

# Village of Fox Lake

## Special Use Petition Packet

### Planning & Zoning Commission



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#### Community & Economic Development

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## Process Overview

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Petitions are to be filed with the Community & Economic Development Department.

<b>STEP 1</b>	<b>PRE- APPLICATION MEETING:</b> We highly recommend the Petitioner schedule a meeting with the Community Development Director to discuss the feasibility of the proposed variation.
<b>STEP 2</b>	<b>PETITION PACKET SUBMITTAL:</b> Completed Application Packet returned to the Community Development Department.
<b>STEP 3</b>	<b>STAFF REVIEW:</b> Upon receipt of a completed petition packet, staff will conduct a review and contact Petitioner with any questions. Petitioner will address any concerns and resubmit, if required. Once approved by staff, a meeting date will be set and the petitioner will be notified of meeting date.
<b>STEP 4</b>	<b>ACTION BY THE PLANNING &amp; ZONING COMMISSION:</b> Commission will hold a public hearing on the petition and make a recommendation to the Village Board.
<b>STEP 5</b>	<b>ACTION BY THE VILLAGE BOARD:</b> Village Board will review the Petition and Commission's recommendation at the next available meeting. If approved, the ordinance will be drafted.
<b>STEP 6</b>	<b>ADOPTION OF ORDINANCE:</b> Village Board will vote on Ordinance at the next regularly scheduled meeting. Copy of adopted and signed Ordinance will be sent to the petitioner.

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## Submittal Checklist

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It is strongly suggested that petitioners review the material in this packet, and applicable chapters of the Village Code.

**The following documentation is included:**

- ┆ **Petition and Application:** Must be completed and the signatures of the petitioner notarized (there are notaries on staff at the Village).
- ┆ **Proof of Ownership:** Must provide one of the following:
  - a. Warranty Deed
  - b. Trust
  - c. Title Policy
  - d. Fully executed lease or fully executed contract to purchase. A Letter of Authorization from the Owner of Record is required if an agent is designated or if the owner's signature is not on the petition.
- ┆ **Contiguous Property Owners Listing:** Village will determine who the contiguous property owners are. (See Notification Requirements)
- ┆ **Plat of Survey:** The plat must show all improvements to the property as they currently exist.
- ┆ **Legal Description:** Provide in electronic format. (Microsoft Word or email. No PDF's.)
- ┆ **Response to Applicable Standards (for Special Use only):** A written response to the applicable Standards must be provided that specifies in detail why each of the standards is true or being met.
- ┆ **Application Fee:** The application fee is due at time of submittal. You will be invoiced for additional fees including 1st class and certified mailing fees, newspaper publication fees, public hearing sign fees, attorney/legal fees, engineering fees, Village planning fees and any outside consultant review fees necessitated by the requested action. (See Consultant Services Agreement)

## Fee Schedule

Action	Filing Fee	Additional per Meeting
Rezoning, other than to Manufacturing District	\$400.00	\$700.00
Rezoning to Manufacturing District	\$600.00	\$1,000.00
Variation	\$400.00	\$700.00
Special Use	\$400.00	\$700.00
Special - PUD or Reclamation Overlay District	\$600.00	\$1,500.00
Appeals from Building Commissioner's Ruling	\$400.00	\$700.00
Special Meetings or Hearings	\$300.00	\$700.00
Additional or Continued Meetings	-	\$700.00
Preliminary Plat Review	\$20.00 per lot with \$200.00 minimum	\$300.00

## Meeting Dates and Deadlines for Submittal

Meeting Date	Your Submittal Deadline	Village Notification Deadline
January 12, 2022	December 15, 2021	December 23, 2021
February 9, 2022	January 14, 2022	January 20, 2022
March 9, 2022	February 11, 2022	February 16, 2022
April 13, 2022	March 16, 2022	March 23, 2022
May 11, 2022	April 11, 2022	April 20, 2022
June 8, 2022	May 9, 2022	May 20, 2022
July 13, 2022	June 13, 2022	June 17, 2022
August 10, 2022	July 11, 2022	July 20, 2022
September 14, 2022	August 8, 2022	August 22, 2022
October 12, 2022	September 12, 2022	September 19, 2022
November 9, 2022	October 10, 2022	October 17, 2022
December 14, 2022	November 7, 2022	November 14, 2022

