



Village of Montgomery
ZONING BOARD OF APPEALS PETITIONER PACKET
Updated December 27, 2011

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To: Petitioner
FROM: Community Development Department
Village of Montgomery
SUBJECT: Meeting Dates and Deadlines

1. Petitioners must submit complete applications prior to the deadline to allow for staff review and consultation. Petitioners will be scheduled for meeting dates once a complete application is filed.
2. **Applications must be complete and accompanied by all required documents in order for the application to be accepted. Applications will not be accepted if application and all required documents are not presented at time of submission. If application and required documents are not submitted by the deadline the application will not be accepted. A *scheduled appointment is required in order to submit an application. Please call by the Monday prior to the submittal deadline to set up an appointment.***
3. Meeting dates are subject to change. Petitioners will be notified of any meeting date changes.
4. The Zoning Board of Appeals meets on the Thursday after the first Board meeting (second Monday) of each month.
5. Petitions will be forwarded to the Village Board following final Zoning Board of Appeals action. The Village Board meets on the 2nd and 4th Monday of the month.

VILLAGE CONTACTS

Michael J. D. Brown, Senior Planner 630.896.8080 ext.1222
brown@ci.montgomery.il.us

Jerad Chipman, Planner 630-896-8080 ext.1224
Chipman@ci.montgomery.il.us

Village of Montgomery

2012 Hearing Schedule

ZONING BOARD OF APPEALS HEARING SCHEDULE

The Zoning Board of Appeals meets on the Thursday immediately following the second Monday of the month at 7pm at the Montgomery Village Hall at 200 N. River Street. The Village reserves the right to reject incomplete submittals and reschedule Zoning Board of Appeals items accordingly. Following is the schedule of meeting and submittal dates for 2012:

APPLICATION DEADLINE	MEETING DATE
December 15	January 12
January 12	February 16
February 16	March 15
March 15	April 12
April 12	May 17
May 17	June 14
June 14	July 12
July 12	August 16
August 16	September 13
September 13	October 11
October 11	November 11
November 11	December 13

Village of Montgomery

Plan Commission & Zoning Board of Appeals Fees

Annexation	\$200
Subdivision	
Concept Plan	no fee
Preliminary Plan & Plat	\$250 for the 1 st 20 acres plus \$20/acre for every acre over 20 acres
Final Plat	\$250 for the 1 st 20 acres plus \$5/acre for every acre over 20 acres if a preliminary plat and plan is filed, otherwise \$20/acres
Planned Unit Development	\$250
Special Use	\$400
Zoning Text Amendment	\$300
Rezoning	\$400
Site Plan Review	\$250 for the 1 st 20 acres plus \$20/acres for every acre over 20 ac

Zoning Board of Appeals Fees

Variances	\$350
Administrative Variances	\$200
Zoning Appeals	\$350

NOTE: As required by Ordinance 1503, it is the responsibility of the Petitioner to pay all administrative, professional consulting and public hearing expenses, incurred by the Village in processing and acting upon petitions or requests (of any of the above actions)

Village of Montgomery
SUMMARY OF THE VARIATION / APPEAL APPLICATION REVIEW PROCESS

NOTICE TO APPLICANTS

A variation is a zoning adjustment, which permits minor changes of the requirements of the zoning district in which the property in question is located where individual properties are both harshly and uniquely burdened by the strict application of the law. The power to vary is restricted and the degree of variation is limited to the minimum change necessary to overcome the inequality inherent in the property. "Variation" means the modification of the requirements of a zoning district and does not include the substitution of uses assigned to other zoning districts.

A variation recognizes that the same zoning district requirements do not affect all properties equally and was invented to permit minor changes to allow hardship properties to enjoy equal opportunities with similarly zoned property. You must prove that your property is affected by special circumstances or unusual conditions which do not exist on other property in the same zoning district. These must result in uncommon hardship and unequal treatment under the strict application of the Montgomery Zoning Ordinance. Where hardship conditions extend to other property a variation cannot be granted. The remedy for such general hardships is a change of the zoning map or the text of the Zoning Ordinance.

You must prove that the combination of the Zoning Ordinance requirements and the uncommon conditions of your property prevents you from making any reasonable use of your land as permitted by your present zoning district. Since zoning regulates land and not people, the following conditions cannot be considered pertinent to the application for zoning variation: (1) proof that a variation would increase the financial return from the land; (2) personal hardship; and, (3) self-imposed hardship.

