



# Plan commission application

FOR SPECIAL USE, PLANNED UNIT DEVELOPMENT,  
REZONING, SUBDIVISION AND RESUBDIVISION

Prior to filling out this form you must speak with a staff member from the Planning Division of the Community Development Department. This form must be completed and submitted with the appropriate fee to the Community Development Department.

APPLICANT (Property Owner) \_\_\_\_\_  
Name \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_ Email Address \_\_\_\_\_

BUSINESS OR TENANT NAME \_\_\_\_\_

AUTHORIZED REPRESENTATIVE (If any) \_\_\_\_\_  
Address \_\_\_\_\_ Primary Phone Number \_\_\_\_\_  
E-Mail Address \_\_\_\_\_ Secondary Phone Number \_\_\_\_\_

**NATURE OF APPLICATION:**

Subdivision      Planned Unit Development      Resubdivision      Special Use  
Rezoning: Desired Zoning Classification \_\_\_\_\_ Other (Describe): \_\_\_\_\_

**The following documents must be submitted with this Application. The Application will not be considered complete until such time as they are submitted.**

- Plat of Survey, Address and PIN(s) for subject property(ies)
- Proof of ownership or proprietary interest
- If a land trust, disclosure of all beneficial interests
- Fee: \$175 public hearing fee and \$1,500 escrow deposit toward recovery of Village third party costs and fees are due at time the completed application is submitted.\*
- Other documents and information as deemed necessary to render a recommendation

APPLICANT'S SIGNATURE: \_\_\_\_\_ Date \_\_\_\_\_  
APPLICANT'S PRINTED NAME: \_\_\_\_\_

AUTHORIZED REPRESENTATIVE'S SIGNATURE: \_\_\_\_\_ Date \_\_\_\_\_  
AUTHORIZED REPRESENTATIVE'S PRINTED NAME: \_\_\_\_\_

HEARING SCHEDULED FOR: \_\_\_\_\_

\*Pursuant to Ordinance O-20-22 petitioners shall be subject to recovery of Village third party costs and fees.

# Deerfield Village Hall Board Room Presentations

For Plan Commission public hearings, it is preferred that petitioners bring a laptop to the public hearings to present the exhibits for their petition to the Plan Commission electronically. Presentation boards and hard copy exhibits can be used if necessary, but it is preferred for petitioners to present exhibits for their petition electronically.

Laptop computers can be plugged into the Village Board Room's audio-visual system. Microsoft PowerPoint presentations, PDFs, Word documents, and photos can be shown on the monitors in the Board Room. It is the petitioner's responsibility to provide their own laptop and to know how to send their presentations, documents, photos, etc. out into the Board Room prior to the Plan Commission meeting. Petitioners should make sure their laptops are booted or on standby to minimize start-up time when they approach the podium to present their petition. Testing or doing a trial run of your presentation during the day when Village IT staff is present is encouraged. Please contact Daniel Nakahara, Planner, at (847) 719-7480 to set up a time to test your presentation.

For hard copy exhibits (i.e. paper, presentation boards, material samples) there is a podium camera that can project color exhibits up to 11" x 17" in size onto the monitors in the Board Room. There is also an easel for presentation boards.

# Public Hearing procedure

If you have applied for a Public Hearing with the Deerfield Plan Commission, certain actions are required by you, the petitioner, to fulfill the notification requirements. You are responsible for:

- A. The notification of surrounding property owners within 250 feet of all the boundaries of the property by either Certified or Registered Mail, return receipt requested, or by personal service. (When the property is part of a Planned Unit Development, notification must be 250 feet from the exterior boundaries of the Planned Unit Development. Any different ownerships within the Planned Unit Development must be notified as well.) In those cases where the petitioner is requesting a variation of the maximum allowable height, the notification area is expanded to 500 feet.
1. This notification must be to all persons who are either:
    - a. Owners of record as of, not more than ten days prior to the date of service, and as shown on the records kept by the County Recorder of Deeds,  
OR,
    - b. Persons listed on the most recently published tax rolls of the Township or County Assessor as persons who paid the general real estate taxes for the last preceding year.
  2. This notification must be done not more than thirty (30) days nor less than fifteen (15) days prior to your Public Hearing
  3. This notification should include the following:
    - a. Copy of legal notice. The Planning Division will provide you with a copy of the legal notice that will be published in the newspaper. This legal notice must be included with your notifications to surrounding property owners. You will also be required to send out the “Dear Neighbor” letter and a “Public Process for Land Use Requests” handout that staff will provide to you at the time you receive the legal notice.
    - b. Other information that you believe would help explain your land use request. It is encouraged that you include an 8 1/2” by 11” drawing or site plan of the proposal (please speak with Village staff further at the time of the certified mailings).
- B. An Affidavit stating that you, the petitioner, have given the notice as required above to the surrounding property owners. (A blank Affidavit form is included with this Plan Commission application packet.) The Affidavit should include a listing of all those who were notified and their addresses. The Affidavit must also be notarized.

