

**Village of Lombard
Department of Community Development
Fee Schedule Review**

The Department of Community Development has reviewed the existing fee schedules associated with platting, zoning, and development activities. The intent of this review is to ensure that the Village is assessing reasonable review and approval fees of items under the purview of the Department of Community Development. This process was intended to mirror recent efforts completed by the Department of Public Works and the Fire Department. This process also serves as a follow-up to the Department's budget presentation in January, 2003 to the Village Board. This review process and report is the culmination of both internal and external analyses completed over the past month. Most of the analyses and proposed changes suggested within this report reflect those fees currently enumerated and contained within Title 3, Section 36.21: Fee Schedule.

Overall Goals

In consideration of the fee schedule amendments, staff considered the following issues:

Additional Review Costs

Fee schedule amendments should reflect the added additional cost borne by the Village in completing the requested task. In other words, but for the particular request, the Village would not have ordinarily incurred this expense. This provision is particularly applicable for public hearing requests for variations or conditional uses from the Zoning Ordinance.

Out-of-Pocket Expenses

Fee schedule amendments should address out-of-pocket expenses incurred by the Village to other sources. For example, Village attorney costs can be reimbursed for the review of annexation and development agreements. However, if a development petition does not include these costs, then the costs to the Village can be substantial. A recent example of this additional cost to the Village was for a proposed teen entertainment facility. The only cost that could be collected by the Village was the initial \$450 conditional use application fee. However, final costs incurred by the Village far exceeded the amount collected by the petitioner.

Additionally, the Village has incurred substantial costs for staff review and consultant services for projects that are either ultimately denied by the Village or are withdrawn prior to final consideration by the Village Board. For example, significant legal review fees have been incurred for development agreements for projects that are eventually abandoned by the petitioner. While the agreement may call for reimbursement of fees, if the agreement is never executed, the Village is left to pay all costs incurred by the document preparation.

State or Ordinance Mandated Fees

Public notification of public hearings alone frequently exceeds the overall costs collected by the petitioner. As the petitioner most frequently receives the greatest amount of benefit from having the public hearing, a greater proportion of the costs should be borne by the petitioner rather than all taxpayers.

Consultant Activities

While most work is done in-house, occasionally the Village will contract out portions of the development review process to specialized consultants. In the past, this has been most common for traffic review analyses. However, other cases have resulted in consultant work for landscape review activities or traditional engineering review. These amendments are intended to further codify the Village's ability to recoup those additional costs to other private sources.

Review of Fees

Staff undertook several different approaches to determine the appropriate fees – each with their own advantages. By utilizing multiple approaches, the defensibility of the proposed amendments can be further supported. These approaches include:

1. Staff Costs to Complete the Work

To determine the actual cost of processing a development petition through the public hearing process or consider the review and/or approval of a plat, staff compiled Tables 1 and 2 to identify the hard (or external) costs associated with processing a petition. Hard costs include public hearing notification fees (newspaper, notice letters, court reporter and County recording fees). This analysis also looked at the typical staff time required to process a petition. These activities include preparing notices, soliciting comments, reviewing the petition, writing a staff report and drafting ordinances. Not included in this analysis was any staff time outside of the traditional workday (i.e., night meetings) as the planning staff is salaried rather than hourly employees. Moreover, staff time is based on the mid-point hourly rate of each staff member and does not include any benefits attributable to the employee (these would be incurred regardless of whether the petition was filed or not). The analysis also does not include other Village costs in preparation of the staff report (i.e., Inter-Departmental Review Committee comments) as those comments would likely be generated anyway as part of the building permit process. Lastly, the analysis did not take into account soft costs such as the Village Clerk's duties, the time required to place public hearing signs on the petitioner's property or staff's minor consultations with Village Counsel.

Table 1
Estimated Costs to Process Plats

Plat Processing Costs - Administrative & Plats of Easement				
	<u>Quantity</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Cost</u>
Hard/External Costs				
County Clerk Costs	1	standard fee	\$ 2.00	\$ 2.00
Recording Costs	1	number	\$ 75.00	\$ 75.00
Subtotal				\$ 77.00
Processing Costs				
Planner	2	hours	\$ 21.00	\$ 42.00
Senior Planner	0.5	hours	\$ 31.00	\$ 15.50
Director	0.25	hours	\$ 48.00	\$ 12.00
Finance Review	0.25	hours	\$ 20.00	\$ 5.00
Village Clerk Review	0.25	hours	\$ 20.00	\$ 5.00
Subtotal				\$ 79.50
Total Processing Cost				\$ 156.50

