

### **III. FILING PROCEDURES**

#### **A. Applicability**

Except as otherwise provided herein, the requirements of this article shall apply to all applications submitted under the provisions of this Ordinance except Appeals and Major Planned Developments (see Article XVIII for Appeals and Major Planned Development applications and corresponding filing procedures), including applications for:

1. Conditional Uses;
2. Temporary Uses;
3. Planned Development Concept Plans;
4. Planned Development Preliminary Plans;
5. Planned Development Final Plans;
6. Minor Planned Developments;
7. Variances;
8. Sign Permits; and
9. Zoning Amendments (text and map).

#### **B. Application Filing**

Except in the case of a zoning action proposed by the Village Board or a Board or Commission of the Village, any party requesting any Village action to which this Article applies shall file an application with the Village Clerk. Every such application shall include at a minimum the applicable items provided in Table 1. Site plans shall fulfill the requirements as set forth in Table 2.

**Table 1: Required Application Filings**

	Map Amendment (Rezoning)	Conditional Use	Variance	Temporary Use	Sign Permit	Minor Variance	Harmed Development	Minor Planned Development
1. <b>Plat of Survey:</b> Prepared by a licensed surveyor including all of the property involved	X	X	X	X	X	X	X	X
2. <b>General Information:</b> Contact information of the applicant and name of the development, if any	X	X	X	X	X	X	X	X
3. <b>Legal Descriptions:</b> Subject property as a whole and/or each phase thereof	X	X	X	X	X	X	X	X
4. <b>Development Team:</b> Contact information of any developer, site planner, or engineer involved in project	X	X	X	-	-	-	X	-
5. <b>Location Map:</b> Subject property to be affected by the action requested	X	X	X	X	X	X	X	-
6. <b>Description of Action Requested</b>	X	X	X	X	X	X	X	X
7. <b>Filing Fee</b> (non-refundable)	X	X	X	X	X	X	X	X
8. <b>Retained Personnel Fee Deposit</b>	X	X	X	-	-	-	X	-
9. <b>Use Descriptions:</b> Present and proposed uses of the property	X	X	X	X	X	X	X	X
10. <b>Complete Disclosure of Interest:</b> As provided herein	X	X	X	X	X	-	X	R
11. <b>Neighboring Properties:</b> List of all owners of record of property abutting the subject property per paragraph F (2)	X	X	X	-	-	X	X	R
12. <b>Zoning District Classifications:</b> Subject property and all abutting properties per paragraph F (2)	X	X	X	X	X	-	X	R
13. <b>Current Plat of Survey:</b> As defined herein of the subject property	X	X	X	-	-	R	X	R
14. <b>Dates:</b> Proposed start and end dates of use	-	-	-	X	-	-	-	-
15. <b>Sign General Information:</b> Name of party to produce and erect sign	-	-	-	-	X	-	-	-
16. <b>Sign Location:</b> In relation to nearby structures, rights-of-way and street grade; location and area of all existing signs on premises.	-	-	-	-	X	-	-	-
17. <b>Sign Plans:</b> Specs showing methods of construction, support, electrical components and dimensions	-	-	-	-	X	-	-	-
18. <b>Sign Elevations:</b> Showing all exposed sign surfaces, text or representations accurately represented as to shape, size, color and proportion	-	-	-	-	X	-	-	-

**Table 1: Cont.**

	Map Amendment (Rezoning)	Conditional Use	Variance	Temporary Use	Sign Permit	Minor Variance	Planned Development	Minor Planned Development
19. <b>Sign Affidavit:</b> Of party erecting sign that sign conforms to all engineering requirements for safety provided in all Village ordinances	-	-	-	-	X	-	-	-
20. <b>Site Plan:</b> Must meet requirements of Table 2	X	X	X	-	-	-	X	-
21. <b>Performance Standards:</b> Certifications and data	-	I	-	-	-	-	I	-
22. <b>Approval Criteria Statement:</b> Why applicant believes action requested conforms to approval criteria	X	X	X	X	-	-	X	-
23. <b>Elevations:</b> Architectural renderings showing substantial design intent for proposed structures, but not necessarily final design detail	R	R	R	R	-	-	X	-
24. <b>Traffic Analysis:</b> Professional analysis of estimated traffic generated by the completed development per day, during peak hours, and the impact on existing traffic loads in the vicinity, and street construction or traffic control measures needed to accommodate the new traffic	R	R	R	-	-	-	R	-
25. <b>School Capacity Notification and Reply:</b> Notification and reply of capacity of all affected public school districts to handle the enrollment likely to be generated by the development	R	R	R	-	-	-	X	-
26. <b>Other Information:</b> Anything the Planning and Zoning Commission requires to determine whether the application conforms to the requirements of this Ordinance	X	X	X	X	X	X	X	X
27. <b>Market Study:</b> If requested by Village	R	R	R	-	-	-	R	-
28. <b>Fiscal Impact Study:</b> If requested by Village	R	R	R	-	-	-	X	-

Notes for Table 1

X: Required.

