



Village of Spring Grove

Zoning Application Packet

INTRODUCTION

The following instructions are presented to help you in preparing your application in the most complete form possible for presentation at a public hearing before the Planning and Zoning Commission. Failure to supply the required information or consult with village staff may result in unnecessary delays.

In preparing the application, the applicant should consult with the Village's Zoning Ordinance to ensure conformity with intent and compliance with all regulatory requirements. Questions regarding these documents or any requirements contained therein should be directed to the Building and Zoning Officer or Village Clerk.

Requests follow a three-step process that first requires staff review and recommendation of the application, followed by a Planning and Zoning Commission public hearing and recommendation, and ultimately the Village Board of Trustees decision. This process generally takes 45 to 90 days to complete. Please allow yourself ample time prior to construction or business opening to begin the application process.

This packet contains a description and schedule of fees, description of the zoning process and procedural checklist. The application form, supplemental standard forms and Reimbursement of Fees Agreement are available from village staff or can be downloaded separately.

This packet is intended to assist a petitioner, is for **information purposes only**, and may not contain all requirements of the Zoning Ordinance for a particular action. This is particularly true for requests for special use, which may have additional application and submittal requirements. Failure to comply with such requirements may result in delays, invalidation, or denial of specific requests. Overall, it is the petitioner's responsibility to ensure the accuracy and sufficiency of the application.

If you have any questions, please contact the Building and Zoning Officer or Village Clerk at 815-675-2121 or info@springgrovevillage.com.

Zoning Application Types

The following is a brief description of the purpose of each type of zoning application.

Special Use. A process that allows a property owner to request approval for a unique land use on their property subject to a determination that the requested use is appropriate at the requested location. Allowed special uses are specified in Appendix B, Uses Permitted in Zoning Ordinance. The Zoning Ordinance contains approval standards for many special uses. Section 1520.6 of the Zoning Ordinance contains specific standards for determining if a special use should be approved. Because of the potential impact on the Village and its residents, some special uses require additional controls in regard to how they exist and relate to other areas, uses and activities. These additional standards can be found in Appendix D of the Zoning Ordinance. The Planning and Zoning Commission may recommend and the Village Board may impose additional conditions on the proposed use.

Variance. A process that allows a property owner to request an exemption from any zoning requirement contained in the Zoning Ordinance, other than those requirements that are identified as being ineligible for variances, due to the practical difficulties or particular hardships. Section 1522.6 of the Zoning Ordinance contains specific standards for determining if a zoning variance should be approved.

Map Amendment. A process that allows a property owner to request that the existing zoning classification of their property be changed to another classification. Section 1526 of the Zoning Ordinance list the ten (10) zoning districts of the Village and Section 1519.6 contains the specific standards that must be met in order to rezone a property.

Text Amendment. A process that allows a property owner to request that the text of the Zoning Ordinance be changed. The ordinance change will apply village wide and not only to the property owner who initiated the request. Section 1518.6 of the Zoning Ordinance contains standards for determining if a zoning text amendment should be approved.

Zoning Application Process

The following is a brief description of the application, review, and approval process for each type of zoning application.

Application. Applications must be submitted to the Building and Zoning Officer and Village Clerk using the forms included with this packet. Once staff has reviewed the application to determine that the filing requirements have been met, staff will schedule a public hearing before the Planning and Zoning Commission. The applicant is responsible for preparing the necessary public notices for publication in the newspaper and mailing to surrounding property owners, and in some cases other tenants in the same building, this includes using the forms included with this packet. Staff will prepare a sign for the applicant to post on the subject property.

Public Hearing. The Planning and Zoning Commission (PZC) conducts public hearing on applications for special use, variances, and map and text amendments. At the conclusion of the public hearing, the PZC will provide a recommendation to the Village Board regarding approving or denying the zoning application. The PZC may also recommend conditions for the approval of special use and variance applications.