**YOU MUST BRING THE AFFIDAVIT AND PROOF OF MAILINGS (WHITE SLIPS AND RETURN RECEIPTS) WITH YOU TO YOUR PUBLIC HEARING TO PRESENT TO THE PLAN COMMISSION CHAIRMAN.**

Failure to satisfy these legal requirements will mean that the Plan Commission CANNOT hold your public hearing. Hearings that must be adjourned will be rescheduled only as openings develop in the Plan Commission Agenda.

## **Publication of Legal Notice in Newspaper**

The Planning Division will have the legal notice of the public hearing published in a paper of general circulation in the Village of Deerfield. This notice will be published not more than thirty (30) days nor less than fifteen (15) days prior to your public hearing

# **ATTENTION:**

## **Instructions for Plan Commission Applications**

- I. It is the petitioner's responsibility to provide 2 sets of materials with any application for Plan Commission action at least one week prior to the publication of the legal notice in the newspaper. Such materials must be sufficient to permit the Planning Division to make a preliminary review of the project/petition proposed and provide sufficient information to write a legal notice. These materials include such things as an accurate survey of the property, documentation concerning ownership of the property, proposed plans, and other statistical data which may be required by the Planning Division. The 2 sets of materials must include all the proposed variations. These variations cannot change in magnitude from the time of the legal notice publication (e.g a 47' height variation at the time of the legal notice publication cannot change to 48' at the time of the public hearing).

It is the petitioner's responsibility to provide additional materials directly to the Fire Department, Engineering Department, and Building Division for their review.

- II. It is the petitioner's responsibility to submit 4 sets of all of the hard copy (paper) materials which will be presented to the Plan Commission at least 2 weeks prior to the Plan Commission meeting at which those materials will be presented and considered. All materials submitted must be of a sufficient size so as to permit easy reading. Writing must be easily legible. All plans must be of a sufficient size so that all numbers, dimensions and notations on the plan can be read. Submit hard copy plans on paper no larger than 11" by 17" in size.

Also, these same documents must be submitted in an electronic format to Daniel Nakahara, Planner, no less than 2 weeks prior to your scheduled appearance before the Plan Commission. Electronic files may be emailed to [dnakahara@deerfield.il.us](mailto:dnakahara@deerfield.il.us), or placed on a flash drive or CD-ROM and delivered to the Community Development Department. It will be your responsibility to make sure all the documents are in an electronic format. You must submit your electronic plans as one (1) PDF. Village staff is not responsible to assembling and combining your electronic plans.

Under the Plan Commission's Rules of Procedure, failure to have all materials turned into the Planning Division in time to be included in the Plan Commission distribution will cause an automatic continuation of the petitioner's request to a subsequent meeting. The Planning Division will not accept any materials after the Plan Commission's distribution packet has been sent out.

Note: The purpose of providing the materials electronically is so that they can be posted on the Village's website for surrounding property owners and other interested parties to view. If it is absolutely necessary to make a change or alteration to the plans after the 4 sets of plans have been submitted to the Planning Division, Planning staff needs to be notified of the change and needs to be provided with updated electronic plans for posting on the Village's website.

# **ATTENTION**

## **Instructions for Plan Commission Applications**

- III. It is the petitioner's responsibility to provide the Village Manager's Office with copies of the same materials provided to the Plan Commission for distribution to the Board of Trustees.**

**These materials must be submitted to the Planning Division via email (dnakahara@deerfield.il.us), on a flash drive or on a CD-ROM two (2) weeks before the petition/proposal is to be before the Board of Trustees. Electronic plans should be combined and submitted as one (1) PDF. Village staff is not responsible for assembling and combining petitioner's plans.**

**At the same time the petitioner submits the electronic documents, 4 hard (paper) copies must also be submitted to the Planning Division. Hard copy plans should be submitted on paper no larger than 11" by 17" in size.**

**Failure to provide these materials as indicated will result in the petition/proposal being removed from the Trustee's agenda and placed on a subsequent agenda. If the materials are not received in a timely fashion and the 60-day maximum time period imposed on the Plan Commission to forward their recommendation to the Board of Trustees is about to expire, the Plan Commission recommendation will be sent to the Board of Trustees with a note indicating that the petitioner has not provided the materials requested.**