No variation may be granted which would adversely affect surrounding property in the general neighborhood. All variations must be in harmony with the purpose and intent of the Montgomery Zoning Ordinance.

PROCEDURES FOR APPLICATION FOR ZONING VARIATION

Introduction

The Zoning Board of Appeals is a quasi-judicial board consisting of six (6) members and a Chairman. The members of the Zoning Board of Appeals are citizens of Montgomery appointed by the Village President with the consent of the Board of Trustees.

One of the Zoning Board of Appeals' (ZBA) functions is to hear cases concerning variations from the Zoning Ordinance and appeals from the decisions of the Zoning Administrator. The ZBA does not hear cases concerning the use of land, i.e. rezoning, Special Use Permits, and planned developments, but rather cases concerning the standards for improvement to property in the Village, such as building setbacks, off-street parking requirements, signs and others as set forth in the Montgomery Zoning Ordinance. The Zoning Ordinance is the set of rules, standards and procedures for the improvement of property in the Village adopted and amended from time to time by the Village Board.

The ZBA, by Illinois statute, must determine that certain criteria are satisfied in order to grant a zoning variation. The validity of the alleged hardship is the primary criteria the ZBA must use to decide whether to grant or deny a variation request. The ZBA is very thorough in its investigation and analysis of the alleged hardship. It is to the Applicant's benefit to focus on the validity of his/her hardship during the public hearing.

A hardship is a unique circumstance created or brought about by unusual topographic or platting conditions affecting only the Applicant's property. If a valid hardship exists and there are no viable alternatives for the proposed use or construction a zoning variation could be granted.

PROCEDURES

The application for zoning variation involves these steps:

1. A completed Application For Zoning Variation must be filled out and submitted to the Community Development Department, along with a plat of survey showing the location and dimensions of the property lines, easements and buildings on the property; a legal description; the location and dimensions of the proposed use or construction; any other supporting documentation that may be required by the Community Development Department; the non-refundable application fee; Certified Mailing Receipts that indicate you mailed property owners within 250' of your property; a letter explaining your variation request; and the deposit for review and publication costs with signed Developer's Agreement (see Ordinance 1261, attached).
2. When your application is completed and accepted, you will be placed on the agenda for the next available Zoning Board of Appeals meeting. You will be informed of the date and time of the meeting.
3. All variations require a public hearing. Your variation request will be published in a local newspaper no less than fifteen (15) days before the scheduled public hearing date. All of the property owners adjacent to your property must receive notification summarizing the requested zoning variation and an invitation to attend the public hearing (See example letter).
4. Unless otherwise specified, all Zoning Board of Appeals meetings and public hearings are held in the Board Room at the Montgomery Village Hall, 200 N. River Street, Montgomery, Illinois.
5. It is necessary that the Applicant or a duly authorized representative of the Applicant attend the public hearing in order to present the case and answer questions from the public and the ZBA.
6. The public hearing proceeds as follows:
 - a. The public hearing is opened and the Applicant presents his or her case. During the public hearing, the Applicant must make an oral presentation consisting of the following:

1. In what respect do you want the Zoning Ordinance varied, or the decision of the Zoning Administrator changed?
 2. What, in your opinion, is the undue hardship or difficulty in complying with the Zoning Ordinance or the decision of the Zoning Administrator?
 3. What hardship would result in the strict application of the Zoning Ordinance, or the decision of the Zoning Administrator?
- b. Following the Applicant's testimony, the ZBA will permit the public to testify, after which the ZBA members will question the Applicant.
 - c. The public hearing is closed and the ZBA conducts a "findings of fact." This is the summary of the testimony given during the public hearing which focuses on the validity of the alleged hardship and the effect of the proposed variation will have on the subject property as well as adjoining property. A summary of the worksheet is attached to this application for your information.
 - d. A motion will be made by the ZBA to grant, deny, or amend the zoning variation request. The ZBA may impose conditions and restrictions on the variation as it sees fit to protect adjacent property owners and neighborhood property values.
 - e. The ZBA's recommendation and findings of fact are forwarded to the Village Board for their decision. The decision of the Village Board is final.

If you have any questions concerning the zoning variation procedures or application requirements, please don't hesitate to call the Village Hall at 630.896.8080 ext. 1222.

