed to mean the Zoning Board of Appeals.

2. **Meetings and Rules:** All meetings of the Board shall be held at the call of the Chairman and at such times as such Board may determine. All hearings conducted by said Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Findings of Fact shall be included in the minutes of each case of a requested variation, and the reasons for recommending or denying such variation shall be specified. Every rule or regulation, every amendment or repeal thereof, and every order requirement, decision, or determination of the Board shall be filed immediately in the office of the Board and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Ordinance or with the Illinois statutes in such case made and provided, and may select or appoint such officers as it deems necessary.
3. **Jurisdiction:** The Board shall have the following jurisdiction and authority:
 - a. It shall be its duty to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance; and
 - b. In hearing and deciding appeals, the Board shall have the power to:
 - (1) Permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of the passage of this Ordinance;
 - (2) Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts, accompanying, and made a part of this Ordinance, where the street layout actually on the ground, varies from the street layout as shown on the map aforesaid;
 - (3) Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or public enemy to the extent of more than fifty (50) percent of its assessed value, where the Board finds some compelling

necessity requiring a continuance of the nonconforming use, and the primary purpose of continuing the nonconforming use is not to continue a monopoly;

- (4) Extend the period within which a nonconforming business or industrial use is to be removed from a dwelling district and nonconforming industrial buildings in any business or commercial district when the owner or owners can furnish substantial proof that the building was so extensively remodeled, reconstructed, or structurally altered after the original construction that it practically resulted in a new building, but such extension of the period shall not exceed twenty (20) years from the date of such remodeling, reconstruction, or structural alteration;
 - (5) Waive the parking requirements in the shopping, business, or industrial districts whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience; and
 - (6) Permit a variation in the yard requirements of a district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical, or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare.
- c. Whenever a property owner can show that a strict application of the terms of this Ordinance relating to the use, construction, or alteration of buildings or structures or the use of land will impose hardship, it shall be within the power of the Board to recommend such variations of the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the Comprehensive Plan as established by this Ordinance, and at the same time the surrounding property will be properly protected; and

In consideration of all appeals and all proposed variations to this Ordinance, the Board shall, before making any variation from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to an adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire, or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Village of Tinley Park. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision; and

Nothing herein contained shall be construed to give or grant to the Board the power

or authority to alter or change the Zoning Ordinance or the Zoning District Map, such power and authority being reserved for the President and the Board of Trustees of the Village of Tinley Park in the manner hereinafter provided.

- d. “Notwithstanding anything to the contrary herein, it shall be within the power of the Board to permit a variation from the requirements hereunder in connection with the location, construction requirements, and other provisions relating to fences, pools, decks, and sheds where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these which seriously affect any adjoining property or the general welfare and further provided that no variation shall be granted which would allow a fence to be more than ten (10) feet in front of the building setback line(s), (there being two building setback lines on corner lots). Pursuant to the provisions of 11, 13, 5 of the Illinois Municipal Code, the decision of the Board as to any such variation in the requirements regarding fences, pools, decks, and sheds shall be final and such power is hereby vested in the Board; provided, however, if the affected property owner or any nearby property owners who are affected by the decision, object to the decision of the Board, any such interested property owner may appeal the decision of the Board to the Village Board for final decision. In other words, the Board’s decision is final, unless appealed to the Village Board. Any such appeals to the Village Board shall be made in writing and shall be filed with the Village Clerk within fourteen (14) days of the decision of the Board. If no such appeal is timely made, the decision of the Board shall be final. If such an appeal request is timely made, the Village Board shall adopt an appropriate Ordinance either affirming the decision of the Board, reversing the decision, or affirming it with modifications. Any such Ordinance of the Village Board shall be in the form of an Ordinance either granting or denying the requested variation, with or without conditions.”

