
THE VILLAGE OF HOMER GLEN

WILL COUNTY, ILLINOIS

ORDINANCE

NUMBER 13-037

**AN ORDINANCE ESTABLISHING SCHOOL FACILITIES IMPACT
FEES WITHIN THE VILLAGE OF HOMER GLEN, WILL COUNTY,
ILLINOIS**

JAMES P. DALEY, Village President

GALE SKROBUTON, Village Clerk

Trustees

MICHAEL COSTA

MARCIA DEVIVO

TEDD KAGIANAS

MARGARET SABO

SHARON SWEAS

GEORGE YUKICH

**AN ORDINANCE ESTABLISHING SCHOOL FACILITIES IMPACT FEES WITHIN
THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS**

WHEREAS, the Village of Homer Glen, Will County, Illinois (the "*Village*") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "*Home Rule Powers*"); and

WHEREAS, after due investigation the Village President and Board of Trustees have concluded that there will be significant residential development and student population growth within the Village of Homer Glen and its statutory planning area in the near future; and

WHEREAS, the local school districts that will be required to serve such developments do not have the financial resources needed to provide new school buildings, building additions and improvements, school site improvements and related infrastructure ("*School Facilities*") to meet the needs of the additional student population that will be generated by such developments; and

WHEREAS, certain new residential developments may cause a financial hardship on the yearly operational finances of school districts; and

WHEREAS, existing ordinances of the Village of Homer Glen requiring the dedication of land or the contribution of money in lieu thereof, or a combination of both, as a condition of the development or subdivision of land will not provide sufficient funding to construct the School Facilities needed to serve the immediate and future needs of the residents of new development; and

WHEREAS, the Village President and Board of Trustees hereby find and determine that a School Facilities Impact Fee should be established as a condition of the annexation of territory and the approval of Planned Unit Developments, with residential uses, in order to collect an equitable portion of the estimated cost of providing School Facilities needed to adequately address the immediate and future needs of the residents thereof.

WHEREAS, the Village of Homer Glen has reviewed the provisions of Resolution 05-009 pertaining to the establishment of a school facilities impact fee as a condition of annexation and planned unit development with residential uses; and

WHEREAS, based on that review the Village Board has determined that it is appropriate and in the best interests of the Village of Homer Glen to adopt an Ordinance incorporating the provisions in Resolution No. 05-009, **and also including additional provisions as to when impact fees are paid by owners and developers and providing a procedure for objections.**

NOW, THEREFORE, BE IT ORDAINED by the Village President and Village Board of Trustees of the Village of Homer Glen, Will County, Illinois, by and through its Home Rule Powers, as follows:

Section 1: Recitals - The foregoing recitals are incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2: School Facilities Impact Fee - the Village of Homer Glen hereby requires the payment of school facility impact fees as a condition of the annexation of territory to the Village of Homer Glen and approval of a Planned Unit Development, with residential uses. Therefore, the annexation of territory, after the effective date of this Ordinance, pursuant to an annexation agreement shall as a condition of said Annexation Agreement require the payment of a School Facilities Impact Fee in substantial accordance with the provisions set forth in Exhibit "A". The approval of a Planned Unit Development, with residential uses, shall also require the payment of the School Facilities Impact Fee in substantial accordance with the provisions set forth in Exhibit "A". **Any and all School Facilities Impact Fees imposed prior to the adoption of this Ordinance pursuant to the provisions of Village of Homer Glen Resolution No. 05-009 shall remain in full force and effect.**

Section 3: Use of School Facilities Impact Fees – The School Facilities Impact Fees, provided hereunder, shall be used by the recipient school districts for new school buildings, building additions and improvements, school site improvements, and related infrastructure; provided, however, that if a fiscal impact statement demonstrates that the costs associated with educating students reasonably expected to be generated by the subject development exceed the projected tax revenues therefrom, then the recipient school districts may use the School Facilities Impact Fees to the extent necessary to make up any projected shortfall specifically and uniquely attributable to the subject development.

Section 4: Time of Payment of School Facilities Impact Fees - School Facilities

Impact Fees shall be paid in full for a particular residential dwelling unit in one of the two following manners:

- 1.) Payment in full shall be made at the time of application for a Village permit to construct the dwelling unit; or
- 2) Payment in full shall be made prior to the issuance of a certificate of occupancy for the dwelling unit but in no event later than twelve months from the date the Village issues a permit to construct a dwelling unit.