# affidavit

STATE OF ILLINOIS )

) SS:

COUNTY OF LAKE )

\_\_\_\_\_, being first duly sworn on oath, deposes and says as follows:

(Affiant Name)

1. That (s)he has given written notice by personal service or certified or registered mail, return receipt requested, not less than 15 days nor more than 30 days prior to public meeting or hearing date to all persons who are either owners of record as of not more than 10 days prior to the date of service, and as shown on the records kept by the County Recorder of Deeds, or persons listed on the most recently published tax rolls of the Township or County Assessor as persons who paid the general real estate taxes for the last preceding year on parcels of real estate being within 250 feet of the boundaries of the property for which

\_\_\_\_\_  
(Project Description)

is being requested. The subject property is addressed:

2. The names and addresses of the persons to whom said notice was given are on the list attached hereto and made a part hereof.

\_\_\_\_\_  
Affiant Signature

Subscribed and sworn to before me

This \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Notary Public  
(Notary Signature)

# submittals to the board of trustees

PETITIONER: \_\_\_\_\_

PLAN COMMISSION HEARING DATE: \_\_\_\_\_

BOARD OF TRUSTEES MEETING DATE: \_\_\_\_\_

PROVIDE MATERIALS BY: \_\_\_\_\_

**It is the petitioner's responsibility to provide the Board of Trustees with the same documents that went to the Plan Commission for the public hearing. These documents must be submitted in an electronic format to Daniel Nakahara, Planner, in the Community Development Department no less than 2 weeks prior to your scheduled appearance before the Board of Trustees. Electronic files can be sent via email to [dnakahara@deerfield.il.us](mailto:dnakahara@deerfield.il.us) or placed on flash drive or CD-ROM and delivered to the Community Development Department. Electronic plans should be combined and submitted as one (1) PDF. Village staff is not responsible for assembling and combining petitioner's plans. You must also submit 4 hard (paper) copies of any plans 2 weeks prior to your scheduled appearance before the Board of Trustees. If you have large plans such as a site plan or landscape plan, please submit these plans on paper no larger than 11" by 17" in size.**

**It will be your responsibility to make sure all the documents are in an electronic format. If you need to have these documents scanned into an electronic format, copy and duplication stores such as FedEx Office and Staples offer this service. These electronic format documents are necessary for distribution to the Deerfield Village Board of Trustees.**

**If these materials are not provided as indicated, the petition/proposal may be removed from the Board of Trustee's agenda and placed on a subsequent agenda. If the materials are not received on time, and the 60 day maximum time period imposed on the Plan Commission to forward its recommendation to the Board of Trustees is about to expire, the Plan Commission will forward its recommendation to the Board of Trustees with a note indicating that the petitioner has not provided the materials required.**

**INDEMNITY UNDERTAKING**  
**Per Article 13 of the Zoning Ordinance of the Village of Deerfield**

TO: Village of Deerfield  
850 Waukegan Road  
Deerfield, Illinois 60015

FROM:	Property Owner	Zoning Applicant
	_____	_____
	_____	_____
	_____	_____

SUBJECT PROPERTY: *See Exhibit A attached hereto.*

ZONING RELIEF: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[describe zoning request]

WHEREAS, the undersigned Property Owner and Applicant (individually and collectively "Indemnitor") have applied to the Plan Commission and/or Board of Zoning Appeals of the Village of Deerfield for the aforementioned Zoning Relief with respect to the Subject Property described on Exhibit A attached hereto; and

WHEREAS, Indemnitor is required under Article 13 of the Zoning Ordinance of the Village of Deerfield, as a condition to approval of the Zoning Relief, to defend, indemnify and hold harmless the Village and its officers, agents and employees from any suit, action, claim or proceeding against the Village, or officers, agents or employees of the Village, that seeks to attack, challenge, dispute, void, annul, enjoin or invalidate, in whole or in part, any ordinance, determination or proceeding by the Village of Deerfield approving the Zoning Relief requested by Indemnitor; and

WHEREAS, Indemnitor understands, acknowledges and agrees that the Zoning Relief requested for the Subject Property will, if approved by the President and Board of Trustees of the Village of Deerfield, benefit the Subject Property, and the Property Owner, Applicant and their respective successors, grantees and assigns; and

WHEREAS, Indemnitor understands, acknowledges and agrees that the Village of Deerfield is under no obligation to spend public money defending the grant of such Zoning Relief against any suit, action, claim or proceeding that may be commenced by third parties seeking to attack, challenge, dispute, void, annul, enjoin or otherwise invalidate in whole or in part any ordinance, resolution or action by the Village of Deerfield granting or approving such Zoning Relief;

