

Section 5-101
Development Review Procedures

ORDINANCE 4411
PASSED: September 2, 2008
EXHIBIT A

ARTICLE 5: GENERAL PROCEDURES, REQUIREMENTS AND REGULATIONS

SECTION 5-101. DEVELOPMENT REVIEW PROCEDURES.

A. Due Process

1. **Purpose.** The purpose of this section is to define and outline the development review procedures that petitioners, government agents, and elected and appointed officials follow for transparent review for development and redevelopment in the Village of Orland Park.
2. **Organization.** The organization of this section is laid out in a manner that reflects the process of development review beginning with the determination of the type of review required, the review sequences, the review procedures, and finally the role of the Development Services Department. This section informs the public, the petitioner, the government agent, and the elected and appointed officials of the procedures of the Village of Orland Park for development review. It also simultaneously guides them through the decision-making process and acts as a map for development review in the Village of Orland Park.
3. **General Process.** The general direction for moving through the decision-making process for development is shown below. For a flow chart of the decision-making process see Chart 5-101.A(A) at the end of this section.
 - a. Pre-application Conference → Departmental Review → Plan Commission → Development Services and Planning Committee of Trustees → Board of Trustees; OR
 - b. Departmental Review → Board of Trustees; OR
 - c. Pre-application Conference → Departmental Review → Historic Preservation Review Commission → Board of Trustees; OR
 - d. Departmental Review → Hearing Officer(s) → Board of Trustees (if needed).

B. Petitions, Applicability, and Plan Review

1. **Petitions.** All development and redevelopment in the Village of Orland Park requires the submittal of a petition or application to the Development Services Department for

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the purpose of establishing a public record and beginning the process for the Departmental Review. Petition/ Application forms are obtained from the Development Services Department in Village Hall. For more information on the role of the Development Services Department see Section 5-101.K.

2. **Applicability**. There are two public review processes in the Village of Orland Park for petitions: a public meeting with a public hearing and a public meeting without a public hearing. The following subsections outline which petitions go to public hearings and which go to public meetings respectively for each commission type. Petitions listed under Plan Commission, for example, begin at Plan Commission and move through the general process. Petitions listed under Board of Trustees begin and end at the Board of Trustees and so on. In all cases, petitions are reviewed and processed by the Development Services Department. The administrative decision petitions are also outlined below.
 - a. **Public Hearing**. Public hearings require a published public notice and are held at public meetings. At a public hearing, the public can attend to provide testimony and view details regarding development review before the appropriate official body.
 1. A public hearing at Plan Commission shall be required for applications regarding:
 - Special Uses;
 - Special Use Amendments;
 - Variances (except as in 6 below);
 - Rezoning/ Map Amendments; and
 - Subdivision Review (with the exception of non-residential lot consolidations).
 2. A public hearing at Plan Commission is required when the Development Services Department or any other Village agency or department, developer or resident petitions for:
 - Comprehensive Plan Amendments; and
 - Land Development Code Text Amendments.
 3. A public hearing before the Board of Trustees is required for:
 - Annexation Agreements.
 4. All public hearings pertaining to land development take place before the Plan Commission with the exception of annexation agreements, variances affecting one (1) single family residential dwelling, variances affecting multi-family residential dwellings of fewer than six (6) units, and petitions for historic properties.

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5. A public hearing at the Historic Preservation Review Commission shall be required for petitions regarding:

- Designation of Historic and/ or Architectural Landmarks;
- Amending the Local Register of Significant Places (LRSP) and the Natural Heritage Sites (NHS) lists in Section 5-110;
- Certificates of Appropriateness with major changes to any structure in the Old Orland Historic District per Section 6-209 or major changes to historic/ architectural landmarks per Section 5-110;
- Certificates of Appropriateness for Demolition for contributing structures of the Old Orland Historic District per Section 6-209 or for historic/ architectural landmarks per Section 5-110.

6. A public hearing before the Hearing Officer(s) is required for:

- Variance petitions affecting one (1) single family residential dwelling;
- Variance petitions affecting multi-family residential dwellings of fewer than six (6) units.

