

**PREPARED BY:**

**CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
630/420-4170**

**RETURN TO:**

**CITY OF NAPERVILLE  
CITY CLERK'S OFFICE  
P.O. BOX 3020  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60566-7020**

**ORDINANCE NO. 20 - \_\_\_\_**

**AN ORDINANCE AMENDING ARTICLES E (ANNEXATION FEES), F (DEVELOPMENT,  
ZONING, AND SUBDIVISION FEES) AND H (FEES FOR CONSTRUCTION AND NEW  
DEVELOPMENT), CHAPTER 9 (MUNICIPAL FINANCES), OF TITLE 1  
(ADMINISTRATION)  
OF THE NAPERVILLE MUNICIPAL CODE**

**RECITALS**

1. **WHEREAS**, Chapter 9 (Municipal Fees) of Title 1 (Administrative) of the Naperville Municipal Code establishes fees for annexation, development, zoning, subdivision, new construction and new development to compensate the City for expenses incurred for these services; and
2. **WHEREAS**, the fees addressed in this ordinance were established in Article E (Annexation Fees), and Article F (Development, Zoning and Subdivision Fees) of Title 1 (Administrative) in 1997; and
3. **WHEREAS**, the existing entitlement fee structure is overly complicated based on a variety of methodologies and rates used; and

4. **WHEREAS**, fees should be easily understood and consistently applied to all for services provided; and
5. **WHEREAS**, fees collected should more closely align with actual city expenses to provide development-review services, while remaining regionally competitive; and
6. **WHEREAS**, to better align revenues collected through fees established in Articles E, F, and H of Title 1 with the costs to provide these services, the City is proposing to increase the fees by approximately 28%; and
7. **WHEREAS**, the City Council concurs that the ordinance should be amended as provided herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:**

**SECTION 1:** The Recitals set forth above are incorporated herein and made part hereof as though fully set forth in this Section 1.

**SECTION 2:** Article E (Annexation Fees) of Chapter 9 (Municipal Finances) of Title 1 (Administration) of the Naperville Municipal Code is hereby amended by adding the underlined language and removing the ~~strikeout text~~ as follows:

**1-9E-1: - ANNEXATION FEES:**

1. The purpose for assessing annexation fees shall be to compensate the City for expenses incurred for any or all of the following activities related to a petition for annexation:
  - ~~1.1. Negotiating, drafting or reviewing annexation agreements and advertising public hearings before any body.~~
  - 1.2~~1~~. Review by staff, Plan Commission and City Council.
  - 1.3~~2~~. Preparing comprehensive plans required to relate the proposed development and adjacent areas to the entire City, including any special planning and engineering studies required to coordinate the public facility improvement needs for the area in question and adjacent properties with the City's existing facilities.

1.4.3. Contracting with outside consultants to perform any of the above activities.

2. Base Annexation Fee. A fee of four-thousand (\$4,000) dollars ~~The schedule of fees set forth in this Section~~ is hereby adopted as the base annexation fees to be paid to the City at the time the petitioning property owner files an application for annexation. Add on fees (e.g. re-review, agreement, study, noticing, etc.) as described in Chapter 9 (sections 1-9F:1 and 1-9F:2) may also apply. ~~Such fees shall be in addition to all applicable zoning and subdivision fees.~~

Annexations	
<del>0 — 5 acres — \$ 550.00</del>	
<del>6 — 25 acres — 550.00</del>	\$110.00 per each acre over 5 acres
<del>26 — 49 acres — 2,750.00</del>	<del>— 55.00 per each acre over 25 acres</del>
<del>50+ acres — 4,070.00</del>	
Publication of legal notice	\$ 44.00 minimum or actual cost

3. Reduced Fee. Upon approval of the Zoning Administrator, a reduced fee for annexation application is available for projects of limited scope (e.g. single lot residential annexations, projects of limited acreage, parcels without special legal, contractual, or physical conditions, annexations that don't require significant utility extension, annexations within the planning boundary, and the like).

