






## 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 150.141: Plan Re-review Fee Amendments**

As part of the Village's ongoing fiscal review of development regulations and policies, the Community Development Department identified the review fee provisions. 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 a modification to the plan re-reviews in various cases.

Attached are the following documents for consideration:

1. The ECDC staff memorandum setting forth the rationale for modifying the fee schedules to account for re-reviews of plans. The amendments modify past Village Code and tie the fee to the nature of the re-review; and
2. An Ordinance establishing Chapter 150.141 (A) of the Village Code setting forth the building permit inspection fees for selected projects.

### **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 Section 150.141(A)(3) and 150.141 (X)(2) as it pertains to plan re-review fees.





## 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:** **Text Amendment to Section 150.141, Re-Review Plan Fee**

As part of an overall budget review process, Village staff was directed to various department budgets in anticipation of a budget shortfall for the 2019 calendar year. The focus was to be on charging a right sized fee for services being used.

One area staff identified was plan review fees as it relates to plans that need to be reviewed more than once. Current Village code states in Title 15, Chapter 150.141 (A)(3) "After the initial review has been completed, revised or corrected plans shall be charged a fee equal to one half of the initial plan review fee". That 50% could be considered arbitrary and not right sized. In some cases that could mean staff would be charging much more or much less than the actual time used to review the plan a second or third time. Staff has been reluctant to charge this re-review fee as the fee in no way reflected the actual time used to re-review plans in most cases. In short, the fee would be too high for most re-reviews, so staff did not charge the fee.

Staff did a study surveying 13 communities (attached) to see how others handled the same issue. While some communities charged and some did not, several responded that they would like the results of our survey as they may also look into this further. Some charge higher plan review fees than others in an effort to cover costs associated with second reviews, etc., but staff is recommending charging people for the time and costs associated with their particular project. If the plans are very large and time consuming to review on a second round of plan review, staff is proposing charging time and material. This time and material method is similar to other plan review charges already in place for other divisions within the Village.

### OPTIONS AVAILABLE

Staff would be looking for a recommendation from the options below:

1. Do not change anything and charge the 50% plan review fee as written in code
2. Change code to not charge for plan re-reviews
3. Change code to charge full plan review fees for re-reviews as other towns do
4. *Staff Recommended*-Change code to charge "time and material" as is ordinance already for Engineering plan reviews. Engineering plan review ordinance states "Subsequent engineering plan reviews and comments necessary for same project-At cost of time and materials as billed by staff or consultant".

**ACTIONS TO DATE**

Staff brought this matter to BOBA at their January 31, 2018 meeting. Through discussion, they unanimously proposed an alternate recommendation to the ones offered by staff above. Through their deliberation, BOBA recommended approval of a code amendment to apply the existing re-review fees to all non-residential projects as well as all residential projects with a construction valuation of \$150,000 or more. This approach addresses the primary concern that re-review of larger projects can create a greater cost in staff review and that the re-review fee should reflect this cost.

**COMMITTEE ACTION REQUESTED**

Staff recommends that ECDC recommend approval of the amendments to the re-review fees as set forth by BOBA. Any recommendation from ECDC will also be shared with the Finance Committee prior to final consideration by the Village Board.

Plan Re-Review Fee											
BUILDING	Addition	Downers Grove	DuPage County	Glen Ellyn	Oak Brook	Oakbrook Terrace	Villa Park	Westmont	Wheaton	Wood Dale	Woodridge
COMMUNITY Inner Ring	YES	NO	Yes	YES	NO	NO	no				
Do you charge to Re-Review plans?	RE-REVIEWS ARE CHARGED AT A RATE HALF OR THE ORIGINAL REVIEW FEE	n/a	Res is \$100, Comm is \$200	Flat fee for both Residential and Commercial. Fee differs between review performed in-house or by third party reviewer.	NO	n/a	n/a				
How much? Is it a % flat fee, or based on time of respective employees?	YES- PLAN REVIEWS ARE BASED ON SQ. FT. AND USE OF THE PROJECT	Size is a factor for New construction permits, not for re-reviews		Re-reviews performed in house have same fee for residential and commercial. If performed by third party reviewer, the fees are based on project type.	NO	n/a	n/a				
COMMUNITY Outer Ring	Bloomingdale	Carol Stream	Darien	Elmhurst	Hinsdale	Lisle	Westmont				
Do you charge to Re-Review plans?	Re-review charge would depend on extent of plan revision and amount of time for re-review. If 3rd party plan re-review is required, then fee would be charged per Village Fee Schedule.		YES		Corrections: NO Field Changes/Revisions: YES	YES	YES	No as we typically only have no more than two dozen projects each year that are reviewed and no issued. Avoids processing of hundreds of checks but will be re-review as budgets get tighter.		NOT CURRENTLY	GENERALLY-NO
How much? Is it a % flat fee, or based on time of respective employees?	Per Village Fee Schedule		\$65 RESIDENTIAL \$115 COMMERCIAL		Hourly	10% of total permit fee for first two reviews. Add 5% for each additional review	If performed in-house, we charge our bases fee (Residential-\$75; Commercial-\$100) per re-submittal If performed by consultant, typical charge is \$65-\$115 (does not distinguish between res or comm but could be more if the scope of the project/resubmittal is extreme) per re-submittal		I would like to know how many other communities are collecting plan review fees.	N/A	IF WE DO CHARGE TIME AT \$50/HR
Is size of project considered? (either Res or Comm)	Per Village Fee Schedule regardless of project size		YES		NO	NO	N/A	N/A	N/A	N/A	SIZE AND DIFFICULTY



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

**AN ORDINANCE AMENDING TITLE XV, CHAPTER 150, SECTIONS 150.141 (A)(3) AND 150.141 (X)(2) OF THE LOMBARD VILLAGE CODE IN REGARD TO BUILDING PERMIT REVIEW FEES**

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 have 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 XV, Chapter 150, Section 150.141 (A)(3) of the Lombard Village Code is hereby amended to read in its entirety as follows:

- “(3) Re-Review Fee/Revised Plans: After the initial review has been completed, for all non-residential projects as well as all residential projects with a total construction cost of \$150,000 or more, a fee shall be charged for the re-review of revised or corrected building/ architectural plans, which shall be the greater of:
- (a) \$90.00 per hour of re-review time, or
  - (b) The actual cost billed to the Village by a third party, for the plan re-review, as provided for by Chapter 16 of this Code.”

**SECTION 2:** That effective January 1, 2019, Title XV, Chapter 150, Section 150.141 (X)(2) of the Lombard Village Code is hereby amended to read in its entirety as follows:

- “(2) Subsequent engineering plan re-reviews - The greater of:
- (a) \$90.00 per hour of re-review time, or

- (b) The actual cost billed to the Village by a third party for the plan re-review, as provided for by Chapter 16 of this Code.

**SECTION 3:** 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