**STANDARDS FOR GRANTING A VARIATION
FINDINGS OF FACT WORKSHEET**
Section 14.08.3 of the Zoning Ordinance
Village of Montgomery

Recommendations of the Zoning Board of Appeals: The Zoning Board of Appeals shall recommend the approval of a variation from the provisions of this ordinance as authorized in this section only if the evidence, in the judgment of the Zoning Board of Appeals, sustains each of the following conditions:

- a. 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;
- b. That the plight of the owner is due to unique circumstances;
- c. That the variation if granted will not alter the essential character of locality;
- d. That the particular physical surroundings, shape or topographical conditions of the specified property involved will bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
- e. That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoned classification;
- f. That the need or purpose of the variation is not based exclusively upon a desire to make more money out of the property;
- g. That the granting of the variation will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located; and
- h. That the proposed variation not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

The Zoning Board of Appeals may require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this ordinance.

Village of Montgomery
APPLICATION FOR ZONING VARIATION

Case Number: _____ - _____
Date Filed: _____

PART I. Applicant Information

APPLICANT *(Please Print or Type)*

Name: _____

Address: _____

Email: _____

Phone: (_____) _____ - _____ Fax: (_____) _____ - _____

CONTACT PERSON *(If different from Applicant)*

Name: _____

Address: _____

Email: _____

Phone: (_____) _____ - _____ Fax: (_____) _____ - _____

IS THE APPLICANT THE OWNER OF THE SUBJECT PROPERTY? YES [] NO []

*(If the Applicant is not the owner of the subject property, a letter from the Owner authorizing the Applicant to file the **Application for Zoning Variation** must be attached to this application).*

IS THE APPLICANT AND/OR OWNER A TRUSTEE OR A BENEFICIARY OF A LAND TRUST? YES [] NO []

(If the Applicant and/or Owner of the subject property is a Trustee of a land trust or beneficiary(ies) of a land trust, a disclosure statement identifying each beneficiary of such land trust by name and address and defining his/her interest therein shall be verified by the Trustee and shall be attached hereto).

PART II. Property Information

ADDRESS OF PROPERTY: _____

PARCEL INDEX NUMBER(S): _____

LEGAL DESCRIPTION: _____

A legal description must be provided or attached to this application, include a digital copy

Is the property in question currently subject to a zoning variation or a Special Use Permit? YES [] NO []

If so, please describe its nature: _____

Is the property in question currently non-conforming in any respect? YES [] NO []

If so, please describe its nature: _____

PART III. Reasons for the Zoning Variation Request

Please note that the following questions must be answered completely. If additional space is needed, attach extra pages to application.

1. Briefly describe the characteristics of your property that prevent you from complying with the requirements of the Montgomery Zoning Ordinance, giving dimensions where necessary. *(Please Print or Type)*

2. Are these characteristics or conditions the result of other man-made changes, such as relocation of a road or highway? Please describe.

3. What specific requirement(s) of the Montgomery Zoning Ordinance prevent you from establishing the proposed use or construction on your property?

4. What is the minimum reduction of the requirements of the Montgomery Zoning Ordinance that would permit the proposed use or construction on your property?

5. What is the practical difficulty or particular hardship that would result if the requirements of the Montgomery Zoning Ordinance were strictly applied to your property?

6. To the best of your knowledge, can you affirm that the hardship you described above was not created by you or anyone having a proprietary interest in the subject property? YES [] NO []

If not, explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to a zoning variation).

7. Are the conditions of hardship for which you request a zoning variation true only of your property? YES [] NO []

If not, how many other properties in the Village are similarly affected?

8. Will the granting of a variation in the form requested be in harmony with the Neighborhood and not contrary to the intent and purpose of the Zoning Ordinance and why?

I certify that all of the above statements and the statements and information contained in any papers, plans and other documents submitted herewith are true to the best of my 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 Montgomery for the purpose of posting, maintaining and removing such notices as may be required by law.

Applicant's Signature

Date

DO NOT RETURN THIS TO THE VILLAGE – IT IS FOR YOUR USE IN DRAFTING LETTERS

(On Applicant's Letterhead)

Notice for Public Hearings

Every applicant is required to notify property owners within 250 feet of his/her property of the Public Hearing (for Variation or Appeal). Applicants should provide the property owners with a brief description of the request to help adjoining property owners better understand what is being proposed in their neighborhood. The public, including the surrounding property owners, will be permitted to comment on the proposal at the Public Hearing.