-: Not required.

R: May be required if considered necessary for review of the application by the Village President or Designee or Planning and Zoning Commission.

I: Required for Industrial uses only. See Performance Standards section.

**Table 2: Site Plan Requirements**

10 copies of Site Plan showing:

1. **Scale:** 1 inch = 100 feet (numeric and graphic) \*\*\*
2. **General Information:** North arrow and date of preparation
3. **Development Boundaries:** Area involved in development and each phase thereof
4. **Lots :** Include lines, dimensions and areas of each lot
5. **Easements and Encroachments**
6. **Data** (for each phase):
  - Number of dwelling units broken down by number of bedrooms
  - Number of lots
  - Gross and net site area
  - Land area devoted to streets, off-street parking and loading, uncovered space, non-vehicular space, recreation, and each housing and land use type
7. **Drainage:** Existing and proposed drainage patterns
8. **Structures (existing and proposed):** Location, type, shape, dimensions, floor space, orientation, height at entrances and corners, number of stories; also include all buildings, signs, fences, walls, screening, bridges, culverts, exterior lighting fixtures and entrance features
9. **Parking, Loading and Service:** Location, shape, dimensions and area of off-street parking and loading spaces, outside storage, and refuse disposal and service areas including aisles, curbing, surface type, driveways and curb cuts
10. **Circulation (existing and proposed):** Number, location, alignment, dimensions, design, and construction standards of all public and private thoroughfares, sidewalks, pedestrian/bike paths, railroad rights-of-way, curb cuts, driveways; also include distance of nearest existing intersections from property lines

	Uses with Parking *	Map Amendment (Rezoning)	Variations (not minor)	Uses with Landscape Strip **	Conditional Uses	Planned Development	Minor Planned Development
	1:100	1:100	1:100	1:100	1:100	1:100	
3.	X	X	X	X	X	X	
4.	X	X	X	X	X	X	
5.	X	X	X	X	X	X	
6.	X	X	X	X	X	X	
• Number of dwelling units broken down by number of bedrooms	-	R	X	-	X	X	
• Number of lots	-	R	X	-	X	X	
• Gross and net site area	-	R	X	-	X	X	
• Land area devoted to streets, off-street parking and loading, uncovered space, non-vehicular space, recreation, and each housing and land use type	-	R	X	-	X	X	
8.	X	-	-	-	-	X	
	X	R	X	-	X	X	
9.	X	R	X	-	X	X	
10.	-	R	-	-	X	X	

As requested by the Village President, or his designee, at the Pre Application Conference.

**Table 2: Cont.**

	Uses with Parking *	Map Amendment (Rezoning)	Variance (not minor)	Uses with Landscape Strip **	Conditional Uses	Planned Development	Minor Planned Development
11. <b>Subsurface Conditions:</b> Data on subsurface soil, rock and groundwater conditions	R	R	-	-	R	X	As requested by the Village President or his designee, at the Pre Application Conference.
12. <b>Proposed Landscaping:</b>							
<ul style="list-style-type: none"> <li>Location, quantity, diameter, installation height; botanic name and common name of all proposed living and non-living landscaping materials as well as existing materials to be preserved</li> <li>Types and boundaries of proposed ground cover</li> <li>Location and contours at 1 foot intervals of all proposed berming</li> <li>Dimensions and appearance of all sides of proposed fences, walls, ornamental lighting and other landscaping/screening treatments</li> <li>Measures to be taken to protect new and preserved existing trees during construction</li> </ul>	-	-	-	X	X	X	

Notes for Table 2

- X: Required
- : Not required
- R: May be required if considered necessary for review of the application by the Village President or Designee or Planning and Zoning Commission.
- \*: Uses providing over 4 parking spaces for applications specified in Off- Street Parking and Loading Section
- \*\* : All uses required to provide any screening or planting strip in the Landscaping and Screening section herein
- \*\*\*: Or such scale as the Village President of Designee shall require

**C. Approval Process**

The approval process herein shall apply to all applications except:

1. **Appeals;**
2. **Sign Permits;** and
3. **Temporary Uses:** The approval process for the excepted applications shall be as provided in the applicable Articles of this Ordinance.

