

§ 520-124. - Site plan procedures.

Sections A. – G. unchanged

H. Action by plan commission; appeal procedure. Except as provided in subsection I, the plan commission shall, within 45 days of a complete submittal, approve the site plan as presented, approve the site plan with conditions, or reject the site plan, indicating reasons for rejection, unless this time frame is extended by written agreement of the applicant. Such deadline may be extended by written or electronic agreement from the applicant. The zoning administrator shall notify the applicant of such action in writing on a form designed for that purpose. Within ~~20~~ 30 days of such action, the applicant may appeal in writing all or part of the plan commission's decision to the ~~village board~~ Board of Appeals. During the appeal process, the zoning administrator and building inspector are authorized to hold the issuance of permits to enable commencement or continuation of building and other activities authorized by the zoning administrator's decision, and to issue a stop-work order for any such activities already commenced. The ~~village board~~ Board of Appeals may affirm, modify, or reverse the plan commission's decision. The plan commission shall inform the village board of all site plans submitted, reviewed, approved, and rejected under this subsection H during each meeting.

I. Action by village board.

(1) The plan commission shall not determine a site plan application, but shall forward the complete site plan application or components thereof, all associated materials, and a report and recommendation to the village board in all cases where at least one of the following conditions is present:

(a) The applicant has indicated on the application form a desire for village board action instead of plan commission action.

(b) The application is filed concurrently with a rezoning application for the same site.

(c) The site plan is for a large retail and commercial service development as described in section 520-77.

(d) The site plan proposes public improvements other than driveway connections to public streets and sanitary sewer or water lateral connections to existing public mains, or in the opinion of the commission requires such improvements.

(e) A written agreement between the village and applicant requires village board approval of the site plan.

(2) In the above instances, the village board shall, between ten and 60 days of submittal of plan commission referral, approve the site plan as presented, approve the site plan with conditions, or reject the site plan, including reasons for rejection, unless this time frame is extended by written or electronic agreement of the applicant. The zoning administrator shall notify the applicant of such action in writing on a form designed for this purpose.

J. Appeal to ~~village board~~ the Board of Appeals. An appeal of a decision under subsection H may be taken to the ~~village board~~ Board of Appeals by any person, firm or corporation or any officer, department, board, commission or agency of the village who is aggrieved by the decision. Such appeal shall be made in writing to the zoning administrator within ~~ten~~ 30 days after the date of the commission's decision. In the case of an appeal:

(1) The zoning administrator and building inspector shall issue no permits to enable commencement or continuation of building and other activities authorized by the site plan, and shall issue a stop-work order for any such activities already commenced.

(2) The zoning administrator shall immediately notify the applicant and property owner of the appeal in writing and shall schedule the appeal for consideration ~~village board~~ by the Board of Appeals.

(3) The ~~village board~~ Board of Appeals shall, ~~by resolution,~~ make a final decision to grant, with or without conditions, or to deny each application for site plan approval after receiving and reviewing the commission's findings and making its own findings as to whether or not the proposed use will satisfy the standards for approval set forth in subsection G, and shall have all of the powers of the Plan ~~Commission~~ under this section. The ~~village board's~~ Board of Appeals' determination shall be final and subject to appeal to the circuit court under any procedure authorized by statute.