

## **SECTION 3. ADMINISTRATIVE PROCEDURES**

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### **3.1 PURPOSE**

The purpose of this Section is to outline the general application, notice and public hearing procedures for the zoning applications and approvals found within this Zoning Code.

### **3.2 APPLICATION**

#### **A. Authorization**

An application for a variation, special use, site plan review, sign permit or appeals of Zoning Administrator interpretations may be filed by an owner of any property in the Village or other person expressly authorized by the owner in writing. An application for a request for a zoning interpretation or a zoning amendment (text or map) may be filed by an owner of any property in the Village, other person expressly authorized by the owner in writing, or by the Village.

#### **B. Filing**

1. All applications shall be filed with the Zoning Administrator.
2. The application shall be on forms provided by the Village and shall be filed in such number as the instructions provide. All plans shall be at a scale sufficient to permit a clear and precise understanding of the proposal.

#### **C. Completeness**

The Zoning Administrator shall determine whether the application is complete. The Zoning Administrator shall notify the applicant that the application is complete or inform the applicant of any deficiencies. The Zoning Administrator shall take no steps to process the application until all deficiencies are remedied. Once the Zoning Administrator determines that the application is complete, the application shall be scheduled for consideration by the appropriate board, commission or official.

#### **D. Fees**

Every application shall be accompanied by the required filing fee as established and modified, from time to time, in the Village Code. The failure to pay such fee when due shall be grounds for refusing to process the application, and for denying or revoking any permit or approval for the subject property.

### **E. Withdrawal of Application**

An applicant shall have the right to withdraw an application at any time prior to the decision on the application by a board, commission or official, including the ability to withdraw the application if it has been tabled by a board or commission. There shall be no refund of fees. Requests for withdrawal shall be in writing by the applicant.

### **F. Successive Applications**

1. Within one (1) year of the date of denial, a subsequent application shall 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 one (1) year from the date of denial, such subsequent application shall include a detailed statement of the grounds justifying its consideration.
3. The Zoning Administrator shall make a determination as to whether the subsequent application is appropriate for resubmittal prior to the expiration of the one (1) year wait requirement. If the Zoning Administrator finds that there are no new grounds for consideration of the subsequent application, he/she shall summarily, and without hearing, deny the request.

## **3.3 NOTICE**

### **A. Published Notices**

For all applications that require a public hearing, the Village shall publish notice in a newspaper of general circulation within the Village. The notice shall include the date, time, place and purpose of such hearing, the name of the applicant, and the address of the subject property and/or zoning action. Such notice shall be published no less than fifteen (15) days, nor more than thirty (30) days, in advance of the scheduled hearing date.

### **B. Mailed Notice**

1. Public hearings for zoning map amendment, variation and special use applications, require written notice, on forms provided by the Zoning Administrator, to be mailed no less than fifteen (15), but nor more than thirty (30), days prior to the public hearing to the occupants of all properties located within two-hundred fifty (250) feet from the property line of the subject property. The notice shall include the date, time, place and purpose of such hearing, the name of the applicant, and the address of the subject property.
2. The applicant shall be responsible for mailing proper notice. The applicant shall provide an affidavit to the Village, on a form provided by the Village, stating that notice was mailed to every property within two-hundred fifty (250) feet. The applicant shall also provide the Village with a list of names, addresses and property identification numbers (PIN) of all notice recipients.
3. Giving notice pursuant to this section shall not be construed to prevent the applicant from giving such additional notice as he/she may deem appropriate.
4. The body conducting the hearing shall hear no application unless the applicant complies in all respects to all notice requirements.

### **C. Posted Sign Notices**

The applicant shall be required to post a sign on the subject property for all public hearings for zoning map amendment, variation and special use applications in accordance with the following provisions:

#### **1. Location and Time Period for Posting Signs**

The required posting period shall be no less than fifteen (15) consecutive days, but no more than thirty (30) days, prior to the public hearing (excluding the day of the hearing from this period). The sign shall be posted at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible to passing pedestrians and motorists. Properties with more than one (1) street frontage shall be required to post one (1) sign visible from each street frontage.

#### **2. Responsibility for Posting Signs**

The Village shall provide and erect the sign on the property. The applicant must maintain the sign during the required period.

#### **3. Failure to Post**

Failure to post for the required time shall not constitute grounds for suspension or continuance of the approval process.

### **D. Public Examination and Copying of Applications and Other Documents**

During normal business hours, any person may examine the application and material submitted in support of, or in opposition to, the application, subject to the exceptions set forth in the Freedom of Information Act. Upon reasonable request, any person shall be entitled to copies of the application and related documents. The Zoning Administrator shall make copies of such materials available for a fee specified by the Village.

## **3.4 PUBLIC HEARING**

### **A. Conduct of Public Hearings**

1. All public hearings shall be subject to the Illinois Open Meetings Act.
2. The procedure for public hearings shall be as follows:
  - a. Call to order and roll call.
  - b. The Chair opens the public hearing for the application(s).
  - c. The Chair presents a brief explanation of the public hearing procedure and swears in those wishing to give testimony.
  - d. The application and any accompanying exhibits are made part of the record.

- e. The applicant presents testimony regarding the petition and associated applications.
- f. Questions are directed to the applicant by the body conducting the hearing and public hearing attendees.
- g. An interested party wishing to ask questions of a witness may, at the time indicated by the Chair, direct questions to the witness. All persons shall state his/her name and address before questioning a witness. This opportunity for questioning a witness shall not be used by the questioner to offer testimony or evidence.
- h. All persons offering testimony at a public hearing shall testify under oath. An attorney shall be sworn if he/she offers testimony, but not if he/she is questioning a witness, summarizing witness testimony, or addressing the board or commission on procedural issues. All persons wishing to testify at the public hearing shall state for the record his/her name and address.
- i. Rebuttals.
- j. Follow-up questions from the body conducting the hearing.
- k. Discussion of evidence gathered by the body conducting the hearing.
- l. Hearing closed or continued by the approval of a motion of the body conducting the hearing. If the hearing is closed, the body conducting the hearing shall not accept any comment regarding the petition from outside parties, except:
  - i. A staff report based on evidence presented at the public hearing.
  - ii. Any person presenting information in response to a specific question from the body conducting the hearing.
  - iii. Any person presenting testimony that directly rebuts sworn testimony presented at the hearing.

**B. Continuances**

The Chair, with approval of the body conducting the hearing, may continue the public hearing. In order to reopen the hearing, no new notice shall be required if a hearing is continued to a date specified, provided that a public announcement of the future date, time, and place of the continued hearing is made at the hearing and placed in the minutes. If the hearing is adjourned, rather than continued to a date specified, in order to reopen the hearing all notices must be given that would have been required for the initial public hearing.

**C. Evidence and Testimony**

1. All interested parties may appear for themselves or be represented by a person of their choosing. Written statements will be accepted prior to the hearing to be entered into the public hearing record.
2. All testimony and evidence shall be given under oath or by affirmation. Any person may appear at a hearing and submit evidence, upon receiving recognition from the Chair of the body conducting the hearing. Any person may ask relevant questions of other witnesses, but only through the Chair and at the discretion of the Chair.

3. The Chair, with consent of a two-thirds ( $\frac{2}{3}$ ) majority of the body conducting the hearing, may limit testimony to a specific amount of time to provide a reasonable opportunity for all interested persons to testify.
4. The body conducting the hearing is not bound by strict rules of evidence, but the Chair may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence.