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## **Notification Requirements**

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The Community Development Department will prepare a Legal Notice. Notice Requirements are as follows:

- 1. Certified Mailing to Contiguous Property Owners:**  
The Village is responsible for mailing the Legal Notice to all contiguous property owners.
- 2. First Class Mailing:**  
The Village is responsible for mailing the Legal Notice to all property owners via first class mail within a three hundred foot (300') buffer of the boundaries of the property.
- 3. Publication of Hearing:**  
The Community Development Department will publish the Legal Notice in a newspaper of general circulation within the Village.
- 4. Posted Notice:**  
A Public Notice sign shall be posted on the property so that it is clearly visible from a public street. The signage required for this notification will be installed by the Village upon receipt of the required fee.

**NOTE: Publishing of the Legal Notice is not to be made less than fifteen (15) days, nor more than thirty (30) days prior to the hearing.**

# Application for Public Hearing

LOCATION INFORMATION		
Address:		
City:	State:	Zip:
PIN(S):		
Legal Description (Found on Plat of Survey and must be submitted electronically. Microsoft Word or email. No PDF's):		
PROPERTY DESCRIPTION		
Existing Zoning:	Existing Use:	
Surrounding Zoning:	Surrounding Use:	
Lot Size (SqFt):		
PETITIONER INFORMATION		
Name:		
Address:		
City:	State:	Zip:
Phone:	Email Address:	
Petitioner is: <input type="checkbox"/> Property Owner <input type="checkbox"/> Lessee <input type="checkbox"/> Contract Purchaser		
PROPERTY OWNER INFORMATION		
Name:		
Address:		
City:	State:	Zip:
Phone:	Email Address:	
REQUESTED ACTIONS		
REQUIRED SIGNATURES		

*The undersigned states under oath that they are the **Legal Owner / Contract Purchaser / Lessee** of record as described in this application. The statements made in foregoing application are true in substance and fact.*

Signature: \_\_\_\_\_

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

STATE OF ILLINOIS }

COUNTY OF LAKE } SS.

BEFORE THE PLANNING & ZONING COMMISSION
VILLAGE OF FOX LAKE

TO: HONORABLE CHAIRPERSON AND MEMBERS OF THE PLANNING & ZONING COMMISSION

PETITION FOR A SPECIAL USE PERMIT

NOW comes \_\_\_\_\_, owner of the following described real estate, to wit:

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

Legal Description:

The property is presently zoned under the Village Ordinance as \_\_\_\_\_ and the property is currently used as \_\_\_\_\_.

The Petitioner plans on using the property for: \_\_\_\_\_
The proposed use of the property requires a Special Use Permit and the Petitioner stated the following in support of their request:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHEREFORE, your Petitioner requests that your Honorable Body, pursuant to your rules and regulations, will hold a public hearing as provided for by the Statutes and as a reason of said hearing recommended to the Village Board of Trustees, that the Village of Fox Lake Zoning Ordinance be so amended to grant the Petitioner's request.

Common Address of Property:
PIN(S):

I, \_\_\_\_\_, depose and say that the above statements are true and correct to the best of my knowledge and belief. I agree to be present in person or by representation when this petition is heard before the Planning & Zoning Commission.

Dated this \_\_\_\_ Day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
SIGNATURE OF PETITIONER

Subscribed and sworn to before me

Dated this \_\_\_\_ Day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
NOTARY PUBLIC

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## Consultant Services Agreement

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I, \_\_\_\_\_, understand that I am responsible for all additional fees including 1st class and certified mailing fees, newspaper publication fees, public hearing sign fees, attorney/legal fees, engineering fees, Village planning fees and any outside consultant review fees necessitated by the requested action.