Plat Processing Costs - Major/Minor Plats				
	<u>Quantity</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Cost</u>
Hard/External Costs				
County Clerk Costs	1	standard fee	\$ 2.00	\$ 2.00
Recording Resolution	1		\$ 25.00	\$ 25.00
Recording Plat	1	number	\$ 75.00	\$ 75.00
Subtotal				\$ 102.00
Processing Costs				
Planner	6	hours	\$ 22.00	\$ 132.00
Senior Planner	2	hours	\$ 33.00	\$ 66.00
Director	0.5	hours	\$ 43.00	\$ 21.50
Adm. Coordinator	2	hours	\$ 20.00	\$ 40.00
Finance Review	0.25	hours	\$ 20.00	\$ 5.00
Village Clerk Review	0.25	hours	\$ 20.00	\$ 5.00
Subtotal				\$ 269.50
Total Processing Cost				\$ 371.50

Table 2
Estimated Costs to Process Petitions

Typical Zoning Board of Appeals Petition				
	Quantity	Unit	Unit Cost	Cost
Hard/External Costs				
Notification Letters	40	letters	\$ 1.00	\$ 40.00
Newspaper Notice	1	number	\$ 200.00	\$ 200.00
<u>Ordinance Recording</u>	1	number	\$ 25.00	\$ 25.00
Subtotal				\$ 265.00
Processing Costs				
Planner	8	hours	\$ 22.00	\$ 176.00
Senior Planner	2	hours	\$ 33.00	\$ 66.00
Director	0.5	hours	\$ 43.00	\$ 21.50
<u>Adm. Coordinator</u>	2	hours	\$ 20.00	\$ 40.00
Subtotal				\$ 303.50
Total Processing Cost				\$ 568.50

Typical Plan Commission Petition				
	Quantity	Unit	Unit Cost	Cost
Hard/External Costs				
Notification Letters	40	letters	\$ 1.00	\$ 40.00
Newspaper Notice	1	number	\$ 200.00	\$ 200.00
Court Reporter	0.33	meeting fee	\$ 100.00	\$ 33.00
<u>Ordinance Recording</u>	1	number	\$ 25.00	\$ 25.00
Subtotal				\$ 298.00
Processing Costs				
Planner	10	hours	\$ 22.00	\$ 220.00
Senior Planner	2.5	hours	\$ 33.00	\$ 82.50
Director	0.5	hours	\$ 43.00	\$ 21.50
<u>Adm. Coordinator</u>	2	hours	\$ 20.00	\$ 40.00
Subtotal				\$ 364.00
Total Processing Cost				\$ 662.00

Note - analysis does not include the following:

- Office Overhead (i.e., computer hardware/software, storage)
- Field Overhead (i.e., vehicles, equipment)
- IDRC Review by Other Departments
- Outside Services (i.e., legal, traffic, etc.) - billed separately
- Annexation/Development Agreement Costs

2. Inflation Analysis

In review of the fee schedules, staff notes that a comprehensive review of the fee schedules has not been undertaken since 1991. Assuming that the 1991 fee schedule was appropriate at the time of approval, staff analyzed what the 1991 fees would be in 2003 dollars. Staff used a three percent (3%) annual compounding rate to the 1991 fees to derive Table 3.

**Table 3
 Public Hearing Fee Inflation Analysis**

	<i>1991 Rate</i>	<u>1991 Rate Adjusted for Inflation (3% compounded annually)</u>
SITE PLAN APPROVAL OR AMENDMENT TO PLANNED DEVELOPMENT	\$450.00	\$642.00
ANNEXATION INTO THE VILLAGE -One Single-Family Residence <i>NO CHARGE</i>	\$450.00	\$642.00
APPEALS OF ADMINISTRATIVE ACTIONS	\$450.00	\$642.00
CONDITIONAL USE	\$450.00	\$642.00
PLANNED DEVELOPMENT	\$450 + 50.00/acre	\$642 + 71/acre
PLAT OF SUBDIVISION	\$300.00 + 50.00/acre	\$428.00 + 71/acre
ADMINISTRATIVE PLATS	\$75.00	\$107.00
REZONING	\$450.00 + 50.00/acre	\$642.00 + 71/acre
-One Single-Family Residence	\$100.00	\$143.00
VARIATION(S)	\$450.00	\$642.00
-One Single-Family Residence	\$100.00	\$143.00
PUBLIC NOTICE SIGN DEPOSIT	\$100.00	\$143.00

3. Analysis of Other Neighboring Communities

Staff also conducted a review of other neighboring communities surrounding the Village to determine what their rates are for processing petitions. Staff completed a double concentric ring analysis that reviewed the code of all communities abutting Lombard and all communities abutting those communities. Appendix A shows the results of these findings. As the table shows, Lombard is among the lowest in fee rates.