F. APPEALS

An appeal to the Zoning Board of Appeals may be made by any person, firm, or corporation, or by an office, department, board, or bureau aggrieved by a decision of the Zoning Administrator under this Ordinance, in accordance with Illinois statutes and the following:

1. An application for any appeal shall be filed with the Director of Planning within twenty (20) days of the date of the action from which the appeal is being filed, and thereafter the Director of Planning shall forward such application to the Board for processing and also shall forward to the Zoning Administrator a Notice of Appeal specifying the grounds thereof, and also shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
2. An appeal shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board, after the Notice of Appeal has been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be

granted by the Board or by a court of record on application and on notice to the officer from whom the appeal is taken, and on due causes shown.

3. The Board shall fix a reasonable time, not to exceed ninety (90) days, for the hearing of the appeal, and give due notice thereof to the parties and decide the same within a reasonable time. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination that in its opinion ought to be made on the premises, and, to that end, shall have all the powers of the officer from whom the appeal was taken.

G. VARIATIONS

1. **Authority:** Except as specifically provided below in Section X.G.5 and above in Section X.E.3.B.(6), and X.E.3.D, the Village Board of Trustees shall decide all applications for variations of the provisions of this Ordinance after a Public Hearing held before the Board. The Board shall, except as provided in Section X.G.5 below, hold a Public Hearing upon all applications for variations and, except as provided in Section X.E.4 above, report its recommendations to the Village Board of Trustees for action. The Board shall not approve where it has final decision-making power, nor shall it recommend where it does not, any variation unless the Board has made Findings of Fact specifying the reason or reasons for recommending or approving the variation. Such findings shall be based upon the standards hereinafter prescribed. Also, where the Village Board decides whether to grant a variation hereunder, no variation shall be granted by the Village Board without such Findings of Fact. If a request for a variation, however, is combined with a request for rezoning, a Special Use Permit or a Planned Unit Development, then the Plan Commission of this Village shall have jurisdiction over such request, shall conduct a Public Hearing thereon, and shall make the Findings of Fact and recommendation to the Village Board in the same manner and under the same standards and procedures as set forth herein for the Board.
2. **Initiation:** An application for a variation may be made by any person, firm, or corporation, or by an office, department, board, bureau, or commission requesting or intending to request application for a Building Permit, Zoning Certificate, or Occupancy Certificate. The filing fee for a variation shall be as adopted by the Village Board and listed in the Comprehensive Fee Schedule (Tinley Park Code of Ordinances, Table of Special Ordinances, Table XI).
3. **Application for Variation and Notice of Hearing:** An application for a variation shall be filed with the Director of Planning, who shall forward a copy of same, without delay, to the Board or Plan Commission, as the case may be. The application shall contain such information as the Board or Plan Commission may require. No more than ninety (90) days after the filing of such application, a hearing shall be held on the application. Notice of such hearing shall be published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing date, in a newspaper published within the Village, and if there is none, then in a newspaper of general circulation within the

Village. The published notice may be supplemented by such additional form of notice as the Board or Plan Commission may require.

4. **Standards for Variations:** The Board or Plan Commission, as the case may be, shall not recommend a variation of the regulations of this Ordinance, as authorized herein, unless it shall have made Findings of Fact, based upon the evidence presented to it, in each specific case that:
 - a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located;
 - b. The plight of the owner is due to unique circumstances;
 - c. The variation, if granted, will not alter the essential character of the locality; and
 - d. For the purpose of implementing the above rule, the Board or Plan Commission shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence:
 - (1) The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 - (2) The conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification;
 - (3) The purpose of the variation is not based exclusively upon a desire to make more money out of the property;
 - (4) The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
 - (5) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
 - (6) The proposed variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
 - e. The Board or Plan Commission may recommend, and the Village Board of Trustees may require, such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this Section

to reduce or minimize the injurious effect of such a variation upon other property in the neighborhood, and better to carry out the general intent of this Zoning Ordinance.