NOW, THEREFORE, in compliance with the requirements of Article 13 of the Zoning

Ordinance of the Village of Deerfield, and in consideration of the Zoning Relief requested by the Property Owner and Applicant (individually and collectively "Indemnitor") for the Subject Property described herein, the undersigned Property Owner and Applicant jointly and severally covenant and agree with the Village of Deerfield as follows:

1. Indemnitor shall, at Indemnitor's own cost and expense, defend and indemnify the Village of Deerfield and its officers, agents and employees from any suit, action, claim or proceeding against the Village, or officers, agents or employees of the Village, in which the Village's approval of the Zoning Relief requested by Indemnitor for the Subject Property is asserted or attempted to be asserted to be void, invalid or improperly granted, by any third party claiming any interest in or damage resulting from any ordinance, resolution or action by the Board of Trustees of the Village of Deerfield granting or approving such Zoning Relief in whole or in part, including but not limited to court costs, expenses and reasonably attorneys' fees.
2. Indemnitor shall reimburse the Village of Deerfield, its officers, agents or employees for any court costs, expenses and reasonable attorneys' fees which the Village or its officers, agents or employees may incur in defending any such suit, action, claim or proceeding, or may be required to pay by a court of competent jurisdiction as a result of the approval of the Zoning Relief requested by Indemnitor.
3. Indemnitor understands, acknowledges and agrees that the Village of Deerfield may, in its sole discretion, participate in the defense of any such suit, action, claim or proceeding, and such participation shall not relieve Indemnitor of its obligations under this Undertaking.
4. This Indemnity Undertaking contains the entire agreement of the parties and there are no representations, inducements or other provisions other than those expressed in writing herein.
5. The provisions of this Indemnity Undertaking shall be binding upon Indemnitor and Indemnitor's successors, grantees and assigns.

IN WITNESS WHEREOF, this Indemnity Undertaking has been duly executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by Property and Applicant (Indemnitor).

\_\_\_\_\_  
\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
\_\_\_\_\_, Applicant,

By: \_\_\_\_\_

By: \_\_\_\_\_

Name:  
Title:

Name:  
Title:

VILLAGE OF DEERFIELD

ORDINANCE NO. 2020- O-20-22

AN ORDINANCE AMENDING TITLE 1, CHAPTER 1, OF  
“THE MUNICIPAL CODE OF THE VILLAGE OF DEERFIELD,” AS AMENDED,  
TO RECOVER THIRD PARTY COSTS AND FEES

WHEREAS, the Village of Deerfield is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution; and

WHEREAS, in order to process development applications and petitions pursuant to the "The Municipal Code of the Village of Deerfield, Illinois, 1975", as amended ("*Village Code*"), the "Deerfield Zoning Ordinance 1978" as amended ("*Zoning Ordinance*"), and the "Subdivision Code," as amended ("*Subdivision Code*"), the Village often incurs costs and fees from third parties, including, without limitation: (i) attorneys; (ii) professional and technical consultants; (iii) court reporters; (iv) newspapers; (v) printers; (vi) mailing services; (vii) the Lake and Cook County Recorders; and (viii) title companies ("*Third-Party Costs and Fees*"); and

WHEREAS, the Village Code, Zoning Ordinance, and Subdivision Code do not currently provide for the payment of Third-Party Costs and Fees by the applicants that bring about the need for such costs and fees and, accordingly, the ultimate payment obligation currently falls on the Village and its residents; and

WHEREAS, the Village Board desires to amend the Village Code to provide a means for recovery of Third-Party Costs and Fees from land use applicants; and

WHEREAS, the Village Board has determined that it will serve and be in the best interests of the Village and its residents to amend the Village Code pursuant to this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF DEERFIELD, LAKE AND COOK COUNTIES, ILLINOIS, as follows:

SECTION ONE: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Ordinance as findings of the Village Board.

SECTION TWO: RECOVERY OF VILLAGE COSTS AND FEES. Chapter 1, titled "General Provisions" of the Village Code is hereby amended to add a new Section 1-31, titled "Recovery of Village Costs and Fees," which shall read as follows:

"1-31: Recovery of Village Costs and Fees

- (a) Established: Except for those petitions specifically exempted in Section 1-31(b), every land use petition filed and processed pursuant to (1) this Code, (2) the "Deerfield Zoning Ordinance 1978," as amended, or (3) the "Subdivision Code," as amended, that requires the Village to incur costs or expenses identified in Section 1-31(d) shall be

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Additions are bold and double-underlined; ~~deletions are struck through.~~

subject to the requirements set forth in this Section. The recovery of Village costs and fees shall be in addition to any and all other filing fees and other charges established by the Village. For purposes of this section, the word "petition" is deemed to include and refer to any and all petitions and applications filed or processed pursuant to this Code, the "Deerfield Zoning Ordinance 1978," as amended, or the "Subdivision Code," as amended.

