

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 13-40**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 18TH DAY OF NOVEMBER, 2013**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 19th day of November, 2013

Prepared by:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 13-40**

**AN ORDINANCE AMENDING TITLE 11 CHAPTER 2 & TITLE 3
CHAPTER 20,
OF THE BATAVIA MUNICIPAL CODE
SUBDIVISION REGULATIONS & BUSINESS & LICENSE REGULATIONS**

WHEREAS, the City of Batavia has reviewed its Subdivision Regulations Code and Business & License Regulations; and

WHEREAS, it has been determined that it is appropriate to revise and update the provisions relating to Plan Review & Inspection Costs and Zoning & Subdivision Application Fees; and

WHEREAS, it has been determined that it is appropriate to add provisions relating to Escrow Accounts;

NOW THEREFORE BE IT HEREBY ORDAINED by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois as follows:

SECTION 1: That Title 11, Chapter 2, Section 4, of the Batavia Municipal Code is hereby revised to provide as follows:

11-2-4: PLAN REVIEW AND INSPECTION COSTS:

All improvements proposed (and/or required) to be made under the provisions of this title shall be inspected, during the course of construction, by the city engineer or their designee. Fees and costs shall be paid according to the following schedule:

- A. An escrow account shall be established for the engineering review upon receipt of a completed Subdivision or Zoning submittal to the Community Development department. The escrow is to defray the engineering expenses incurred by the City Staff in reviewing initial submittals prior to a Building Permit issuance. An escrow account will remain active throughout the final engineering review process and not charged more than the fees outlined in the review schedule in section 11-2-4B.

The escrow account will be utilized if the City determines, in its sole and exclusive discretion, that it is necessary to obtain or provide professional services, including but not limited to, attorneys; engineers; planners; architects; surveyors; court reporters; traffic, drainage or other consultants, and/or to incur costs related to any required notices or recordations, in connection with any Petition or Application filed by the Petitioner/Applicant.

The City Engineer is hereby authorized to assign the above described services to the City Staff or to consultants, as they deem appropriate. When the City Staff renders any services contemplated by this agreement, then in such case the City shall be reimbursed for its cost

CITY OF BATAVIA, ILLINOIS ORDINANCE 13-40

per work hour (\$75.00/hour) for each staff person providing said services.

At the time the Subdivision or Zoning Submittal is made by the Petitioner/Applicant they shall deposit the following amounts with the City as an initial deposit:

Number of Review Items	Under 5 acres	5-15 acres	16-75 acres	Over 75 acres
1	\$1,000	\$2,000	\$3,000	\$4,000
2 or 3	\$2,000	\$4,000	\$5,000	\$7,000
4 or more	\$3,000	\$5,000	\$7,000	\$10,000

As the review proceeds, the City shall deduct incurred expenditures and costs from the funds deposited. If the remaining balance falls below \$500.00, the Petitioner/Applicant, upon written notice by the City, shall be required to replenish the deposit to its original amount. The Petitioner/Applicant shall replenish the deposit within fifteen (15) days of receipt of an invoice directing the replenishment of said deposit. Failure to remit payment within fifteen (15) days will cause all reviews to cease.

A Petitioner/Applicant who withdraws his petition or application may apply in writing to the Director of Community Development for a refund of his initial deposit. The City Engineer may, in his discretion, approve such refund less any actual fees and costs, which the City has already paid or incurred relative to the Petition or Application.

Upon the failure to the Petitioner/Applicant or Owner to reimburse the City in accordance with this Agreement, no further action shall be undertaken on any Petition or Application by the Mayor and City Council, or by any other official or quasi-deliberations, the granting of any relief or approvals, and the execution or recording of any documents, until all such outstanding fees are paid in full and/or the initial deposit is restored to its full amount. Further, the City may deny any application for a grading, building or other permit if such amounts have not been paid in full.

Upon any failure to reimburse the City in accordance with this section, the City may in its discretion, apply any or all of the initial deposit to the outstanding balance due and/or elect to place a lien against any real property associated with the Petitioner/Applicant's Petition or Application. In the event such amounts are not paid in full within sixty (60) days after the date when the statement of such amount due is delivered or deposited in the U.S. mail by the City, such amounts due shall be deemed delinquent and finance charges in accordance with the City's policy for accounts receivable shall be added to the amount due until such amount due, including all delinquency charges, is received by the City. Said lien shall be in an amount equal to the outstanding amount owed to the City.

Any remaining balance of funds deposited pursuant to this section of the code shall be refunded after written request and upon the later occurring of the following events: completion of City deliberation on the petition or application, recordation of all necessary

CITY OF BATAVIA, ILLINOIS ORDINANCE 13-40

documents associated with the petition or application, or by issuance of a building permit upon the real property in question and all outstanding consultant bills have been paid in full.