- b. **Public Meeting.** A published public notice is not required in order to hold a public meeting, although the requirements of the Illinois Open Meetings Act must be met. Public meetings are held at Plan Commission, at the Development Services and Planning Committee of Trustees, and at the Board of Trustees. They are also held at the Historic Preservation Review Commission for historic preservation. The public can attend public meetings but are not guaranteed the opportunity to provide testimony regarding development review.

1. A public meeting at Plan Commission is required for applications regarding:

- Site Plan Review;
- Building Elevations; and
- Appeals of Administrative Decisions.

2. A public meeting by the Board of Trustees is required for:

- Landscape Plans;
- Plats of Subdivision (including consolidations);
- Development Agreements; and
- Related Ordinances.

3. All meetings of the Development Services and Planning Committee of Trustees and the Board of Trustees are public meetings. For annexation agreements at the Board of Trustees, a public meeting

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with a public hearing is required.

4. A public meeting at the Historic Preservation Review Commission, per Section 6-209 of these regulations, is required for applications for Certificates of Appropriateness regarding:

- Site Plan Review in the Old Orland Historic District;
- Building Elevations Review in the Old Orland Historic District;
- Appeals of Administrative Decisions in the Old Orland Historic District; and
- Appeals of Administrative Decisions to historic/ architectural landmarks.

- c. **Administrative Decisions**. Administrative decisions are a third review process. Administrative decisions are made internally by the Development Services Department.

1. Administrative decisions within the Development Services Department are required for applications pursuant to Section 5-106 regarding:

- Minor exterior changes to sites and buildings; and
- Restaurants that do not require preliminary plan review or special use permits.

2. Administrative decisions within the Development Services Department are required for applications pursuant to Sections 5-110 and 6-209 regarding:

- Routine maintenance to contributing structures in the Old Orland Historic District;
- Routine maintenance to historic/ architectural landmarks; and
- Minor changes or routine maintenance to non-contributing structures in the Old Orland Historic District.

- d. **Commissions**. For cases where petitions are handled at a commission other than Plan Commission, the rules, procedures and standards outlined in the following subsections apply to the commission in question per the commission's particular petitions as outlined above. The only exception is that the recommendations of the Historic Preservation Review Commission are not followed by a Committee of Trustees review and recommendation, but instead are immediately followed by Board of Trustees action.

1. For petitions in the Old Orland Historic District or petitions for historic/ architectural landmarks that require a special use, variance, rezoning, or subdivision, the order of procedure begins with a public hearing at Plan Commission regarding the special use,

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variance, rezoning or subdivision. It will then move to the Development Services and Planning Committee of Trustees, and then to the Village Board for final action. The petition may concurrently move to the Historic Preservation Review Commission as a public hearing or meeting regarding the appearance review of the subject site or building and then move to the Village Board for final action on the appearance review.

3. **Plans for Review Process.** A preliminary plan shall be submitted for review to the Development Services Department as part of the application for development. The Plan Commission shall review the preliminary plan and make its recommendations pursuant to the below sections of these regulations. The Development Services and Planning Committee of Trustees shall then follow with similar review. The Board of Trustees shall act upon the preliminary plan as a final plan and grant, grant with conditions or deny the petition/ application. Upon granting of approval with or without conditions, the Board of Trustees shall recognize it to be a final plan pursuant to the same sections of these regulations.
 - a. **Plans with Plats of Subdivision.** At a minimum, plats of subdivision must be accompanied by a preliminary plan for each subdivided lot and a conceptual plan of the surrounding area as required by the Development Services Department. Applicants for plat approval may be required to submit additional information or studies, such as building envelopes and conceptual plans for the surrounding area, which the Development Services Department, the Plan Commission and/or the Board of Trustees may deem necessary to review at a later time. For more information on plats see Section 5-112.
 - b. **Conditions.** The Plan Commission, the Development Services and Planning Committee of Trustees, and/or the Board of Trustees may attach to their recommendations to and/or approvals of a preliminary plan, a final plan, or a plat reasonable conditions not otherwise addressed by these regulations as are necessary to carry out the purpose of these regulations, the Comprehensive Plan, cause incremental improvements, and to prevent or minimize adverse effects upon other property, including, but not limited to: limitations on size and location, requirements for landscaping, provision of adequate ingress and egress and off site and project related improvements. Other conditions such as the duration of the approval, hours of operation, and mitigation of environmental impacts may also be attached.
 - c. **Conditions on Record Plats of Subdivision.** When conditions pursuant to Section 5-101.B.3.b above are attached to a subdivision plat, or a record plat of survey or other type of plat, review of said plat shall be continued until the conditions are deemed met by the Development Service Department or the decision-making body which attached the conditions and then the plat shall be approved by the Village Board of Trustees so that the record plat of subdivision is accurate when issued to the County.

