






## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development 

**MEETING DATE:** June 21, 2018

**SUBJECT:** **Text Amendments to the Village Code of Ordinances, Chapter 14 and Section 150.141: Fee Waiver for Local Governments and School Districts**

As part of the Village's ongoing fiscal review of development regulations and policies, the Community Development Department identified the existing fee waiver provisions for units of local government and school districts. This matter was reviewed by the Board of Building Appeals (BOBA) as well as the Economic and Community Development Committee (ECDC). Both entities unanimously recommended approval of the elimination of the fee waiver provision for public hearing fees as well as building permit fees.

Attached are the following documents for consideration:

1. The ECDC staff memorandum regarding the elimination of public hearing fee waiver;
2. The ECDC staff memorandum regarding the elimination of building permit fee waiver;
3. An Ordinance amending Chapter 14 and Section 150.141 of the Village Code to eliminate the fee waiver provisions, with an effective date of January 1, 2019. The draft ordinance combines of both items previously tracked via Legistar as items 180059 and 180060 into a single Village Board action.


### **ACTION REQUESTED**

Please place this item on the June 21, 2018 Village Board agenda. The ECDC and BOBA recommend approval of the code amendments to Chapter 14 and Section 150.141.



## MEMORANDUM

**TO:** Trustee Bill Johnston, Chairperson  
Economic & Community Development Committee (ECDC) Members

**FROM:** William J. Heniff, AICP, Director of Community Development 

**MEETING DATE:** February 12, 2018

**SUBJECT:** **Public Hearing fees for Government Entities**

Chapter 14 of the Village Code of Ordinances waives Plan Commission and Zoning Board of Appeals' public hearing fees for units of local government. As part of our initial review of department budgets for the 2019 calendar year, staff has identified this provision for additional review and consideration. Staff also surveyed surrounding municipalities to determine the practices of other jurisdictions. Of the 15 communities that responded:

- 7 jurisdictions waived fees,
- 3 had a hybrid approach,
- 4 did not waive fees, and
- DuPage County reduces fees (10%) for public agencies.

Staff notes that many of these projects do require significant staff time and the processing of such petitions is not markedly different than those projects within the private sector. The number of projects within a given year are highly variable and can also vary in scope and magnitude. For example, past recent cases by governmental entities included sign petitions (for Glenbard East High School) to expansion projects (for Glenbard Wastewater Authority) to new construction (for the new Park District Recreation Center). Costs to cover such petitions can range between \$1,500-\$5,000 per project and are highly variable and are project dependent.

Staff notes three options to review for recommendation.

1. Do not waive fees.
2. A hybrid approach, which would allow us to collect all out-of-pocket fees such as the newspaper publication fee (\$250), attorney attendance review fee (\$85), and a traffic study fee (if needed, cost varies by project). This approach would waive the fees for the conditional uses and/or variances applied for.
3. Waive all fees as we do currently.

Staff recommends that the waiver provision within Village Code be removed. This change would require updates to Chapter 14 and therefore Village Board approval.

**ACTIONS TO DATE**

Staff brought this matter to BOBA at their January 31, 2018 meeting and they recommended that the Village proceed with code amendments to remove the permit fee waiver provision for requisite public hearings.

**COMMITTEE ACTION REQUESTED**

Staff recommends that ECDC recommend approval of the elimination of the public hearing fee waiver for government entities to the Village Board of Trustees. Any recommendation from ECDC will also be shared with the Finance Committee prior to final consideration by the Village Board.



## MEMORANDUM

**TO:** Trustee Bill Johnston, Chairperson  
Economic & Community Development Committee (ECDC) Members

**FROM:** William J. Heniff, AICP, Director of Community Development ~~WJH~~

**MEETING DATE:** February 12, 2018

**SUBJECT:** **Building Permit Fees for Government Entities**

Sections 14 and 150.141(Z) of the Village Code of Ordinances waives building permit fees for units of local government. Staff was directed to review department budgets in anticipation of budget shortfall for the 2019 calendar year. Chapter 14 of the Village Code of Ordinances waives building permit fees for units of local government.