**SECTION 3:** Article F (Development, Zoning and Subdivision Fees) of Chapter 9 (Municipal Finances) of Title 1 (Administration) of the Naperville Municipal Code is hereby amended by adding the underlined language and removing the strikeout text as follows:

**ARTICLE F. DEVELOPMENT, ZONING AND SUBDIVISION FEES DEVELOPMENT ENTITLEMENT AND OTHER REQUIRED APPLICATION PROCESS FEES**

SECTION:

**1-9F-1: - FEES AND CHARGES RELATED TO ZONING APPLICATION PROCESSING FEES**

The application processing fee for any development is based upon the process required for approval, pursuant to Title 5, Chapter 10 (Landscape Screening and Tree Preservation), Title 6 (Zoning Regulations), and Title 7 (Subdivision Regulations) of this Code. Upon filing an application for a zoning variance, amendment or conditional use pursuant to Title 6, Chapter 3 of this Code, the applicant shall pay the following fees:

1. Amendments And Conditional Uses:

<u>Subject property 10 acres or less</u>	<u>\$319.00</u>
<u>Over 10 acres to 50 acres</u>	<u>440.00</u>
<u>Over 50 acres</u>	<u>704.00</u>

1. Applications Requiring BOTH Planning and Zoning Commission and City Council review and approval: \$3,000.00

Applications which require review by BOTH the Planning and Zoning Commission and City Council, shall require a fee of three-thousand (\$3,000) dollars. Said fee is to be paid to the City at the time the petitioner files an application and will include review of the initial application and related plan submittals and two additional revisions (a total of three cycles of review). Additional submittals will be subject to the fees described in Section 1-9F-2:1. This fee shall not apply to applications for annexation (which are addressed in Section 1-9E-1 of the Municipal Code) or applications defined per Section 1-9F-1: 4 of this Section.

2. Variances: \$358.00

Applications Requiring Only City Council Review and Approval: \$2,000.00

Applications which requires only City Council review and approval, shall require a fee of two-thousand (\$2,000) dollars. Said fee is to be paid to the City at the time the petitioner files an application and will include review of the initial application and related plan submittals and two additional revisions (a total of three cycles of review). Additional submittals will be subject to the fees described in Section 1-9F-2:1.

3. Minor Change To Planned Unit Development, Site Plan, Landscape Plan or Approved Conditional Use: 253.00

3. Applications Requiring Only Administrative Review and Approval: \$500.00

Applications for which no public meeting is required shall require a fee of (\$500) dollars. Said fee is to be paid to the City at the time the petitioner files an application and will include review of the initial application and related plan

submittals and two additional revisions (a total of three cycles of review).  
Additional submittals will be subject to the fees described in Section 1-9F-2:1.

4. ~~Major Changes To A Planned Unit Development: Major changes to a planned unit development, with the exception of those listed in Subsection 1-9F-1.4.1 of this Section:~~

<del>0—5 acres</del>	<del>\$ 5,500.00</del>
<del>More than 5 acres —up to 50 acres</del>	<del>—5,500.00 plus \$330.00 per each acre over 5 acres</del>
<del>50 acres or more</del>	<del>—20,350.00</del>
<del>4.1. Major changes to a planned unit development —\$253.00</del>	
<del>which require an amendment to only one of the following plans: building elevations, landscape plan, photometric plan, or site plan (indicating a change in land use):</del>	

4. Limited Exception Fee: \$500.00

Upon approval of the Zoning Administrator, an application for a simple entitlement approval (e.g., fence variance, setback variance, conditional use for home occupation, and temporary uses) to provide basic zoning relief, generally on a single parcel, may be processed under this limited fee, regardless of the process required.

5. ~~Site Plan Review:~~

For ~~projects where site plan approval by~~ \$253.00  
~~City Council or Plan Commission prior to~~  
~~development of property has been required~~  
~~by annexation agreements~~

6. ~~NOTICE & Publication Fees: Applicants petitioning for a zoning variance, amendment, conditional use (including a planned unit development), or landmark or historic district designation under Title 6 shall pay the actual cost of publishing legal notices as required by ordinance and State statute. Applicants shall pay the City a fee of eighty-eight dollars (\$88.00) per required legal notice upon filing their applications.~~

~~1-9F-2: -- FEES AND CHARGES RELATING TO SUBDIVISION PLATS: Upon filing an application for approval of a subdivision plat pursuant to Title 7 of this Code, the applicant shall pay the following fees:~~

~~1.~~

~~1. Preliminary, Final Or Preliminary/Final Subdivision Plats: Preliminary, final or preliminary/final subdivision plats (including condominium and assessment plats), with the exception of those listed under Subsection 1-9F-2.1.1 of this Section:~~

<del>0—5 acres</del>	<del>\$ 2,750.00</del>
<del>More than 5 acres up to 50 acres</del>	<del>— 2,750.00 — plus \$132.00 per each acre over 5 acres</del>
<del>50 acres or more</del>	<del>— 8,690.00</del>

~~1.1. Preliminary/final subdivision plats which — \$253.00 do not result in the creation of new lots (i.e., lot consolidations or property line adjustments):~~