EXAMPLE OF NOTIFICATION / INFORMATION LETTER

Dear Neighbor:

(Applicant Name) has submitted an application to the Village of Montgomery for (type of application, i.e variation for...) to allow (describe variation) on the property located at _____.

The staff at the Village of Montgomery is currently reviewing our application material. If you have any concerns or questions about the requested (variation or appeal), you are encouraged to call (contact for the Applicant) at (Contact's telephone number), or Michael Brown or Jerad Chipman at 630.896.8080 ext. 1222/1224 before (date of Zoning Board of Appeals). You will also have an opportunity to comment about the proposed development at the Montgomery Zoning Board of Appeals meeting scheduled for (date of meeting) at 7:00 p.m at the Montgomery Village Hall at 200 N. River Street.

Sincerely,

(Applicant)

Example Letter-You Must Reproduce Your Own Letter

Village of Montgomery
AFFIDAVIT OF NOTIFICATION
FOR REZONING, SPECIAL USE PERMIT,
OR PLANNED DEVELOPMENT

To: Village of Montgomery
200 N. River Street
Montgomery, IL 60538

From:

Date:

The undersigned, being sworn upon his/her oath, deposes and says that the list below includes the names and addresses of all owners of property adjacent or within two hundred-fifty feet of the property requesting a variation from the Zoning Ordinance and, further that all persons owning property which is adjacent to within two hundred-fifty feet of the parcel referred to in the petition for a variation to the Zoning Ordinance have been notified of the intent of the Petitioner(s).

The property is located at _____. A legal description is attached hereto.

PROPERTY INDEX #	PROPERTY OWNER	ADDRESS
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Attach additional sheets, if necessary.

Subscribed and sworn before me

By: _____

this _____ day of _____ 20____.

NOTE: You must submit certified mailing receipts and list of property owners on or before the date you're your application is taken before the Plan Commission or the Community Development Staff or ZBA reserves the right to deny review until such certified mailing receipts are furnished.

**Example Letter of Ownership
(Place on owner letter head if applicable)**

[Date]

To: Michael J. D. Brown
Planner
Village of Montgomery
200 N. River Street
Montgomery, IL 60538

From: Owner Name/Company Name
Address
Contact Number
Email if applicable

RE: [Development Name] Development Application Ownership Letter

Dear Michael:

Use this language if the property that is applying for a variance is not owned by the applicant.

[Owner Name/Company Name] is the sole owner of the property that [Petitioner] is applying for a variance through the Zoning Board of Appeals, which is located [Give brief location description of the property, i.e. an intersection, or north of, south of, west of, east of, etc.]. [Petitioner] is authorized to file with the Village of Montgomery a Land Development Application with the understanding that any and all obligations created thereon are those solely of [Petitioner] and not of [Owner Name/Company Name].

Use this language if the property is owned by the developer.

[Owner Name/Company Name] is the sole owner of the property located [Give brief location description of the property, i.e. an intersection, or north of, south of, west of, east of, etc.].

If you need additional information concerning this matter, please feel free to contact us.

Sincerely,

[Owner Representative, Title]

We want to know who the property owner is and that they grant permission to a developer to apply for a variance on their property. If you are the developer and you own the land simply tell us that. You can use this language or create your own. If you are applying for a Land Development Application approval we must know who the owner is at the time of submittal.

Submittal Checklist

These items must be submitted with the application on or before the application submittal deadline.

1. Application _____
2. Application Fee of \$350 _____
3. Application Deposit of \$500 _____
4. Plat of Survey showing location _____
of proposed construction or use 35 11x17 copies & PDF _____
5. Legal Description-Digital Copy in Microsoft Word Format _____
6. Letter Explaining Variation Request _____
7. Letter of Ownership pg 14 _____
8. Affidavit of Notification **pg 12 & 13** _____
9. Certified Mailing Receipts _____
10. Signed Deposit Agreement **Appendix B** _____



VILLAGE OF MONTGOMERY

ORDINANCE NO. 1503

AN ORDINANCE REPEALING ORDINANCE 1449 AND REESTABLISHING FEES AND DEPOSITS FOR ADMINISTRATIVE AND CONSULTANT EXPENSES RELATED TO THE ZONING, SUBDIVIDING, DEVELOPMENT, RECORDING AND ANNEXATION OF LANDS OF THE VILLAGE OF MONTGOMERY

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS
THIS 22ND DAY OF AUGUST, 2011.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES,
ILLINOIS, THIS 22ND DAY OF AUGUST, 2011.

ORDINANCE NO. 1503

AN ORDINANCE REPEALING ORDINANCE 1449 AND REESTABLISHING FEES AND DEPOSITS FOR ADMINISTRATIVE AND CONSULTANT EXPENSES RELATED TO THE ZONING, SUBDIVIDING, DEVELOPMENT, RECORDING AND ANNEXATION OF LANDS OF THE VILLAGE OF MONTGOMERY

BE IT ORDAINED by the Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois as follows:

WHEREAS, the Village of Montgomery is not a home rule municipality within Article VII, Section 6A of the 1970 Constitution of the State of Illinois and therefore pursuant to those powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, costs to the Village of Montgomery (herein "Village") and the extent of involvement of Village personnel and consultants in zoning, annexation site development and subdivision matters has greatly increased in recent years; and

WHEREAS, the review, analysis and drafting of annexation agreements, ordinances, site plans, subdivision plats, planned unit developments, and zoning documents and related matters requires the technical skills of retained outside personnel; and

WHEREAS, the Plan Commission, Board of Appeals, and the President and Village Board of the Village (herein collectively "Village Officials") recognize that the Village's expenses are greatly increased by the services rendered by its Village Engineer, Village Attorney and other technicians, professionals, and experts who must review these various land development requests; and

WHEREAS, the Village Officials further recognize that the compensation of the retained professionals of said Village should not be an expense that burdens Village residents and taxpayers because the projects and plans, when evaluated, approved and accepted by the Village will lead to monetary benefits to the zoning petitioner, annexing party, Developer, Builder, Owner, Subdivider or party seeking a variation or filing an appeal (herein collectively "Developer"); and

WHEREAS, the Village Officials further recognize that the expenses to the Village often greatly outweigh the benefits to be received by Village residents and taxpayers; and

WHEREAS, the Village officials also recognize that some improvements made as a consequence of the Developer's request, when required by the Village in a specified area, would be constructed, installed and paid for by special assessment or by a special taxing district and therefore such expenses are paid for only by those citizens, residents and taxpayers directly and specifically benefiting from such improvements, which expenses include engineering, legal, planning and other technical, professional or expert assistance required by the Village to construct, install and pay for said improvements; and

WHEREAS, the actual costs to review, analyze, and provide advice and assistance to Village Officials on land development plans presented by Developers cannot be determined in advance.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows:

SECTION ONE – REPEALING ORDINANCE #1449

Ordinance 1449 of the Village of Montgomery is hereby repealed in its entirety and is from this date forward replaced by this ordinance.

SECTION TWO – ESTABLISHING FEES, DEPOSITS AND PROCEDURES

I. OBLIGATION OF APPLICANT UNDER THIS ORDINANCE

It is the obligation of the Developer or Owner to pay all administrative, professional consulting, recording and public hearing expenses (including re-hearings or re-republications and signage), including court reporter fees, incurred by the Village in processing and acting upon petitions or requests for land development or expansion. The deposit for those fees and expenses as hereinafter set forth is intended to insure to the Village that adequate funds will be available to the Village to pay those fees and expenses, but the deposit required is based upon an estimate only of what those fees may be and by making the deposit the applicant is not relieved of the obligation to pay those fees in full if in fact those fees and expenses exceed the deposit amount.

II. DEPOSIT FOR FEES AND EXPENSES TO BE PAID TO THE VILLAGE

A. ZONING REQUESTS

At the time an application for a zoning change is presented to the Village and prior to any action thereon, funds shall be deposited with the Village of Montgomery in accordance with the following schedule:

1. Variations to the Zoning Ordinance - \$500.00
2. Appeal of a Decision of the Zoning Administrator \$500.00
3. Rezoning of Property or Zoning Text Amendment - \$2,000.00
4. Special Use Permit (not as part of Planned Unit Development)
 - a. Project for which the assistance of the Village's consultants is required - \$5,000.00
 - b. Project for which minimal or no assistance by the consultants is required - \$1,000.00
5. Special Use/Planned Unit Development - \$10,000.00

B. SUBDIVISION PLATS

At the time a request to subdivide or resubdivide lands is presented to the Village, and prior to any action thereon, funds shall be deposited with the Village in accordance with the following schedule which relates to the size of the proposed subdivision or resubdivision:

1. One (1) acre or any fraction thereof - \$2,000.00.
2. In excess of one (1) acre but not over ten (10) acres \$5,000.00.
3. In excess of ten (10) acres but not over thirty-five (35) acres - \$10,000.00.
4. In excess of thirty-five (35) acres - \$20,000.00.

If a Subdivision Plat requires a zoning amendment, variation, special use permit or planned unit development zoning pursuant to the provisions of the Montgomery Zoning Ordinance, the sum

deposited shall be in accordance with this Section rather than the provisions contained within Paragraph A of this Ordinance.

C. ANNEXATION AND ANNEXATION AGREEMENTS

At the time a request for annexation or annexation agreement is presented to the Village and prior to any action thereon, funds shall be deposited with the Village in accordance with the following schedule relating to the size of the proposed annexation:

1. One (1) acre or any fraction thereof - \$2,000.00.
2. In excess of one (1) acre but not over ten (10) acres 5,000.00.
3. In excess of ten (10) acres but not over thirty-five (35) acres - \$10,000.00.
4. In excess of thirty-five (35) acres - \$20,000.00.

If a petition for annexation or annexation agreement requires a zoning amendment, variation, special use permit or planned unit development zoning pursuant to the provisions of the Montgomery Zoning Ordinance, the sum deposited shall be in accordance with this Section rather than the provisions contained within Paragraph A of this Ordinance.

D. SUBDIVISION AND ANNEXATION

If an application is presented to the Village for both annexation and subdivision or planned unit development review, then the sum deposited shall be in accordance with Paragraph C above., and at the time such application is presented to the Village and prior to any action thereon, funds shall be deposited with the Village.

E. SITE PLAN REVIEW OR OTHER DEVELOPMENT

At the time of application for Site Plan approval and prior to any action thereon, funds shall be deposited with the Village of Montgomery in accordance with the following schedule:

1. One (1) acre or any fraction thereof - \$2,000.00
2. In excess of one (1) acre but not over ten (10) acres \$5,000.00.
3. c) In excess of ten (10) acres but not over thirty-five (35) acres - \$10,000.00.
4. d) In excess of thirty-five (35) acres - \$20,000.00.

If a Site Plan Review requires a zoning amendment, variation, special use permit or planned unit development zoning pursuant to the provisions of the Montgomery Zoning Ordinance, the sum deposited shall be in accordance with this Section rather than the provisions contained within Paragraph A of this Ordinance.

F. ADMINISTRATIVE FEE

1. The Developer shall pay an administrative fee to the Village which shall be equal to five percent (5%) of the amount invoiced for all items of expense from Section I hereof (whether characterized as fees, costs or otherwise).
2. The Developer shall pay an additional administrative fee (in addition to Section F-1) which shall

be equal to eight percent (8%) of any invoice for engineering services incurred under Section I hereof.

G. PUBLICATION AND PUBLIC HEARING EXPENSES

The Developer shall pay all publication expenses and public hearing expenses (Including any re-hearings or re-publication of hearings and signage), including court reporter fees.

H. RECORDING OF PLATS AND DOCUMENTS

The Developer shall pay recording fees for all plats, ordinances and documents recorded by the Village. The Village shall take responsibility for recording and retain the original, and shall provide the Developer with one (1) complimentary copy. Any additional copies requested by the Developer will be at the Developer's cost.

I. DEPOSIT AMOUNTS

The deposit amounts set forth herein shall be deposited in an escrow account maintained by the Finance Department. Interest on the account shall accrue to the Village of Montgomery.

II. INSPECTION AT DEVELOPER'S EXPENSE

- A.** All public and private improvements proposed to be made under the provisions of this Ordinance shall be inspected during the course of construction by the Village consultants.
- B.** During the course of construction of the improvements, the Developer shall be required to notify the Village Engineer forty-eight (48) hours before the inspection of all utilities.
- C.** The Developer shall pay the cost of all inspection and testing services. The fee shall be invoiced by the Village, based on current rates and standard industry practice.

