



## VILLAGE OF GLEN ELLYN

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### **Special Use Permit Application Packet**

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

**SPECIAL USE PERMIT PROCEDURE  
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. Notice in newspaper, notice by letter to surrounding property owners, sign on site;
6. Review by Plan Commission at a public hearing;
7. Preparation of public hearing transcripts or minutes;
8. Review by Village Board at workshop;
9. Action by Village Board at meeting;
10. Adoption of ordinance.

## **SPECIAL USE PERMIT 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 Special Use prior to filling out a formal application. At the pre-application meeting, the petitioner should provide general information that describes or outlines the existing conditions of the site and the proposed Special Use. A request to informally discuss the proposed Special Use with the Plan Commission may be made at this time. The Planning and Development Department staff will also review the types of required submittals (see item #2), the number of copies required and the approximate length of review time required by the Village.

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 for submittal to Village staff:
  - a. **Application:** Completed application for Special Use Permit (form attached and associated fee);
  - 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 contour lines depicting the existing grade and a statement that the property is or is not in the floodplain;
  - d. **Site Plan:** A plan or plat drawn to scale, including a north arrow, address of the site, name of the preparer and date, showing:
    1. Lot line dimensions and lot area;
    2. Existing or proposed grades with contour intervals not in excess of two feet;
    3. Location of any existing and proposed structures on the lot;
    4. Street locations, right-of-way widths and pavement widths;
    5. Location, width and materials of sidewalks, curb cuts and driveways;
    6. Location and size of any sanitary sewer and water lines or septic systems and wells, location of storm sewers;
    7. Location and width of easements;
    8. Location of parking areas, type of surface, dimension of parking spaces and drive aisles;
    9. Location of loading areas, types of surface, dimensions, striping and signing, type of screening;
    10. On-site traffic access and circulation delineated by directional arrows and signs;
    11. Open spaces;
    12. Location of existing and proposed signs;
    13. Location, height and type of existing and proposed lighting;
    14. Location, size and species of existing and proposed landscaping;

15. Zoning of subject property and adjacent properties;
  16. Other data that may be necessary for the review of the application, as determined by the Planning and Development staff;
- d. Proof of Ownership: A copy of a Guarantee Title Policy or other proof of ownership as approved by the Planning and Development Department 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 Special Use request shall be provided (form attached);
  - g. Narrative Statement: A description of the existing and proposed use(s) of all structures and land. The statement should evaluate the economic effects of the proposed Special Use and the impacts of such elements as noise, glare, odor, fumes, and vibration on adjoining property. The statement should discuss the general compatibility with existing and proposed uses in the general vicinity and with the recommendations of the Comprehensive Plan; and
  - h. Land Use Opinion: A Land Use Opinion from the Kane DuPage Soil and Water Conservation District Board, if required.

**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 the plans accompanying the Special Use 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 a representative from 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 Special Use and that, from time to time, the Plan Commission may require such other information that it deems necessary to determine if the proposed Special Use meets the intent and requirements of the Zoning Code.

3. **Preliminary Staff Review:** When the petitioner has plans in substantially completed form, it is recommended that a draft copy of all application documents shall be submitted for preliminary review by the Planning and Development staff. Staff will review the project for compliance with all applicable Village ordinances and will raise any concerns or issues with the proposal. Following review by staff, the petitioner may wish to modify the proposal to respond to staff comments.
4. **Escrow Account for Consultants:** The Village utilizes consultants for engineering, legal and Plan Commission secretarial services. Prior to involving these individuals in the

review of a proposed Special Use Permit, the Village requires a petitioner to establish an escrow account to pay the Village consultant costs. The minimum amount of an escrow account is five hundred dollars (\$500). The Director of Planning and Development may set a higher minimum based on an evaluation of the size of the project and likely expenses associated with the review process. Once the escrow account is established, the Village involves its consultants in the review process as necessary. When invoices are received from the consultants, the Village draws on the account. The developer receives a monthly accounting of the invoices and is requested to replenish the escrow account back to the original amount, when the balance is less than five hundred dollars (\$500). The escrow account is maintained throughout the review and building processes. Once the project is complete, any remaining funds in the escrow account are returned to the petitioner.