5. **Authorized Variations:** From the regulations of this Zoning Ordinance shall be approved (where it has final decision-making power) or recommended (when it does not) by the Board, or the Plan Commission if applicable, only in accordance with the standards set out in this Section, and may be granted only in the following instances, and in no others:
 - a. To permit, without the necessity of a Public Hearing, up to a twenty (20) percent reduction in the front, side, or rear yard required by this Ordinance. A greater variation may be recommended, but only after a Public Hearing as required by law;
 - b. To permit the use of a lot or lots for use otherwise prohibited solely because of insufficient area or width of the lot or lots;
 - c. To permit the same off-street parking facility to qualify as required facilities for two or more uses provided the substantial use of such facility by each use does not take place at approximately the same hours of the same days of the week;
 - d. To reduce, without the necessity of a Public Hearing, the applicable off-street parking or loading facilities required by not more than one (1) parking space or loading space, or twenty (20) percent of the application regulations, whichever number is greater. A greater variation may be recommended, but only after a Public Hearing as required by law;
 - e. To increase the gross area of any sign;
 - f. To extend the period of time a nonconforming use may continue or remain; and
 - g. Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or public enemy to the extent of more than fifty (50) percent of its assessed value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use, and the primary purpose of continuing the nonconforming use is not to continue a monopoly.
6. **Other Variations:** Other than those listed above may be granted by the Village Board, but only after a Public Hearing as set forth herein for an authorized variation, and a report from the Board or Plan Commission recommending for or against the variation.
7. **Required Vote:** The concurring vote of four (4) members of the Village Board of Trustees or three (3) members of the Village Board of Trustees and the President shall be necessary to reverse the recommendation of the Board or Plan Commission on any requested variation.

H. AMENDMENTS

1. **Authority:** The regulations imposed and the districts created under the authority of this Ordinance may be amended from time to time by Ordinance in accordance with the applicable statutes of the State of Illinois. An amendment shall be granted or denied by the Village Board of Trustees only after a Public Hearing before the Plan Commission and a report of its findings and recommendations has been submitted to the Village Board.
2. **Initiation:** Amendments may be proposed by the Village Board of Trustees, Plan Commission, Zoning Board of Appeals, or by any person, firm, or corporation having a freehold interest, an option to purchase, or any exclusive possessory interest which is specifically enforceable on the land which is described in the application for an amendment. The filing fee for an amendment of the Zoning Ordinance, Subdivision and Development Code, or Code of Ordinances shall be as adopted by the Village Board and listed in the Comprehensive Fee Schedule (Tinley Park Code of Ordinances, Table of Special Ordinances, Table XI).
3. **Application for Amendment and Public Hearing:** An application for an amendment shall be filed with the Director of Planning. Such application shall be forwarded, without delay, by such Director to the Plan Commission, with a request to hold a Public Hearing. Notice shall be given of the time and location of the hearing, not more than thirty (30) days nor less than fifteen (15) days before the hearing date, by publishing a notice thereof at least once in one or more newspapers published within the Village of Tinley Park, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the Village of Tinley Park.
4. **Decisions:** The Village Board, upon report of the Plan Commission and without further Public Hearing, may grant or deny any proposed amendment, or may refer it back to the Plan Commission for further consideration. In case a written protest against any proposed amendment signed and acknowledged by owners of twenty (20) percent of the frontage proposed to be altered, or by the owners of twenty (20) percent of the frontage immediately adjoining or across the alley therefrom, or by owners of twenty (20) percent of the frontage directly opposite the frontage to be altered is filed with the Village Clerk, the amendment cannot be passed except on the favorable vote of two-thirds (2/3) of all members of the Village Board of Trustees.

