

CHAPTER 3: ADMINISTRATIVE PROCEDURES

6-3-1 APPLICATION

A. Authorization

1. An application for a variation, special use, planned unit development, site plan review, or zoning appeal may be filed only by the owner or lessee of the property, or by an agent or contract purchaser specifically authorized by the owner to file such application.
2. An application for a map or text amendment, or request for a zoning interpretation may be filed by an owner, lessee, agent, or contract purchaser of property located in the Village or may be initiated by the Village.

B. Filing

1. An application for a text or map amendment, variation, special use, planned unit development, site plan review, zoning certificate, zoning interpretation or appeal of a Building Commissioner decision shall be filed with the Planning and Zoning Administrator.
2. An application for an appeal of a Planning and Zoning Administrator or Site Plan Review Committee decision shall be filed with the Village Clerk.
3. An application for a building permit, sign permit, or occupancy permit shall be filed with the Building Commissioner.
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. The application shall include information, plans and data as specified in Appendix A (Submission Requirements) and sufficient to determine whether the application conforms with the requirements set forth in this Ordinance.

C. Completeness

The Building Commissioner, Planning and Zoning Administrator, or Village Clerk shall determine whether the application is complete. If the application is not complete, the Building Commissioner, Planning and Zoning Administrator, or Village Clerk shall notify the applicant of any deficiencies, and shall take no steps to process the application until the deficiencies are remedied. Once the Building Commissioner, Planning and Zoning Administrator, or Village Clerk determine that the application is complete, the application shall be scheduled for consideration at a public hearing, where applicable.

D. Fees

Every application shall be accompanied by the required filing fee as established and modified, from time to time, by the Village Board. 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 Village Board in its sole discretion. A current fee schedule is included in Appendix B (Fee Schedule).

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 Village official, commission, or board. Such withdrawal shall be in writing. There shall be no refund of fees.

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 applicant shall include a detailed statement of the grounds justifying its consideration. The Building Commissioner shall make a determination as to whether the subsequent application is making essentially the same request. If the Building Commissioner finds that there are no grounds for consideration of the subsequent application, he/she shall summarily, and without hearing, deny the request.

6-3-2 PUBLIC HEARING**A. Conduct of Public Hearings**

1. Public hearings will be conducted at meetings of the body conducting the hearing, or at other such times as decided by the Chairperson with the approval of a majority of the body conducting the hearing.
2. A complete record for each public hearing will be distributed with the agenda for the next regular meeting, or as soon as a transcript is available.
3. The procedure for public hearings shall be as follows:
 - a. Call to order and roll call.
 - b. The Chairperson opens the public hearing for the application(s).
 - c. The Chairperson presents a brief explanation of the public hearing procedure and swears in those wishing to give testimony.
 - d. The Secretary of the body conducting the hearing presents the application:
 - i. The Secretary enters the application into the record by describing each accompanying exhibit with its title and number.
 - ii. The Secretary reads any part of the application or exhibits deemed necessary, or requested by a member of the body conducting the hearing or audience member.
 - e. Applicant presents testimony regarding the petition and associated applications. The initial oral presentation by the applicant shall be limited to ten (10) minutes for simple applications and thirty (30) minutes for complex applications. The Chairperson may permit an extension of time if he/she determines that the allotted time does not provide sufficient opportunity to fairly present the application.
 - f. Questions are directed to the applicant by the body conducting the hearing and public hearing attendees.

- g. Presentation of testimony from others regarding the petition and associated applications.
- h. Rebuttals.
- i. Follow-up questions from the body conducting the hearing.
- j. Discussion of evidence gathered relative to the findings of fact by the body conducting the hearing.
- k. 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 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 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 Chairperson of the body conducting the hearing. Each person who submits evidence shall identify themselves and their address. Any person may ask relevant questions of other witnesses, but only through the Chairperson and at the discretion of the Chairperson.
3. The Chairperson, 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 Chairperson may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence.

6-3-3 PUBLIC NOTICE**A. Published Notices**

For all applications that require a public hearing, the Village shall cause a notice to be published 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. Such notice shall be published not less than fifteen (15) days, nor more than thirty (30) days, in advance of the scheduled hearing date.

B. Posted Sign Notices

In addition to the required published notice, the applicant shall be required to post a sign on the subject property for all public hearings for zoning map amendments, variations or special use applications, in accordance with the following provisions:

1. Location and Time Period for Posting Signs

The required posting period shall be fifteen (15) consecutive days, immediately prior to the hearing date (excluding the day of the hearing from the fifteen (15) day 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. Applicant's Responsibility for Posting Signs

It is the applicant's responsibility to erect the sign on the property and maintain it during the required fifteen (15) day period. The applicant shall verify to the Plan Commission/Zoning Board of Appeals, at the time of the hearing, that the sign posting requirement has been complied with and the Plan Commission/Zoning Board of Appeals may, by motion, waive any defects in said compliance.

3. Content of Posted Signs

The sign, to be conspicuously posted on the subject property, shall be weatherproof and at least three feet by four feet (3' x 4') in size. The sign shall have a white background and contain the word "NOTICE" in at least six (6) inch high, red capital letters. The remaining lettering shall be a minimum of three (3) inches high and in black capital letters. The notice shall contain the following language:

"THIS PROPERTY IS THE SUBJECT OF A (DEVELOPMENT APPLICATION) BEFORE THE RIVER GROVE (BODY CONDUCTING THE HEARING) ON (DATE) AT (TIME) AT (LOCATION)."

4. Failure to Post

Failure to post for the required time will nullify the meeting.

C. Mailed Notice

For public hearings for zoning map amendments, variations, or special use applications, written notice shall be mailed by regular mail and by certified mail to the owners of all properties located within two-hundred-and-fifty (250) feet from the property line of the subject property at least fifteen (15) days prior to the public hearing. The two-hundred-and-fifty (250) feet shall be measured in all directions from the perimeter of the subject property, provided that the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the two-hundred-and-fifty (250) foot requirement. The giving of notice pursuant to this Section shall not be construed to prevent the applicant from giving such additional notice as he/she may deem appropriate.

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 Building Commissioner, Planning and Zoning Administrator, or Village Clerk shall make copies of such materials available for a fee as specified by the Village.