5. **Formal Application:**

- a. Special Use 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 fee is payable when formal application is made for a Special Use Permit;
- b. Upon receipt of the required number of copies of all of 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 Special Use Permit. The application must be received a minimum of 21 days in advance of the proposed public hearing date;
- c. 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, location of the subject property and the time, date, and location of the public hearing. The staff will also mail a notice of the Special Use request to property owners within 250 feet of the subject property and will cause a sign to be placed on the subject property not less than 15 days prior to the public hearing which announces that a public hearing regarding the subject property will be held. The sign shall remain until 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; and
- d. 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 Special Use prior to any public hearing. Such review shall be in writing and take no more than ten 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. 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, staff report and any other supporting 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 Special Use Permit 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 prepare color versions of the plans (site plan, landscaping, building drawings), mounted for presentation purposes;
- 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: additional information is deemed necessary; Plan Commissioners desire an opportunity to visit the site or request staff to conduct further research; or 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, however the sign remains on the subject property;
- d. At the close of the public hearing, the Plan Commission will take a roll call vote on the requested Special Use. The Plan Commission may recommend approval, approval with conditions, or denial. In making its recommendation, the Plan Commission must find that the requested Special Use:
  1. Will be harmonious with and in accordance with the general objectives, or within a specific objective of the Comprehensive Plan or the Zoning Code;
  2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
  3. Will not be hazardous or disturbing to existing or future neighborhood uses;
  4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structure, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed Special Use shall be able to provide adequately any such services;
  5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the Village;
  6. Will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property or

the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

7. Will have vehicular approaches to the property which shall be so designed as not to create an undue interference with traffic on surrounding public streets or roads;
8. Will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief; and
9. Will not result in destruction, loss or damage of natural, scenic or historic features of major importance to the community.

8. **Final Action:**

- a. Within 90 days after the close of the public hearing, the Plan Commission will submit to the Village Board the minutes or transcripts which contain the Commission's recommendations to the Village Board and summarize what occurred at the public hearing, the exhibits presented and the citizens and witnesses heard;

**NOTE:** Before the Village Board takes final action and votes on the request, the petitioner must have the escrow account balance brought back to the original amount.

- b. After receiving the minutes or transcripts and supporting documents, the Village Board will schedule the request on a Village Board agenda. The Village Board meets on the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Monday of each month. The third Monday is a workshop, and the second and fourth Mondays are formal meetings. There is a pre-board meeting before the formal meeting on the 2<sup>nd</sup> Monday. At the workshop and pre-board meetings, the Village Board discusses and decides what action will be taken on the agenda items for the formal meeting. The petitioner will be informed by Planning and Development staff at which Village Board workshop or pre-board meeting and formal meeting they are scheduled to be heard. The petitioner or his/her representative must be in attendance at 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 Special Use. Any proposed Special Use that fails to receive the approval of the Plan Commission may be approved by a favorable vote of two-thirds of the Village Board. If a proposed Special Use receives the approval of the Plan Commission, a favorable vote of the majority of the members of the Village Board is sufficient to grant the Special Use. Conditions or restrictions may be required to reduce or minimize injurious effects of Special Uses on other property or to implement the general purpose and intent of the Zoning Code. Action on the requested Special Use will be by an ordinance which is adopted by the Village Board.
- d. After the Village Board votes on the petition, 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 Special Use Permit, the

petitioner may seek building permits after the ordinance has been approved and signed. A building permit must be applied for within 18 months from the date of the ordinance or the Special Use Permit will become null and void. The Planning and Development Department will compare plans submitted for permits to the plans that were approved by the Village Board and any conditions applied to the Special Use Permit.

Questions may be directed to the Village Planner at phone number 630-547-5250.



**APPLICATION FOR SPECIAL USE PERMIT**

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

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

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

Address of Applicant: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

Email: \_\_\_\_\_

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

(Owner, Contract Purchaser, Owner Representative)

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

Address of Owner: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

Email: \_\_\_\_\_

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

Legal Description of Property:

Permanent Index No. (PIN): \_\_\_\_\_ Zoning: \_\_\_\_\_

Lot Dimensions: \_\_\_\_\_ Lot Area: \_\_\_\_\_

Present Use:

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 10-10-14 of the Zoning Code:

**Describe How the Special Use:**

1. Will be harmonious with and in accordance with the general objectives, or within a specific objective of the Comprehensive Plan and/or this Zoning Code:

2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area:

3. Will not be hazardous or disturbing to existing or future neighborhood uses:

4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services:

5. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Village:

6. Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors:

7. Will have vehicular approaches to the property, which shall be so designed as not to create an undue interference with traffic on surrounding public streets or roads:

8. Will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief:

9. Will not result in destruction, loss or damage of natural, scenic or historic features of major importance to the community:

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 the entry in or upon the premises described in this application by any authorized 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 COMPLETING THIS APPLICATION IN DETAIL**

**OWNERSHIP BY LAND TRUST**

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

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

Legal Description:

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

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

**LIST ALL BENEFICIARIES:**

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

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

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

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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: \_\_\_\_\_ % \_\_\_\_\_

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

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

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

**LETTER OF AUTHORIZATION**

I, \_\_\_\_\_, Registered Land Surveyor with the State of Illinois, hereby authorize a representative from the Village of Glen Ellyn to record the plat(s) or plan(s) prepared by me for:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## **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 Special Use Permit 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 Special Use Permit. 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: \_\_\_\_\_