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AN ORDINANCE AMENDING TITLE 1, CHAPTER 18 OF THE ORLAND PARK VILLAGE CODE IN REGARD ESTABLISHING ESCROWS FOR DEVELOPMENT REVIEW PROFESSIONAL FEES AND COSTS

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WHEREAS, the Village President and Board of Trustees of the Village of Orland Park (the “Village”) have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to 65 ILCS 5/1-2-1, the Village may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities; and

WHEREAS, the Village deems it to be in the best interest of the public to establish escrow accounts from which to reimburse the Village for professional fees and costs incurred for land development review services.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, and pursuant to its home rule powers, as follows:

SECTION 1:

The above recitals are incorporated herein by reference as though fully set forth herein.

SECTION 2:

Title 1, Chapter 18, of the Orland Park Village Code is amended by adding a new Section 1-18-5, which shall read in its entirety as follows:

“SECTION 1-18-5: ESCROW FOR DEVELOPMENT REVIEW PROFESSIONAL FEES AND COSTS.

1-18-5-1: DEFINITIONS:

COST: An expense incurred by the Village, such as for travel, copying, advertisement in news media and recording of documents, in connection with land development review as hereinafter described.

FEE: A professional fee or charge incurred by the Village for consultation and development review services performed by an attorney, architect, engineer, surveyor, landscape architect, arborist, or any other professional retained by the Village, or employed by the Village (in which case the hourly fee shall be equal to twice the employee’s hourly rate of compensation), to review, in whole or in part plans, specifications, technical reports, or other documents submitted in connection with land development applications or petitions.

PERSON: An individual, partnership, corporation, limited liability company, trust, association or any other legal entity.

1-18-5-2: REVIEW:

Whenever any person is required by the Village Code, Village Land Development Code, Village ordinance or an ordinance or statute of the federal, state or county government to submit an application, petition, plans, specifications, technical reports or other documents to the Village to be reviewed, and in connection therewith it shall be necessary for the Village to retain the professional services of an attorney, architect, engineer, surveyor, landscape architect, arborist, and/or other professional, the person submitting such documents shall be fully responsible to reimburse the Village for all fees and costs charged by such professional to the Village for reviewing and providing professional opinions as to the documents.

For the purposes of this Section, the requirement to pay for professional fees or costs incurred by the Village shall apply to, but not be limited to, applications or petitions for annexations, rezoning, special uses, variations, subdivisions or building permits. Neither preliminary nor final approval shall be given for any annexation, rezoning, special use, variation, subdivision or building permit unless and until the Finance Director certifies that all fees and costs as herein above defined incurred by the Village have been paid in full.

1-18-5-3: ESCROW AND REIMBURSEMENT:

For the purposes of this Section, the person applying or petitioning for land development review as described in Subsection 1-18-5-2 herein, shall deposit in an escrow established with the Village the following amounts for the described professional review services:

<u>Review Applied/Petitioned For:</u>	<u>Initial Escrow Deposit Amount:</u>
a) Change to existing building and/or site, including site plan approval, rezoning, special use or variation	\$2,000.00
b) Special use involving no changes to existing building or site.	\$500.00
c) New single or multi-family residential or new commercial development involving annexation, site plan approval, zoning or rezoning, special use or variation with acreage of:	
Less than 1 acre	\$4,000.00
1-5 acres	\$6,000.00
5-10 acres	\$8,000.00

More than 10 acres

\$10,000.00

Such deposit shall be made prior to fees or costs being incurred by the Village. The fees and costs incurred by the Village for the land development review services shall be paid from the escrow so established. The escrow deposit shall be made at the time of submittal of the application or petition and the applicant/petitioner shall replenish the escrow in order to maintain a minimum balance of \$1,000.00 (except for the special use application/petition referenced in b) above) at all times. No land development plan review services shall be undertaken until the required escrow deposit has been made. In order to assure sufficient funds are on deposit in the escrow to pay fees and costs invoiced to the Village after final Village Board approval, a minimum escrow balance of \$3,000.00 shall be maintained by the applicant/petitioner prior to the matter being scheduled for final Village Board approval.

1-18-5-4: ESCROW ADMINISTRATION:

The Finance Director shall be responsible for the administration of the escrow funds required to be deposited in accordance with this Section. Said funds shall not be invested but shall be deposited in a federally insured bank or financial institution.

1-18-5-5: DISBURSEMENTS:

The escrowed funds as deposited shall be disbursed solely for the purpose of reimbursing the Village for land development plan review fees and costs incurred and shall be approved by the Village Board, and a copy of each disbursement, including a copy or copies of the invoice(s) evidencing the basis for such disbursement shall be transmitted by the Finance Director to the person having filed the application or petition. The Finance Director shall notify the professionals who the Village anticipates will be retained or otherwise utilized to review the submitted plans and request that those professionals invoice the Village no less frequently than monthly and otherwise keep the Village apprised of the time, fees and costs expended in the plan review services.

1-18-5-7: DELEGATION:

The Finance Director may delegate his/her authority under this Section, in whole or in part, to a designee or designees.”

SECTION 3:

This Ordinance shall be in full force and effect from and after its adoption and publication in pamphlet form as provided by law.