It is important to note that fee schedules can only be used for relative comparisons. Each municipality develops their development regulations to meet their particular concerns. Consequently, the associated fee schedules reflect the amount of work each municipality

may undertake to complete a review. For example, many communities do not take on the responsibility of sending out notices of public hearings or placing the public hearing signs – those activities are left to the petitioner. Other communities do not perform a comprehensive review and create a staff report prior to the public hearing, as has been expected of Lombard staff. Lastly, communities with zoning hearing officers or alternate approval processes may have a petition review process fundamentally different than the Lombard's. Given that Lombard completes all work associated with the public hearing, the existing fee disparity between Lombard and other communities is even greater.

4. Staff Observations

Staff's experience in the review of typical petitions and development applications was also considered in the modification of the fee schedules. As the Community Development Department staff has been rather stable over the past few years, the amount of time and effort it takes to complete a task is reduced as compared to a newer untrained staff.

Code Amendments

Staff proposes the following Code amendments as noted in the attached draft Ordinances. Of particular note, staff points out the following issues:

1. All petitions that require publication in a local newspaper will be required to pay a \$200 publication fee on top of any other application fees. The \$200 fee is based upon a review of the average public hearing notification fee paid by the Village of Lombard during the past year. As this cost will be incurred regardless of the outcome of the petition, staff recommends that this fee be paid up-front.
2. All petitions requiring a court reporter (i.e., Plan Commission public hearings) shall also be required to pay a \$35 court reporter fee. This number was derived by dividing the court reporter appearance fee of \$100 by the average number of public hearings held by the Plan Commission at a typical meeting. The fee would also be collected as part of the application fee.
3. Currently, most public hearing fees are based upon the nature of the request rather than the amount of work that would be required to process the petition. To address this issue, the proposed variation fees establish variable rates depending on the type of variation. For example, a shed variation request is anticipated to involve less work than a variation for a new principal structure. Therefore, staff can support a lower fee for accessory structures.
4. Modifications to the fee schedules are also being made to reflect current engineering costs and also include fee schedules that have been a part of past policies. Supporting information is shown in Table 4 below.

**Table 4
 Engineering Costs for Single Family Residence Permit Review and Inspection Services**

<u>Single Family Residences - Infill & Teardown</u>	<u>Hours</u>	<u>Cost/hr</u>	<u>Total Cost</u>	<u>Exis. Fee</u>
Permit Review	3.25	\$40	\$130	
Curb, Gutter, and Driveway Apron Installation	1	\$40	\$40	
Street Patch	0.5	\$40	\$20	
Erosion Control	0.5	\$40	\$20	
Sidewalk Installation	0.5	\$40	\$20	
Water Service Connection	1	\$40	\$40	
Sanitary Sewer Service Connection	1	\$40	\$40	
Finals for Certificate of Occupancy	1	\$40	\$40	
		TOTAL:	\$350	\$150

<u>Single Family Residences - New Subdivision</u>	<u>Hours</u>	<u>Cost/hr</u>	<u>Total Cost</u>	<u>Exis. Fee</u>
Permit Review	1	\$40	\$40	
Curb, Gutter, and Driveway Apron Installation	0	\$40	\$0	
Street Patch	0	\$40	\$0	
Erosion Control	0.5	\$40	\$20	
Sidewalk Installation	0.5	\$40	\$20	
Water Service Connection	0	\$40	\$0	
Sanitary Sewer Service Connection	0	\$40	\$0	
Finals for Certificate of Occupancy	1	\$40	\$40	
		TOTAL:	\$120	\$100

Staff Hourly Cost (including overhead) = \$40/hr

Permits for 34 infill/teardown SFR's and 9 new subdivision SFR's were issued in 2002.

Increased fees would have added \$7,880 income based on number of permits issued in 2002.

Double Concentric Ring Survey of Neighboring Communities:

<u>Community</u>	<u>SFR Fees</u>
Glen Ellyn	\$350
Downers Grove	\$250
Oak Brook	\$35/hr + Inspections
Villa Park	\$505
Addison	\$480
Oak Brook Terrace	Time & Materials
Glendale Heights	n/a
Wheaton	n/a
Lisle	n/a
Westmont	n/a
Elmhurst	n/a
Wood Dale	n/a
Itasca	n/a
Hinsdale	\$440
Carol Stream	n/a

Other Communities:

Woodridge	\$250
Naperville	\$269

Draft Ordinance Amending Section 36.21 (edits in underscore or knockout)

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 36, SECTION 36.21
OF THE LOMBARD VILLAGE CODE IN REGARD TO
THE FEE SCHEDULE RELATIVE TO CERTAIN ZONING AND SUBDIVISION
RELATED PETITIONS AND APPLICATIONS**

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF
TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, AS
FOLLOWS:

SECTION 1: That Title 3, Chapter 36, Section 36.21 of the Lombard
Village Code be amended to read in its entirety as follows:

§ 36.21 FEE SCHEDULE.

