


MEMORANDUM

TO: Donald Ryan, Plan Commission Chair
Lombard Plan Commission Members

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

DATE: April 18, 2016

SUBJECT: **Amendments to Chapter 36.21: Community Development Fee Schedules and Public Hearing Process**

Community Development staff completed a review of application fees attributable to the Village's zoning public hearing processes. This analysis, which was last undertaken in 2003, was undertaken to review our existing processes associated with applications and the basis for the existing fees and suggested modifications. The review is also intended to ensure that the fee schedule and processes are consistent with other sections of Village Code, such as cost recovery of third party expenses.

Please find the attached report that outlines the findings and recommendations relative to Community Development fee schedules. Also attached is a draft Ordinance which modify Section 36.21 of the Village Code.

ACTION REQUESTED

This item is being placed on the Plan Commission agenda under "Other Business". Staff will review the processes that are necessary in order to hold a proper hearing before the Plan Commission and/or Zoning Board of Appeals. This narrative will provide context to the overall fee schedule review.

Staff requests a recommendation of approval from the Plan Commission relative to the proposed amendments.

**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 last undertaken in April 2003. 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, consistent with the existing provisions set forth within Chapters 13 and 16 of Village Code.

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 (which would be done free of charge to a petitioner), 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 engineering review and considerations. 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 Table 1 identifies 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 generally salaried rather than hourly employees. Moreover, staff time 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 consultations with Village Counsel outside of the public hearing itself.

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 variation fees establish variable rates depending on the request. For example, a shed variation request is anticipated to involve less work than a variation for a new principal structure. Hence the schedule reflects these figures.

Table 1
Estimated Costs to Process Petitions

Typical Zoning Board of Appeals Petition				
	<u>Quantity</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Cost</u>
Hard/External Costs				
Notification Letters	40	letters	\$ 1.00	\$ 40.00
Newspaper Notice	1	number	\$ 200.00	\$ 200.00
Ordinance Recording	1	number	\$ 50.00	\$ 50.00
Subtotal				\$ 290.00
Processing Costs				
Planner	8	hours	\$ 26.00	\$ 208.00
Senior Planner	1	hours	\$ 33.00	\$ 33.00
Asst. Dir./Director	2	hours	\$ 50.00	\$ 100.00
Adm. Coordinator	2	hours	\$ 22.00	\$ 44.00
Subtotal				\$ 385.00
Total Processing Cost				\$ 675.00

Typical Plan Commission Petition				
	<u>Quantity</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Cost</u>
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	\$ 150.00	\$ 49.50
Ordinance Recording	1	number	\$ 50.00	\$ 50.00
Subtotal				\$ 339.50
Processing Costs				
Planner	2	hours	\$ 26.00	\$ 52.00
Senior Planner	8	hours	\$ 33.00	\$ 264.00
Asst. Dir./Director	4	hours	\$ 50.00	\$ 200.00
Adm. Coordinator	2	hours	\$ 22.00	\$ 44.00
Subtotal				\$ 560.00
Total Processing Cost				\$ 899.50

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
- Staff labor soft costs such as benefits

2. Inflation Analysis

In review of the fee schedules, staff notes that a comprehensive review of the fee schedules has not been undertaken since 2003. Assuming that the 2003 fee schedule was appropriate at the time of approval, staff analyzed what the 2003 fees would be in 2016 dollars (29% increase from 2003 per U.S. Government CPI data), as show in Table 2.

Table 2
Public Hearing Fee Analysis

	<i>Current (2003) Rate</i>	2016 Rate Adjusted for Inflation
ANNEXATION INTO THE VILLAGE -One Single-Family Residence <i>NO CHARGE</i>	\$450.00	\$580.50
APPEALS OF ADMINISTRATIVE ACTIONS – Single Family	\$75.00	\$96.75
APPEALS OF ADMINISTRATIVE ACTIONS – All Others	\$300.00	\$387.00
CONDITIONAL USE	\$600.00	\$774.00
PLANNED DEVELOPMENT	\$600.00 +50.00/acre	\$774.00 +\$64.50/acre
PLANNED DEVELOPMENT AMENDMENT	\$600.00	\$774.00
SITE PLAN APPROVAL	\$500.00	\$645.00
PLAT OF SUBDIVISION	\$300.00 + \$50.00/acre	\$387.00 +\$64.50/acre
ADMINISTRATIVE PLATS	\$150.00	\$193.50
REZONING	\$600.00 + \$50.00/acre	\$774.00 + 64.50/acre
REZONING –Single Family	\$400.00	\$516.00
VARIATION(S)	\$600.00	\$774.00
-One Single-Family Residence	\$350.00	\$451.50
PUBLIC NOTICE SIGN DEPOSIT	\$100.00	\$129.00

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 communities abutting Lombard and communities abutting those communities. Appendix A shows the results of these findings. As the table shows, Lombard in the middle of the fees charged. For example, a variance can range from \$100 for a residential project in Woodridge to \$1,000 for a commercial project in Oak Brook. Conditional Use Permits, or Special Use Permits, can range from approximately \$300 for a residence in Westmont or DuPage County and approximately \$2,000 for a commercial project in DuPage County or Oakbrook Terrace.

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, and those activities are left to the petitioner. Some communities also require a deposit or escrow account for legal fees, traffic studies, and the public hearing legal notice and mailing. Other communities may 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 Lombard's. Given that Lombard completes all work associated with the public hearing, the existing fee disparity between Lombard and other communities can be greater.

Code Amendments – Out of Pocket Costs

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

1. All petitions that require publication in a local newspaper are required to pay a \$200 publication fee on top of any other application fees. The fee is based upon a review of the average public hearing notification fees paid by the Village. Staff finds that the \$200 fee for the newspaper notice has remained largely unchanged (state statute legal notice provisions have been modified to minimize the length of such notices). However, postage has increased from \$0.37 to \$0.49 per stamp; therefore a small adjustment is suggested to account for this out of pocket cost, which would generally equate to an adjustment to \$250.
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 in the past 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 is collected as part of the application fee. However, since 2003, this fee has increased to \$150, so the proposed amendment would change the collected fee from \$35 to \$50 per petition.
3. The Village has an attorney attend the Plan Commission public hearings. Their role is to provide assistance and guidance through the hearing to ensure that the activities that occur in the meeting are done in a matter consistent with state statutes and applicable case law. In the past the Village has absorbed this cost, which totaled \$9,986 for 2015. However, for Plan Commission cases, staff is recommending that a portion of these costs be borne by the petitioner. The suggested charge is \$85.00, which would follow the same approach as the court reporter fees (i.e., divide the average hearing time by three and multiple by the billed rate).

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

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 shall 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 | \$350.00 |
| (2) All Others | \$600.00 |

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

1. One Single-Family Residence

(a)	Principal Building (first variation)	\$350.00
(b)	Accessory Structures (first variation)	\$250.00
(c)	Fences (first variation)	\$250.00
(d)	Each additional variation after the first variation	\$100.00

2. More Than One Single-Family Residence or Any Non-Residential Use

(a)	Principal Building (first variation <u>or deviation</u>)	\$600.00
(b)	Accessory Structures (first variation <u>or deviation</u>)	\$450.00
(c)	Signs (first variation <u>or deviation</u>)	\$450.00
(d)	Fences (first variation)	\$300.00
(e)	Each additional variation <u>or deviation</u> after the first variation <u>or deviation</u>	\$100.00

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

(1)	All conditional uses (first conditional use)	\$600.00
(2)	Each additional conditional use after the first conditional use	\$100.00

(E) Any application for a Planned Development shall be accompanied by a fee of \$600.00 plus \$50.00 per acre, or portion thereof.

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

(1)	Site Plan Approval	\$500.00
(2)	Planned Development Amendment	\$600.00

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

(1)	Map Amendment for One Single-Family Residence (except that there shall be no fee for the annexation and rezoning of one single-family residence)	\$400.00
(2)	All others map amendments	\$600.00 plus \$50.00 per

(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 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, 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 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. This fee may be waived by the Director of Community Development if it is determined that such a review is unnecessary in order to satisfactorily process a petition. 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 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:

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

b. All other Administrative Plats of Subdivision and Plats of Consolidation - \$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.

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

(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, Notice, 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~~ \$250.00 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~~ \$50.00 court reporter fee.
3. Any public hearing filing to be heard by the Lombard Plan Commission, shall also be subject to a \$85.00 attorney review fee.
4. 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 _____, 2016.

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

Passed on second reading this ____ day of _____, 2016, pursuant to a roll call vote as follows:

Ayes: _____

Nayes: _____

Absent: _____

Approved by me this _____, day of _____, 2016.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2016.

Sharon Kuderna, Village Clerk