The applicant shall sign the bottom of the application/petition agreeing to the terms of this section of the code. (Ord 13-40, 11-18-13)

- B. Prior to the approval of a final plat by the city council, the subdivider or developer shall pay to the city a fee for the engineering costs of reviewing the construction plans for improvements; said fee to be computed in accordance with the following table: (Note: The fee will be calculated as Plan Review Fee minus the escrow already deposited)

Estimated Cost Of Construction Of Improvements	Plan Review Fee
\$2,500.00 or less	4% of estimated cost, but not less than \$50.00
\$10,000.00 or less, but more than \$2,500.00	3% of estimated cost, but not less than \$100.00
\$25,000.00 or less, but more than \$10,000.00	2.5% of estimated cost, but not less than \$300.00
\$50,000.00 or less, but more than \$25,000.00	2% of estimated cost, but not less than \$625.00
\$100,000.00 or less, but more than \$50,000.00	1.75% of estimated cost, but not less than \$1,000.00
\$200,000.00 or less, but more than \$100,000.00	1.5% of estimated cost, but not less than \$1,750.00
\$400,000.00 or less, but more than \$200,000.00	1.25% of estimated cost, but not less than \$3,000.00
\$600,000.00 or less, but more than \$400,000.00	1% of estimated cost, but not less than \$5,000.00
More than \$600,000.00	0.75% of estimated cost, but not less than \$6,000.00

- C. Prior to the approval of a final plat by the city council, the subdivider or developer shall pay to the city a fee for electrical engineering, electrical layout and construction inspection for the electrical improvements at a rate of seventy five dollars (\$75.00) per residential living unit. The cost of the electrical improvements shall not be included in the estimated costs of improvements in subsection A of this section.

- D. Prior to the recordation of a final plat, the subdivider or developer shall pay the city a fee equal to two percent (2%) of the costs of construction of improvements, as and for all inspection services rendered by the city during said construction.

The subdivider or developer shall also pay, prior to any preliminary or final plat approval,

CITY OF BATAVIA, ILLINOIS ORDINANCE 13-40

the fee for the review and commentary upon any proposed subdivision concept plan, preliminary and/or final plat by the consulting land planner, as required in section 11-3-1 of this title. (Ord. 03-53, 12-1-2003)

SECTION 2: That Title 3, Chapter 20, Section 2, of the Batavia Municipal Code is hereby added to provide as follows:

3-20-3: FEE

SCHEDULE: A.

Schedule:

<u>Application Type</u>	<u>Fee</u>
Variance:	
Residential	\$200.00
Nonresidential	750.00
Zoning appeal	200.00
Design review:	
Small (1 acre or less, or sign only)	500.00
Large (over 1 acre) ¹	500.00
Single-family preliminary subdivision plat	50% of current design review fee
Administrative design review	\$250.00
Fences	100.00
Wall signs	100.00
Conditional (special) use permit	500.00
Administrative use permit	250.00
Planned development overlay ^{1,3}	500.00
Amendment to:	
Official zoning map (rezoning)	700.00
Text of zoning code	500.00
Comprehensive plan	500.00

CITY OF BATAVIA, ILLINOIS ORDINANCE 13-40

Annexation:	
1 lot or <1 acre	500.00
More than 1 lot or 1 acre ²	500.00
Amendment to annexation agreement	50% of current annexation fee
Subdivision:	
Preliminary plat ^{1,3}	\$500.00
Final plat	300.00
Research	\$50.00/hour - \$25.00 minimum

Notes:

1. Add \$200.00 per additional acre over 1 acre or fraction thereof.
2. Add \$500.00 per additional acre over 1 acre or fraction thereof up to 10 acres, plus \$200.00 per additional acre or fraction thereof over 10 acres.
3. Engineering Fees per 11-2-4

(Ord. 10-16, 6-7-2010; amd. Ord. 10-37, 12-6-2010, Ord. 13-40, 11-18-13)


- B. Other Expenses: Applicant must reimburse city for expenses incurred with public hearing notice and recording of documents.
- C. Annexations: In addition to the above fees, any person, firm, corporation or agent filing an application for annexation or amendment to an existing annexation agreement, shall, whether or not said application is acted upon, approved or disapproved, reimburse the city for its reasonable attorney fees and reasonable consulting planner and/or engineer fees expended in connection with said applications including the annexation agreement negotiated in connection with said application. (Ord. 10-16, 6-7-2010)

SECTION 3: The effective date of this Ordinance shall be ten days following its presentation, passage and publication according to law.

CITY OF BATAVIA, ILLINOIS ORDINANCE 13-40

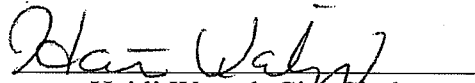
PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 18th day of November, 2013.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 18th day of November 2013.


 Jeffrey D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien	x				Sparks	x			
2	Callahan	x				Wolff	x			
3	Hohmann	x				Chanzit	x			
4	Saam	x				Stark	x			
5	Vasilion	x				Thelein Atac	x			
6	Cerone	x				Clark	x			
7	McFadden	x				Brown	x			
Mayor Schielke										
VOTE:		14 Ayes	0 Nays	0 Absent	Abstention(s)					
Total holding office:		Mayor and 14 aldermen								

ATTEST:


 Heidi Wetzel, City Clerk