Community Development staff surveyed surrounding municipalities and of the 13 communities that responded, 10 fully waive fees. (Wheaton is unique in that they have an intergovernmental agreement between the County and Park District, when permit fees are over \$500.) DuPage County and Glen Ellyn do not waive fees for units of local government. However, DuPage County does reduce fees for public agencies, rather than waiving them. "Public Agency is used, it shall refer to organizations such as; Fire Districts, Park Districts, Townships, Schools, The DuPage County Forest Preserve District, DuPage County construction projects, and similar organizations."

Building permit fees are variable by project and year. As an example, Glenbard Wastewater permits would have exceeded \$100,000, the Park District Paradise Bay and Recreation Center each would have exceeded \$100,000, and the recently submitted DuPage County Health Department would be approximately \$15,000.

The waiver has burdened the Village with covering costs to process these requests and review the permit submittals. Permit fees also cover time spent at inspections. If the Village hires an outside contractual inspection service we are charged \$80/hour, regardless of the project applicant. As such, the waiver process actually becomes an incurred cost of the Village.

Staff recommends that government entities pay permit fees as do private developers and no longer waive fees. This change would require code updates and therefore Village Board approval. This action would also be consistent with the intent of the reimbursement provisions that is set forth in Section 16 of Village Code.

School Districts are a special exception, in that interior permits are not received from the Village rather the State. However, if a school district resurfaced their parking lot, a permit from the Village would be required, and fees would be charged.

Questions have been raised as to whether this change in policy would negatively impact intergovernmental relations. In response, staff notes that these fees are unique to development project and not an ongoing cost. Also, the Village would still work closely with such governmental entities on planning activities, initial consultations and all other pre-application activities in the same manner as is currently performed.

#### **ACTIONS TO DATE**

Staff brought this matter to BOBA at their January 31, 2018 meeting and they recommended that the Village proceed with code amendments to remove the permit fee waiver provision.

#### **COMMITTEE ACTION REQUESTED**

Staff recommends that ECDC recommend approval of the elimination of the building permit fee waiver for government entities to the Village Board of Trustees. Any recommendation from ECDC will also be shared with the Finance Committee prior to final consideration by the Village Board.

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE I, CHAPTER 14, AND TITLE XV,  
CHAPTER 150, SECTION 150.141 OF THE LOMBARD VILLAGE CODE IN  
REGARD TO FEE WAIVERS FOR UNITS OF LOCAL GOVERNMENT AND  
SCHOOL DISTRICTS**

WHEREAS, the Lombard Board of Building Appeals met on January 31, 2018, to consider the Village Code amendments set forth below; and,

WHEREAS, the Lombard Economic and Community Development Committee met on February 12, 2018 to consider the Village Code amendments set forth below; and,

WHEREAS, the Lombard Economic and Community Development Committee and the Lombard Board of Building Appeals has also filed their recommendations with the President and Village Board of Trustees, recommending approval of the Village Code amendments set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

**SECTION 1:** That effective January 1, 2019, Title I, Chapter 14, Section 14.01 of the Lombard Village Code is hereby repealed in its entirety.

**SECTION 2:** That effective January 1, 2019, Title I, Chapter 14, Section 14.02 of the Lombard Village Code shall be renumbered as Section 14.01.

**SECTION 3:** That effective January 1, 2019, Title XV, Chapter 150, Section 150.141 of the Lombard Village Code shall be amended to read in its entirety as follows:

“(Z) Government entities. Requirements relative to; bonds and letters of credit shall be waived in accordance with §14.02 of this Code.”

**SECTION 4:** That this Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2018.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2018.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2018, pursuant to a roll call vote as follows:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Keith T. Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published by me in pamphlet from this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk