



VILLAGE OF GLEN ELLYN

Sign Variation Application Packet

*Planning & Development Department
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VILLAGE OF GLEN ELLYN, ILLINOIS
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(630) 547-5250

SIGN VARIATION APPLICATION PACKET

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VILLAGE OF GLEN ELLYN, ILLINOIS

INFORMATION SHEET FOR POTENTIAL SIGN VARIATION REQUESTS AND RELATED OPTIONS

Note: This Information Sheet should be provided to each person who has been advised by a staff member of the Village Planning & Development Department, acting in his or her official capacity, that the project proposed by such person requires the granting of one or more variations from the Glen Ellyn Zoning Code.

This Information Sheet lists options available to you now that you have been officially advised by the staff of the Planning & Development Department that your proposed project requires the granting of one or more variations from the Glen Ellyn Sign Code (Ord. 6215, 2-10-2014), as amended). The options listed below are not intended to be exhaustive nor are they mutually exclusive. For example, you could decide to proceed under options 1 and 2 below as alternatives.

- OPTION 1 - You could (1) decide not to revise your proposed project to reduce or eliminate the required sign variation(s); and (2) apply for the required sign variation(s). If this option is chosen, you will need to apply for approval of a sign variation.
- OPTION 2 - You could (1) revise your proposed project to reduce the number and/or degree of the required sign variation(s); and (2) apply for the required sign variation(s) for your revised proposal.
- OPTION 3 - You could revise your request to eliminate the need for a sign variation.
- OPTION 4 - You could decide not to revise or proceed with your proposed project.
- OPTION 5 - You could appeal the Village staff's interpretation of the Sign Code. Per Section 4-5-17 of the Sign Code, all appeals are reviewed by the Village Board. Village Staff will take no further action on the matter pending the Village Board's decision, except for unsafe signs which present an immediate and serious danger to the public.

Regardless of the option you choose, members of the Village staff will be available to continue working with you in an effort to bring your request to a conclusion.

VILLAGE OF GLEN ELLYN, ILLINOIS
SAMPLE SCHEDULE FOR A SIGN VARIATION

1. Two (2) copies of the application packet are submitted to the Village.
2. Staff will attempt to review the application and get comments back to you within 2 weeks of receipt (30 days if the request is associated with additional applications/requests).
3. After the application is determined complete, it is placed on next available Plan Commission (PC) agenda for consideration at a public hearing.
4. 15-30 days before the public hearing a notice is published in the local newspaper.
5. A public hearing is held before the PC.
6. Minutes from the hearing are prepared and forwarded to the Village Board.
7. The sign variation is considered and acted on by the Village Board.

Steps 1 – 7: Approximately 60 to 90 days

Please Note: The above table is for sign variation requests that are submitted by themselves. Sign variation requests that are submitted in association with other applications such as a Special Use Permit, Subdivision, Planned Unit Development or Exterior Appearance application will take longer to process than what is represented in the above sample schedule.

VILLAGE OF GLEN ELLYN, ILLINOIS

DESCRIPTION OF THE SIGN VARIATION REQUEST PROCESS AND INSTRUCTIONS

I. OVERVIEW

- A. Introduction. In general, the sign variation process involves the following three steps (each of which is described in more detail below):

STEP 1: Application. Sign variation requests are initiated by filing a completed Application for Sign Variation form, together with other supporting documents and materials, with the Director of the Village Planning & Development Department.

Prior to completing the Application for Sign Variation form, applicants and their representatives, if any, are strongly encouraged to carefully review the Glen Ellyn Sign Variation Request Package and to become familiar with the applicable provisions of the Sign Code.

STEP 2: Public Hearing before the PC and Recommendation to the Village Board. After notice has been published, a public hearing on the requested sign variation(s) will be held before the PC. Based on the evidence presented at the hearing by or on behalf of the applicant or by others, the PC is required to make specific findings of fact to support its recommendation to the Village Board regarding the requested sign variation(s). See I.B. below for a brief description of the findings/standards that must be met to receive approval of a sign variation.