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- d. **Notification.** Notification of all Village Board decisions shall be mailed to the petitioner/ applicant and the owner of record if different from the applicant.

C. Public Meeting Sequence with a Public Hearing

1. Public Meeting at Plan Commission with a Public Hearing.

- a. **Plan Commission.** The Plan Commission shall hold a public hearing in accordance with the provisions of Section 5-101.G below on applications for special uses, special use amendments, variances (with exception for Subsection 5-101.C.4.a below) text and map amendments (rezoning) and subdivision review. The Plan Commission shall review a preliminary plan and the report and recommendation of the Development Services Department and testimony given at the public hearing and either recommend approval, with or without conditions, or disapproval to the Board of Trustees, or not make a recommendation but forward to the Board of Trustees.
- b. **Committee of Trustees.** The Development Services and Planning Committee of Trustees shall review the preliminary plan, the Plan Commission recommendation and the Development Services Department report and recommendation and shall recommend approval, with or without conditions, or disapproval to the Board of Trustees.
- c. **Board Action.** Upon receipt and review of the Plan Commission's and the Development Services and Planning Committee's recommendations, and the Development Services Department's report and recommendation, the Board of Trustees shall consider the special use, special use amendment, variance, rezoning and/ or subdivision along with the petition's final plan, elevations and landscape plan and shall grant, grant with conditions, or deny the petition/ application.

2. Public Meeting at Board of Trustees with a Public Hearing.

- a. **Board of Trustees.** The Board of Trustees shall hold a public hearing for annexation agreements.
- b. **Board Action.** Upon receipt and review of the report and recommendation of the Development Services Department and the testimony at the public hearing, the Board of Trustees shall consider the annexation agreement and shall approve, modify with conditions, or deny the annexation agreement.

3. Public Meeting at the Historic Preservation Review Commission with a Public Hearing.

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- a. **Historic Preservation Review Commission.** The Historic Preservation Review Commission shall hold a public hearing in accordance with the provisions of Section 5-101.G of these regulations for applications regarding historic /architectural landmark designations, amending landmark lists such as the LRSP and the NHS in Section 5-110, Certificates of Appropriateness for major changes to structures in the Old Orland Historic District or to historic/ architectural landmarks, and Certificates of Appropriateness for Demolition for contributing structures of the Old Orland Historic District or for historic/ architectural landmarks. The HPRC shall review a preliminary plan and/or the historical/ architectural significance of the petition's subject, the report and recommendation of the Development Services Department and testimony given at the public hearing and either recommend approval, with or without conditions, or disapproval to the Board of Trustees, or not make a recommendation but forward to the Board of Trustees.
 - b. **Board Action.** Upon receipt and review of the Historic Preservation Review Commission's recommendations, and the Development Services Department's report and recommendation, the Board of Trustees shall consider the landmark designation, the Certificate of Appropriateness, and /or Certificate of Appropriateness for Demolition along with the petition's final plan and/ or the historic/ architectural significance of the petition's subject and shall grant, grant with conditions, or deny the petition/ application.
4. **Public Meeting at the Hearing Officer(s) with a Public Hearing.**
- a. **Hearing Officer(s).** The Hearing Officer(s) shall hold a public hearing in accordance with the provisions of Section 5-101.G of these regulations for applications regarding variance petitions affecting one (1) single family residential dwelling and variance petitions affecting multi-family residential dwellings of fewer than six (6) units. The Hearing Officer(s) shall review a preliminary plan or related documentation, the report and recommendation of the Development Services Department and testimony given at the public hearing and if the application for a variance is within one of those variances authorized in Section 5-109.E, grant the variance with or without conditions or deny the variance. If the variance is not within one of those variances authorized in Section 5-109.E, the Hearing Officer(s) shall review a preliminary plan or related documentation, the report and recommendation of the Development Services Department and testimony given at the public hearing and either recommend approval, with or without conditions, or disapproval to the Board of Trustees, or not make a recommendation but forward to the Board of Trustees.
 - b. **Board Action.** Upon receipt and review of the Hearing Officer(s) recommendations, and the Development Services Department's report and recommendation, the Board of Trustees shall consider the variances requested not authorized in Section 5-109.E for the Hearing Officer(s) to grant or deny and shall grant, with or without conditions, or deny the

