

## **2. FILING PROCEDURES**

### **A. APPLICABILITY**

Except as otherwise provided herein, no application for any zoning action under this Ordinance shall be approved, conditionally approved, or denied except in conformance with applicable approval procedures in this chapter and in Tables 2C and 2D.

### **B. APPROVAL PROCESS**

#### **1. APPLICATION FILING**

Except in the case of a zoning action proposed by the City Council or a board or commission of the City, any party requesting any City action to which this section applies shall file an application on a form provided therefore by the Zoning Administrator. Every such application shall include as a minimum the applicable items provided in Table 2A.

#### **2. STAFF REVIEW**

Except in the case of a Notice of Appeal, the Zoning Administrator may, together with other departments, consultants, and officials of the City, prepare a written review of the application. Such review shall be forwarded to the Plan Commission or Zoning Board of Appeals, as applicable.

The staff may advise the applicant on meeting Ordinance requirements but shall, unless specifically provided otherwise herein, have no power to approve or disapprove any filing or in any way restrict the applicant's right to seek formal approval thereof.

#### **3. PUBLIC HEARING**

Upon receipt of a complete and accurate application for a zoning action requiring a public hearing under Tables 2C and 2D, the Zoning Administrator shall establish a date for a hearing and transmit the application to the applicable hearing body, as provided in Tables 2C and 2D, which shall hold a hearing on the application.

Applicants shall have the right to request that subpoenas be issued by the City for persons or documents, to present witnesses, and to cross-examine all witnesses testifying at the public hearing.

The Chairman may compel the attendance of witnesses. All testimony by witnesses shall be given under oath administered by the Chairman.

The applicant shall pay all expenses of the City associated with the conduct of the hearing.

**4. MANDATORY PUBLIC INFORMATION AND INPUT MEETINGS FOR NON-RESIDENTIAL PERMITTED USES IN THE RESIDENTIAL ZONING DISTRICTS**

At least one mandatory public information and input meeting shall be conducted for all new and expansions to existing non-residential permitted land uses proposed in the residential zoning district that require Site Plan Approval. Applicants/developers/ property owners are encouraged to participate in additional meetings if major modifications are made to preliminary site plans after they are presented at the initial mandatory public information and input meeting.

a. Meeting Purpose: The purposes of mandatory public information and input meetings are to (i) inform interested individuals about what type of non-residential improvements are being proposed on a residentially zoned parcel of property and (ii) solicit input and feedback on proposed site configuration and related development design issues prior to the applicant/developer/property owner committing large sums of time and money into the “final” design drawings for a specific project. It is anticipated that the applicant/owner/developer and City staff will use the input received at these meetings to assist in the preparation and review of final design drawings for the proposed project.

b. Meeting Format: Unless otherwise directed by the Community Development Director, these meetings shall be conducted in the Warrenville City Hall in conjunction with a regularly scheduled Plan Commission meeting. Mandatory public information and input meetings shall begin with the applicant/owner/ developer providing a brief presentation and overview of the proposed project for the public. Immediately following the overview presentation, the applicant/owner/developer, their specialty design consultants, and appropriate City staff members will participate in an informal “open house” meeting to provide additional information, answer specific questions, and receive additional input on the proposed project. The “open house” component of this process will generally occur immediately in advance of the more formal portion of a regular Plan Commission meeting. A formal input form will be provided so that meeting attendees may submit formal written comments, questions or concerns. The applicant/owner/developer is expected to also make a brief presentation of the project to and solicit feedback on proposed project from the Warrenville Plan Commission.

c. Meeting Notice Requirements: The applicant/owner/developer shall notify the public of the meeting by posting a public notice sign in compliance with the requirements listed in Section 2.E.1. of this ordinance. The applicant/owner/ developer shall include a laminated version of the proposed preliminary site plan on the required public notice sign. The City will endeavor to prepare and distribute a press release identifying the time, date, and purpose of the meeting to newspapers of local distribution.

d. Meeting Application Requirements: All mandatory public information and input meeting applications shall comply with the requirements of Tables 2A and 2B. (Ord. 2276, 4-18-06)

**5. PLAN COMMISSION OR ZBA ACTION**

The Plan Commission or Zoning Board of Appeals may recommend to the petitioner revisions in the petition that would make it more acceptable. The petitioner may, at his or her discretion, submit a revised petition to the Commission at a continuation of the meeting or hearing without paying an additional filing fee. This provision shall not, however, affect the right of the petitioner to have the original petition without revisions acted upon by the Board, Commission, or City Council.