(A) Any annexation petition filed shall be accompanied by the following fees:

- | | | |
|-----|-----------------------------------|---------|
| (1) | One Single-family residential lot | no fee* |
| (2) | All others | \$450 |

*If the petitioner has previously withdrawn a petition for annexation relative to the property in question, or if a petition for annexation relative to the property in question was denied within the last three years, a \$200 fee will be charged with the submittal of an annexation petition for the same property.

(B) An appeal of Administrative action shall be accompanied by the following fees (fees shall be refundable if the appeal is upheld):

- | | | |
|-----|-----------------------------|-------------------------------------|
| (1) | One Single-Family Residence | \$100.00 <u>\$350.00</u> |
| (2) | All Others | \$450.00 <u>\$600.00</u> |

(C) Any application for a variation to the Zoning ~~Code~~ Ordinance or the Subdivision and Development ~~Code~~ Ordinance shall be accompanied by the following fees:

- | | | |
|--|--|-------------------------------------|
| <u>1. One Single-Family Residence</u> | | |
| (a) | <u>Principal Building (first variation)</u> | \$100.00 <u>\$350.00</u> |
| (b) | <u>Accessory Structures (first variation)</u> | \$100.00 <u>\$250.00</u> |
| (c) | <u>Fences (first variation)</u> | \$100.00 <u>\$250.00</u> |
| (d) | <u>Each additional variation after the first variation</u> | <u>\$100.00</u> |
| <u>2. More Than One Single-Family Residence or Any Non-Residential Use</u> | | |
| (a) | <u>Principal Building (first variation)</u> | \$450.00 <u>\$600.00</u> |

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(b)	<u>Accessory Structures (first variation)</u>	\$450.00
(c)	<u>Signs (first variation)</u>	\$450.00
(d)	<u>Fences (first variation)</u>	\$450.00 <u>\$300.00</u>
(e)	<u>Each additional variation after the first variation</u>	<u>\$100.00</u>

(D) Any application for a conditional use shall be accompanied by the following fees:

(1)	One Single Family Residence	No Fee
(2)	All Others	\$450.00
(1)	<u>All conditional uses (first conditional use)</u>	<u>\$600.00</u>
(2)	<u>Each additional conditional use after the first conditional use</u>	<u>\$100.00</u>

(E) Any application for a Planned Development shall be accompanied by a fee of ~~\$450.00~~ \$600.00 plus \$50.00 per acre, or portion thereof. (~~0 to 1.0 acre equals one acre, 1.1 to 2.0 acres equals two acres, etc.~~)

~~(F) Any application for an occupancy/zoning permit shall be accompanied by a fee of \$40.00 60.00.~~

(F) Any site plan approval or amendment to a Planned Development shall be accompanied by a fee as follows: ~~accompanied by a \$450.00 fee.~~

(1)	<u>Site Plan Approval</u>	<u>\$500.00</u>
(2)	<u>Planned Development Amendment</u>	<u>\$600.00</u>

(G) Any application for ~~rezoning/amendment~~ a map amendment or a text amendment to the zoning ordinance shall be accompanied by a fee as follows:

(1)	<u>Map Amendment for One Single-Family Residence (except that there shall be no fee for the annexation and rezoning of one single-family residence)</u>	\$100.00 <u>\$400.00</u>
(2)	<u>All others-map amendments</u>	\$450.00 <u>\$600.00</u> plus \$50.00 per acre or portion thereof
(3)	<u>Text Amendments</u>	<u>\$600.00</u>

~~(0 to 1.0 acre equals one acre, 1.01 to 2.0 acres equals two acres, etc.)~~

(H) Any request for continuance of a public hearing not agreed to by staff, shall be accompanied by, or the petitioner shall supply within two (2) days of making ~~that~~ the request, a fee for such continuance as follows:

(1)	One Single-Family Residence	\$75.00 per request
(2)	All Others	\$300.00 per request

(I) In addition to all other fees established by this Code Ordinance, all filings of a preliminary or final Plat of Subdivision, Consolidation or Resubdivision, including provision of public streets or access easements, or applications for rezonings (other than for one, single-family residence); variations and

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conditional uses related to parking, vehicular drive-through services, or other matters impacting vehicular circulation or traffic generation; or a Planned Development shall be accompanied by a deposit of \$1,000.00 to be used for traffic impact analysis services. If the Village's costs for such services exceeds the deposit, the applicant shall reimburse the additional costs incurred by the Village. If such costs are less than the deposit, the Village shall return the difference to the applicant. The total cost incurred by the applicant application for such services shall not exceed \$10,000.00. Until such time that the Village has received final payment of all traffic advisory services fees, no permits for the use or development of land shall be issued.

