



## VILLAGE OF GLEN ELLYN

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# Zoning Map Amendment And Zoning Code Text Amendment Application Packet

*Planning & Development Department  
535 Duane Street – Glen Ellyn, IL 60137 – Telephone 630.547.5250 – Fax 630.547.5370*

## **ZONING MAP AMENDMENT AND ZONING CODE TEXT AMENDMENT**

### **OUTLINE**

1. Pre-application meeting with Planning and Development Department;
2. Preparation of application packet;
3. Review of packet by Planning and Development Department staff (recommended);
4. Formal application (submission of packets and fee);
5. For Zoning Map Amendment: Notice in newspaper, by letter to surrounding property owners, sign on site;  
For Zoning Code Text Amendment: Notice in newspaper
6. Review by Plan Commission at a Public Hearing
7. Preparation of Report and Recommendation, public hearing transcripts or minutes;
8. Review by Village Board at workshop;
9. Action by Village Board at meeting;
10. Adoption of ordinance.

## **ZONING MAP AND ZONING CODE TEXT AMENDMENTS PROCEDURE**

1. **Pre-Application Meeting:** The petitioner should meet with the Village Planner or Director of Planning and Development for a pre-application meeting to informally discuss the proposed Zoning Map Amendment (zone change) or Zoning Code Text Amendment, prior to filling out a formal application. At the pre-application meeting, the petitioner should provide general information, which describes or outlines the existing conditions of the site and the purpose of the proposed zone change. If a change to the Zoning Code is sought, the petitioner should indicate what change is sought and why. A request to informally discuss the proposed zone change or Zoning Code Text Amendment with the Plan Commission may be made at this time. The Planning and Development staff will also review the types of required submittals (see item #2 below), the numbers of copies required, and how long the request will likely take to be reviewed by the Village.

A property affected by a proposed Zoning Map Amendment shall have at least 200 feet of frontage or 25,000 square feet of area, or shall adjoin a parcel of land which bears the same zoning district classification as that proposed for the affected property by the Map Amendment. The petitioner is encouraged to become familiar with the appropriate provisions of the Zoning Code.

2. **Required Submittals:** The petitioner shall prepare the following items:

### **Zoning Map Amendment:**

- a. **Application:** Completed application for Zoning Map Amendment (form attached and associated fee); and
- b. **Reimbursement of Fees Agreement:** Signed agreement consenting to reimburse the Village for out of pocket expenses incurred in processing the application.
- c. **Plat of Survey:** A current Plat of Survey of the property, prepared by a land surveyor registered with the State of Illinois, with a statement that the property is or is not in the floodplain;
- d. **Proof of Ownership:** A copy of a Guarantee Title Policy or other proof of ownership as approved by the Planning and Development staff;
- e. **Disclosure of Interest:** If the subject property is held in a trust, a complete disclosure of interest of the ownership, including the names of trustees and beneficial owners shall be provided. If the subject property is owned by a corporation, a disclosure of the shareholders including the names of the officers and directors should be provided (form attached);

- f. Affidavit of Authorization: A document signed by the owner of the subject property which authorizes the petitioner to represent them for the Zoning Map Amendment request shall be provided (form attached); and
- g. Land Use Opinion: A Land Use Opinion from the Kane DuPage Soil and Water Conservation District Board, if required.

**Zoning Code Text Amendment:**

- a. Application: Completed application for Zoning Code Text Amendment (form attached); and
- b. Other: Any other supporting documentation necessary to justify the requested change to the Zoning Code.

**NOTE:** Waiver of the required documentary evidence can be granted by the Director of Planning and Development provided staff determines that the information is insignificant or unnecessary.

**NOTE:** If any plans accompanying the Zoning Map Amendment application are required to be recorded with the DuPage County Recorder of Deeds, the petitioner should have the surveyor sign a Letter of Authorization (form attached), which designates the Village of Glen Ellyn as the agent to record the plan.

**NOTE:** The petitioner should be aware that the requirements outlined herein are the minimum requirements for processing an application for Zoning Map and Zoning Code Text Amendments and that, from time to time, the Plan Commission may require such other information that it deems necessary to determine if the proposed zone change or change to the Zoning Code meets the intent and requirements of the Zoning Code and Comprehensive Plan.