4. **Staff Review:** The Village President, or his designee, may, together with other departments, consultants and officials of the Village, prepare a written review of the application. Such review shall be forwarded to the Planning and Zoning Commission before the scheduled public hearing date.
5. **Public Hearing Process (for procedures/filings requiring hearings only):** For any action that requires a public hearing, the provisions herein shall be complied with. Applications that require a public hearing are:
  - a. Amendments (map or text)
  - b. Variances
  - c. Conditional Uses, including Planned Developments and Minor Planned Developments
6. **Public Notice:** The applicant shall comply with the requirements for Public Notice herein for any zoning action that requires a public hearing.
7. **Notification to Petitioner by Objectors:** Any attorney employed by any objector to any petition requiring a public hearing shall notify the petitioner that he or she has been so retained and will file an objection at the hearing. Such notice shall be delivered no later than four (4) days before the scheduled date of the hearing. If such notice has not been given and the petitioner so requests, the Planning and Zoning Commission may continue the hearing.
8. **Public Hearing:** Upon receipt of a complete and accurate application for a zoning action requiring a public hearing, the Village Clerk shall establish a date for a public hearing and transmit the application to the Planning and Zoning Commission. The Planning and Zoning Commission shall hold a public hearing on the application pursuant to public notice as required by state statute. No public hearing shall be held in the absence of a quorum, which shall consist of four (4) members of the Commission.

As provided in State Statute, applicants for variances and conditional uses shall have the right to have subpoenas issued by the Village for persons or documents, to present witnesses and to cross-examine all witnesses testifying at the public hearing. The Chairman or Acting Chairman may compel the attendance of witnesses. All testimony by witnesses shall be given under oath administered by the Chairman or Acting Chairman.

9. **Planning and Zoning Commission Action:** Within forty-five (45) days after the close of the public hearing, the Planning and Zoning Commission shall transmit to the Village Board written findings of fact pertaining to the Approval Criteria provided herein for the applicable zoning action together with a recommendation for action, passed by a majority vote of its members and any conditions or restrictions to which the Commission recommends the action be made subject. The report shall include the roll call vote of the board on the recommendation.

The Planning and Zoning Commission may not defer voting on any petition for more than one meeting unless the petitioner approves any further postponement. In the case of an application for a Variance or a Planned Development, the Commission's recommendation may include any modification of normal requirements that is authorized by this Ordinance.

10. **Availability of Planning and Zoning Commission Report:** If the applicant or objectors submit a written request not less than seven (7) days prior to the Village Board meeting at which the Planning and Zoning Commission's report is to be acted upon, the Village President or his designee, shall make available at an established time at the Village Hall a copy of the Commission's report prior to said Village Board meeting.
11. **Village Board Action:** The Village Board shall not act upon any application requiring a public hearing until either it has received a report thereupon from the Planning and Zoning Commission or until forty-five (45) days have elapsed from the close of the public hearing thereon.

The Board shall not approve any application unless it finds that the zoning action applied for meets applicable Criteria for Approval provided herein. In the case of a Variance, a vote of two-thirds of all trustees shall be required to approve any application not recommended for approval by the Planning and Zoning Commission, as provided by the Illinois Compiled Statutes.

In the case of a Conditional Use, Planned Development or Variance, the Board may make its approval subject to any conditions or restrictions it finds necessary to assure compatibility with the vicinity of the subject property. The Board may also set time limits within which such conditions or restrictions must be complied with.

12. **Resubmission:** Except as otherwise provided herein, no application 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 Planning and Zoning Commission.

Table 3 illustrates the approval procedure.

**Table 3: Approval Procedure**

	Rezoning/ Text Amendment	Variance	Conditional Use	Use Variance	Temporary Use	Signs	Planned Development	Minor Planned Development
1. Hearing before Planning and Zoning Commission:	X	X	X	X	-	-	X	X
a. Concept Plan Review	-	-	-	-	-	-	X	-
b. Preliminary Plan Hearing	-	-	-	-	-	-	X	X
c. Final Plan Hearing (within one year of approval of Preliminary Plan)	-	-	-	-	-	-	X	-
2. Planning and Zoning Commission Action *	X	X	X	X	-	-	X	X
3. Village Board Action*	X	X	X	X	-	-	X	X
4. Permit Issued by Village President or Designee	X	X	X	X	X	X	X	X

Notes for Table 3

- X: Required.
- : Not required.
- \*: Required for each step of Plan approval for a Planned Development (except minor planned developments)

**D. Filing Fees and Retained Personnel Fees**

All applications shall be accompanied by a filing fee as established by the Village Board.