Within any time limit specified in Tables 2C and 2D, the Plan Commission or Zoning Board of Appeals shall prepare a report consisting of written findings of fact pertaining to the Approval Criteria provided herein for the applicable zoning action together with an action on the application, passed by a majority

vote of its members, and any conditions or restrictions to which the action is to be subject. The report shall include the roll call vote on the action.

Except as otherwise provided in Tables 2C and 2D, the action taken by the Commission or Board shall be in the form of a recommendation for final action by the City Council.

In the case of an application for a variance or a Planned Unit Development, the action may include any modification of normal requirements that is authorized by this Ordinance.

## **6. CITY COUNCIL ACTION**

The Plan Commission or Zoning Board of Appeals shall transmit to the City Council its recommendation within the time limit specified in Tables 2C and 2D. The City Council shall not act upon any application requiring a Commission or Board recommendation until either it has received such recommendation or until such time limit has passed.

The Council shall not approve any application unless it finds that the zoning action applied for meets applicable Approval Criteria provided herein. An extraordinary majority vote of all members of the City Council shall be required to approve an application if so provided in Tables 2C and 2D.

Except in the case of an amendment, the Council may make its approval subject to any conditions or restrictions it finds necessary to assure compatibility with the vicinity of the subject property. The Council may also set time limits within which such conditions or restrictions must be complied with or financial guarantees to ensure compliance.

## **7. ISSUANCE OF PERMIT OR CERTIFICATE**

The Zoning Administrator shall issue a Special Use Permit or other permit or certificate given final approval by the Zoning Board of Appeals, Plan Commission, or City Council within 5 business days after approval thereof unless the approving body directs otherwise. The permit or certificate shall specify any conditions or restrictions to which such body has made its approval subject. The Zoning Administrator shall advise the applicant in writing of any denial by such body and the reasons, therefore within 5 business days of the decision.

## **8. REVOCATION OR INVALIDATION**

a. The Zoning Administrator may revoke any permit or certificate issued hereunder:

- (1) if the action taken after the permit or certificate is issued is not consistent with plans and information submitted in support of the application therefore; or
- (2) if any applicable provisions of this Ordinance or any conditions or restrictions imposed in connection with approval of the permit or certificate are not complied with; or
- (3) if after they are initially complied with, compliance with such conditions or restrictions is not maintained at any time.

b. The Zoning Administrator shall give the permittee or Certificate holder 15 business days notice of any intended revocation and the reasons therefore and an opportunity within that period to answer any charges of noncompliance or to propose measures to bring the permitted action into compliance within a reasonable time.

c. In addition, any variance, Special Use, or Site Plan shall automatically become invalid: (Ord. 2346, 12-15-06)

(1) if the use for which it was approved has not been established nor a Building Permit issued and construction thereof begun within one year of such approval; or

(2) if the use for which it was approved has not been utilized or has been abandoned for a continuous period of one year or more; or

(3) in the case of a Preliminary Plan approval for a Planned Unit Development Special Use, if a Final Plan or a revised Preliminary Plan is not filed within one year of approval of the Preliminary Plan, unless the Planned Unit Development is in the SD District; or

(4) in the case of a Planned Unit Development in the SD District, (i) a Preliminary Plan shall become invalid if a Final Plan or a revised Preliminary Plan is not approved within seven years of approval of the Preliminary Plan, or (ii) a Final Plan shall become invalid if a building permit has not been issued and construction thereof begun within two years of approval of the Final Plan. The City Council may approve an extension of any time period specified herein. Notwithstanding the foregoing, the use area identified in an SD District Preliminary or Final Plan shall survive the expiration of the preliminary or final plan and the use area so identified shall continue to remain in full force and effect unless otherwise amended as provided in Section 8.F.4.