(b) Exemptions: The following shall be exempt from the requirements of this Section 1-31:

(1) Petitions for land uses that relate solely to one- and two- family dwellings;

(2) All petitions seeking relief pursuant to this Code, the "Deerfield Zoning Ordinance 1978," as amended, or the "Subdivision Code," as amended, filed by other public bodies, charitable or religious organizations, or other tax-exempt organizations.

(c) Responsibility for Payment: The owner of the property that is the subject of the land use petition and, if different, the petitioner for the subject land use relief, shall be jointly and severally liable for the payment of recoverable costs and fees, as defined herein. By signing the petition, the owner or petitioner shall be deemed to have agreed to pay, and to have consented to payment of recoverable costs and fees, plus any costs of collection, that have not been paid within 30 days following the mailing of a written demand for payment to the owner or petitioner at the address set forth on the petition, including any additional recoverable costs and fees assessed. Any lien filed pursuant to this subsection may be foreclosed in the manner provided for mortgages or mechanics' liens under Illinois law.

(d) Recoverable Costs and Fees: The recoverable costs and fees incurred by or on behalf of the Village in processing a petition shall include all outside or third party costs, fees, and expenses related to the petition, including, without limitation, the following items:

(1) Publication and posting of notices;

(2) Court reporter fees, including the cost of all transcripts ordered, or any subsequent transcription of audio/video recordings;

(3) Fees and expenses incurred by or on behalf of the Village for outside professional and technical consultants, including, without limitation, civil engineers, traffic engineers, planners, architects, and financial consultants.

- (4) Cost of the Village Attorney and assistant Village Attorneys and staff measured by their time expended and multiplied by their applicable hourly rate of pay for land use petition matters, as well as expenses incurred by the Village Attorney.
- (5) The costs of any Village retained attorney or law firm, for consultation, meeting attendance, document preparation, advice and review;
- (6) Copy reproduction;
- (7) Costs of document recordation by the county plus an additional fee for recording of \$50.00;
- (8) Mailing costs; and
- (9) Proof of ownership or title searches.
- (e) Payment of Recoverable Costs and Recoverable Cost Escrow:

  - (1) Charges Against Petitioner: From the date of filing any petition, the Village shall maintain an accurate record of the actual costs and fees of processing the petition. The Village may, from time to time, invoice for such actual costs and fees. The Village shall maintain an accurate record of all the costs and fees and time expended.
  - (2) Final Settlement: As soon as reasonably feasible following final action on a petition, the Village shall prepare a final invoice in connection with the petition and of the actual cost and fees of processing the petition and shall make a final charge of the actual costs and fees. A copy of the invoice shall be provided to the owner and the petitioner for prompt payment thereof.
- (f) Condition of All Petitions, Approvals and Permits: Every approval granted and every permit issued pursuant to this Code, the “Deerfield Zoning Ordinance 1978,” as amended, or the “Subdivision Code,” as amended, shall, whether or not expressly so conditioned, be deemed to be conditioned upon payment of recoverable costs and fees as required by this Section.
- (g) Failure to Pay Recoverable Costs and Fees: The failure to pay in full when due any recoverable cost, fee or deposit required under this section shall be grounds for refusing to process a petition and for denying or revoking any permit, or approval sought or issued with respect to the land or development to which the unpaid recoverable cost, fee or deposit relates.”

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Additions are bold and double-underlined; deletions are struck through.

**SECTION THREE: : PUBLICATION.** The Village Clerk is hereby directed to publish this Ordinance in pamphlet form pursuant to the Statutes of the State of Illinois.

**SECTION FOUR: EFFECTIVE DATE.** This Ordinance will be in full force and effect ten days after its passage, approval, and publication in the manner provided by law.

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers

NAYS: None


ABSTAIN: None

ABSENT: None

PASSED: October 5, 2020

APPROVED: October 6, 2020

ORDINANCE NO. O-20-22

  
\_\_\_\_\_  
Harriet Rosenthal, Mayor

ATTEST:  
  
\_\_\_\_\_  
Kent S. Street, Village Clerk

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