

SECTION 3. ADMINISTRATIVE PROCEDURES

- 3.1 PURPOSE**
 - 3.2 APPLICATION**
 - 3.3 NOTICE**
 - 3.4 PUBLIC HEARING**
-

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 Ordinance.

3.2 APPLICATION

A. Authorization

An application for a zoning appeal, zoning variance, site plan review, special use, planned development or sign permit may be filed by an owner of any property in the City. An application for a request for a zoning interpretation or a zoning amendment may be filed by an owner of any property in the City or by the City.

B. Filing

1. An application for a zoning interpretation, zoning appeal, zoning variance, site plan review, special use, planned development, zoning amendment, zoning certificate or sign permit shall be filed with the Zoning Administrator.
2. The application shall be on forms provided by the City 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. The application shall include information, plans and data as specified in Appendix B (Application Requirements) and sufficient to determine whether the application conforms with the requirements set forth in this Ordinance.

C. Completeness

The Zoning Administrator shall determine whether the application is complete. If the application is not complete, the Zoning Administrator shall notify the applicant of any deficiencies within fifteen (15) days, and shall take no steps to process the application until the 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, by the City Council in Article 20, Chapter 2 of the City's Municipal 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. No fees shall be waived, and no fees shall be refunded, except those authorized by the City Council at its sole discretion.

A current fee schedule, as of the date of adoption of this Ordinance, is included in Appendix C (Fee Schedule) for reference only. Applicable fees shall be as set forth in Article 20, Chapter 2 of the City's Municipal Code.

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 City official, commission or board, including the ability to withdraw the application if it has been tabled by a commission or board. There shall be no refund of fees. Requests for withdrawal shall be in writing by the applicant.

F. Successive Applications

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. Such subsequent application then shall include a detailed statement of the grounds justifying its consideration. The Zoning Administrator shall make a determination as to whether the subsequent application is appropriate. If the Zoning Administrator finds that there are no 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 City shall cause a notice to be published in a newspaper of general circulation within the City. 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. 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. For public hearings for major and minor zoning variances, special use, planned development applications and zoning map amendments, written notice on forms provided by the Zoning Administrator, shall be mailed by regular mail 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 provide the stamped and addressed notices to the Zoning Administrator who shall deposit them in a U.S. postal facility for delivering. The applicant shall also provide an affidavit stating that the stamped notices include each and every property within two-hundred fifty (250) feet. The City shall provide an affidavit stating that the stamped notices were mailed. The two-hundred fifty (250) feet shall be measured from all directions along the perimeter of the subject property.
3. For administrative zoning variances, written notice on forms provided by the Zoning Administrator, shall be mailed by regular mail no less than fifteen (15), but nor more than thirty (30), days prior to the Zoning Administrator's decision to the occupants of all properties located adjacent to the subject property as well as the property located directly across the street. The applicant shall provide the stamped and addressed notices to the Zoning Administrator who shall deposit them in a U.S. postal facility for delivering. If a noticed property owner objects to the administrative variance, such variance shall then be considered a minor variance and subject to the minor variance notice requirements.

4. 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.
5. The body conducting the hearing shall hear no application unless the applicant complies in all respects all notice requirements.

C. Posted Sign Notices (Ordinance 2008-65, 9/2/2008)

The City shall post a sign on the subject property for all public hearings for major and minor zoning variances, special uses, planned developments, zoning map amendments, and public meetings for site plan reviews, and Zoning Administrator decisions on administrative variance 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, site plan review public meeting, or scheduled date of decision for administrative variances (excluding the day of the hearing, meeting or decision 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

It is the City's responsibility to erect the sign on the property. It is the applicant's responsibility to maintain it during the required period. The City shall provide an affidavit to the body conducting the hearing or site plan review, verifying compliance with the sign posting requirement.

3. Failure to Post

Failure to post and maintain for the required time may 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 as specified by the City.

3.4 PUBLIC HEARING

A. Conduct of Public Hearings

1. A "public hearing" is a formal proceeding mandated by law for the purpose of taking evidence to formulate a decision or recommendation on an issue within the jurisdiction of the Zoning Board of Appeals and Planning and Zoning Commission. The primary purpose of a public hearing is to allow interested parties an opportunity to listen, comment on and ask questions regarding evidence presented at any legislatively mandated proceeding.

2. Meetings of the Zoning Board of Appeals or Planning and Zoning Commission, including public hearings, shall be subject to the Illinois Open Meetings Act.
3. Any party to a public hearing may arrange for the proceedings to be recorded and transcribed by a certified shorthand reporter at that party's expense. The City may request a transcript at the applicant's expense. A copy of any transcript prepared shall be filed with the Zoning Board of Appeals and the Planning and Zoning Commission and kept in the case file. The Zoning Board of Appeals and Planning and Zoning Commission, at its discretion, may direct that the proceedings be recorded at the expense of the person initiating the action (the "Petitioner"), which is the subject of the public hearing and may require the petitioner to deposit funds sufficient to cover the cost of such recording and transcribing.
4. The Chair, with the consent of two thirds ($\frac{2}{3}$) majority of the body present, may limit individual testimony to a specific time to provide a reasonable opportunity for all interested persons to testify.
5. At a public hearing, a petitioner may appear on his or her own behalf or may be represented by an attorney or other agent qualified by law to represent the petitioner.
6. In addition to the petitioner, any person having an interest in the action which is the subject of the public hearing ("Interested Party") may appear at the public hearing and give testimony. If an attorney is representing an Interested Party, the attorney shall file an appearance with the Board or Commission and serve a notice of appearance on the petitioner not less than three (3) business days prior to the public hearing. Failure to give such notice of appearance may be grounds for continuing the public hearing to a later date.
7. An Interested Party wishing to testify at the public hearing shall state for the record his or her name and address.
8. An Interested Party wishing to ask questions of a witness may, at the time indicated by the Chair, direct questions to the witness from the podium. An Interested Party shall give his or 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 from the podium.
9. All persons offering testimony at a public hearing shall testify under oath. An attorney shall be sworn if he or she offers testimony but not if he or she is questioning witness, summarizing witness testimony, or addressing the Commission on procedural issues. Testimony may be given only from the witness stand.
10. Minutes, a transcript or summary notes will be distributed with the agenda for the next regular meeting, or as soon as such may be reasonably available.

B. Continuances

The Chairperson, with approval of the body conducting the hearing, may change or continue the regular public hearing date and time. In order to reopen the hearing, no new notice shall be required if a hearing is continued to a specific date, 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 specific date, in order to reopen the hearing, all notices must be given that would have been required for the initial public hearing.