**9. RESUBMISSION**

Except as otherwise provided herein, no application that has been denied 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 Plan Commission or Zoning Board of Appeals, whichever has initial jurisdiction over the application.

**C. FILING FEES**

All applications shall be accompanied by the applicable Filing Fee.

The amount of such Fee shall be as determined from time to time by the City Council. A schedule of current fees shall be made available in the office of the Zoning Administrator.

**D. DISCLOSURE OF INTEREST**

The party signing the application shall be considered the applicant.

An applicant must be the fee owner 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 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 Trust**

If the applicant or fee owner is a trust or trustee thereof, the full name, address, telephone number, and extent of interest of each beneficiary must be disclosed in the application.

Disclosure of present ownership interests shall be accompanied by a statement 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 an application for a Temporary Use Permit, the application shall include the written permission of the owner or manager of the premises on which the 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.

## **E. PUBLIC NOTICE**

Public notice of a hearing as specified herein shall be provided for any action that requires a public hearing under Tables 2C or 2D, except that only newspaper publication shall be required for text amendments and comprehensive map amendments if they are initiated by the City.

The required notice shall consist of the following actions:

### **1. SIGN DISPLAY**

The applicant shall post a sign at least 10 square feet in area in the front yard of the subject property, facing and visible from a public street and no further than 30 feet from the right-of-way line.

The sign shall plainly state the type of zoning action requested and the scheduled date, time, and location of the hearing thereupon. The sign shall conform to such requirements as to copy, size of lettering, and other items as may be established by the City Council.

The sign shall be erected no more than 30 nor less than 15 days prior to the date of the scheduled public hearing. The sign shall remain continuously in place until the hearing is concluded but no more than 15 days thereafter.

No posting of a sign shall be required if the applicant is the City of Warrenville.

### **2. WRITTEN NOTIFICATION**

The applicant shall provide written notice of a public hearing to:

- a. the owners of record of each parcel of real estate included within the subject property and within 250 feet in all directions, excluding public rights-of-way, from the boundaries thereof, and

- b. any homeowners organization that has filed a written request with the City to receive notices of public hearings, such notice to be limited to hearings on properties within the area specified in such request.

The owners of record for this purpose shall be considered those appearing on the records of DuPage County or those who paid property taxes for the most recent year according to the County records.

The written notice shall be sent by certified mail, return receipt requested, not more than 30 nor less than 15 days prior to the scheduled date of the public hearing.

The written notice shall contain:

- 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 all public hearings. The notice shall be published at least once in a newspaper of general circulation in the City at least 15 days but no more than 30 days before the scheduled date of the hearing. It shall contain the same information as is required for written notification herein.

**4. EVIDENCE OF COMPLIANCE**

No later than the beginning of the public hearing, the applicant shall file with the Zoning Administrator, Plan Commission, or Zoning Board of Appeals:

- a. an affidavit stating that he or she has complied with all public notice requirements herein, and
- b. a copy of the written notice sent, and
- c. signatures, on postal return receipts or in another form, of those receiving the written notice, and
- d. a publisher's certificate of publication of the required notice.