(J) Fees for filing plats, for engineering plan review and public improvement inspection shall be as follows:

(1) Any filing and review of Plats of Subdivision, including Plats of Subdivision, Resubdivision, or Consolidation, shall be subject to the following fees ~~incur fees as follows:~~

a. All Administrative Plats of Subdivision and Plats of Consolidation for one single-family residences - ~~\$75.00 per plat page~~ \$125.00 for the first page, plus \$50.00 for each additional page.

b. All other Administrative Plats of Subdivision and Plats of Consolidation - ~~\$100.00 for the first plat page, plus \$50.00 per additional plat page.~~ \$150.00 for the first page, \$50.00 for each additional page.

c. All Minor and Major Plats of Subdivision or Resubdivision (Preliminary or Final) - \$300.00 plus \$50.00 per acre or portion thereof. ~~(0 to 1.0 acre equals one acre, 1.01 to 2.0 acres, etc.,)~~

d. All Final Plats (with preliminary plat approval) - \$300.00.

(2) Engineering plan review and inspection of public improvements shall be subject to the following fees ~~incur fees as follows:~~

a. First engineering review and comments on engineering plan – one percent (1%) of engineer's estimated cost of ~~the entire project~~ all public improvements as defined in Title 15, Chapter 15, Section 154.703 of this Code plus \$500.00.

b. Subsequent engineering plan reviews and comments necessary for same project – at cost of time and materials as billed by staff or consultant.

c. Inspection of project improvements – three percent (3%) of engineer's estimated cost all public improvements as defined in Title 15, Chapter 15, Section 154.703 of this Code of the project. Inspections conducted after 5:00 p.m. on weekdays and at any time on weekends and holidays, when available, shall be billed at a rate of \$100.00 per hour with a minimum of one (1) hour charged to the permittee beginning at the scheduled starting time, including no-shows. Said inspection fee shall be in addition to the normal three percent (3%) fee referenced in the first sentence of this subsection.

d. The engineering review and inspection fee for a new single family residence shall be \$120.00 per lot for each vacant lot that is part of a major plat of subdivision and \$350 per lot for an infill or teardown lot.

e. No construction permits shall be issued by the Village until all engineering plan review fees have been paid.

- f. No occupancy certificates shall be issued by the Village until all outstanding engineering fees have been paid.

(K) A fee of \$100.00 will be charged for each public notice sign which must be posted prior to a public hearing.

(L) All fees shall be cumulative and no consideration, review or hearing shall be given or scheduled until all applicable fees are paid. All fees payable pursuant to this Section shall be paid at the time of filing and shall be in cash or check payable to the Village of Lombard.

(M) The Director of Community Development of the Village of Lombard shall have the sole authority to determine whether any fee has been collected in error and if such a determination is made, the fee shall be returned to the applicant.

(N) Publication, Court Reporter and Cost Recovery Fees

1. Any filing which requires notification to be published within a newspaper of general circulation in the Village, shall also be subject to a \$200.00 fee for each required public hearing notification.
2. Any public hearing filing to be heard by the Lombard Plan Commission, shall also be subject to a \$35.00 court reporter fee.
3. Any other fees, as defined and made applicable pursuant in Title 1 Chapter 16 of this Code, shall also be paid by the applicant/petitioner.

(O) Reimbursement of Public Hearing Fees

1. When a petition is withdrawn prior to publication of a legal notice, the entire public hearing fee shall be refunded minus \$25.00 to cover the cost of check reimbursement.
2. When a petition is withdrawn after the publication of a legal notice, but prior to the public hearing, the entire public hearing fee shall be refunded minus \$25.00 to cover the cost of check reimbursement and minus the \$200 newspaper publication fee.
3. When a petition is withdrawn after a public hearing, no refund shall be given.

SECTION 2: That this ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this _____ day of _____, 2003.

First reading waived by action of the Board of Trustees this _____ day of _____, 2003.

Passed on second reading this _____ day of _____, 2003, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____, day of _____, 2003.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk

Published by me in pamphlet form this _____ day of _____, 2003.

Barbara A. Johnson, Deputy Village Clerk