Applicants, their representatives, and expert witness, if any, must attend the public hearing to present evidence supporting the application. At a minimum, applicants should be prepared to testify regarding how the application meets all standards listed in the Zoning Ordinance. In particular, applicants for special uses should address the standards contained in Section 1520.6 and Appendix D; applicants for a zoning variance should address the standards contained in Section 1522.6; applicants for a map amendment should address the standards contained in Section 1519.6; and applicants for a text amendment should address the standards contained in Section 1518.6 of the Zoning Ordinance.

For more information on the public hearing see the Public Hearing Requirements and Procedures handout.

Village Board Action. The Village Board makes the final decision to approve or deny all zoning applications. The Village Board considers, but is not obligated to follow the recommendations of the PZC. Upon completion of the public hearing, staff will place the zoning application along with the implementing ordinance on the next available Village Board agenda. This occurs when the PZC minutes and ordinance have been written. Applicants, their representatives, expert witness, if any, or other person wishing to provide comments to the Village Board must attend the Village Board meeting to answer any questions and address any concerns. If the Village Board approves the requested action, an ordinance is enacted and approved including any conditions. A copy of the approved ordinance will be sent to the applicant.

Zoning Application

Application Form. All zoning applications must be filed with the Building and Zoning Officer and Village Clerk using the forms provided by Village staff. All applications must be brought in the name of the property owner(s) and filed by the owner(s) or their attorney or authorized agenda. All application forms must be authorized as required below:

- If the property is held in a land trust, the application shall identify each beneficiary of such land trust by name and address and define their interest therein. All applicants shall submit a verified “Beneficial Interest Affidavit.”
- If a property is under contract for sale, either with or without a contingent right, either the property owner or the contract purchaser may file a zoning application. The other party shall be named in the application and is required to co-authorize the application.
- If the property is owned by a corporation, the application must be authorized by a person having the proper authority. The correct names and addresses of all officers and directors and of all stockholders and shareholders owning any interest in excess of seven and one-

half percent (7.5%) of all outstanding stock of such corporation must be identified for the Legal Notice.

Applications may contain multiple requests, such as a zoning map amendment and a special use permit or a special use permit and a variance.

Applications may not contain alternative requests, such as a zoning map amendment requesting one zoning classification and also requesting a second alternative classification.

Special use applications must request specific named uses as identified in Appendix B, Uses Permitted in Zoning Districts, in the Zoning Ordinance. Additional description of the intended uses may be provided in the required narrative.

Plat of Survey. Each application must include a plat of survey showing the entirety of the area of land that is the subject of the zoning application. The plat of survey must contain a seal and be signed by a Registered Illinois Professional Land Surveyor.

Filing Fee. A non-refundable filing fee, sign fee and retained personnel fee are required upon application for any zoning hearing based on the following schedule:

<u>Development Action</u>	Filing Fee	Retained Personnel Fee*
Zoning Amendments & Special Use Permits <ul style="list-style-type: none"> • First 2 Acres • Each additional acre or part thereof 	\$400.00 \$ 20.00	\$1,000.00
Variance	\$400.00	\$1,000.00
Variance – Owner Occupied Residential Minor	\$275.00	\$ 600.00
Temporary Use Permits	\$ 50.00	
Sign Fee <ul style="list-style-type: none"> • Deposit Fee, if applicable 	\$ 15.00 \$100.00	

Other fees, including but not limited to the cost of newspaper publication and certified and first class mailings, are also the responsibility of the applicant. All outstanding fees must be paid prior to the Village Board voting on the application.

Note: **The applicant is required to pay the Village for any and all administrative expenses, special meetings, costs, and any and all fees, salaries or compensations incurred by the Village or charged to the Village by retained personnel for work in connection with the process of the application as provided in Chapter 17, Annexations and Retained Personnel, of the Municipal Code Book. Applicant shall be fully responsible for all retained personnel costs of the Village. A deposit toward the costs of any Retained Personnel necessary for the processing of the application, such as consulting engineering services, consulting planning services, legal services or court reporter services shall also be paid. Personnel expenses that are in excess of the initial deposit will be billed to the petitioner. Any portion of the deposit not needed to pay such expense shall be refunded without interest to the applicant within 60 days of final action on the application.*

Reimbursement of Fees Agreement. A signed agreement consenting to reimburse the Village for out of pocket expenses (i.e. professional services such as legal, planning or engineering) incurred in processing the application is required at time of submittal.

Site Plan. All applications for special use permits and in some cases, variances, must include a site plan, drawn to scale. The site plan should include the information required in Section 1520.2 and 1535.2 of the Zoning Ordinance. The site plan will be reviewed by the staff and attached to the Ordinance.

Legal Notice. The applicant is required to have a legal notice published for one day in the Northwest Herald, not more than thirty (30) nor less than fifteen (15) days prior to the Planning and Zoning Commission public hearing date (do not count the date of the hearing). The notice should be submitted to the Village Clerk for approval prior to submitting the notice to the newspaper. A Legal Notice template can be provided to you by staff to serve as a guide. The notice must be delivered to the newspaper classified department several business days prior to the date on which the legal notice is to be published. Due to differing deadlines, the applicant should check with the newspaper to determine deadlines. The email address is publicnotice@nwherald.com and phone number is 815-459-4040. The Northwest Herald will send a Certificate of Publication after the legal notice is published. **The Certificate must be submitted to the Village Clerk no later than the day of the public hearing.**

Certified Letter Notification. The applicant is required to send by First Class and Certified Mail (with return receipt) to all owners (taxpayers) of all properties that are adjoining the subject property, excluding rights-of-way the following information:

- Legal Notice.
- Map showing the approximate location of the subject property and all surrounding properties within ½ mile of the subject property.

Names and addresses of surrounding property owners can be obtained from 1) McHenry County GIS, available at <http://www.mchenrycountygis.org/Athena/>; or 2) the McHenry County Assessor's Office, 667 Ware Road, Woodstock, IL 60098, (815) 334-4290. If you have never used the McHenry County Assessor's Office, they are very helpful. All you need is your PIN (Property Identification Number) or tax number taken directly off of your tax bill. They will show you how to use the maps and the computer in this office.

Multi-Tenants. If the applicant is the owner of a property with multiple tenants, notice shall be provided to all tenants of the applicant upon or adjacent to the subject property.

A list of these owners is required with the petition, and must be approved by the Village Clerk prior to mailing. The list should include the tax parcel index number, property address, and the taxpayer's name and address for each property. A Letter to Contiguous Property Owners template can be provided to you by staff to serve as a guide. The return receipts must be submitted to the Village Clerk no later than the date of the public hearing.

Sign Posting. The applicant is required to post a public hearing notice sign on the subject property so that is clearly visible from a public street and within 10 feet of the property line nearest to a public street. Properties with more than one frontage are required to post more than one sign. The posting of the public notice sign(s) must be done no more than thirty (30) nor less than fifteen (15) days prior to the scheduled Planning and Zoning Commission hearing (do not count the date of the hearing). The sign must remain in place until the public hearing is concluded. The sign(s) are provided by the Village Clerk.

Affidavit of Posting and Notification. The applicant must provide staff a notarized Affidavit of Compliance (verifying that the hearing sign was properly displayed and notification requirements) at least two (2) business days prior to the scheduled hearing. A copy of the required form is included with this packet. Public notary service is available to applicants free of charge at the Village. The hearing may be cancelled or delayed if this form is not received as required.

Forms and Checklists. The following forms and checklists can be obtained from staff for use by applicants:

- Application for Zoning Petition
- Standards for Map Amendment, Text Amendment, Special Use, and Variances Forms
- Legal Notice
- Notice to Contiguous Property Owners
- List of Contiguous Property Owners
- Reimbursement of Fees Agreement
- Affidavit of Compliance
- Submittal Checklist