



# The Village of Gilberts

APPLICATION FOR DEVELOPMENT AND ZONING APPROVALS

Last Updated: November 2021

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## Application for Zoning and Development Approvals

This Application is used to request development approval from the Village when consideration by the Gilberts Plan Commission and Zoning Board of Appeals, or Village Board is required. This application packet is available on the Village’s website at <https://www.villageofgilberts.com>. Additional questions concerning this packet and requirements should be directed to Village Hall by email at [development@villageofgilberts.com](mailto:development@villageofgilberts.com), or by phone at (847) 428-2861.

### For Reference

- The Village’s official Zoning Map can be found on the Village’s website [here](#).
- Unless stated otherwise, items referring to the Village Code of Ordinances or Village Code refer to the most current code for the Village, available online [here](#).
- UDO - Unified Development Ordinance. Throughout this packet, Unified Development Ordinance may be abbreviated to “UDO.” The UDO is found in Title 10 as a portion of the Village Code, although available as an additional document so that it may remain easily accessible. The UDO outlines limitations, regulations, requirements and other aspects pertaining to development, and is available online [here](#).
- When referring to the Village Code or UDO, chapters, titles, and sections may be abbreviated. For example, Title 1 Chapter 2 Section 3 would be abbreviated 1-2-3.

### Definitions

As defined in the Village of Gilberts UDO. A full list of definitions can be found in the Village of Gilberts UDO, 10-13-13. Any definitions found elsewhere will have included reference or example.

- Plan Commission: The Planning Commission of the Village of Gilberts, Illinois. This appointed board of residents consisting of six members and one chairperson holds office for one-year terms and provides recommendation to the Village Board of Trustees on matters of planning, zoning, and development. (10-11-3 UDO)
- Permitted Use: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
- Special Use Permit: In addition to uses classified and permitted in each zoning districts, there are additional uses that may be desirable to allow, however due to unique requirements and impacts, additional consideration is required through this permitting process. (10-11-11 UDO)
- Variance: A request to deviate from certain zoning requirements in the case that practical difficulties or particular hardships require relief. (10-11-10 UDO)
- Zoning District: A specifically delineated land area within the Village of Gilberts, Illinois, as specified on the Zoning Map—included attached to the end of this packet—within which regulations and requirements govern the use, placement, spacing, and size of land and buildings.

# Development Review Process

## 1. Pre-Application

Review the Village's Code and Unified Development Ordinance as it relates to your request. The Code and UDO is available online [here](#). Depending on the request, you may wish to have a preliminary or concept meeting with staff. These meetings are entirely optional, but encouraged to gain a better understanding of the request.

## 2. The Application

Complete the general Application for Development Approval and the exhibits relevant to your request. Submittal of the Application should include all materials and applicable fees required by this Application and the Village Code. This includes the required fees, escrow and agreement to reimburse the Village for its costs pursuant to Section [2-5-3](#) of the Village Code. Applications can be submitted to Village Hall at 87 Galligan Road, or electronically. Electronic submission can be sent through email to [development@villageofgilberts.com](mailto:development@villageofgilberts.com) if the submission is less than 10 MB, through a flash drive, or through an online document transfer site with a link that DOES NOT expire. ***Submittals will not be accepted or processed until all of the submittal requirements are met.***

## 3. Staff Review

Once a complete Application is submitted, the Village will forward it to the applicable Village departments and consultants for review and comment. The Village will send its review comments to the Primary Contact Person as identified in this application. Comments may necessitate revisions to plans prior to scheduling the project for a hearing or meeting with the Plan Commission, Zoning Board of Appeals, or Village Board

## 4. Notice Requirements and the Public Hearing

Depending on the type of approval sought, the applicant may have to notify the public before meeting with the Plan Commission. Public notice for a hearing must occur no more than 30 days and no less than 15 days in advance of the hearing date. Additionally, an applicant requesting relief that requires a public hearing must give notice of the hearing, no less than 10 days in advance of the hearing date, to owners of property within 250 feet of the subject property pursuant to [Section 10-11-5C](#) of the Village Code. Then a public hearing will be held concerning the request. This is where one can justify the request and where members of the public can speak to voice their support or concerns.