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petition/application.

D. **Public Meeting Sequence without a Public Hearing**

1. **Public Meeting at Plan Commission.**

- a. **Plan Commission.** The Plan Commission shall hold a public meeting whenever an applicant petitions for preliminary plan review, elevations review and/or an appeal of an administrative decision that does **not** include a special use, special use amendment, variance, text and map amendment (rezoning) and/or subdivision review. The Plan Commission shall review a preliminary plan and the report and recommendation of the Development Services Department and either recommend approval, with or without conditions, or disapproval to the Board of Trustees, or not make a recommendation but forward to the Board of Trustees.
- b. **Committee of Trustees.** The Development Services and Planning Committee of Trustees shall review the preliminary plan, the Plan Commission recommendation and the Development Services Department report and recommendation and shall recommend approval, with or without conditions, or disapproval to the Board of Trustees.
- c. **Board Action.** Upon receipt and review of the Plan Commission's and the Development Services and Planning Committee's recommendations, and the Development Services Department's report and recommendation, the Board of Trustees shall consider the final plan, elevations and landscape plan and shall grant, grant with conditions, or deny the petition/ application.

2. **Public Meeting at Board of Trustees.**

- a. **Board of Trustees.** The Board of Trustees shall review, at a regular or special meeting, landscape plans, plats of subdivision (including consolidations), development agreements, and other related ordinances.
- b. **Board Action.** Upon receipt and review of the report and recommendation of the Development Services Department, the Board of Trustees shall consider the landscape plan, plats of subdivision, development agreement and/or other related ordinances and shall grant, grant with conditions, or deny these items.

3. **Public Meeting at the Historic Preservation Review Commission.**

- a. **Historic Preservation Review Commission.** The Historic Preservation Review Commission shall hold a public meeting whenever an applicant

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petitions for a Certificate of Appropriateness regarding a preliminary site plan review in the Old Orland Historic District that does not require a variance, special use, text or map amendment, and/or subdivision review. It will also hold a public meeting regarding building elevations review in the Old Orland Historic District for new construction. The HPRC shall review a preliminary plan and/or the historical/ architectural significance of the petition's subject, the report and recommendation of the Development Services Department and either recommend approval, with or without conditions, or disapproval to the Board of Trustees, or not make a recommendation but forward to the Board of Trustees.

- b. **Board Action.** Upon receipt and review of the Historic Preservation Review Commission's recommendations, and the Development Services Department's report and recommendation, the Board of Trustees shall consider the Certificates of Appropriateness for new construction along with the petition's final plan and shall grant, grant with conditions, or deny the petition/ application.

E. Administrative Decisions Regarding Appearance and Site Plan Review

1. Administrative Decisions at Development Services Department.

- a. **Administrative Decision.** Section 5-106 of these regulations regulates the administrative decision process with regard to petitions/ applications that require appearance and related site plan review. The Development Services Department may approve, with or without conditions, or deny a petition for an administrative decision. Administrative decisions do not go to Plan Commission unless an appeal is made by the petitioner/ applicant. The appeal to Plan Commission is heard at a public meeting.
- b. **Administrative Decision in the Old Orland Historic District or on Landmarks.** Section 6-209 of these regulations regulates the administrative decision process with regard to petitions/ applications that require Certificates of Appropriateness for routine maintenance on contributing structures or landmarks, and minor changes or routine maintenance on non-contributing structures. The Development Services Department may approve, with or without conditions, or deny a petition for an administrative decision. Administrative decisions do not go to the Historic Preservation Review Commission unless an appeal is made by the petitioner/ applicant. The appeal to the Historic Preservation Review Commission is heard at a public meeting.

F. Timeline of Process, Jurisdictional Approval and Expiration

- 1. **Six Month Rule.** Any petition that has not proceeded from Plan Commission to the Committee of Trustees within six (6) months or from the Committee of Trustees to the Board of Trustees within six (6) months due to inactivity may be terminated by the Development Services Department. The Development Services Department

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must notify the petitioner prior to termination of the petition.

2. **Jurisdictional Approval.** If the final plan covers land either wholly or partly outside the corporate limits of the Village, the approval of the Board of Trustees shall not be final until the applicable jurisdiction in which said development is located has approved it.
3. **Expiration.** If there is no activity after one (1) year of approval by the Board of Trustees of a special use and/or final plan, the special use and/or final plan shall expire unless an extension is granted by the Board of Trustees.

G. **Public Hearing Procedures**

1. **Purpose.** The purpose of the following process is to provide an opportunity for the public to be notified about, to be able to view the details of, make a submission about, and/or voice their opinions on a development application, proposal, or petition.
2. **Notice of Public Hearing.** The public shall be notified about all public hearings.
 - a. **Notification Details.** All notices of public hearings shall include:
 1. The date, time and place of the public hearing;
 2. A summary of the proposal under consideration;
 3. The address and legal description of the specific property that is the subject of the public hearing for matters regarding a rezoning, a special use permit or a variance. (Ord. 3354 – 4/17/00)
 4. That said meeting may be continued without republication up to three (3) times per the Illinois Open Meetings Act.
 - b. **Notification Requirements.** All notices of public hearings shall also meet the following requirements:
 1. The Development Services Department shall publish a copy of the notice in one (1) or more newspapers with general circulation in the counties in which the Village of Orland Park and contiguous unincorporated territory are located;
 2. It is the petitioner's/ applicant's responsibility to send a copy of the notice by certified mail with return receipt requested to each of the owners of record of adjacent properties and within 300 feet of any property upon which development is proposed. The petitioner/ applicant must also retain the certified mail receipts for a period of no less than seven (7) years from the final Village Board action on the proposal.

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3. It is the petitioner's / applicant's responsibility to post a weatherproof sign(s) at least two (2) by three (3) feet in front surface area, the bottom of which shall be mounted at least four (4) feet above the ground, and to have at least one (1) sign in the most visible location to the general public such as along a primary roadway. Such sign(s) shall be posted on private property and shall remain until the conclusion of the public hearing. Failure to comply with the provisions of this Subsection shall not render the public hearing invalid, provided that a good faith effort was made to comply. The petitioner must remove the public hearing notice sign(s) no later than thirty (30) days after the Village Board action on the proposal. The sign must display wording that at a minimum notifies the public about the public hearing for the procedure which has triggered the public hearing. It must include the date, time, place and the contact information of the Development Services Department.
4. All required notices shall be provided at least fifteen (15) days, but no more than thirty (30) days in advance of the published public hearing.
5. It is the petitioner's / applicant's responsibility to submit a notarized affidavit to staff prior to or at the Plan Commission meeting confirming that all requirements listed above have been met.

c. Other Requirements.