- 3. **Staff Review:** After the petitioner has prepared the items above the petitioner shall submit the application to the Planning and Development staff for review of the completeness of the application materials prior to making the required number of copies.
- 4. **Application Fee/Escrow:** Zoning Map and Zoning Code Text Amendment requests require an application fee. Staff will identify the amount of the fee, as determined by the Village Board, at the pre-application meeting. This fee is applied toward project review costs. The petitioner shall also be charged for all costs resulting from transcribing the public hearing on this application. Additionally, the petitioner may be required to establish an account with the Village to pay for the cost of outside consultants used to review the project. The amount of the escrow will be determined by staff. The petitioner's account will be drawn on to pay Village consultants (engineer, attorney, planner, etc.) as invoices are received. The developer will be notified of the drafts, and will be expected to return the account to the agreed balance. After any construction is completed, any remaining funds will be returned to the petitioner.

5. **Formal Application:**

- a. Upon receipt of the required number of copies of all the items enumerated above and the application fee, the Planning and Development staff shall set a date for a public hearing before the Plan Commission on the application for Zoning Map or Zoning Code Text Amendment. The application must be received a minimum of 21 days in advance of the proposed public hearing date;
- b. Not more than 30 days nor less than 15 days before the public hearing before the Plan Commission, the Planning and Development staff will place a legal notice in The Glen Ellyn News which will describe the petitioner's request, and give the time, date, and location of the public hearing. For a Zoning Map Amendment, the notice will also describe the location of the subject property. Also for a zone change, the staff will mail a notice to the property owners within 250 feet of the subject property. The petitioner will also be notified by mail. Finally, staff will cause to be placed on the subject property, not less than 15 days prior to the public hearing, one or more signs, which announce that a public hearing regarding the zone change for the subject property will be held. The sign shall remain until the completion of the public hearing, after which it will be removed. Jurisdiction of the Plan Commission to hold the public hearing shall not be affected by the absence of a sign, if such absence is not the result of the petitioner;
- c. The Director of Planning and Development, if he/she considers it necessary, may call upon any Village department or official for their review of the proposed Zoning Map or Zoning Code Text Amendment prior to the public hearing. Such review shall be in writing and take no more than 10 days.

6. **Staff Review:** The Village Planner or Director of Planning and Development will review the request for compliance with the provisions of the Comprehensive Plan, Zoning Code and other applicable codes. Staff will also visit the subject property in the case of a requested zone change. A staff report, which summarizes the request and presents staff concerns, will be prepared, and submitted to the Plan Commission. The petitioner will be provided a copy of the staff report and the agenda of the Plan Commission meeting.

7. **Public Hearing:**

- a. The Planning and Development staff will submit the application, supporting materials, staff reports and any other documents to the Plan Commission to conduct the public hearing thereon. The Plan Commission meets on the second and fourth Thursday of each month, at 7:00 p.m. in the Glen Ellyn Civic Center, 535 Duane Street;
- b. The petitioner or his/her representative must attend the public hearing. It is the responsibility of the petitioner to present an argument supporting the request for a Zoning Map or Zoning Code Text Amendment in a complete and logical manner and to have available all evidence necessary to support the request. It is

advisable, but not required, for the petitioner to mount for presentation purposes a copy of the Plat of Survey and Location Map for a request zone change;

- c. The Plan Commission may make a decision at one meeting, or choose to continue the public hearing to another date for a variety of reasons, including but not limited to: if additional information is deemed necessary; if Plan Commissioners desire an opportunity to visit the site or request staff to conduct further research; if insufficient time remains on the night of the public hearing to conclude the hearing. If the hearing is continued, no additional public notice is required to be published, but the sign remains on the subject property for a zone change.
- d. At the close of the public hearing, the Plan Commission will take a roll call vote on the requested Zoning Map or Zoning Code Text Amendment. The Plan Commission may recommend approval, approval with conditions, or denial.