## 5. Plan Commission Meeting

When the public hearing is closed, the Plan Commission will discuss the request. After sufficient deliberation, the Plan Commission will give a recommendation to the Village board about what to do with the request.

## 6. Village Board Meeting

Following a public hearing and recommendation by the Plan Commission and/or the Zoning Board of Appeals, or as otherwise necessary, the project will be scheduled for Village Board consideration. Projects will not be included on a Village Board agenda until Village staff has determined that all plans are in technical compliance with all Village codes, rules, and policies. The Village Board will take final action on requests after sufficient deliberation.

## Zoning and Development Application Fees

Below is a summary fee schedule of common fees required throughout the development process. Exact fees related to development may vary based on use or on zoning. For any questions on the fee schedule as related to zoning and development, please contact Village Hall at (847) 428-2861.

### Zoning Fee Schedule - Village Code 2-4-13

<input type="checkbox"/> Site plan review (Variable Escrow)	\$5,000.00
<input type="checkbox"/> Appeals to zoning board	\$300.00
<input type="checkbox"/> Petitions to plan commission	\$50.00
<input type="checkbox"/> Zoning map amendments	\$100.00
<ul style="list-style-type: none"> <li>▪ Plus \$20.00 per acre. Number of Acres: _____</li> </ul>	
<input type="checkbox"/> Planned unit developments	\$100.00
<ul style="list-style-type: none"> <li>▪ Plus \$20.00 per acre. Number of Acres: _____</li> </ul>	
<input type="checkbox"/> Special use permits:	
<ul style="list-style-type: none"> <li><input type="checkbox"/> Home occupations</li> </ul>	\$25.00
<ul style="list-style-type: none"> <li><input type="checkbox"/> All others</li> </ul>	\$500.00
<input type="checkbox"/> Variations	\$500.00
<input type="checkbox"/> Continued, postponed and multiple meetings, per meeting	\$53.00

Petitioners seeking annexation agreements must contact the Village to determine applicable fees.

In addition to the filing fee set out in this section, each petitioner shall reimburse the village for the fees and costs incurred thereby for publication, consultant, legal, engineer, planning and architect fees incurred in relation to such petition or review.

The site plan review fee, specified above, shall be considered a deposit to establish an escrow toward the hourly fees incurred by the village in such review as otherwise stated above.

# Application for Development Approval

Please complete this section before any other part of this packet.

Development name: \_\_\_\_\_

Address of subject property: \_\_\_\_\_

Parcel identification number (P.I.N.): \_\_\_\_\_

**I. Applicant:** \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_

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

**II. Property Owner(s):** \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_

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

**III. Primary contact:** \_\_\_\_\_

Check one that best applies:

Owner       Attorney       Engineer       Broker      Other: \_\_\_\_\_

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

**IV. Other staff**

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

Owner       Attorney       Engineer       Broker      Other: \_\_\_\_\_

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

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

Check one that best applies:

Owner       Attorney       Engineer       Broker      Other: \_\_\_\_\_

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

**V. PROPOSED DEVELOPMENT**

Check all that apply and provide written responses to corresponding exhibits on a separate sheet.  
If unsure contact Village Hall at 847-428-2861 or [development@villageofgilberts.com](mailto:development@villageofgilberts.com).

- |   |   |
|---|---|
| <input type="checkbox"/> <b><u>Site Plan Review</u></b><br>(Complete Exhibit 1)               | <input type="checkbox"/> <b><u>Zoning Appeal</u></b><br>(Complete Exhibit 5)            |
| <input type="checkbox"/> <b><u>Special Use</u></b> (New or Amendment)<br>(Complete Exhibit 2) | <input type="checkbox"/> <b><u>Zoning Interpretation</u></b><br>(Complete Exhibit 6)    |
| <input type="checkbox"/> <b><u>Variance Request</u></b><br>(Complete Exhibit 3)               | <input type="checkbox"/> <b><u>Planned Unit Development</u></b><br>(Complete Exhibit 7) |
| <input type="checkbox"/> <b><u>Rezoning or Text Amendment</u></b><br>(Complete Exhibit 4)     | <input type="checkbox"/> <b><u>Temporary Use</u></b><br>(Complete Exhibit 8)            |
| <input type="checkbox"/> <b>Subdivision/Annexation</b><br>(Please contact Staff)              | <input type="checkbox"/> <b>Other</b> (Please Specify _____)                            |

Acreage of property: \_\_\_\_\_

Description of proposal/use (use the following page or a separate sheet if necessary):

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**VI. APPLICANT’S SIGNATURE**

I, \_\_\_\_\_ [Applicant’s Printed Name and Title], being duly sworn, declare that: i) I am duly authorized to make this Application for Development Approval on behalf of the Applicant; ii) I have read and understand this Application for Development Approval, and the Village of Gilberts UDO, available online [here](#).

I have read, understand, and will comply by the provisions of the Village Code, found [here](#) online regarding reimbursement of the Village’s costs; and iv) the above information, to the best of my knowledge, is true and accurate.

\_\_\_\_\_  
(Signature of Applicant or authorized agent)

\_\_\_\_\_  
(Date)

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
(Notary Public and Seal)





**VII. OWNER’S AUTHORIZATION LETTER**

I/we hereby certify that I/we am/are the owner(s) of the above-described Subject Property. I/we am/are respectfully requesting processing and approval of the request(s) referenced in this Application. I/we hereby authorize the Applicant listed on this Application to act on my/our behalf during the processing and presentation of this request(s).

\_\_\_\_\_  
(Signature of 1<sup>st</sup> Owner or authorized agent)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of 2<sup>nd</sup> Owner or authorized agent)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
1st Owner’s Printed Name and Title

\_\_\_\_\_  
2<sup>nd</sup> Owner Printed Name and Title

**\*\*Please include additional pages if the Subject Property has more than two owners\*\***

SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
(Notary Seal and Signature)

**VIII. DISCLOSURE OF BENEFICIARIES**

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

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

Nature of Benefit sought: \_\_\_\_\_

Nature of Applicant: (please check one)

Natural Person

Trust/Trustee

Corporation

Partnership

Land Trust/Trustee

Joint Venture

If applicant is not an entity described above, briefly state the nature of the applicant(s):

\_\_\_\_\_

In your answer above, if you checked box b, c, d, e or f. identify by name and address each person or entity which is a 5% shareholder in the case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of C3Se of a joint venture, or who otherwise has a proprietary interest, interest in profits and losses or right to control such entity:

	<u>Name</u>	<u>Address</u>	<u>Interest</u>
a)	_____	_____	_____
b)	_____	_____	_____
c)	_____	_____	_____
d)	_____	_____	_____

Name, address and capacity of person making this disclosure on behalf of the applicant:

\_\_\_\_\_

**Important Note: In the event your answers above identify entities other than a natural person, additional disclosures are required for each entity.**

**VERIFICATION**

I, \_\_\_\_\_ being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

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

\_\_\_\_\_  
(Notary Seal and Signature)

## Exhibit 1: Site Plan Review

Providing a site plan for review is a requirement of all requests that involve changes to one or more parcels of land. Site plan review is where you can show the Village what your plans are for specific plots of land. The requirements may differ depending on the specific case and the scope of the project. For minor site plans, the zoning administrator may waive certain submittal requirements. If unsure about what you need to provide, contact the Village at 847-428-2861.

### A. Checklist of Required Submittals

- A site plan of the proposed project and the land it takes place on. This could include the most up-to-date plat of survey of the subject parcel(s) of land. If this is not available or applicable, please provide a detailed drawing or depiction of the parcel(s) of land.

*The site plan should include the following:*

- Architect's and/or engineer's name and address.
  - A cardinal arrow that depicts the direction of North.
  - Date of site plan submittal with all dates of revision.
  - The scale of drawing and the size of the site (in square feet or acres).
  - Type, size, and location of all existing and proposed structures and signs.
  - Height of all existing and proposed structures, in feet and stories.
  - Building and yard setbacks.
  - The location of all existing and proposed easements on the site, including natural resource protection and mitigation area easements, landscape easements, access easements, utility easements, and all other easements.
  - The location of pedestrian sidewalks and walkways.
  - Existing and proposed street names.
  - Existing and proposed public street rights of way or reservations.
  - Off-street parking spaces, loading, ingress and egress, and driveway locations of adjoining properties.
  - A graphic outline of any development staging or phasing which is planned.
  - If applicable, provide copies of any letters of review or permits granted by applicable federal, state, or county regulatory agencies having jurisdiction over highway access.
  - If applicable, proposed and existing sanitary sewers, storm sewers, and water mains.
- A digital copy of the above-described site plan delivered with the rest of this application packet either by physical flash drive or email to [development@villageofgilberts.com](mailto:development@villageofgilberts.com).
  - A written project summary including operational information, building schedule, and estimate of project value and including all site improvement costs.
  - Additional information as required by the Village, which might include the preparation and submittal of detailed traffic impact analysis studies performed by a transportation engineer or fiscal impact analyses studies.

**Requirements for other plans submitted as part of a site plan review submittal are below:**

**Ask Village Staff about which plans are required for your submission.**

**Storm Water Management Plan**

- A storm water management plan shall be prepared for all proposed development meeting all Kane County imposed storm water management regulations subject to conformance with the Kane County Stormwater Management Ordinance.
- If stormwater review is necessary, provide existing and proposed topography.

**Site Grading Plan**

Applications for site grading plan shall include 3 copies of a certified "As-Built" site grading plan (maximum drawing size of 24 inches by 36 inches), or digital copies for initial plan review. If digital copies are used, physical copies must be provided before final approval. All plans must include the following information:

- Legal description and common address of the property.
- North arrow.
- Scaled drawing of the property and a 25-foot-wide fringe of adjacent properties.
- Engineer's or surveyor's certification ("as-built").
- Location, description and elevation of the general bench mark used for elevation control. Unless otherwise approved by the Village engineer, all elevations shall be based on the USGS elevation datum.
- Location and elevation of the site bench mark. An individual site bench mark shall be established on the top of curb at approximately the center of the lot frontage. The bench mark location shall be identified in the field by a 4-inch by 6-inch orange paint rectangle on the top of curb.
- The outline of all buildings on the subject property or within the 25-foot-wide fringe area.
- Top of foundation elevations for each structure and finish grade elevations adjacent to each structure. The location and elevations of all vertical foundation offsets and angle points shall also be provided.
- The location and elevation of all existing ditches, swales, storm sewers, inlets and catch basins on the subject property or within the 25-foot-wide fringe area.
- The location and elevation of all existing pavements, curbs, sidewalks, and retaining walls on the subject property or within the 25-foot-wide fringe area.
- The location of all existing streams, creeks, detention ponds, lakes, flood plain and wetland boundaries. Bottom and water surface elevations shall be provided for all streams and creeks. Water surface elevations shall be provided for all ponds and lakes. Flood and wetland elevations shall also be noted on the drawing.

- All fire hydrants, streetlights, traffic control signage, parkway trees and other municipal improvements fronting on the subject property.
- Existing ground surface elevations at each lot corner, at the quarter points along each property line, at all significant breaks in grade and at the corner locations of each proposed building.
- Dimensions indicating the perpendicular distance from the lot lines to the proposed structures.
- Proposed sump pump discharge and downspouts, driveways.
- Erosion control silt fencing or other erosion control measures.
- All trees on the subject property and within the 25-foot-wide fringe area, including any proposed for removal (marked with an "X").
- Additional information as required by the Village.