A deposit as established by Village Ordinance shall also be paid toward the costs of any Retained Personnel necessary for the processing of the application, such as consulting engineering services, consulting planning services, legal services or court reporter/recording services except for applications for:

1. Minor Variances
2. Minor Planned Developments
3. Temporary Uses
4. Appeals
5. Sign Permits



The deposit shall be credited against the expense the Village incurs by retaining such personnel and the applicant shall fully reimburse the Village for such expenses. In the event the original deposit amount is reduced as a result of payment of fees for retained personnel to an amount that is one-quarter (¼ ) or less of the original deposit, the applicant will be required to replenish the deposit to its original amount at the request of the Village. Any portion of the deposit not utilized by the Village to pay such expense shall be refunded without interest to the applicant within thirty (30) days of final action on the application.

The amounts of such filing fees and deposits shall be as determined from time to time by the Village Board. A schedule of current fees and deposit requirements shall be made available in the Offices of the Village Clerk and the Village President or his designee.

#### **E. Disclosure of Interest**

The party signing the application shall be considered the applicant.

An applicant must be the fee owner of a specific property involved in the proceedings or trustee of record, trust beneficiary, lessee, contract purchaser or option holder of the subject property or his or her agent or nominee.

1. **Applicant Is Not Fee Owner:** If the applicant is not the fee owner of record of the subject property, the application shall disclose the legal capacity of the applicant and 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 from the owner to make the application.
2. **Applicant or Fee Owner Is Corporation or Partnership:** If the applicant, fee owner, contract purchaser, option holder or any beneficiary of a land trust is a corporation, the application shall disclose the names and addresses of the corporation's officers, directors and registered agents or the partnership's general partners and those shareholders or limited partners owning in excess of five percent of the outstanding stock or interest in the corporation or interest shared by the limited partners.
3. **Applicant or Owner Is a Land Trust:** If the applicant or fee owner is a land trust or other trust or trustee thereof, the full name, address, telephone number and extent of interest of each beneficiary must be disclosed in the application. A statement shall accompany disclosure of present ownership interests by the applicant of proposed ownership of all land. In the event of a change in ownership between the time the application is filed and the time of the public hearing, such change shall be disclosed by affidavit no later than the time of the hearing.

For any application for a Sign Permit, the application shall disclose the ownership of

the sign and the ownership or management of the premises on which it is to be displayed. For an application for either a Sign Permit or a Temporary Use Permit, the application shall include the written permission of the owner or manager of the premises on which the sign or Temporary Use is to be located. A manager providing such permission shall furnish satisfactory evidence of his or her authority to act on behalf of the owner.

## F. Public Notice

Except as otherwise provided herein, an applicant for any action that requires a public hearing must provide public notice of such hearing. Zoning actions that require a public hearing are:

1. Amendments (rezonings);
2. Variances;
3. Conditional Uses, including Concept Approval for Major Planned Developments, Planned Development Preliminary Plans and Minor Planned Development.

The required notice shall consist of the following actions:

1. **Sign Display:** Except in the case of applications for minor variances and minor planned developments, the applicant shall post a sign in the required front yard of the affected property, facing and visible from a public street and no further than thirty (30) feet from the right-of-way line. The sign shall conform to such requirements as to copy, size of lettering and other items as may be established by the Village Board. 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.

No posting of a sign shall be required if the applicant is the Village, the zoning action pertains to property not owned by the Village and the property owner does not consent to the erection of a sign giving notice of the action.

2. **Written Notification:** The applicant shall also provide written notice of the public hearing to the owners of record of each parcel of real estate abutting or across a street or alley from any boundary of the property affected by the application.

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 County Collector.

The written notice shall be delivered in person or by certified mail, return receipt requested, not more than thirty (30) nor less than fifteen (15) days prior to the scheduled date of the public hearing.

- The written notice shall contain the following:
- a. The name and address of the owner and the applicant, if different from the owner;
  - b. The street address, legal description and a simple description of the location of the subject property that will enable the ordinary reader to accurately locate it;
  - c. The zoning action requested; and
  - d. The date, time and location of the public hearing thereupon.
3. **Newspaper Publication:** The applicant shall publish a notice of the public hearing. This requirement shall apply to all applications, including those for minor variances. The notice shall be published in a 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. The published notice shall contain the same information as is required for written notification herein.

If a board or commission of the Village or the Village Board proposes an amendment, the Village shall be responsible for meeting this requirement.

4. **Evidence of Compliance:** No later than the time of the public hearing, the applicant shall file with the Village Clerk or the Planning and Zoning Commission:
- a. An affidavit stating that he or she has complied with all notice requirements herein;
  - b. A copy of the written notice sent;
  - c. A list of names and addresses of all owners of record of property abutting the subject parcel;
  - d. Signatures, on postal return receipts or in another form, of those receiving the written notice; and a publisher's certificate of publication of the required notice.