~~2. Plat Of Vacation/Dedication: — 253.00~~

~~3. Preliminary Or Final PUD Plats:~~

<del>0—5 acres</del>	<del>\$ 5,500.00</del>
<del>6—49 acres</del>	<del>— 5,500.00 — \$330.00 per each acre over 5 acres</del>
<del>50+ acres</del>	<del>— 20,350.00</del>

~~4. Exceptions:~~

~~4.1.~~

~~Preliminary or final plats submitted as part of the approval of a planned unit development plat shall only be required to pay the fees set forth in Section 1-9F-1 of this Article.~~

~~4.2.~~

~~A preliminary/final plat shall be processed as a single request upon payment of the preliminary plat fees set forth above.~~

## **1-9F-2: ADD-ON FEES**

1. Entitlement Plan Review Resubmittal Fees:

In addition to the fees described in sections 1-9E-1 and 1-9F-1 of this code, applicants will be

assessed additional fees where more than three submittals of entitlement plans (e.g. site, landscape, photometric, subdivision, plat, etc.) are required. These fees shall be assessed for the 4<sup>th</sup> submittal and each subsequent submittal following the 4<sup>th</sup> submittal. The fee shall be in an amount equal to one quarter of the original application processing fee paid.

## 2. Development Agreement Fees:

Some applications require preparation of agreements between the property owner(s) and the City of Naperville (e.g., agreements for annexation, owner's acknowledgement and acceptance agreements, encroachments, easements, covenants and declarations, at-risk and surety). A flat fee will be assessed at the time of submittal for any agreement based on the level of complexity and effort involved in its creation as described in the table below. The rate shall be determined by the Zoning Administrator. The flat fee shall cover the cost of all associated revisions.

<u>Agreement Type</u>	<u>Description</u>	<u>Flat Fee</u>
<u>Basic</u>	<u>Utilize existing City templates and require no in-person meetings. These agreements are approved administratively.</u>	<u>\$250.00</u>
<u>Standard</u>	<u>Require some customization of City templates and up to two meetings with city staff. Staff time is estimated between 5 and 19 hours. Standard agreements may require City Manager or City Council authorization.</u>	<u>\$500.00</u>
<u>Complex</u>	<u>Require more than 20 hours of staff time and three or more meetings to negotiate. Agreements of this nature may be multi-jurisdictional, require additional technical expertise, customized language and exhibits, unique provisions, and detailed negotiations. Complex agreements will likely require City Council authorization.</u>	<u>\$1,000.00</u>

## 3. Technical Study and Report Review Fees:

A flat review fee of \$400.00 will be required at the time of submittal to the City for each individual study (e.g., stormwater, parking, traffic, etc.) submitted for review and

approval. No resubmittal fees shall be charged for any subsequent review of revisions to these studies and reports.

4. Publication Fees: Applications per Sections 1-9E-1, 1-9F-1:1, 1-9F-1:2, or landmark or historic district designation under Title 6 shall pay the actual cost of publishing legal notices as required by ordinance and State statute. All other applications which require publication shall pay a flat fee of \$100 for any required publication.

### **1-9F-3: POST-ENTITLEMENT FEES**

Field Change Plan Review (including all submittals): \$300.00

Record Drawings (including all submittals): \$300.00

**SECTION 4:** Article H (Fees for Construction and New Development) of Chapter 9 (Municipal Finances) of Title 1 (Administration) of the Naperville Municipal Code is hereby amended by adding the underlined language and removing the ~~strikeout text~~ as follows:

### **1-9H-3: - FEES FOR ENGINEERING REVIEW:**

All engineering review fees shall be due and payable at the time the engineering plans are submitted. Fees apply to both residential and commercial projects.

1. ~~Nonresidential~~ Preliminary Engineering Review: \$25.00 each page  
~~11.50 parking stalls or less, per stall \$51.00~~  
~~(minimum \$418.00)~~  
~~1.2. 51-99 parking stalls, per stall \$27.00~~  
~~1.3. 100 parking stalls or more, per stall \$21.00~~
2. ~~Residential Engineering Review:~~ Final Engineering Review: \$150.00 each page  
~~2.1. 1½ percent of the estimated engineer's cost of construction of public improvements~~

### **1-9H-4: FEES FOR SITE PERMITS:**

All site permit fees shall be due and payable at the time the site permit is requested.

1. Nonresidential Site Permit: 1.65 percent of the estimated engineer's cost of construction of public improvements
2. Residential Site Permit: 1.50 percent of the estimated engineer's cost of construction of public improvements.

**SECTION 5:** This Ordinance shall be in full force and effect on January 1, 2021 as required by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Steve Chirico  
Mayor

ATTEST:

\_\_\_\_\_  
Pam Gallahue, Ph. D.  
City Clerk