### **Natural Resources Plan**

Applications for natural resources protection plan review shall include 3 full size copies of a natural resource protection plan drawn to the same scale as the site plan, and 3 copies as an 11 inch by 17 inch black and white reduction, or digital copies for initial plan review. If digital copies are used, physical copies must be provided before final approval. The following information must be included:

- Location of natural resource features present on the site.
- The proposed name of the development.
- The location of the proposed development.
- The names, addresses, and telephone numbers of the designer of the plan.
- Date of the "natural resource plan" submittal and all applicable revision dates.
- The boundary line of the site with dimensions and bearings, indicated by a solid line, and the total land area encompassed by the site.
- The location of all proposed lot lines, right of way lines, and easements.
- The location, ownership, widths, and names (if available) of all existing and previously platted streets, rights of way, parks, and other public or open spaces located within or adjacent to the subject property.
- The location and dimensions of all permanent easements and the subject property boundary lines adjacent to the site.
- The location and extent of any existing natural resource features. Each individual resource area on the site shall be graphically shown on the "natural resource protection plan".
- Graphic illustration and notes relating to how those natural resource features, which are to be preserved, will actually be preserved (conservation easements, deed restrictions, protective covenants, etc.).

- A drawing legend containing the scale appropriate to the size of the plan, the date of preparation, north arrow, and designation of existing and proposed contours at a maximum 2-foot contour interval.
- Graphic and numerical illustration shown on the "natural resource protection plan" of those existing natural resource features that will be disturbed and those that will be preserved and showing on the illustration the area (in square feet or acres) of each existing resource and those areas of resources that are to be preserved. Numerical data may be shown in tabular form with labeled reference to specific areas designated on the "natural resource protection plan". Any areas of the site where natural resources are to be mitigated and how and where the mitigation is to take place with natural resource protection easements shall be indicated.
- Additional information as required by the Village.

### **Lighting Plan**

- A lighting plan that indicates the location, type, and illumination level (in foot-candles) of all outdoor lighting proposed to illuminate the site.
- Additional information as required by the Village.

### **Landscape Plan**

Applications for landscape plan review shall include 3 full size copies of the landscape plan and 3 copies as an 11 inch by 17 inch black and white reduction, or digital copies for initial plan review. If digital copies are used, physical copies must be provided before final approval. The following information must be included:

- The location of the proposed development.
- Date of the plan and all applicable revision dates.
- The boundary line of the site with dimensions and bearings, indicated by a solid line, and the total land area encompassed by the site.
- All proposed "landscape buffer yard easements" and/or areas of natural resource mitigation clearly delineated and dimensioned and graphically shown in relation to all proposed lot lines and lots upon which said, "landscape buffer yard easements" or mitigation areas are located.
- Location, extent, type (common name and scientific name in the case of plant materials), and sizes of all existing trees and natural resource features in all areas of the proposed development which are designated as a "landscape buffer yard easement" and/or mitigation area. If any existing vegetation or other natural resource features are to be demolished or mitigated, the extent of such demolition or area to be mitigated shall be properly delineated and so noted on the "landscape plan".
- If any natural resource feature is to be mitigated, either on site or off site, the plan for such mitigation in adequate detail, as required by the plan commission, shall be submitted with the "landscape plan".
- Areas of a development designated as landscape easement areas shall be maintained by the property owner and kept free of all debris, rubbish, weeds, and tall grass.

- Location, extent, type (common name and scientific name in the case of plant materials), and sizes of proposed landscaping and landscape plantings in all areas of the proposed development which are designated as a "landscape buffer yard easement" or for areas which are to serve as landscaped entrances or other special landscaped features of the development. A summary table of all types and total number of plant materials to be used shall be clearly indicated.

### **Architectural Plans**

Applications for architectural plan review shall include 3 full size copies of the architectural plans and 3 copies of the architectural plan review application. In addition to the full-size drawings, 3 copies of each drawing must be submitted as an 11 inch by 17 inch black and white reduction, or digital copies for initial plan review. If digital copies are used, physical copies must be provided before final approval. The following information must be included:

- Architect's and/or engineer's name and address.
- Date of submittal of plans.
- Scale of drawings noted on each drawing. Drawings must be drawn to a recognized architectural scale
- Name of the project.
- Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of all proposed structures. Elevations and perspective drawings must indicate the location and placement of all auxiliary building equipment such as heating, ventilating, and/or air conditioning equipment.
- The type, size, and location of all structures with all building dimensions shown.
- The height of buildings.
- Samples of exterior materials and their colors may be required to be brought to the architectural review board meeting.
- Photographs from the site of adjacent neighboring structures and/or property, if requested.
- Detailed drawings of decorative elements of the buildings or structures, if requested.
- Sectional building or site drawings drawn to a recognized engineering or architectural scale, if requested.

