

ARTICLE 13. APPLICATION PROCEDURES

- 13.1 APPLICATION**
- 13.2 NOTICE**
- 13.3 PUBLIC HEARING**

13.1 APPLICATION

A. Filing and Pre-Application Conference

1. All zoning applications must be filed with the Zoning Administrator. The application must be on forms provided by the Village and filed in such quantity as required by the instructions.
2. Prior to formal submittal of an application, the applicant may request a pre-application conference with the Zoning Administrator. The purpose of the pre-application conference, which does not require a formal application or fees, is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the application.

B. Completeness

1. The application must include all information, plans, and data as specified in the application requirements. Any required plans must be at a scale sufficient to permit a clear and precise understanding of the proposal, unless specifically required to be at a set scale.
2. The Zoning Administrator will examine all applications within 15 days of filing to determine completeness. If the application does not include all the submittal requirements for the application, the Zoning Administrator will reject the application and provide the applicant with the reasons for the rejection. The Zoning Administrator will take no further steps to process the application until all deficiencies are remedied.
3. After an application is determined to be complete, any substantive change made by the applicant to the application requires resubmittal of the entire application and a new completeness review. However, such revisions do not require an additional payment of fees. However, once the application is under consideration by the appropriate body, additional information or revisions requested during review do not constitute a substantive change to the application.

C. Fees

Each application must be accompanied by the required filing fee. The failure to pay such fee when due is grounds for refusing to process the application and renders the application incomplete. If an application is submitted by any board, commission, or official of the Village, then fee requirements are waived.

D. Withdrawal of Application

An applicant has the right to withdraw an application at any time prior to the final decision on the application by a board or official, including the ability to withdraw the application if it has been tabled. The applicant must submit a request for withdrawal in writing. There will be no refund of fees.

E. Consideration of Successive Applications

1. Within two years of the date of denial, a subsequent application for the same or substantially the same zoning approval will not be reviewed or heard unless there is substantial new evidence available, or if a significant mistake of law or of fact affected the prior denial.
2. If the application is resubmitted earlier than two years from the date of denial, the subsequent application must include a detailed statement of the grounds justifying its consideration.
3. The Zoning Administrator will make a determination as to whether the subsequent application is appropriate for resubmittal prior to the expiration of the two year wait requirement. If the Zoning Administrator finds that there are no new grounds for consideration of the subsequent application, he/she will summarily, and without hearing, deny the request.

13.2 NOTICE

A. Required Notice

Table 13-1: Required Notice indicates the types of notice required for public hearings on the zoning applications. Certain applications may contain additional notice requirements within their specific provisions.

Table 13-1: Required Notice			
Zoning Application	Notice Type		
	Published	Mailed	Posted
Zoning Text Amendment	•		
Zoning Map Amendment	•	•	•
Special Use	•	•	•
Planned Development	•	•	•
Variation	•		•
Administrative Variation		•	
Zoning Appeals	•		

B. Published Notice

When published notice is required, the Zoning Administrator will publish notice in a newspaper of general circulation within the Village. The notice must include the date, time, and place of the hearing/decision, description of the application, the name of the applicant, and the address of the subject property. Notice must be published no less than 15 days and no more than 30 days in advance of the scheduled hearing date. For the purposes of this section, for notice only, day means calendar day.

C. Mailed Notice

1. Mailed notice is required to be mailed as follows:
 - a. For all applications requiring mailed notice except for administrative variation, notice must be mailed no less than 15 and no more than 30 days in advance of the scheduled hearing date to all property owners within 300 feet of the lot line of the subject property. For the purposes of this section, for notice only, day means calendar day.
 - b. For administrative variations, written notice must be mailed no less than 15 and no more than 30 days in advance of the date of when the Zoning Administrator will make a decision to property owners abutting the subject property as well as the property owner(s) located directly across the street and alley, when applicable.
 - c. When a zoning map amendment is proposed by the Village, notification must also be mailed to the owner of the subject property.
2. The notice must include the date, time, and place of the hearing/decision, description of the application, the name of the applicant, and the address of the subject property.
3. The applicant must submit a search by a reputable title company to the Village, or other evidence satisfactory to the Village, indicating the identity of all taxpayers required to receive notice, and an affidavit certifying that the applicant has complied with this mailed notice requirement.
4. Nothing in this section is intended to prevent the applicant from giving additional notice as he/she may deem appropriate.
5. If a noticed property owner objects to the administrative variation prior to the date indicated on the notice, the application is then considered a variation and subject to the variation notice requirements.

D. Posted Notice

1. When posted notice is required, it must be provided by the applicant and/or property owner and must be located on the subject property.
2. The sign must be posted at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible to pedestrians and motorists. Properties with more than one street frontage are required to post one sign visible on each street frontage.
3. The required posting period must be no less than 15 days and no more than 30 days in advance of the scheduled hearing date. For the purposes of this section, for notice only, day means calendar day.
4. The sign must include the date, time, and place of the hearing/decision, purpose of such hearing/decision, and the appropriate Village personnel to contact for additional information.
5. The sign must be approximately 48 inches by 48 inches, containing one-inch minimum typeface. The sign must be weatherproof.
6. Failure to post a sign and/or the removal or knocking down of the sign after posting before a public hearing does not invalidate, impair, or otherwise affect any subsequent approval following the public hearing. The sign must, whenever possible, remain posted until the hearing is completed.
7. The applicant is responsible for removal of a sign within ten days of the issuance of a decision.

13.3 PUBLIC HEARING

A. Pre-Hearing Examination

Once required notice is given, any person may examine the application and material submitted in support of or in opposition to the application during normal business hours, subject to the exceptions set forth in the Freedom of Information Act. Upon reasonable request, any person is entitled to copies of the application and related documents. A fee may be charged for such copies.

B. Conduct of the Public Hearing

The public hearing must be conducted in accordance with all applicable requirements of Illinois law and the rules and regulations of the body conducting the hearing.

C. Continuances

The body conducting the hearing may continue a public hearing. No new notice is required to reopen the public hearing if the hearing is continued to a date specific, provided that a public announcement of the future date, time, and place of the continued hearing is made at the current hearing and recorded in the minutes. If the hearing is adjourned, rather than continued to a date specified, in order to reopen the hearing all notice must be given that would have been required for the initial public hearing.