**Zoning Map Amendment:**

In making its recommendation, the Plan commission must make findings of fact with respect to each of the following:

1. Identification of the existing uses of property within the general area of the affected property;
2. Identification of the zoning classification of property within the general area of the affected property;
3. Determination as to the suitability of the property in question to the uses permitted under the existing classification or district and under the proposed classification or district;
4. The trend or development, if any, in the general area of the affected property, including changes, if any, which have taken place since the date the affected property was placed in its present zoning classification or district;
5. The trend or development, if any, as to the proposed uses of property within the general area of the affected property, as represented on the Comprehensive Plan;
6. The length of time the property has been vacant as zoned, considered in the context of the land development and the area surrounding the subject property; and
7. The extent to which property values are diminished, if at all, by particular zoning restrictions;

**Zoning Code Text Amendment:**

There are no specific findings of fact required for a requested Zoning Code Text Amendment, but the Plan Commission will evaluate the request against the intent of the Zoning Code, the recommendations of the Village Comprehensive Plan, and the public health, safety and general welfare;

- e. In case of a written protest against any proposed Text Amendment or Map Amendment, filed with the Village Clerk and signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%), of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, the Amendment shall not be passed except by a favorable vote of two-thirds (2/3) of the Village Trustees then holding office. In such case, a copy of the written protest shall be served by the protester or protesters on the applicant for the proposed Amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application or petitioner for the proposed Amendment;

8. **Final Action:**

- a. Within 90 days after the close of the public hearing, the Plan Commission will submit a written Report and Recommendation to the Village Board which summarizes what occurred at the public hearing, the exhibits presented, the citizens and witnesses heard, and the recommendation rendered. The Report and Recommendation is signed by the Chairman of the Plan Commission. A written transcript or minutes of the public hearing will also be forwarded;

**NOTE:** Before the Village Board takes final action and votes on the request, the petitioner must have paid the transcribing fees.

- b. After receiving the Report and Recommendation, transcripts or minutes and supporting documents, the Village Board will schedule the Zoning Map or Zoning Code Text Amendment request on one of the Village Board agendas. The Village Board meets the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Mondays of the month. The third Monday is a workshop, and the second and fourth Mondays are formal meetings. A pre-board meeting is held before the formal meeting on the 2<sup>nd</sup> Monday. At a workshop or pre-board meeting, the Village Board discusses and decides what action will be taken on the items on the agenda for the formal meeting. The petitioner will be informed by Planning and Development staff of which Village Board workshop or pre-board meeting, and what formal meeting they are scheduled to be heard. The petitioner or his/her representative must attend these meetings;
- c. The meeting of the Village Board is not a public hearing. The Village Board may decide to approve, approve with conditions, or deny the requested Zoning Map or

Zoning Code Text Amendment. Any proposed zone change or change to the Zoning Code which fails to receive the approval of the Plan Commission may be approved by the favorable vote of two-thirds of the Village Board. If a proposed zone change or text amendment receives the approval of the Plan Commission and the Village Board concurs, a favorable vote of the majority of the members of the Village Board is sufficient to grant the Zoning Map or Zoning Code Text Amendment. Conditions or restrictions may be required to reduce or minimize injurious effects of zone changes on other property or to implement the general purpose and intent of the Zoning Code. Action on the requested Zoning Map or Zoning Code Text Amendment will be by an ordinance, which is adopted by the Village Board;

- d. After the decision by the Village Board, the petitioner, Director of Planning and Development, Building and Zoning Official and Director of Public Works are informed of the action. If the decision is to approve the Zoning Map Amendment, the Zoning District Map of the Village of Glen Ellyn will be amended to show the change. Such an amendment will be made at the annual updating of the Zoning District Map. If an amendment to the Zoning Code is approved, the change will be included in the annual update of the Code.

Questions may be directed to the Village Planner or Director of Planning and Development at 547-5250.



**APPLICATION FOR ZONING MAP AMENDMENT**

**You may attach separate sheets as needed to answer any of the following questions.**

The undersigned petitions the President and Village Board of Trustees of the Village of Glen Ellyn, Illinois, to consider the Zoning Map Amendment described in this application.