**TABLE 2A: REQUIRED CONTENTS OF APPLICATION FILINGS**

	Map Amend- ment (Rezone)	Special Use	Variance	PUD Prelim- inary Plan	PUD Final Plan	Temp- orary Use	Manda- tory Public Info and Input Meeting	Site Plan Review	SD General Site Plan Review
1. The name, address, and phone number of the applicant and name of the development	X	X	X	X	X	X	X	X	X
2. Legal descriptions of the subject property as a whole and of each phase thereof	X	X	X	X	X	X	X	X	X
3. The names, addresses, and phone numbers of any developer, site planner, or engineer involved in project plans	X	X	X	X	X	X	X	X	X
4. The location of the property affected by the action requested	X	X	X	X	X	X	X	X	X
5. Description of action requested	X	X	X	X	X	X	-	X	X
6. A non-refundable Filing Fee	X	X	X	X	X	X	-	X	X
7. Descriptions of the present & proposed uses of the property	X	X	X	X	X	X	X	X	X
8. A disclosure of interest as provided herein	X	X	X	X	-	X	X	X	X
9. A typewritten list of all property owners to which Public Notice requirements for written notification herein apply	X		X	X	-	-	-	-	X
10. The zoning districts of the property and all properties within 100 feet	X	X	X	X	-	X	-	X	X

# FILING

## City of Warrenville Zoning Ordinance

	Map Amend- ment (Rezone)	Special Use	Variance	PUD Prelim- inary Plan	PUD Final Plan	Temp- orary Use	Manda- tory Public Info and Input Meeting	Site Plan Review	SD General Site Plan Review
11. A current plat of survey of the property certified by a registered land surveyor	X	X	X	X	X	-	X	X	X
12. Proposed starting and ending dates of use	-	-	-	-	-	X	X	-	-
13. Performance Standards certification and data	-	I	-	I	I	-	-	-	-
14. Statement of reasons applicant believes action requested conforms to applicable Approval Criteria	X	X	X	X	X	-	-	-	-
15. <u>SITE PLAN:</u>									
a. A General Site Plan meeting the requirements of Table 2B	-	D [b]	X	-	-	-	-	-	X
b. A Detailed Site Plan meeting the requirements of Table 2B	X	X	-	X	X	-	-	X	-
c. Preliminary Site Plan	-	-	-	-	-	-	X	-	-
16. <u>RENDERINGS</u> Architectural renderings with substantial design intent for proposed structures but not necessarily final design detail [c]	-	-	-	X	X	-	D	-	-
17. <u>PHASING</u> Chronological schedule of expected beginning & ending dates for proosed stages of construction & improvement of all structures; common or public areas; circulation ways; parking, loading, & service areas; & utilities, showing interim use & maintenance of areas not	-	-	-	X	X	-	X	X	X

	Map Amend- ment (Rezone)	Special Use	Variance	PUD Prelim- inary Plan	PUD Final Plan	Temp- orary Use	Manda- tory Public Info and Input Meeting	Site Plan Review	SD General Site Plan Review
under construction in each phase.									
<b>18. <u>ASSOCIATION/COVENANTS</u></b> Organizational details of all proposed property owners' or condominium associations. Proposed protective covenants or deed restrictions* to govern land use, open space, or other concerns. Documents* governing maintenance of open space and other common areas	-	-	-	X	X	-	-	-	-
<b>19. <u>OPEN SPACE STATEMENT</u></b> Written statement of advantages proposed common or public open space at each location offers for such use and ways such spaces might be used	-	-	-	X	-	-	-	-	X
<b>20. <u>TRAFFIC ANALYSIS</u></b> A professional analysis of estimated traffic generated by the completed development per day and during AM & PM peak hours, the impact on existing traffic loads in the vicinity, and street construction or traffic control measures needed to accommodate the new traffic	D		D	D	D	D	D	D	D
<b>21. <u>SCHOOL CAPACITY</u></b> Evidence of capacity of all affected public school districts to handle the enrollment likely to be generated by the development	D	D	D	D	D	D	-	D	D