I. PLAN COMMISSION

1. **Jurisdiction:** The Plan Commission of the Village of Tinley Park, which has been duly established, is the Plan Commission referred to in this Ordinance, and shall have the following duties under this Ordinance:
 - a. To receive and review all applications for amendments and Special Uses and to submit reports of findings and recommendations to the Village Board of Trustees;

- b. To receive, hear, and recommend to the Village Board matters dealing with the granting of Planned Unit Developments;
 - c. To initiate, direct, and review from time to time, studies of the provisions of this Comprehensive Amendment and to make reports of its recommendations to the Village Board of Trustees, not less frequently than once each year;
 - d. To hold any Public Hearings required by law to be held on any of the foregoing matters; and
 - e. To hear and decide all matters upon which it is required to pass under this Ordinance.
2. **Meetings and Rules:** All meetings of the Plan Commission shall be held at the call of the Chairman and at such times as such Commission may determine. At all hearings conducted by said Plan Commission under this Comprehensive Amendment, the Chairman, and, in his absence, the Vice Chairman, shall have the power to administer oaths. All testimony by witnesses at any hearing provided for in this Comprehensive Amendment shall be given under oath. The Plan Commission shall keep minutes of its proceedings, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every Special Use, and every recommendation, order, requirement, decision, or determination of the Plan Commission under this Ordinance, shall be filed in the office of the Village Clerk and shall be a public record. The Plan Commission shall adopt its own rules and procedures, not in compliance with this Ordinance or with applicable Illinois statutes.

J. SPECIAL USES

1. **Purpose:** The development and execution of the Zoning Ordinance is based upon the division of the Village into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are Special 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 land and of the public need for the particular use at the particular location. Such Special Uses fall into two categories:
- a. Uses publicly operated or traditionally affected with a public interest; and
 - b. Uses entirely private in character, but of such nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
2. **Authority:** Special Use Permits may be authorized or denied by the Village Board of Trustees, but only after a Public Hearing has been held, in the manner prescribed herein for amendments to this Ordinance, and a written report outlining the findings and

recommendations of the Plan Commission has been prepared and submitted to the Village Board. All Special Use requests shall be heard by the Plan Commission including requests for Planned Unit Developments.

3. **Initiation**: An application for a Special Use may be made by any person, firm, or corporation having a free-hold interest, an option to purchase, or any exclusive possessory interest which is specifically enforceable on the land which is described in the application for a Special Use. The filing fee for a Special Use shall be as adopted by the Village Board and listed in the Comprehensive Fee Schedule (Tinley Park Code of Ordinances, Table of Special Ordinances, Table XI).
4. **Application for Special Use**: An application for a Special Use shall be filed with the Director of Community Development on the form provided and shall be accompanied by such plans and data as specified by the Plan Commission.
5. **Standards**: No Special Use shall be recommended by the Plan Commission unless said Commission shall find:
 - a. That the establishment, maintenance, or operation of the Special Use will not be detrimental to or 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 substantially diminish and impair property values within the neighborhood;
 - c. That the establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 - d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been 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 located, except as such regulations may in each instance be modified by the Village Board pursuant to the recommendation of the Plan Commission. The Village Board shall impose such conditions and restrictions upon the premises benefited by a Special Use Permit as may be necessary to ensure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this Ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this Ordinance.
 - g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.

6. Not Covenant Running with the Land:

Except as provided in Section VII.B.6 as to Planned Unit Developments, the approval of a Special Use, when granted, shall not run with the land or constitute a covenant running with the land, but instead shall expire automatically if:

- a. There is a change in the use other than necessary maintenance and repair;
- b. There is a change in the ownership of either the land and/or the business or use conducted on the land provided, however, if the change in ownership is to another member(s) of the immediate family (parents, siblings, or children), such shall not cause the automatic expiration of the Special Use;
- c. The use is abandoned, closed, or terminated for a period in excess of sixty (60) days, provided; however, if the use is closed solely to make repairs, alterations, or remodeling such shall not cause the automatic expiration of the Special Use;
- d. The use is not changed but the business/use commences operations under a different name (but not including merely in a change in the legal name of the owner, such as from Ltd. to LLC, provided that the actual owners of the entity do not change); or
- e. The use operates under a franchise and the franchise is either revoked or terminated, or a new franchise is substituted (a mere change in the name of the franchise, e.g. from Kentucky Fried Chicken to KFC, without any other changes shall not cause an automatic expiration of the Special Use).