## Exhibit 2: Special Use Permit

### A. Checklist of Required Submittals

- A Site Plan in accordance with Exhibit 1 of this development packet.
- A narrative describing the proposed use.
- Additional information as required by the Village.

### B. Responses to Standards

#### 1. **Special Use Standards (See 10-11-11-E of UDO)**

Please provide a written narrative that responds to the following standards below. Use the next page or another sheet of paper for your responses.

- (a) The proposed special use complies with all provisions of the applicable district regulations.
- (b) The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or to the public welfare at large.
- (c) The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:
  - (1) The location, nature and height of buildings, structures, walls and fences on the site.
  - (2) The nature and extent of proposed landscaping and screening on the proposed site.
- (d) Adequate utility, drainage and other such necessary facilities have been or will be provided
- (e) The proposed special use, where such developments and uses are deemed consistent with good planning practice, can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; shall in all other respects conform to the applicable regulations of the district in which it is located; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of the Village of Gilberts.

#### 2. **Special Standards (see 10-11-11-E-2 of UDO)**

When the district regulations authorizing any special use in a particular district impose special standards to be met by such use in such district, a permit for such use in such district shall not be recommended or granted unless the owner shall establish compliance with such special standards. These may not apply depending on which district the development takes place in.





## Exhibit 3: Variance Requests

### A. Checklist of Required Submittals

- A site plan in accordance with Exhibit 1 of this development packet.
- Additional information may be required by the Village.

### B. Variance Request Details

Please provide a written narrative that responds to the following standards below. Use the next page or another sheet of paper for your responses.

1. Indicate the section(s) of the code from which a variance is requested.

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2. Statement regarding the request, giving distances and dimensions where appropriate.

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3. Give a description of conditions and/or hardship which justify the need for a variance.

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4. Date(s) of any previous application for a variance and the result of them.

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5. Additional information as required by the Village.

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## C. Responses to Standards

### Standards for Variations (See 10-11-10F of UDO)

Please provide a written narrative that responds to the following standards below. Use the next page or another sheet of paper for your responses.

1. *General Standard.* No variation shall be recommended or granted pursuant to this section unless the owner shall establish that carrying out the strict letter of the provisions of this code would create a particular hardship or a practical difficulty.
  
2. *Supplemental Standards.* In considering proposed variations to this code, the Board of Appeals will consider whether the proposed variation will:
  - a. Impair an adequate supply of light and air to adjacent property.
  - b. Unreasonable increase the congestion in public streets.
  - c. Increase the danger of fire or endanger the public safety.
  - d. Unreasonably diminish or impair established property values within the surrounding area.
  - e. In any other respects impair the public health, safety, or welfare of the inhabitants of the village.
  
3. *Findings of Fact.* Upon review of the application and information presented at the public hearing, the Board of Appeals shall consider and adopt findings of fact sustaining each of the following criteria which are consistent with the rules provided to govern determinations of the Board of Appeals as referenced by state statute.
  - a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district.
  - b. The extraordinary or exceptional conditions of the property requiring the request for the variance were not caused by the applicant.
  - c. The proposed variance will alleviate a peculiar, exceptional or undue hardship, as distinguished from a mere inconvenience or pecuniary hardship.
  - d. The denial of the proposed variance will deprive the applicant the use permitted to be made by the owners of property in the immediate area.
  - e. The proposed variance will result in a structure that is appropriate to and compatible with the character and scale of structures in the area in which the variance is being requested.
  - f. There is no other means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.



## Exhibit 4: Rezoning and Text Amendments

### A. Checklist of Required Submittals

- If a Rezoning, provide a site plan, in accordance with Exhibit 1 of this development packet. Show the location of existing uses within 250ft of the area proposed for rezoning.
- If a Text Amendment, please indicate which sections of the UDO is sought to be amended, and what the proposed amendment is.
- Description of the proposed development and use of the property, if the request involves a specific piece of property.
- Additional information may be required by the Village.