Date Filed: \_\_\_\_\_ Application No: \_\_\_\_\_

**Name of Applicant:** \_\_\_\_\_

Address of Applicant:

Business Phone No.: \_\_\_\_\_ Home Phone No.: \_\_\_\_\_

Mobile Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Property Interest of Applicant: \_\_\_\_\_

(Owner, Contract Purchaser, Owner Representative)

**Name of Property Owner:** \_\_\_\_\_

Address of Owner:

Phone No. (Business): \_\_\_\_\_ (Home): \_\_\_\_\_

Mobile Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

**Address of Property:** \_\_\_\_\_

Legal Description of Property:

Lot Frontage: \_\_\_\_\_ Lot Area: \_\_\_\_\_

Present Use:

Requested Zoning: \_\_\_\_\_

Requested Use/Construction:

Estimated Date to Begin New Use/Construction: \_\_\_\_\_

Name(s), Address(es), and Phone No(s). of Experts (architects, engineers, etc.):

**Narrative Statement** evaluating the economic effects on adjoining property, the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property, a discussion of the general compatibility with the adjacent and other properties in the district, the effect of traffic, and the relationship of the proposed use to the Comprehensive Plan, and how it fulfills the requirements of paragraph (E) of Section 10-10-13 of the Zoning Code:

**Discuss the Requested Zone Change with Respect to Each of the Following:**

1. Identification of the existing uses of property within the general area of the affected property:

2. Identification of the zoning classification of property within the general area of the affected property:

3. Determination as to the suitability of the property in question to the uses permitted under the existing classification or district and under the proposed classification or district:

4. The trend or development, if any, in the general area of the affected property, including changes, if any, which have taken place since the date the affected property was placed in its present zoning classification or district:

5. The trend or development, if any, as to the proposed uses of property within the general area of the affected property, as represented on the Comprehensive Plan:

6. The length of time the property has been vacant as zoned, considered in the context of the land development and the area surrounding the subject property:

7. The extent to which property values are diminished, if at all, by the particular zoning restrictions:

I (We) certify that all of the statements and documents submitted as part of this application are true to the best of my (our) knowledge and belief.

I (We) consent to entry in or upon the premises described in this application by any unauthorized official of the Village of Glen Ellyn for the purpose of inspection.

I (We) consent to pay the Village of Glen Ellyn all costs incurred for transcribing the public hearing on this application.

I (We) understand that no final action shall be taken by the Village Board subsequent to the public hearing until and upon payment of transcribing fees.

_____	_____	_____
Date	Print Name	Signature of Applicant
_____	_____	_____
Date	Print Name	Signature of Applicant
_____	_____	_____
Date	Print Name	Signature of Applicant

**THE BEST INTERESTS OF THE APPLICANT WILL BE SERVED  
BY COMPLETEING THIS APPLICATION IN DETAIL**

**APPLICATION FOR ZONING CODE TEXT AMENDMENT**

**You may attach separate sheets as needed to answer any of the following questions.**

The undersigned petitions the President and Village Board Trustees of the Village of Glen Ellyn, Illinois, to consider the Zoning Code Text Amendment described in this application.

Date Filed: \_\_\_\_\_ Application No: \_\_\_\_\_

**Name of Applicant:** \_\_\_\_\_

Address of Applicant:

Business Phone No.: \_\_\_\_\_ Home Phone No.: \_\_\_\_\_

Mobile Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Proposed Amendment:

Will an existing Section of the Zoning Code be replaced/changed? \_\_\_\_\_

Section Reference: \_\_\_\_\_

**Narrative Statement** of how the proposed Text Amendment relates to the Comprehensive Plan of the Village of Glen Ellyn, or otherwise promotes the public health, safety and general welfare:

I (We) certify that all of the statements and documents submitted as part of this application are true to the best of my (our) knowledge and belief.

I (We) consent to pay the Village of Glen Ellyn all costs incurred for transcribing the public hearing on this application.

I (We) understand that no final action shall be taken by the Village Board subsequent to the public hearing until and upon payment of transcribing fees.