1. For public hearings regarding Comprehensive Plan Amendments and/ or Land Development Code Text Amendments, notices shall be provided by the requirements outlined in Section 5-101.G.2.b.1 and 5-101.G.2.b.4 only.
2. For amendments to the Zoning Map, notices shall be provided by the requirements outlined in Section 5-101.G.2.b.1, Section 5-101.G.2.b.2 and Section 5-101.G.2.b.4 above. (Ord. 4161 – 8/7/06)

3. Conduct of the Hearing.

- a. **Submission of Testimony.** Any person may appear at a public hearing and give testimony or submit written materials, either individually or as a representative of an organization. The decision-making body may exclude information that it finds to be irrelevant, immaterial or unduly repetitious.
- b. **Duty of the Development Services Department.**
 1. The Development Services Department shall present information concerning pertinent application considerations and the standards set out in these regulations and make recommendations.

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2. Upon a showing by any person made at any time during the public hearing, or on motion of the decision-making body, the petitioner/ applicant or the Development Services Department may be required to produce additional information with respect to the proposed petition/ application.
- c. **Continuance.** The decision-making body may continue a hearing to a specified date, time and place. Unless such continuance is publicly announced at a properly noticed public hearing, the Development Services Department shall cause notice to be given to all persons originally entitled to notice of the date, time and place of such continued hearing in the same manner as specified in Section 5-101.G.2 above.

H. Public Meeting Procedures

1. **Purpose.** The purpose of the following process is to provide an opportunity for the decision-making body to review the development application, proposal, or petition.
2. **Notice of Public Meeting.** A public notice other than that required by the Illinois Open Meetings Act is not required for a public meeting.
3. **Conduct of the Meeting.**
 - a. **Submission of Testimony.** Decision-making bodies are not required to accept testimony or written materials from individuals or representatives of an organization outside of the applicant at public meetings.
 - b. **Duty of the Development Services Department.**
 1. The Development Services Department shall present information concerning pertinent application considerations and the standards set out in these regulations and make recommendations.
 2. Upon a motion of the decision-making body, the applicant or the Development Services Department may be required to produce additional information with respect to the proposed petition/ application.
 - c. **Continuance.** The decision-making body may continue a hearing to a specified date, time and place.

I. Record of Hearings

1. **Recording Hearings.** The Development Services Department shall ensure that the proceedings are recorded by appropriate means.
2. **Record.** The record of proceedings shall consist of the recording of testimony, all

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applications, exhibits, and papers submitted in any proceeding with respect to the matter being considered, and the summary and report or reports of the Development Services Department.

3. **Open Record.** All summaries and reports of the Development Services Department shall be public records, open to inspection at a reasonable time and upon reasonable notice.
4. **Examination and Copying of Application.** Any person may examine any application for development approval and other material submitted in regard to that application, and may obtain copies of the application and other materials upon reasonable request and payment of a fee to cover the actual cost of such copies.

J. Ethics Rules

1. **Conflicts.** Any member of a decision-making body having any direct or indirect financial interest in property or who lives within five hundred (500) feet of any property which is the subject of a public hearing or public meeting or who might have interest in the outcome of the petition shall disclose such fact at the hearing, prior to voting on the matter.
2. **Contacts Outside of the Hearing.** If any member of a decision-making body receives a substantive communication from any person outside the hearing concerning a subject matter under consideration by that body, the member shall make a statement at the hearing describing the circumstances and substance of the communication.
3. **Other Rules to Govern.** Other matters pertaining to the public hearing or public meeting shall be governed by other provisions of these regulations applicable to the body conducting the hearing and its adopted rules of procedure.

K. Role of the Development Services Department

1. **Conference with the Development Services Department.**
 - a. **Pre-Application Conference.** A petitioner or an applicant for development approval may request an informal conference with the Development Services Department prior to filing a petition or application. The pre-application conference shall be informal and its purpose shall be to discuss the proposals, views and concerns of the applicant and the Village, and to review for compliance with codes, plans and policies.
2. **Application Submission Requirements.**
 - a. **Application and Fee.** When the petitioner or applicant is ready following the pre-application conference, all applications for development approval shall be submitted to the Development Services Department accompanied by the

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payment of a fee as authorized in Section 1-104. Applicants for development approval may be required to submit additional information.