### B. Responses to Standards (10-11-9E UDO)

Please provide a written narrative that responds to the following standards below. Use the next page or another sheet of paper for your responses.

1. *Rezoning*. The following standards will be considered to amend the zoning map.
  - i. Identification of the existing uses of property within the general area of the affected property.
  - ii. Identification of the zoning classification of property within the general area of the affected property.
  - iii. 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.
  - iv. The trend of 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.
  - v. 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.
  - vi. 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.
  - vii. The extent to which property values are diminished, if at all, by particular zoning restrictions.
2. *Text Amendment*. The plan commission will evaluate the request for a text amendment against the intent of this code, the recommendations of the comprehensive plan, and the public health, safety and general welfare.



## Exhibit 5: Zoning Appeals

### A. Checklist of Required Submittals

- A plat of survey if the appeal involves a specific lot.
- Additional information may be required by the Village.

### B. General Responses

- a. Please provide a written narrative that responds to the following. Use the next page or another sheet of paper for your responses.
- b. Indicate section(s) of the ordinance being appealed.

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- c. Statement regarding details of the appeal requested, giving distances and dimensions where appropriate; or, in the case of an appeal of a decision of the zoning administrator or building inspector, the circumstances and appeal being requested.

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- d. Statement of the reasons for the request.

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- e. Date of any previous application for an appeal and the disposition of the previous application (if any).

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- f. Additional information as required by the Village.

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## Exhibit 6: Zoning Interpretations

### A. Checklist of Required Submittals

- A plat of survey if the appeal involves a specific lot.
- Additional information may be required by the Village.

### B. General Responses

Please provide a written response to the following standards in the spaces below or on a separate sheet included with your application:

- (1) Indicate section(s) of the ordinance for which an interpretation from the zoning administrator is requested.

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- (2) Statement of the reasons for the request.

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- (3) Date of any previous application and the disposition of the previous application (if any).

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- (4) Additional information as required by the zoning administrator.

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## Exhibit 7: Planned Unit Development

Note that a Planned Unit Development will become a legal document that binds specific standards and departures of which can differ from the Village Code and Zoning Ordinance.

### A. Checklist of Required Submittals

- A plat of survey prepared by a registered land surveyor showing the location, boundary, and legal description of the property.
- A site plan in accordance with Exhibit 1 of this development packet.
- Additional information may be required by the Village.
- If a preliminary plan application, the preliminary plan must include the following:
  - Location, size, and elevation of utilities on and adjacent to the property, including sewers, water mains, gas lines, fire hydrants, etc.
  - Subsurface soil conditions, if required by the Village engineer.
  - Natural resources on the property, including watercourses, floodplains, marshes, wetlands, and trees.
  - Existing buildings and structures.
  - Zoning on and adjacent to the property.
  - Open space areas.
  - Location and purpose of each proposed building or structure.
  - Development schedule, including any proposed phasing of development and construction.
  - Density of residential uses.
  - Type and nature of nonresidential uses.
  - Proposed public improvements.
  - Preliminary facilities plan, including details about roads, sanitary and storm sewers, water supply system, and lighting.
  - Fiscal, traffic, or environmental impact studies, where required.
  - Engineer specifications in conformance with the Village's subdivision ordinance.
- If a final plan application, the final plan must include the following:
  - A final plan that meets all of the final plat of subdivision requirements of the Village's subdivision ordinance.
  - Covenants and deed restrictions.
  - Designation of location of all proposed buildings and/or lots.
  - Designation of location of proposed dedicated public rights of way and easements.

- Calculations of land area, number of buildings, number of dwelling units, and dwelling units per gross acre.
- Final engineering plans prepared and certified by a licensed Illinois professional engineer covering all required on-site and off-site improvements.
- All certificates, seals, and signatures required for the dedication of lands and properly recording the document.