Date	Print Name	Signature of Applicant
Date	Print Name	Signature of Applicant
Date	Print Name	Signature of Applicant

### **Section 10-10-10: Petition Application Procedures**

In order to insure full disclosure to the Village of the identity and interests of all those who come before it for the benefits or relief available under this zoning ordinance, each and every application, request for building permit, notice of appeal, petition, and any and all requests for the benefits or relief available under this zoning ordinance (collectively referred to herein as “application”) shall include, inter alia, the following:

Unless otherwise provided herein, all applications shall be made by the owner or lessee, or agent or either (the latter two being referred to herein as “applicant”). If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, that the person making the application is authorized by him to make such application. Such application shall contain the full name, address and phone number of the applicant and/or the owner. If either the applicant or the owner is a corporate body, the full names, addresses and phone numbers and extent of interest of those shareholders or beneficiaries who own five percent or more of the outstanding stock or interest of the corporation and of its directors, officers and its registered agent must be disclosed. If either the applicant or the owner is a trust, the full names, addresses, phone numbers and extent of interest of all beneficiaries must be disclosed. If any such beneficiary holds an interest as nominee for another person, he/she must disclose the name, address, phone number and full identifying particulars of such other person.

### **Section 10-10-18: Enforcement & Penalties; General:**

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this ordinance, shall upon conviction, be fined not less than \$25.00 nor more than \$500.00 for each offense. Each day that a violation is permitted to exist after notification thereof shall constitute a separate offense.



**OWNERSHIP BY LAND TRUST**

Date: \_\_\_\_\_

Address: \_\_\_\_\_

Legal Description:

TRUSTEE: \_\_\_\_\_ TRUST NO.: \_\_\_\_\_

Address: \_\_\_\_\_

**LIST ALL BENEFICIARIES:**

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

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Name: \_\_\_\_\_ Address: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

**OWNERSHIP BY A CORPORATION**

Date: \_\_\_\_\_

Address: \_\_\_\_\_

Legal Description:

LIST ALL SHAREHOLDERS AND OFFICERS/DIRECTORS (AND % OF INTEREST OWNED IN EXCESS OF 5% OF STOCK)

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

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Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

**AFFIDAVIT OF AUTHORIZATION**

I, \_\_\_\_\_ owner of the property described as

verify that \_\_\_\_\_  
is duly authorized to apply and represent my interests before the Glen Ellyn Plan Commission, Zoning Board of Appeals, and/or Village Board of Trustees. Owner acknowledges that any notice given applicant is actual notice to owner.

\_\_\_\_\_  
Owner Signature

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_

Notary Public

## **IDNR ENDANGERED SPECIES CONSULTATION**

An Endangered Species Consultation may be required for your project. If an Endangered Species Consultation is required as part of your application, the Online Ecological Compliance Assessment Tool (EcoCAT) must be completed and a copy of the **final** report from the **Illinois Department of Natural Resources (IDNR)** should be included in your Zoning Map Amendment and/or Zoning Text Amendment application packet. The online EcoCAT information and application can be found at <https://dnr.illinois.gov/ecopublic/>.

Below is information **directly from the EcoCAT Frequently asked Questions, regarding which actions require consultation and which are exempt from consultation.**

### **What actions require consultation?**

Any action that will change existing environmental conditions, i.e. anything that disturbs the land, water, or air. Examples include:

- construction
- discharge of pollutants or application of chemicals into the air, water, or land
- dredging any naturally occurring materials
- re-zoning from a non-urban classification to an urban classification (e.g. from agricultural to residential) or a change from one urban classification to another on land not used in its entirety for the original classification
- subdivision and other development plats
- infrastructure alterations (utilities, roads, sewers)
- land management
- alteration, removal, excavation or plowing of non-farmed, non-cultivated areas
- altering existing topography
- annexations
- parks, stream, or lake modifications

### **What actions are exempt from consultation?**

Unless it is evident that they could directly or indirectly affect an endangered or threatened species or a Natural Area, the following actions are exempt from consultation:

- mowing within maintained highway rights-of-way
- routine resurfacing and application of oil and gravel to existing roads
- maintenance or repair of existing structures
- actions under a Department-approved management plan undertaken to maintain or improve natural ecosystem conditions or to re-establish pre-settlement vegetation conditions (such as prescribed burns, spot application of herbicides or brush clearing)
- maintenance of existing lawns, yards, and ornamental plantings
- routine cultivation of agricultural lands
- change of zoning requests for land currently zoned, developed, and used in its entirety for commercial, industrial, or residential purposes