If option number two (2) above is chosen the applicant must sign an agreement with the Village **requiring the applicant to make payment of the school facilities impact fees within twelve (12) months from the date of issuance of the permit to construct the dwelling unit regardless of whether the construction has been completed and** provide evidence to the Village the required school facilities impact fees have all been paid in full no later than twelve (12) months from the date of issuance of the permit to construct the dwelling unit. This agreement will include a provision requiring the applicant to pay an additional fee, in the amount of two (2) times the required school facilities impact fee, if the applicant does not **make payment** and provide evidence to the Village that all required school facilities impact fees have been paid in full within twelve (12) months of the date of issuance of the permit to construct the dwelling unit.

The school facilities impact fees shall be paid directly to the school district or districts in which the dwelling unit is located, and are in addition to the School Land Contribution Ordinance requirements. **The amount of the school facilities impact fees to be paid will be the amount of the respective school facilities impact fee in effect at the time the payment is to be made.**

Depending on which payment option is selected by the applicant, evidence of payment of the required school facilities impact fees, issued by the respective school districts to the applicant, must be submitted by the applicant to the Village Manager at either the time when the applicant applies to the Village for a building permit or on a date not later than twelve (12) months after the date the Village issues the permit to construct the dwelling unit.

If the applicant selects payment option number one, failure to provide sufficient evidence of the required payment shall constitute sufficient grounds for the denial of the application for a building permit. If the applicant selects payment option number two, failure to provide timely evidence of the required payment shall constitute sufficient grounds for the suspension or revocation of the building permit. In addition, the Village Manager may refuse to issue a certificate of occupancy, or may revoke any temporary certificate of occupancy that has been issued.

Section 5: Objections – A developer or property owner required to pay a school facilities impact fee may file a written objection to the amount of the impact fee with the Village Manager. The objection shall first be referred by the Village Manager to the Plan Commission for a public hearing to be conducted within forty-five (45) days of the date the objection is filed. An objection must be made, if at all, prior to the issuance by the Village of a permit to construct a dwelling unit. A failure to object by such time will constitute a waiver of the right to object to the provisions of this ordinance.

Section 6: Procedure for Resolving an Objection – In the event an objection is timely filed, the Plan Commission shall provide the following, as listed below.

- A. Public notice of the hearing date to consider the objection and shall notify any affected school district by certified mail, return receipt requested, of the filing of the objection and **of the date, time and location of the hearing** regarding same.
- B. The Plan Commission shall publish notice of the hearing date at least fifteen (15) days but no more than thirty (30) days before the scheduled date of the hearing. The notice shall be published in a newspaper of general circulation within the corporate limits of the Village of Homer Glen. The notice of public hearing shall not appear in the part of the paper where legal notices or classified ads appear.
- C. The notice shall contain the following information:
 - 1. The headline shall read in bold print **“Notice of Public Hearing on Objection to Payment of School Facilities Impact Fee by (the name of the objector).”**
 - 2. The date, time and location of the public hearing.
- D. The public hearing shall be held for consideration of the objection. The Plan Commission shall **hear the objection and any opposition to the objection** and make a recommendation to adopt, reject, in whole or in part, or modify the objection presented at the hearing, by written report to the Village Board within thirty (30) days after the hearing. The Village Board shall then have at least thirty (30) but not more than sixty (60) days to approve, disapprove, or modify by motion, resolution, or ordinance the findings in this report as it pertains to the objection. **If the Village Board does not act by motion, resolution or ordinance within the time set forth in this paragraph the objection will be considered to be denied.**
- E. The objector shall bear all costs of a hearing including the attendance fees paid the Plan Commission members, publication costs, professional consultants and any other expenses of the Village. **The objector will be required to make a deposit of funds with the Village of the estimated costs of the hearing at the time the objection is filed. If the costs exceed the amount of the deposit the objector must pay the additional amount to the Village before any permit is issued to construct the dwelling unit(s) for which the objection is filed. If the deposit exceeds the costs any excess will be refunded to the objector.**

Section 7 - School Districts to Provide Indemnification - It shall be a condition of the payment of School Facilities Impact Fees to the benefited school district that the benefited school district defend, indemnify and **hold the Village of Homer Glen harmless from and against any and all losses, costs, expenses, including but not limited to reasonable attorneys fees, claims and causes of action of every kind incurred by, brought against or asserted against the Village of Homer Glen, as a result, either directly or indirectly, of the adoption of this ordinance or the administration or enforcement thereof in connection with the establishment, collection, administration or expenditure of the School Facilities Impact Fee, including any so incurred as a result of a lawsuit brought or threatened by the school district.** Acceptance of any such payments by such benefited school district shall be deemed to be the district's acceptance of and its agreement to provide the indemnification and perform the obligations set forth in this Section 7. All benefited school districts must acknowledge and agree to the foregoing in a written agreement acceptable to the Village prior to the receipt of any payment.

