

16.04.020 – General procedures for applications

- A. Who is authorized to apply- The record owner of the subject property, or a lessee, agent, or contract purchaser with specific written authorization from the record owner, may file an application for approval of a Concept Plan, Preliminary Plat of Subdivision, or Final Plat of Subdivision.
- B. Filing of applications- Applications shall be submitted on forms provided by the City and shall be filed as the instructions provide. Applications shall include the information and plans specified in Chapter 16.06, "Plan Submittal Requirements". Additional information may be required by the Director of Community Development or designee.
- C. Payment by Subdivider- The Subdivider shall pay all filing, review and inspection fees and shall execute a reimbursement of fees agreement, providing for reimbursement to the City for staff time and the direct costs of engineering and other consultants, City Attorney's review, and other direct costs, in accordance with the schedule of fees as established herein. Fees and reimbursements shall be paid regardless of whether the application or petition filed is approved, disapproved or withdrawn.
 1. Filing fees
 - a. All filing fees shall be paid at the time of application submittal.
 - b. Filing Fees are intended to cover the cost of providing information to the public about an application, distributing plans to City departments and other agencies, preparing agenda packets and minutes for the Plan Commission, City Council, and other applicable review bodies, and other administrative tasks.
 - c. The Subdivider shall pay the full filing fee for each category of petition or plan submitted as set forth in Appendix A. The filing fees shall be in addition to fees payable under any other provision of the St. Charles Municipal Code, as amended.
 - d. Applications for Minor Subdivision and Final Plat of Subdivision shall include payment for installation of City benchmarks based on the size of the subdivision, as set forth in Appendix F.
 2. Reimbursement of costs and fees; deposit required
 - a. In addition to the filing fees provided for herein, each Subdivider shall enter into a reimbursement of fees agreement with the City. The reimbursement of fees agreement shall encompass all applications or petitions pending with the City. The reimbursement of fees agreement shall be in the form specified in Appendix B of Title 17, "Zoning" of the St. Charles Municipal Code.
 - b. At the time the Subdivider submits an application or petition to the City requesting action from the City, he shall deposit the amounts specified in Appendix B of Title 17 "Zoning" of the St. Charles Municipal Code with the City to collateralize his obligation for reimbursement of costs for City staff review, outside consultant services, and miscellaneous expenses, as described herein.
 - c. A Subdivider who withdraws their petition or application may apply in writing to the Director of Community Development for a refund of his initial deposit. The City Administrator may, at their sole discretion, approve such refund less any actual fees and costs which the City has already paid or incurred relative to the petition or application.
 3. Reimbursement for City staff review of petitions and applications - The Subdivider shall reimburse the City for the cost per productive work hour for the time spent by each City staff member to participate in meetings, visit the site, review plans, prepare reports, conduct inspections and participate in any other activity pertaining to review of the petition or application.
 4. Reimbursement for outside consultant services - The Subdivider shall reimburse the City for the cost of the following:
 - a. Fees for landscape architect's review and consultation in connection with review of the petition or application, and inspection of construction, including meetings and associated tasks.
 - b. Fees for engineering studies (i.e. traffic, utility, etc.) performed by a Licensed Professional Engineer and approved by the Director of Community Development or designee, when such study and analysis is requested by the City.
 - c. Fees for City Attorney's review and negotiations in connection with the petition or application.
 - d. Fees for Licensed Professional Engineer's review of plans and documents, including meetings and associated tasks.
 - e. Fees for planning consultant's review and consultation in connection with review of the petition or application, including meetings and associated tasks.
 - f. Fees for other professional consultants as may be necessary to review and evaluate the proposed applications, plans and documents.
 5. Reimbursement for miscellaneous expenses - The Subdivider shall reimburse the City for miscellaneous costs incurred relative to any application or petition including, but not limited to:

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- a. Publication of legal notices.
 - b. Court reporter and transcript fees.
 - c. Mailing (postage) costs.
 - d. Recording fees.
6. Reimbursement for engineering inspection of construction - The cost of any inspection of any Land Improvement shall be paid by the Subdivider to the City. The Subdivider shall reimburse the City for the cost per work hour of all City staff members or consultants involved in land improvement construction, inspections, plan review, studies, meetings, change order, pay requests, utility coordination, third party permit compliance coordination, and associated tasks relative to inspection of construction of land improvements. Additionally, an administrative processing fee of fifty (\$50) dollars must be paid prior to scheduling of any re-inspection and all future inspections of a previously failed inspection. The testing of concrete, asphalt, soil, or other materials, and/or workmanship shall be done at the direction of the City, and at the expense of the Subdivider.
 7. Exemption for governmental agencies - Notwithstanding anything to the contrary in this Section 16.04.020, any unit of federal, state, or local government that files a petition or application pursuant to this Title shall only be responsible for reimbursing the City for outside consultant services and miscellaneous expenses, as described above.
- D. Completeness- The Director of Community Development, or designee, shall determine whether all submitted applications are complete and the required fees have been paid in accordance with Appendix A, and shall notify the Subdivider of any deficiencies. The City is under no obligation to conduct a full application review or to place the application on a public meeting agenda until all required submittal items, including filing fees, have been received. Once an application is deemed complete, the application shall be reviewed and scheduled for consideration by the appropriate staff and review bodies.
 - E. Withdrawal of application- An Subdivider shall have the right to withdraw an application at any time prior to the decision on the application by a City Official, City Council, Commission or Board. Such withdrawal shall be in writing. There will be no refund of fees unless the withdrawal is made prior to the time the City has determined the application is complete and prior to scheduling of public meetings and/or commencement of formal review of the application.
 - F. Successive applications- Within one (1) year of the date of denial of an application, a subsequent application for the same property that makes the same request shall not be reviewed or heard unless there is substantial new evidence available, the restriction that prevented its approval has been amended, or if a significant mistake of law or fact affected the prior denial. Such subsequent application shall include a detailed statement of the grounds justifying its consideration. The Director of Community Development shall make a determination as to whether the subsequent application is making essentially the same request. If the Director of Community Development finds that there are no grounds for consideration of the subsequent application, he/she shall summarily, and without hearing, deny the request.

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