III. AGREEMENT TO PAY VILLAGE FEES IN FULL

Developers shall execute and file with the Village Clerk the "Developer's Agreement With Respect to Land Development Fees and Deposits" which is marked Exhibit A and is attached hereto.

IV. AGREEMENT TO PAY EXPENSE

Invoices for professional services received on behalf of the applicant shall be submitted to the applicant on a timely basis and paid within 20 days of the date thereof. Unpaid invoices by any applicant may be satisfied by any funds on deposit per Paragraph H for said applicant. The Village will put the application on hold until the original deposit amount is replenished.

V. REFUNDS

The fee schedule set forth herein is based upon an estimate of the costs and fees that will be incurred by the Village in reviewing and acting upon the applications described. At the time of final action (or thereafter, if not at time of final action) by the Village Officials or the written request by an applicant that further action on the application terminate, an itemization of consultants' costs and publication fees and public hearing expenses shall be sent to the Developer. Refunds of unexpended deposits shall be paid by the Village to the Developer when final action has been taken by Village Officials or after a termination of the proceedings by the Developer.

VI. ADDITIONAL DEPOSIT REQUIRED

The amounts required herein above are estimates only. The Village may request an additional deposit (or deposits) during the course of the review of land development plans if the deposit (or deposits) paid

by the Developer to the Village has been exhausted. In such event, the Developer shall redeposit a sum in an amount determined by the Village Engineer. The Village reserves the right to delay any further action on the application until this additional deposit is paid.

VII. OTHER FEES

This ordinance does not affect the amount of nor the manner of payment of other Village fees, such as building permit fees, connection fees, and the like.

VIII. DEFINITION OF ACRE

An "acre" is defined as an area of land consisting of 43,560 square feet.

IX. BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

In the event deposited funds have been exhausted and an additional deposit has not yet been made, building permits shall not be issued until all administrative, professional consulting and public hearing expenses have been paid.

Certificates of Occupancy may not be issued until all outstanding invoices have been paid.

SECTION THREE: PUBLICATION

This ordinance shall be published in pamphlet form by and under the authority of the Village Officials of the village, Kane and Kendall County, Illinois.

SECTION FOUR: REPEALER

All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance shall be and are hereby repealed to the extent of such conflict.

This Ordinance shall become effective from and after its passage, approval and publication in the manner prescribed by law.

SECTION FIVE: SEVERABILITY

Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision has not been a part of this ordinance.

SECTION SIX: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois this 22nd day of August, 2011.

Marilyn Michelini,
President of the Board of Trustees of the Village of Montgomery

ATTEST:

Carla Cooper, Clerk of the Village of Montgomery

	Aye	Nay	Absent	Abstain
Trustee Stan Bond	___	___	___	___
Trustee Matt Brolley	___	___	___	___
Trustee Pete Heinz	___	___	___	___
Trustee Andrew Kaczmarek	___	___	___	___
Trustee William Keck	___	___	___	___
Trustee Dennis Lee	___	___	___	___
Village President Marilyn Michelini	___	___	___	___

EXHIBIT A

**DEVELOPER'S AGREEMENT WITH RESPECT TO
LAND DEVELOPMENT FEES AND DEPOSITS**

The undersigned Developer acknowledges that he/she has filed a _____
(type of action requested) and acknowledges he has received a copy of Ordinance No. 1503 and accepts
the terms thereof. The Developer, in consideration of the Village undertaking review of the Developer's
request, agrees to be bound by the terms of such Ordinance and herewith submits an initial deposit of
_____ (\$ _____) Dollars.

Developer further acknowledges that said amount is an estimated amount only, and is to be held a
security for monthly payments of invoiced expenses and shall only be drawn upon if the Developer fails
to pay invoices when due. If invoices are not paid, or said deposit is exhausted, the Developer
acknowledges that his/her application shall be held and not processed further until said amounts are
satisfied or brought current. Developer may be required to replenish said amount if it becomes
exhausted.

Developer

Dated

Billing Attn: _____

Billing Company Name: _____

Billing Address: _____

For Staff Use:
Project Name: _____

RECEIPT OF INITIAL FEE DEPOSIT ACKNOWLEDGED
BY VILLAGE COLLECTOR.

Village Collector

***This form must be executed and accompany all Development Applications. No Application will be
accepted or processed without this completed form.***