# FILING

## City of Warrenville Zoning Ordinance

	Map Amend- ment (Rezone)	Special Use	Variance	PUD Prelim- inary Plan	PUD Final Plan	Temp- orary Use	Manda- tory Public Info and Input Meeting	Site Plan Review	SD General Site Plan Review
22. <u>RETAIL MARKET STUDY</u> Research report establishing market support for any shopping center proposed	-	-	-	X	-	-	-	-	-
23. <u>TAX IMPACT STUDY</u> Analysis of impact of the development on revenues and expenditures of affected taxing bodies	D	D	D	D	D	D	-	D	D
24. Preliminary Plat of Subdivision [a]	-	-	-	X	-	-	-	-	-
25. Final Plat of Subdivision [a] & final engineering plans & specifications	-	-	-	-	X	-	-	-	-
26. Deeds or easement agreements conveying interest in any parcel to any public body	-	-	-	-	X	-	-	-	-
27. Financial sureties approved by City to guarantee installation & improvement of all public or common improvements provided on approved Plan [a]	-	-	-	-	X	-	-	X	-
28. Statement from registered civil engineer, with supporting data, on ability of water & sewer facilities to serve development	X	-	X	-	-	-	-	X	-
29. Any other information the Plan Commission or Board of Appeals requires to determine whether the application conforms to the requirements of this Ordinance	X	X	X	X	X	X	-	X	X

**NOTES FOR TABLE 2A**

\* Draft documents are required for Preliminary Plan and final documents for Final Plan.

X: Required for all applications

- : Not required for any application

D: Discretionary: May be required if considered necessary for review of the application by the Zoning Administrator, Zoning Board of Appeals, or Plan Commission.

I : Required for industrial uses only. See Performance Standards section. In an SD District with a Preliminary Plan, Performance Standard certification and data (Item 13) need only be provided for phases for which a specific development is currently proposed.

[a]: As required by City Subdivision Control Ordinance.

[b]: In the event that a General Site Plan is required, the Special Use may be given preliminary approval subject to final approval of a Detailed Site Plan.

[c]: In an SD District, Renderings per Item 16 shall be required for the phase for which a specific development is currently proposed. Structures may be shown on a conceptual "footprint" basis for the phases where no specific development is currently proposed.

Contents of applications for APPEALS shall be as provided under Appeals in the Special Development Approvals section of this Ordinance.

Contents of applications for UNLISTED USES and AMENDMENTS TO PUD PLANS AND SD SITE PLANS shall be as established on a case-by-case basis by the Zoning Administrator.

(Ord. 2276, 4-18-06)

**TABLE 2B: REQUIRED CONTENTS OF SITE PLANS**

<i>Applicant shall file Site Plan showing:</i>	Preliminary Site Plan	General Site Plan	Detailed Site Plan[a]
1. Required Scale: Number of feet to 1 inch [b]:	100	100	100
2. Numeric & graphic scales, north arrow, and date of preparation	X	X	X
3. Boundaries of the development and of each phase thereof	X	A	X
4. Adjacent property 200 feet deep surrounding site	A	-	X
5. Lot lines and dimensions and areas of lots within site	X	D	X
6. Easements and encroachments (location, dimensions, purpose) on & adjacent to site	-	X	X
7. Data indicating for each development phase:			
a. number of dwelling units broken down by housing type and number of bedrooms	-	A	X
b. number and areas of lots	X	-	X
c. gross and net site area	X	A	X
d. land area devoted to streets, off-street parking, off-street loading, open space and each housing and land use type	X	A	X
e. square footage of site coverage by:	X	-	X
1. principal buildings, and			
2. accessory buildings			
8. <u>DRAINAGE</u> Existing & proposed drainage patterns	A	D	X
9. <u>EXISTING LANDSCAPING</u> Existing wooded areas and isolated trees 6 inches or more in diameter at 1 foot above ground level	A	D	X