**KANE DUPAGE SOIL AND WATER CONSERVATION DISTRICT  
LAND USE OPINION**

A Land Use Opinion from the Kane DuPage Soil and Water Conservation District may be required to be submitted with an application for approval of a Zoning Map Amendment and Zoning Code Text. If a Land Use Opinion is required for your project, the required fee and application should be submitted directly to the Kane DuPage Soil and Water Conservation District. A link to this typing enabled form can be found at:

<http://www.kanedupageswcd.org/pdfs/LUO/LandUseOpinionApp13.pdf>.

**REIMBURSEMENT OF FEES AGREEMENT**

Village of Glen Ellyn Acct: # \_\_\_\_\_  
Initial Deposit Amount: \_\_\_\_\_

I. DESCRIPTION OF PROJECT: \_\_\_\_\_

II. OWNER:

A. Owner of Property: \_\_\_\_\_

B. Owner's Address: \_\_\_\_\_

C. Owner's Home Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_

D. Owner's Work Phone Number: \_\_\_\_\_

E. Owner's E-mail: \_\_\_\_\_

F. If Owner is a Land Trust or Corporation, the attached disclosures of interest should be filled out.

III. PERSON MAKING REQUEST (Petitioner):

A. Name of Petitioner: \_\_\_\_\_

B. Petitioner's Address: \_\_\_\_\_

C. Petitioner's Home Phone Number: \_\_\_\_\_

D. Petitioner's Work Number: \_\_\_\_\_

E. Petitioner's E-mail: \_\_\_\_\_

IV. LOCATION OF PROPERTY:

A. General Location of Property: \_\_\_\_\_

B. Acreage of Parcel: \_\_\_\_\_

C. Permanent Index Number(s): \_\_\_\_\_

D. Legal Description (Please attach)

V. REIMBURSEMENT OF FEES:

The Ordinances of the Village require the owners of property, or individuals seeking to utilize property, to receive approval by ordinance or the issuance of a permit to undertake various uses or improvements of property in the Village. These uses can include requests for textual or map changes in the Zoning Ordinance, applications for building permits, requests for zoning relief and other similar requests. The Village has established a fee schedule for the anticipated use of staff time in processing such petitions or applications. In many cases, however the Village cannot reasonably evaluate the validity or compliance of the petition or application with the Ordinances of the Village without the use of reports from various consultants. In some cases, the application or petition requires among other things, public hearings and associated public notice costs, preparation of minutes or transcripts from the public hearing or meeting, recording costs of Ordinances and the preparation of reports by consultants whose services

require the payment of out-of-pocket expenses by the Village. These expenses would not have been incurred but for the petition or application. The Village does not intend to seek to make a profit on its utilization of such consultants, but requires that the applicant, or the person receiving benefit, shall be obligated to reimburse the out-of-pocket expenses incurred by the Village. The Village shall seek to employ consultants who shall charge rates consistent with those paid by private parties who seek similar consulting services. The Village intends, through this Agreement, to cause the payment of out-of-pocket expenses and to require the creation of an escrow fund to guarantee that the petition or application will not result in the citizens of the Village being required to pay for costs incurred at the request of the owner or applicant.

This document shall constitute a contract when an application is made for a license, permit, request for zoning relief or other approval involving the use of real property. Should the Village, in its sole and exclusive discretion, determine that it is necessary or desirable for the Village to obtain professional services, including, but not limited to, attorneys, engineers, planners, architects, surveyors, court reporters, traffic, drainage or other consultants, including full and/or part time site inspection services during the actual construction of any required improvements, and/or to incur costs related to any required notices or recordations, in connection with any application or petition filed by the petitioner then the petitioner and owner shall be jointly and severally liable for the payment of such professional fees and costs, as shall actually be incurred by the Village. The Planning and Development Director is hereby authorized to assign the above described services to the Village staff or to consultants, as the Director deems appropriate and without prior notification to the petitioner.