<b>Subject Property Information:</b>		
Address:		
<b>Responsible Party Information:</b>		
Name:		
Address:		
City:	State:	Zip:
Phone:	Email Address:	

**6-1-11: DEVELOPMENT FEES:**

Administrative Fees: Whenever any escrow is established pursuant to subsection A of this section, the village shall be entitled to deduct from the escrow the sum of ten percent (10%) of any sums paid out by the village from said escrow as an administrative fee for the handling of said funds. The petitioner and owner of the affected property shall sign a reimbursement of fees agreement on forms provided by the village prior to any action being taken. Supplemental Effect: The requirements of this section shall be supplemental to any and all other fees and charges to be paid by the entity making the request. (Ord. 2015-02, 1-13-2015).

**9-4-5 : REVIEW FEES:**

No final approval shall be given until all review fees and outside consultant fees have been paid, and in the event that any review fees or outside consultant fees are not paid within ten (10) days after billing, the building commissioner may suspend or revoke any permit issued by the village. The hourly rates to be charged by outside consultants shall be the standard hourly rates charged to the village by the outside consultant. If resubmittals are required and comprehensive review of the resubmittals are required, then an additional review fee may be required based upon the estimated staff time and outside consultant cost required for the review. (Ord. 2004-49, 8-24-2004)

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Signature of Petitioner:

Date:



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## Response to Standards for Special Use

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When considering the requested action, the Planning & Zoning Commission must determine the following Findings of Fact exist. Please provide a written response to each of the standards listed below. The response to each should thoroughly explain how the request will meet the established criteria.

1. That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare. ***(Please explain how granting the request will not have an adverse impact on the community.)***
  
2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. ***(Please explain how granting the request will not have an adverse impact, specifically on contiguous and adjacent properties. Also, please explain how the request will not have a negative impact on the property values in the surrounding area.)***
  
3. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. ***(Please explain how granting the request will not have an adverse impact on future development of the surrounding area.)***
  
4. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided. ***(Please address availability of utilities, access to roads, and drainage.)***
  
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. ***(Please indicate what steps have been or will be taken to ensure that all entrances and exits will not increase traffic congestion.)***
  
6. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board of Trustees.

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## **Standards for Special Use Permit**

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No special use shall be recommended by the plan commission unless they shall find:

1. That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the village board of trustees.

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## **General Procedure for Public Hearing**

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Anyone wishing to speak must be sworn in. Those speaking are asked to use the microphone and to speak clearly. The Chairman will lead the conversation.

The Planning & Zoning Commission may impose reasonable limitations on evidence or testimony such as time limits and barring repetitious, irrelevant or immaterial testimony. Time limits, if imposed, shall be fair and equally administered.

The following process will be followed for each petition on the agenda:

1. The public hearing will be called to order.
2. Anyone wishing to speak will be sworn in.
3. Village Staff will present their report regarding the petition, after which the Planning & Zoning Commission may ask questions of the Staff.
4. The Petitioner will present testimony regarding their petition, after which the Planning & Zoning Commission may question the Petitioner and any of the Petitioner's witnesses.
5. Members of the public may ask questions and offer any sworn testimony (comments, opinions, etc.).
6. After the public has completed its commentary, the Planning & Zoning Commission may question any member of the public who provided testimony.
7. The Petitioner may then cross-examine any member of the public who provided testimony.
8. The Petitioner is afforded an opportunity to make a closing statement.
9. A Motion is made on the request.
10. Deliberation by the Planning & Zoning Commission.
11. Roll Call Vote.

Note: These general guidelines are provided as an aid to those in attendance at Planning & Zoning Commission meetings, to help them to follow and participate in the public hearing process. These guidelines are not binding and may be amended or deviated from as the Commission determines to be necessary.