K. MAP AMENDMENT (REZONING)

An application to amend the official Tinley Park Zoning District Map, particular to one or more parcels of land, may be made by any person, firm, or corporation having a free-hold interest, an option to purchase, or any exclusive possessory interest which is specifically enforceable on the land which is described in the application to amend the Zoning District Map. The filing fee for a Map Amendment (Rezoning) shall be as adopted by the Village Board and listed in the Comprehensive Fee Schedule (Tinley Park Code of Ordinances, Table of Special Ordinances, Table XI).

L. TEMPORARY USE PERMITS

1. **Authority:** The Village Board of Trustees may authorize or deny a Temporary Use Permit for uses specifically described in Section V.C.11 of this Ordinance, but only after it has received a written report from the Zoning Administrator. Such report shall, among other things, indicate to what extent the proposed temporary use could affect the public health, safety, or general welfare of the Village and/or immediate neighborhood.
2. **Application:** An application for a Temporary Use Permit shall be filed with the Director

- of Community Development on the form provided and shall be accompanied by such other plans and information as may be specified or required by the Zoning Administrator.
3. **Conditions:** The Village Board may require that certain conditions relating to the public health, safety, or general welfare be complied with before the issuance of a Temporary Use Permit.

M. VILLAGE BOARD OF TRUSTEES

The Village Board of Trustees shall establish the standards, procedures, and content of this Ordinance and shall reserve certain matters of final decision to itself and delegate certain others matters to other individuals, boards, and commissions. Decisions of the Village Board shall be subject to judicial review as the law may provide.

1. **Jurisdiction:** The Village Board of Trustees of the Village of Tinley Park shall have the following duties under this Ordinance:
 - a. To decide amendments and variations to this Ordinance after a Public Hearing and report by the Plan Commission;
 - b. To decide on Special Use Permits after a Public Hearing and report by the Plan Commission;
 - c. To decide on Planned Unit Developments after a Public Hearing and report by the Plan Commission;
 - d. To make appointments to the Zoning Board of Appeals and to the Plan Commission; and
 - e. To decide all other matters required by this Ordinance.

N. FEES

The Village Board shall establish a schedule of fees, charges, and expenses required for Building Permits, Zoning Certificates, Certificates of Occupancy, Variations, Special Use Permits, Temporary Use Permits, Amendments, Planned Unit Developments, and other matters pertaining to this Ordinance. Until all such required fees have been paid, no application for any of the above shall be deemed to have been filed and no action shall be taken on such application. All fees shall be paid to the Village Clerk and none shall in any event be refunded. The filing fee for all requests shall be as adopted by the Village Board and listed in the Comprehensive Fee Schedule (Tinley Park Code of Ordinances, Table of Special Ordinances, Table XI).

O. VIOLATIONS AND PENALTY

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provisions of this Ordinance, shall be subject to a fine of not less than one hundred (100) dollars nor more than seven hundred fifty (750) dollars for each offense. Each day a violation is permitted to exist after notification thereof shall constitute a separate offense.

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

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

P. VALIDITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Q. DISCLOSURE OF BENEFICIARIES OF A TRUST

The liabilities hereunder imposed on an owner shall attach to a trustee under a land trust, holding title to such building, structure, or premises without the right of possession, management, or control, unless said trustee in a proceeding under said provisions of this Ordinance discloses in a verified pleading or in an affidavit filed with the court, the name and last known address of each person who was a beneficiary of the trust at the time of the alleged violation and of each person, if any, who was then acting as agent for the purpose of managing, controlling, or collecting rents, as the same may appear on the records of the trust.