3. Complete Applications.

- a. **Determination of Completeness.** Within fifteen (15) days after receipt of an application for development approval, the Development Services Department shall determine whether the application is complete. If it is determined that the application is complete, the applicant will be notified in writing that the application has been accepted for filing. If the application is not complete, the applicant shall be notified, specifying the deficiencies of the application, including any additional information which must be supplied.
- b. **Incomplete Application.** As long as an application remains incomplete, no further action shall be taken by the Village on the application until the deficiencies are corrected.
- c. **Remedy of Deficiencies.** If the applicant fails to correct the specified deficiencies within thirty (30) days of the notification of deficiency, the application for development approval may be terminated by the Village.

4. Review by Development Services Department.

- a. **Application Review.** The Development Services Department shall review the complete application for development approval in accordance with these regulations and particularly with Section 5-105, if the development requires a special use permit, Section 5-108, if the development requires an amendment to the text of these regulations or the Zoning District Map, Section 5-109, if the development requires a variance, and/or Section 5-112, for development requirements and subdivision review.
- b. **Preliminary Plan Review Process.** The Development Services Department shall review the complete application for development and its preliminary plan before proceeding to Plan Commission.
- c. **Preliminary Engineering Review Process.** The Development Services Department shall review the engineering plans associated with the application for development and confirm preliminary engineering acceptance prior to proceeding from Plan Commission to the Committee of Trustees or hold the application from proceeding to Plan Commission until outstanding preliminary engineering items are met.
- d. **Final Plan Review Process.** The Development Services Department may continue to review the complete application for development and its preliminary plan throughout the decision-making process to make corrections or amendments to plans pursuant to recommendations by the Plan Commission and/or the Committee of Trustees and/or pursuant to conditions issued on approval by the Board of Trustees to develop a final

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plan for acceptance by the Board of Trustees.

- e. **Final Engineering Review Process.** The Development Services Department shall review the engineering plans associated with the application for development after approval or approval with conditions has been granted by the Board of Trustees for the purpose of determining final engineering plans. Confirmation from the Development Services Department that final engineering has been completed shall allow the issuance of the various necessary Village permits and the plan to proceed toward implementation.
 - 1. If final engineering comments result in substantial alterations to the Village Board approved final plan, the petitioner/applicant shall return to the Plan Commission and restart the development review process, republishing in the event of a petition requiring a public hearing.
 - a. Substantial alterations to a final plan shall include but not be limited to things such as:
 - Enlargement of storm water facility sizes;
 - Reductions in setbacks;
 - Construction of or alterations to retaining walls;
 - Changes in street layout/ land use;
 - Increases over Village Board approved lot coverage;
 - Changes to Village Board approved parking configurations;
 - Changes that result in variances to Village Board approved plans or modifications to Village Board approved special use regulations; and
 - Changes to the number of units, building area, or building stories.

L. Timing of Applications

- 1. **Waiver of Time Limits.**
 - a. **By Agreement.** Any time limit imposed by these regulations may be waived or extended by agreement among the Development Services Department, the Board of Trustees, and the petitioner or applicant.
 - b. **Automatic Waiver.** Any applicant who requests a continuance of a public meeting or a public hearing at which the applicant's application is being considered, or who requests an extension of any time limit imposed onto the applicant by statute or these regulations, shall be deemed to have agreed to an extension of that time limit.

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2. **Successive Applications.**

- a. **One Year Rule.** Whenever any application for development approval for a special use permit, variance, text and map amendment to the Zoning Map (rezoning), subdivision, or preliminary plan is denied, the petitioner will be notified that an application involving the same property shall not be accepted for filing within one (1) year from the date of denial.
- b. **Exception.** An exception to the above rule is if the subsequent application involves a development proposal which is materially different from prior proposals, in the opinion of the Development Services Department, or is responsive, in the opinion of the decision-making body, to negative findings set forth in the denial of the prior application. (Ord. 2746 – 6/5/95)