**B. Responses to Standards (see 10-11-12 of UDO)**

Please provide a written response to the following standards in the spaces below or on a separate sheet included with your application:

- (a) No special use permit for a planned unit development may be recommended or granted pursuant to this section unless the owner shall establish that the proposed development will meet each of the standards made applicable to special use permits (see [Exhibit 2](#)).
- (b) Preliminary plans must meet the site plan requirements (see [Exhibit 1](#)).
- (c) Where the planned unit development involves the division of land, planned unit development preliminary plans must meet all of the tentative plat subdivision requirements set forth in the Village subdivision ordinance (UDO 10-12).
- (e) No planned unit development will be recommended or granted unless the owner establishes that the proposed development will meet each of the following criteria.
  - (i) The proposed plan is consistent with the stated purpose of the planned unit development regulations.
  - (ii) The proposed use and development will be in harmony with the general and specific purpose for which this code was enacted and for which the regulations of the district were established and with the general purpose and intent of the comprehensive plan.
  - (iii) The proposed use and development will not have an undue adverse impact on adjacent property, the character of the area, or the public health, safety, and welfare.
  - (iv) The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate area or interfere with the use and development of neighboring property in accordance with applicable district regulations.
  - (v) The proposed use and development will be adequately served by essential public facilities and services, including streets, public utilities, drainage facilities, police and fire protection, refuse, disposal, parks, or schools, or the applicant will provide adequately for such services.
  - (vi) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.





## Exhibit 8: Temporary Uses

### A. Checklist of Required Submittals

- See [UDO 10-3D](#) for the list of Permitted Temporary Uses
- Description of the proposed operation or use.
- A site plan in accordance with Exhibit 2 of this development packet.
- Additional information may be required by the Village.

### B. Use Limitations (10-8-3 UDO)

Please provide a written response verifying compliance with the following limitations. Use the following page or a separate sheet included with your application for your response:

1. *General Limitations.* No temporary use shall be permitted in any district if it would have a significant negative impact, including aesthetic impact, on any adjacent lot or on the area, as a whole, in which it is located.
2. *Hours and Days of Operation.* The permit may designate the specific hours and days of the week during which a temporary use may operate on the basis of the nature of the temporary use and the character of the surrounding area.
3. *Public Safety.* No temporary use shall be permitted that can be expected to create any undue on-site or off-site threat to public safety. No temporary use shall be operated except in accordance with any restrictions and conditions that may be imposed to eliminate any such threat. If required by the village, the operator of the temporary use shall employ a fire watch team and/or appropriate security personnel.
4. *Traffic.* No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses.
5. *Conflicts with Other Temporary Uses.* No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.
6. *Temporary Use Sign Limitations.* Temporary signs may be permitted in connection with an approved temporary use. Temporary signs shall be of sturdy construction and shall comply with any special conditions specified in the approval. Temporary signs shall not be erected sooner than 14 days before the commencement of the temporary use and shall be removed within 24 hours following the termination of the temporary use.
7. *Parking.* Before approving any temporary use, the Zoning Administrator shall make an assessment of the total number of off-street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area, and shall approve such temporary use only if such off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Village, unreasonably reduce the amount of off-street parking spaces available for use in connection with permanent uses located on the zoning lot in question.
8. *Additional Conditions.* Every temporary use shall comply with other conditions imposed by the village as may be reasonably necessary to achieve the purposes of this code or to protect the public health, safety, and welfare.



## Supplemental Graphics

Zoning Fee Schedule, [UDO 2-4-13](#)

Site plan review	\$5,000.00
Appeals to zoning board	\$300.00
Petitions to plan commission	\$50.00
Zoning map amendments	\$100.00
- Plus \$20.00 per acre	
Planned unit developments	\$100.00
- Plus \$20.00 per acre	
Special use permits:	
Home occupations	\$25.00
All others	\$500.00
Variations	\$500.00
Continued, postponed and multiple meetings, per meeting	\$53.00

In addition to the filing fee set out in this section, each petitioner shall reimburse the village for the fees and costs incurred thereby for publication, consultant, legal, engineer, planning and architect fees incurred in relation to such petition or review.

The site plan review fee, above specified, shall be considered a deposit toward the hourly fees incurred by the village in such review as otherwise stated in this section.