Section 8: Reservation of Powers - Nothing herein shall be construed so as to limit, condition or impair the exercise of powers conferred on the Village of Homer Glen to annex territory, enter into annexation agreements, regulate the zoning, subdivision or development of land, or approve Planned Unit Developments with residential uses, to levy or establish taxes and fees or to exercise other municipal functions and powers. **Nothing herein shall be construed so as to limit, condition or impair any School Facilities Impact Fees authorized and imposed prior to the adoption of this Ordinance and pursuant to the provisions of Village of Homer Glen Resolution 05-009.**

Section 9. Severability - If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 10. Effective Date - This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

Adopted this 11th day of June, 2013 pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Costa				
DeVivo				
Kagianas				
Sabo				
Sweas				
Yukich				
Daley (Village President)				
TOTAL				

APPROVED by the Village President on June 11, 2013.

James P. Daley
Village President

ATTEST:

Gale Skrobuton
Village Clerk

Exhibit A

Elementary School Districts

The School Facilities Impact Fee shall be paid by the Owner in accordance with the following schedule for a unit school district consisting of kindergarten through twelfth grade:

Homer School District 33C			
Detached Single Family Home	School Site Contribution	School Facilities Fee	Total Fee
2 Bedroom	\$591.33	\$826.00	\$1,417.33
3 Bedroom	\$1,740.25	\$3,548.00	\$5,288.25
4 Bedroom	\$2,659.95	\$4,757.00	\$7,416.95
5 Bedroom	\$1,905.48	\$4,757.00	\$6,662.48
Attached Single Family Home	School Site Contribution	School Facilities Fee	Total Fee
1 Bedroom	\$0.00	\$0.00	\$0.00
2 Bedroom	\$436.44	\$884.00	\$1,320.44
3 Bedroom	\$938.28	\$1,464.00	\$2,402.28
4+ Bedroom	\$1,529.61	\$2,334.00	\$3,863.61
Apartments	School Site Contribution	School Facilities Fee	Total Fee
1 Bedroom	\$10.33	\$16.00	\$26.33
2 Bedroom	\$410.27	\$616.00	\$1,026.27
3 Bedroom	\$1,146.17	\$1,802.00	\$2,948.17

School District 92			
Detached Single Family Home	School Site Contribution	School Facilities Fee	Total Fee
2 Bedroom	\$626.18	\$679.00	\$1,305.18
3 Bedroom	\$1,912.54	\$2,917.00	\$4,829.54
4 Bedroom	\$2,994.31	\$3,910.00	\$6,904.31
5 Bedroom	\$2,218.90	\$3,910.00	\$6,128.90
Attached Single Family Home	School Site Contribution	School Facilities Fee	Total Fee
1 Bedroom	\$0.00	\$0.00	\$0.00
2 Bedroom	\$489.79	\$727.00	\$1,216.79
3 Bedroom	\$954.60	\$1,204.00	\$2,158.60
4+ Bedroom	\$1,684.10	\$1,918.00	\$3,602.10
Apartments	School Site Contribution	School Facilities Fee	Total Fee
1 Bedroom	\$10.69	\$12.00	\$22.69
2 Bedroom	\$454.14	\$515.00	\$969.14
3 Bedroom	\$1,279.22	\$1,481.00	\$2,760.22

High School District

The School Facilities Impact Fee shall be paid by the Owner in accordance with the following schedule for a high school district consisting of ninth grade through twelfth grade:

School District 205					
Detached Single Family Home	School Site Contribution		School Facilities Fee	Total Fee	
	33C	92		33C	92
2 Bedroom	\$90.00	\$93.00	\$117.00	\$207.00	\$210.00
3 Bedroom	\$828.00	\$855.60	\$1,316.00	\$2,144.00	\$2,171.60
4 Bedroom	\$1,620.00	\$1,674.00	\$1,310.00	\$2,930.00	\$2,984.00
5 Bedroom	\$1,350.00	\$1,395.00	\$1,310.00	\$2,660.00	\$2,705.00
Attached Single Family Home	School Site Contribution		School Facilities Fee	Total Fee	
	33C	92		33C	92
1 Bedroom	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2 Bedroom	\$171.00	\$176.70	\$216.00	\$387.00	\$392.70
3 Bedroom	\$265.50	\$274.35	\$371.00	\$636.50	\$645.35
4+ Bedroom	\$778.50	\$804.45	\$972.00	\$1,750.50	\$1,776.45
Apartments	School Site Contribution		School Facilities Fee	Total Fee	
	33C	92		33C	92
1 Bedroom	\$4.50	\$4.65	\$6.00	\$10.50	\$10.65
2 Bedroom	\$207.00	\$213.90	\$246.00	\$453.00	\$459.90
3 Bedroom	\$531.00	\$548.70	\$679.00	\$1,210.00	\$1,227.70