<i>Applicant shall file Site Plan showing:</i>	Preliminary Site Plan	General Site Plan	Detailed Site Plan[a]
<p>10. <u>STRUCTURES</u>                      Location, type, shape, dimensions, floor space, orientation, height in feet, finished grade elevations at all entrances &amp; corners, &amp; number of stories of all existing &amp; proposed structures, including buildings, signs, fences, walls, screening, bridges, culverts, exterior lighting fixtures, and entrance features</p>	A	X	X
<p>11. <u>PARKING, LOADING, &amp; SERVICE</u>                      Location, shape, dimensions, capacities, &amp; areas of off-street parking &amp; loading spaces &amp; areas, outside storage, &amp; refuse disposal and service areas, including aisles, curbing, surface type, driveways, &amp; curb cuts</p>	A	D	X
<p>12. <u>TOPOGRAPHY</u>                      a. Map showing existing contours at 2-foot intervals &amp; proposed grading and contours [c]</p> <p>b. Map showing areas with slopes exceeding 10, 15, and 25 percent</p>	A  D	D  D	X  X
<p>13. <u>CIRCULATION</u>                      Existing &amp; proposed number, location, alignment, dimensions, design, and construction standards of all public &amp; private thoroughfares, sidewalks, pedestrian &amp; bicycle paths, railroad rights-of-way, curb cuts, &amp; driveways, &amp; distance of site property lines to nearest existing intersections, and names of streets</p>	A	A	X
<p>14. <u>GOVERNMENT BOUNDARIES</u>                      Current school district and municipal boundary lines on or adjacent to site</p>	-	-	D
<p>15. <u>COMMON OR PUBLIC AREAS</u>                      The number, location, acreage, dimensions, proposed ownership, and provisions for maintenance of any proposed recreational &amp; non-recreational common or public areas</p>	A	A	D

<i>Applicant shall file Site Plan showing:</i>	Preliminary Site Plan	General Site Plan	Detailed Site Plan[a]
<p>16. <u>WATER BODIES</u>            Dimensions &amp; locations of existing &amp; proposed natural or artificial bodies of water, flood plains, marsh areas, drainage ditches, wet or dry stormwater detention or retention areas, and any proposed modifications to existing water courses or water bodies</p>	A	A	X
<p>17. <u>SOIL PROBLEM AREAS</u>            Based on site soil survey or report from Soil &amp; Water Conservation District</p>	-	-	X
<p>18. <u>SUBSURFACE CONDITIONS</u>            Data on subsurface soil, rock and groundwater conditions</p>	-	-	D
<p>19. <u>UTILITIES</u>            Dimensions, purpose &amp; location of existing and proposed public and private utilities, utility easements, and drainage facilities on or within 100 feet of the property. Locations of existing and proposed hydrants, catch basins, manholes &amp; valves</p>	-	-	X
<p>20. <u>PROPOSED LANDSCAPING</u>            (See Chapter 11 "Landscaping and Screening" for specific landscape Plan and landscape planting requirements.)</p> <ul style="list-style-type: none"> <li>a. Location, quantity, diameter, installation height, maturity height, and botanic and common names, of all proposed living &amp; non-living landscaping materials &amp; existing materials to be preserved</li> <li>b. Types &amp; boundaries of proposed ground cover</li> <li>c. Location &amp; contours at 1-foot intervals of all proposed berming</li> <li>d. Dimensions &amp; appearance of all sides of proposed fences, walls, ornamental lighting, &amp; other landscaping &amp; screening treatments</li> <li>e. Measures to be taken to protect new and preserved existing trees during construction</li> </ul>	-	-	X

<i>Applicant shall file Site Plan showing:</i>	Preliminary Site Plan	General Site Plan	Detailed Site Plan[a]
21. Any other information the Plan Commission or Board of Appeals requires determining whether the application conforms to the requirements of this Ordinance.	D	X	X

**NOTES FOR TABLE 2B**

Site Plans specified herein shall be required as provided in Tables 2A, 2C, and 2D.

X : Required for all site plans

- : Not required for any site plan

A : Approximate information only is required.

D : Discretionary: Required upon request of Zoning Board of Appeals or Plan Commission, whichever body has jurisdiction, or of the Zoning Administrator

[a] Detailed Site Plan filed as a PUD Preliminary Plan may contain generalized, estimated, or approximate information for proposed development features required by this table except where the Plan Commission requires more specific or firm information. PUD Final Plan shall be a final version of the Preliminary Plan approved by the City Council and shall include specific, firm information and final engineering plans and specifications. The Final Plan shall conform to all requirements for a Final Plat in the City Subdivision Control Ordinance No. 807 even if no subdivision of land is involved in the PUD.