Any application or petition to be reviewed by the Planning and Development Department or by the Plan Commission shall require the petitioner to establish an escrow account with the Village in an amount determined by the Planning and Development Director to reimburse the Village for all out of pocket costs associated with the request. These out of pocket costs will cover such things as services provided by the Village's consulting engineer, consulting attorney, consulting planner, traffic consultant, wetland consultant, landscape consultant, architectural consultant, appraiser and transcriber, among others, as well as reproduction costs, public hearing notice costs, recording costs, etc. Along with the application the petitioner shall also submit a signed copy of this agreement thereby acknowledging and agreeing to reimburse the Village for all out of pocket costs associated with the application or petition.

This agreement shall be accompanied by an initial deposit in an amount to be determined by the Director of Planning and Development but shall be no less than \$500. The Village will provide an itemized list of Village expenses incurred related to any charge to the escrow account, and the petitioner shall deposit funds to reimburse the Village for those expenses upon notice from the Village that the deposit has dropped below \$300. If the expenses are not reimbursed, then reviews meetings and permits associated with out of pocket costs will cease, and the request will not be moved forward through the review process. At the completion of the review process, and development of the project, if appropriate, any remaining balance from the deposit will be returned to the petitioner, without interest, after all expenses have been paid.

The Village shall deduct the incurred expenditures and costs from the funds deposited. If the remaining deposit balance falls below \$300.00, the petitioner, upon notice by the Village, shall be required to replenish the deposit to its initial amount. The Village shall mail the petitioner regular invoices for the fees and costs incurred. The petitioner shall replenish the deposit amount within thirty (30) days of issuance of each such invoice directing replenishment of the deposit.

A petitioner who withdraws his or her petition may apply in writing to the Planning and Development Director for a refund of his or her remaining escrow balance. The Planning and Development Director may, at his or her discretion, approve such refund less any actual fees and costs, which the Village has already paid or incurred relative to the application.

Upon the failure of the petitioner or owner to reimburse the Village in accordance with this Agreement, no further action shall be undertaken on the application by the Village President and Board of Trustees, or by any other official or quasi-official individual or body thereunder, including the conduct of any hearings or deliberations, reviews of any plans or applications, the granting of any relief or approvals, issuance of any permits or occupancies, performance of inspections and the execution or recording of any documents, until all such outstanding fees are paid in full and/or the initial deposit is restored to its full amount. Upon any failure to reimburse the Village in accordance with this Section, the Village may in its discretion, apply any or all of the initial deposit to the outstanding balance due.

The remedies available to the Village as set forth hereinabove are non-exclusive and nothing herein shall be deemed to limit or waive the Village's right to seek relief of such fees against any or all responsible parties in a court of competent jurisdiction.

Any remaining balance of any funds deposited pursuant to this Agreement shall be refunded at such time as the completion of Village deliberation on the petition or application, recordation of all necessary documents associated with the petition or application, issuance of a building permit, approval of a final inspection, or issuance of a final certificate of occupancy upon the real property in question whichever occurs later.

BY SIGNING BELOW, THE PETITIONER AND OWNER ACKNOWLEDGE THAT EACH OF THEM HAS READ THE FOREGOING PARAGRAPHS AND EACH OF THEM FULLY UNDERSTANDS AND AGREES TO COMPLY WITH THE TERMS SET FORTH HEREIN. FURTHER, BY SIGNING BELOW, EACH SIGNATORY WARRANTS THAT HE/SHE/IT POSSESSES FULL AUTHORITY TO SO SIGN.

THE PETITIONER AND OWNER AGREE THAT PETITIONER AND OWNER SHALL BE JOINTLY AND SEVERALLY LIABLE FOR PAYMENT OF FEES REFERRED TO IN APPLICABLE SECTIONS OF THE ORDINANCES OF THE VILLAGE OF GLEN ELLYN, AND THE OBLIGATIONS FOR PAYMENT RELATING TO THE FILING OF PETITION OR APPLICATION, AS SET FORTH HEREIN.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Owner

Date: \_\_\_\_\_

Village of Glen Ellyn

By: \_\_\_\_\_  
Planning and Development Director

Date: \_\_\_\_\_