STEP 3: Village Board Action. After the minutes or transcript of the public hearing containing the Commission's findings of fact and recommendation have been delivered to the Village Board, the Village Board will consider the requested sign variation(s). Under the Sign Code, the Village Board has the final authority to act on the requested sign variation(s).

Questions regarding the sign variation process should be directed to the Planning & Development Department at (630) 547-5250.

- B. Required Findings of Fact/Standards for a Variation: Below is a short summary of the principal findings of fact or standards which must be met in order for the PC to

recommend, and the Village Board to grant, a requested variation from the Sign Code.

The PC will conduct an evidentiary hearing and shall not recommend approval of the request unless the Commission makes positive findings based on the evidence presented that all of the following standards set forth in section 4-5-17(3)a of the Sign Code have been met:

- i. The request complies with the Statement of Purpose found in Section 4-5-2 of the Sign Code; and
- ii. The plight of the owner is based on unique circumstances due to an unusual physical limitation, such as an irregular lot shape, substantial lot depth, unusual geographic location, exceptional topographic feature, or other condition, that is peculiar to the subject property or establishment and the conditions upon which the request is based are not generally applicable to other property within the same zoning district; and
- iii. The variation, if granted, would have no adverse impact on property values in the surrounding area or be injurious to other property or improvements in the neighborhood in which the property is located; and
- iv. The variation, if granted, would have no adverse impact on the existing or desired character of the surrounding area; and
- v. The variation, if granted, would not endanger, the public health, safety or welfare.

Applicants are also referred to Section 4-5-17(3)b of the Sign Code for a list of supplemental findings. The primary purpose of both the Application for Variation form and the public hearing before the PC is to elicit evidence related to these findings of fact or standards upon which the PC and the Village Board can base their actions on the requested sign variation(s).

II. APPLICATION FOR SIGN VARIATION AND RELATED MATTERS

- A. Application for Variation: The following items must be submitted with a request for approval a sign variation. The required submittals list may alter depending on the type and scope of the proposed project. Staff may, at its discretion, waive or otherwise modify the following submittal requirements if additional plans or material are deemed relevant to the request. Prior to submitting a formal application, the applicant may wish to contact the Planning and Development Department to obtain a checklist of items required to be submitted with a specific sign variation request.

1. A properly completed Application for Sign Variation form.

2. An application fee must be paid at the time the application is made. Staff will inform the Petitioner of the amount. An escrow (amount to be determined by the Planning and Development Director) will also be required to pay out of pocket Village expenses related to public notice costs, recording costs and other items related to the application.
 3. Proof of ownership from the most recent title insurance policy, deed or commitment covering the property in question.
 4. Disclosure of Interest, identifying all parties with 5% or more interest in the property (form attached).
 5. If the property is owned by an individual or organization other than the applicant, an affidavit of authorization must be submitted, giving the applicant the right to file the application on behalf of the owner (form attached).
 6. Plat of Survey.
 7. Table indicating the type and size of all existing and proposed signs (see attached).
 8. A sign plan (at a scale of no less than 1 inch = 100 feet) showing:
 - Property lines – existing and proposed
 - Major site features – building footprints, parking lots, drive aisles, etc.
 - Location of all signs
 - Setback(s) of all proposed signs
 - Other data that may be necessary for the review of the application
 9. If the sign is proposed to be placed on a building wall, a building elevation drawn to scale showing the proposed sign(s) and indicating its mounting height must be submitted.
 10. Sign elevations, dimensioned and drawn to scale, and including information about the total square footage of any proposed sign.
- B. Village Review: Village staff attempts to review all applications within two (2) weeks of receipt. When the Application for Variation and accompanying items appear to be complete and in good order, the requested sign variation(s) will be scheduled for consideration at a public hearing before the PC. If the sign variation application is submitted with an exterior appearance application, the requests will be reviewed simultaneously.
- C. Public Hearing Notices and Related Matters: Village staff will produce a legal notice of the public hearing before the PC to be published not more than 30 or less

than 15 days before the beginning of the hearing in one or more newspapers generally circulated within the Village. Such legal notice will state the time, date and location of the hearing and the particular location of the property in question and briefly describe the requested sign variation(s).

The Planning & Development Department will forward the Sign Variation Application and all accompanying and related items to the PC for the public hearing. Applicants are advised that members of the PC and Village Board may visit the property in question to inspect it for themselves prior to the hearing.

III. PUBLIC HEARING BEFORE THE PLAN COMMISSION

- A. Time, Date and Location: Regularly scheduled meetings of the PC are on the 2nd and 4th Thursday of each month at 7:00 p.m. on the third floor of the Civic Center at 535 Duane Street, Glen Ellyn, Illinois.
- B. Public Hearing: The public hearing before the PC is typically divided into five separate stages (which are described in more detail below) – (1) Staff Presentation, (2) Petitioner’s Presentation, (3) Public Participation, (4) Commission Deliberation, and (5) Findings of Fact & Recommendation by the Commission.
 - 1. Staff Presentation: Village staff will present a general overview of the applicant’s request based on the applicant’s submittals and/or adherence to the Village’s Sign Code.
 - 2. Petitioner’s Presentation: After the Village staff’s presentation, the applicant is given the opportunity to present his or her case. It is the responsibility of the applicant and/or his or her representatives to present evidence supporting the requested sign variation(s) in a complete and logical manner and to have all supporting documentation available at the hearing.
 - 3. Public Participation: The purpose of the public participation portion of the hearing is to give the public an opportunity to testify and to present evidence related to the requested sign variation(s). Pursuant to State law, all testimony by witnesses in the hearing must be given under oath.
 - 4. Commission Deliberation/Findings of Fact: The Commission then discusses whether the evidence presented at the hearing is sufficient to establish and meet the findings/standards required to support a requested sign variation. (See I.B. above for a short summary of the requisite findings/standards for a variation). Following this discussion, the Commission makes its recommendation and findings of fact, based on the evidence presented during the public participation portion of the hearing to the Village Board concerning the requested sign variation(s).

5. Vote: An affirmative vote of a majority of PC members present at the meeting is necessary to recommend the granting of a requested sign variation to the Village Board.

The Commission may recommend to the Village Board a lesser variation than the requested sign variation. In addition, the PC may recommend to the Village Board such conditions and restrictions upon the property in question as may, in the opinion of the Commission, be necessary (1) to comply with the standards for a variation or to reduce or minimize the injurious effect of the variation upon other property in the neighborhood.

IV. VILLAGE BOARD ACTION

After a record of the public hearing containing the Commission's findings and recommendations has been delivered to the Village Board, the Village Board considers the requested sign variation(s) against the findings/standards required for a variation. The Village Board may choose to consider the requested sign variation(s) at a workshop meeting before the request is considered at the regular meeting of the Village Board. The Village Board has final authority to act on the requested sign variation(s).

The Village Board holds its meetings on the second (2nd) and fourth (4th) Mondays of every month at 7:00 PM. On the third (3rd) Monday of the month, the Village Board holds a workshop, where it discusses various requests but does not act on any applications.

Without further public hearing, the Village Board may grant, deny or amend the recommendation for variation or refer the requested sign variation back to the PC for further consideration.

A sign variation may only be granted by an ordinance which is duly passed and approved by the Village Board and President. After final action by the Village Board, the Village Clerk will notify the applicant and the Planning and Development Department of the decision of the Village Board.

Applicants should note that unless a sign permit is applied for within 24 months after the approval of an ordinance granting a sign variation, the ordinance granting the sign variation becomes null and void (unless the 24-month time limit is expressly extended by the Village Board by ordinance).

VILLAGE OF GLEN ELLYN
535 Duane Street
Glen Ellyn, Illinois 60137
(630) 547-5250

APPLICATION FOR SIGN VARIATION

Note to the Applicant: This application should be filed with, and any questions regarding it, should be directed to the Director of the Village Planning and Development Department.

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

The undersigned hereby petitions the Village of Glen Ellyn, Illinois, for one or more variations from the Glen Ellyn Sign Code, as described in this application.

I. APPLICANT INFORMATION

Name: _____

Address: _____

Phone No.: _____ Fax No.: _____

E-mail: _____

Ownership Interest in the Property in Question: _____

Name and address of the legal owner of the property (if other than the applicant):

II. PROPERTY INFORMATION

Common address: _____

Permanent tax index number: _____ Zoning classification: _____

Present use: _____

III. INFORMATION REGARDING THE VARIATION(S) REQUESTED

List of the variation(s) requested, including identification of the Sign Code provisions from which the variation is sought:

IV. EVIDENCE RELATING TO SIGN CODE STANDARDS FOR A VARIATION

The following items are intended to elicit information to support conclusions by the Plan Commission and the Village Board that the required findings/standards for a variation have been established and met. Therefore, please complete these items carefully.

Please note that a showing that granting the requested variation would be more profitable to the applicant or that the sign would be more valuable is not grounds for granting approval for a variation (Section 4-5-17(G)3(c) of the Sign Code).

A. Standards Applicable to All Variations Requested

1. Indicate how you believe the requested variation(s) complies with the Statement of Purpose in Section 4-5-2 of the Sign Code (attached):

2. Provide evidence that the practical difficulties or hardship in complying with the Sign Code is based on unique circumstances due to an unusual physical limitation, such as an irregular lot shape, substantial lot depth, unusual geographic location, exceptional topographic feature, or other condition, that is peculiar to the subject property or establishment. Also share how the conditions upon which the request is based are not generally applicable to other property within the same zoning district:

3. Provide evidence that the variation(s), if granted, would have no adverse impact on property values in the surrounding area or be injurious to other property or improvements in the neighborhood in which the property is located:

4. Provide evidence that the variation(s), if granted, would have no adverse impact on the existing or desired character of the surrounding area:

5. Provide evidence that the variation(s), if granted, would not endanger the public health, safety, or welfare:

- B. For the purpose of supplementing the above standards, the PC, in making its recommendation that there are practical difficulties or particular hardships, may also take into consideration the extent to which the evidence establishes or fails to establish the following facts favorably to the applicant:

1. Provide evidence that the purpose of the variation(s) is not based exclusively upon a desire to make more money out of the property:

2. Provide evidence that the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property or by the applicant:

3. Provide evidence that the requested variation(s) is/are the minimum variation(s) necessary.

4. Provide evidence that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located:

Please add any additional comments which you believe may assist the PC in reviewing this application:

VIII. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

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

I (We) consent to the entry in or upon the premises described in the application by any authorized official of the Village of Glen Ellyn.

I (We) certify that I (we) have carefully reviewed the Glen Ellyn Sign Variation Request Package and applicable provisions of the Glen Ellyn Sign Code.

I (We) understand that this application will not be submitted to the Review Boards and Commissions until all items on the attached list are reviewed by Village staff.

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

SIGN CODE

4-5-2: STATEMENT OF PURPOSE

It is hereby determined that the primary purpose of signage is to help people find what they need without difficulty or confusion. Thus, while not restricting freedom of expression, regulations must be established for preventing an overload of graphic messages in the environment. The purpose of SIGNS is subordinate to the structures and land use functions they reference. SIGNS are to be considered accessory components of an overall composition of architectural elements, not as freestanding or dominant architectural elements by themselves. There should not be a proliferation of off-premise SIGNS as it can obscure the legitimate efforts of local business ESTABLISHMENTS to reasonably identify the location and nature of their businesses.

This Code establishes standards and regulations for the erection, display, safety and maintenance of SIGNS which are intended to allow a person to observe or ignore graphic messages, according to that person's own purpose, as well as to encourage the general attractiveness of the community and to protect property values. These standards and regulations are intended to meet the following objectives:

- (A) Effective Communication: A reasonable, orderly and effective display of SIGNS is to be promoted by authorizing the use of SIGNS which:
1. Are legible in the context in which they are viewed;
 2. Are appropriate to the functions to which they pertain;
 3. Clearly and efficiently identify and classify the goods, services, facilities, activities and locations made available to the community by businesses, COMMUNITY SERVICE ORGANIZATIONS and other enterprises; and
 4. Eliminate or reduce the "canceling out" effect created by the inappropriate placement of SIGNS in proximity to one another.
- (B) Public Welfare: The public health, safety and welfare is to be preserved, protected and promoted through SIGN regulations which:
1. Recognize that SIGNS are a necessary means of visual communication for the convenience of the general public taken as a whole, as opposed to the convenience of any individual person;
 2. Minimize the blighting influence posed by visual clutter, decay and neglect;
 3. Reduce distractions, obstructions, and hazards to pedestrian and automobile traffic caused by the indiscriminate placement and use of SIGNS and to protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting or illegible signage;
 4. Prohibit the placement of SIGNS which obstruct vision or access in a manner which creates dangerous conditions;

5. Protect the physical and mental well-being of the general public by encouraging a sense of aesthetic appreciation for the Village's visual environment and ensuring that SIGNS harmonize with their surroundings and are consistent with the character of their community context;
6. Promote the use of graphics which are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings and landscaping, in order to meet the community's expressed desire for quality development;
7. Protect the value of the Village's architectural resources, by ensuring that the integrity of the architectural elements and character of buildings and sites to which SIGNS principally relate is maintained;
8. Assure that public benefits derived from expenditures of public funds for the improvement and beautification of streets in accordance with the Downtown, Roosevelt Road and Historic Stacy's Corners streetscape plans, and other public structures and spaces, are protected by exercising reasonable controls over the character and design of graphic structures;
9. Preserve the value of private property by assuring the compatibility of SIGNS with surrounding land uses;
10. Promote economic development by encouraging a more attractive economic and business climate within the commercial areas of the Village;
11. Further the objectives of the Comprehensive Plan and Downtown Strategic Plan;
12. Protect the general public from damage and injury caused by the faulty and uncontrolled construction and use of SIGNS within the Village; and
13. Respect the rights of nearby property OWNERS.

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: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

Name: _____ Address: _____ % _____

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: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

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. 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

SIGNAGE WORKSHEET

**List all proposed new, and existing signs to remain, on the establishment,
building and property for the specific type of facility**

FACILITY TYPES:

- NONRESIDENTIAL ESTABLISHMENT** *(For one establishment in one building on one property)*
- NONRESIDENTIAL ESTABLISHMENT** *(For one establishment if more than one establishment is in the building or on the property)*
- MULTI-TENANT DEVELOPMENT** *(For a development with more than two establishments on one property)*
- OFFICE COMPLEX** *(For a development with more than one business office on one property)*
- RESIDENTIAL DEVELOPMENT** *(For a development with more than twenty dwelling units on one property)*
- MULTI-FAMILY DWELLING** *(For a development with more than three dwelling units on one property)*
- PARK OR PUBLIC RECREATION FACILITY**
- OTHER FACILITY - DESCRIBE:** _____

SIGN TYPES: *(*Please specify one of the following sign types)*

Awning, Breezeway, Common Program, Drive-thru Canopy, Freestanding, Indexing, Marquee, Menu Board, Message Board, Nameplate, Off-premises, Office Directory, Order Confirmation, Political Campaign, Portable, Private Parking Lot, Traffic Directional, Wall, Video Display, and Window Sign. *(Sign Definitions Section 4-5-3)*

Sign	New	Existing	Sign Type *	Dimensions (Length x Width)	Sign Area	Height
1						
Words/Symbols:						
2						
Words/Symbols:						
3						
Words/Symbols:						
4						
Words/Symbols:						
5						
Words/Symbols:						
6						
Words/Symbols:						
7						
Words/Symbols:						
8						
Words/Symbols:						

REIMBURSEMENT OF FEES AGREEMENT

Village of Glen Ellyn Acct: # _____

Initial Deposit Amount: _____

I. DESCRIPTION OF PROJECT: _____

II.

III. 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.

IV. 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: _____

V. LOCATION OF PROPERTY:

A. General Location of Property: _____

B. Acreage of Parcel: _____

C. Permanent Index Number(s): _____

D. Legal Description (Please attach)

VI. 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

Village of Glen Ellyn

Owner

By: _____
Planning and Development Director

Date: _____

Date: _____