In an SD District, Preliminary Plans may be submitted for a development parcel which contain conceptual treatment of the submittals required hereunder for the phases where no specific development is currently proposed and more specific or firm treatment of the submittals required hereunder for the phases where specific development is currently proposed.

[b] Or such other scale as the Zoning Administrator, Zoning Board of Appeals, or Plan Commission shall require. If site area is over 200 acres, scale shall be 200 feet to the inch.

[c] Data shall refer to USGS North American Datum - Mean Sea Level Elevation. One-foot intervals shall be shown if any flood hazard area exists on the site.

(Ord. 2276, 4-18-06)

**Table 2C: Approval Processes for Zoning Applications**

	Site Plan Review	Text or Map [a] Amendment	Special Use [b]	Variance	Minor Variance	Appeal	Temporary Use	Unlisted Uses Similar to Listed Uses
Hearing Body is:	CC	PC	PC	ZBA	ZBA	ZBA	PC	CC
1. Applicant confers informally with designee of City Council	X	X	X	X	X	-	X	X
2. Applicant files 4 copies of application with Administrator	X	X	X	X	X	X	X	X
3. Administrator checks application for compliance [c]	X	X	X	X	X	X	X	-
4. If in compliance, Administrator sets date for meeting or hearing	X	X	X	X	X	X	X	X
5. Applicant provides Public Notice [d]	-	X	X	X	X	-	-	-
6. Applicant files 20 copies of application complying with Ordinance with Administrator	X	X	X	X	X	X	X	X
7. Administrator sends copies of application to staff for comment	X	X	X	X	X	-	X	-
8. Administrator transmits staff report to Hearing Body [e]	X	X	X	X	X	-	X	X
9. Formal Public Hearing is held	-	X	X[k]	X	X	-	-	-
10. Applicant files revised or additional material requested by Hearing Body (optional)	X	X	X	X	X	X	X	X

	Site Plan Review	Text or Map [a] Amendment	Special Use [b]	Variance	Minor Variance	Appeal	Temporary Use	Unlisted Uses Similar to Listed Uses
11. Hearing Body meets & takes final action [f]	-	-	-	-	X	X	-	-
12. Hearing Body meets and makes recommendation to City Council [g]	-	X	X	X	-	-	X	-
Time limit in no. of days [h]: a. from close of hearing	-	45	45	45	-	-	-	-
b. from receipt of complete application by hearing body	-	-	-	-	-	-	45	-
13. City Council takes final action [i]	X	X	X	X	-	-	X	X
14. Extraordinary majority vote of City Council required to approve application	-	2/3[j]	-	-	-	-	-	-
15. Administrator issues permit for approved application	-	-	X	-	-	-	X	-

See also Table 2D for approval procedures for Planned Unit Developments and SD zoning.

X : Procedure is applicable  
 - : Procedure is not applicable  
 Administrator: Zoning Administrator  
 CC: City Council  
 ZBA: City Zoning Board of Appeals  
 PC: City Plan Commission

- a) Except rezonings to SD District, to which the provisions of Table 2D apply.
- b) Except Planned Unit Developments, for which the provisions of Table 2D apply.
- c) Completeness, accuracy, and compliance with the provisions of this and other applicable ordinances.
- d) As provided under Public Notice herein.
- e) Shall be transmitted no less than 7 days before applicable scheduled hearing or meeting date.

# **FILING**

- f) Final action shall be taken within 45 days of meeting; may affirm, reverse, or modify the action appealed and direct issuance of a permit; and shall be subject only to judicial review.
- g) Report of Hearing Body shall be mailed to applicant and representatives of objectors at least 5 days before scheduled date of Council meeting at which it is to be acted upon.
- h) Shall not apply if applicant withdraws application or is granted a request to table it.
- i) Final action shall be taken only after receipt of a recommendation from the Hearing Body or the expiration of the time limit for submission thereof and shall be subject only to judicial review.
- j) Extraordinary majority shown shall be required to approve the amendment if a written protest against the amendment is filed with the City and with the applicant by certified mail that is signed by the owners of no less than 20 percent of:
  - a) the frontage to be altered by the amendment, or
  - b) the frontage immediately adjoining or across an alley therefrom, or directly opposite thereto.
- k) A court reporter prepared transcript of the public hearing is not required for minor variation requests or special use permit requests related to commercial vehicle parking in the residential zoning districts.

(Ord 2386, 7-6-07)

**TABLE 2D: APPROVAL PROCESSES FOR PLANNED DEVELOPMENTS**

	<u>SD District</u>		<u>Planned Unit Development</u>			
	General Site Plan Approval	Amendment to SD General Site Plan	PUD Special Use		Amendment to Approved Plan	
			Preliminary Plan	Final Plan	Major*	Minor*
The Hearing Body is:	PC	PC	PC	PC	PC	PC
1. Applicant confers informally with designee of City Council	X	X	X	X	X	X
2. Applicant files 4 copies of General Site Plan conforming to Table 2B	X	-	-	-	-	-
3. Applicant has Pre-Application Conference with Hearing Body [j]	-	-	X	-	X	-
4. Applicant files 4 copies of application with Administrator	X	X	X	X	X	X
5. Administrator checks application for compliance [b]	X	X	X	X	X	X
6. If in compliance, Administrator sets date for meeting or hearing	X	X	X	X	X	X
7. Applicant provides Public Notice [c]	X	X[i]	X	-	X	-
8. Applicant files 25 copies of application complying with Ordinance with Zoning Administrator	X	X	X	X	X	X
9. Administrator sends copies of application to staff for comment	X	X	X	X	X	X
10. Administrator transmits staff report to Hearing Body [d]	X	X	X	X	X	X
11. Formal Public Hearing is held	X	X[i]	X	-	X	-
12. Applicant files revised or additional material requested by Hearing Body (optional)	X	X	X	-	X	-
13. Hearing Body meets & takes final action [e]	-	-	-	-	-	X

	<b><u>SD District</u></b>		<b><u>Planned Unit Development</u></b>			
	General Site Plan Approval	Amendment to SD General Site Plan	PUD Preliminary Plan	PUD Special Use Final Plan	Amendment to Approved Plan Major*    Minor*	
14. Hearing body meets and makes recommendation to City Council [f]	X	X	X	X	X	-
Time limit in number of days [g]:						
a. from close of hearing	45	45	45	-	45	-
b. from receipt of complete application by hearing body	-	-	-	45	-	-
15. City Council takes final action [h]	X	X	X	X	X	-
16. Administrator issues permit for approved petition	-	-	-	X	-	-

X : Procedure is applicable.  
 - : Procedure is not applicable.  
 Administrator: Zoning Administrator  
 PC: City Plan Commission  
 ZBA: City Zoning Board of Appeals  
 CC: City Council

\* Major and Minor Amendments shall be as defined in the Planned Unit Development chapter of this Ordinance.

- a) Approval of a General Site Plan shall be required for all development in the SD District before the filing of a PUD Preliminary Plan.
- b) Completeness, accuracy, and compliance with the provisions of this and other applicable ordinances.
- c) As provided under Public Notice herein.
- d) Shall be transmitted no less than 7 days before applicable scheduled hearing or meeting date.
- e) Final action shall be subject to Appeal as provided herein and to judicial review.
- f) Report of Hearing Body shall be mailed to applicant and representatives of objectors at least 5 days before scheduled date of Council meeting at which it is to be acted upon.
- g) Shall not apply if applicant withdraws application or is granted a request to table it.
- h) Final action shall be taken only after receipt of a recommendation from the Hearing Body or the expiration of the time limit for submission thereof and shall be subject only to judicial review.
- i) Public notice and a Formal Public Hearing shall be required only for a Major Amendment.
- j) A filing fee as established by City Council shall be required for a Pre-Application Conference. A Pre-Application Conference shall be necessary only if recommended by the Zoning Administrator.

(Ord. 1989, 6-19-02)