

ORDINANCE NO. 22-04-21

AN ORDINANCE AMENDING CHAPTER 3.36 (CAPITAL DEVELOPMENT FEE), CHAPTER 3.40 (TRANSPORTATION FEE), AND CHAPTER 14.34 (STORM WATER EXPANSION FEE) OF THE MUNDELEIN MUNICIPAL CODE FOR THE VILLAGE OF MUNDELEIN, LAKE COUNTY, ILLINOIS

Published in pamphlet form by the authority
of the President and Board of Trustees
of the Village of Mundelein, Illinois

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AN ORDINANCE AMENDING CHAPTER 3.36 (CAPITAL DEVELOPMENT FEE), CHAPTER 3.40 (TRANSPORTATION FEE), AND CHAPTER 14.34 (STORM WATER EXPANSION FEE) OF THE MUNDELEIN MUNICIPAL CODE FOR THE VILLAGE OF MUNDELEIN, LAKE COUNTY, ILLINOIS

WHEREAS, the Village of Mundelein, Lake County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois.

WHEREAS, the Village of Mundelein Board of Trustees from time to time reviews the fiscal impact of new developments and redevelopments on the Village's improvements and facilities; and

WHEREAS, the Village has an existing Capital Development Fee as provided in Ordinance 16-11-57; and

WHEREAS, the Village has an existing Transportation Fee as provided in Ordinance 16-11-59; and

WHEREAS, the Village has an existing Stormwater Management Fee as provided in Ordinance 16-11-58; and

WHEREAS, the Village Board of Trustees has determined that it is in the best interests of the Village to amend the Transportation Fee, Capital Development Fee, and Stormwater Expansion Fee, so that the fiscal impact of new developments and redevelopments can be equitably shared by developers without unduly burdening residents and property owners presently in the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MUNDELEIN, COUNTY OF LAKE, STATE OF ILLINOIS, that:

Section I. Chapter 3.36 (Capital Development Fee) of the Mundelein Municipal Code is hereby amended to delete and replace the chapter in accordance with **Exhibit A** attached hereto.

Section II. Chapter 3.40 (Transportation Fee) of the Mundelein Municipal Code is hereby amended to delete and replace the chapter and in accordance with **Exhibit B** attached hereto.

Section III. Chapter 14.34 (Stormwater Expansion Fee) of the Mundelein Municipal Code is hereby

amended to delete and replace the chapter in accordance with **Exhibit C** attached hereto.

Section IV. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section V. If any section, paragraph, clause, or provision of this Ordinance shall be found invalid by a court of competent jurisdiction, such judgment shall not affect, impair, invalidate or nullify the remainder of this Ordinance, but only the part found invalid by such court.

Section VI. This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form, as provided by law.

ADOPTED this 11th day of April, 2022 by a roll call vote as follows:

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Kerston Russell, Trustee
SECONDER:	Tim Wilson, Trustee
AYES:	Wilson, Ross, Lambert, Russell, Schwenk
ABSENT / NOT VOTING:	Cabachuela

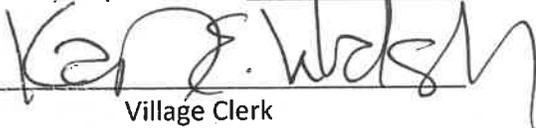


President

ADOPTED: April 11, 2022

APPROVED: April 11, 2022

PUBLISHED in pamphlet form: April 14, 2022

ATTEST: 
Village Clerk

Chapter 3.36 CAPITAL DEVELOPMENT FEE

3.36.010 Establishment of the new Mundelein Capital Development Fee.

There is hereby established a new capital development fee applicable to all new developments and redevelopments of property within the Village of Mundelein as follows:

- A. Property use types shall be determined according to the following definitions:
- (1) "Property used for residential purposes" shall mean a property containing one or more permanent buildings with one or more residential dwelling units used or intended for use exclusively for living quarters.
 - (2) "Property used for nonresidential purposes" shall mean a property which is unimproved or, if improved, contains one or more permanent buildings or other structures used or intended for use for a purpose other than living quarters.
 - (3) "Property used for mixed-use purposes" shall mean a property which contains one or more permanent buildings, a portion of which is used or intended for use as living quarters and a portion of which is used or intended for use for a purpose other than living quarters.
 - (4) "Residential dwelling unit" shall mean a building or portion thereof designed for occupancy as living quarters by one family or household which includes a permanently installed bathroom and kitchen facilities.
- B. The Capital Development Fee established by this Chapter shall apply to all new development or redevelopment projects as described in Section A of this Chapter, whether or not a subdivision is required, with the following exceptions:
- (1). Government/public buildings, public schools, park district, library district, Lake County, or other public facilities.
 - (2). Alteration, remodeling, rehabilitation and/or reconstruction of, or additions to, any existing legal residential structure where no additional dwelling units are added and the use is not changed.
 - (3). Construction on previously platted infill single-family homes on single, buildable parcels of land.
 - (4). Alteration, remodeling, rehabilitation and/or reconstruction of any existing legal nonresidential structure(s) where either:
 - i. The gross floor area of the structure(s) is not increased.
 - ii. The gross floor area of the structure(s) is increased by no more than 50% of the area of the current structure(s) and the use is not changed from nonresidential to residential purposes.
 - (5). Development projects that are the subject of a development or annexation agreement entered into with the Village, but only where the agreement specifically states that said development shall be exempt from all or a portion of the fees herein.
 - (6). Reconstruction of a building or structure located on a property which was damaged or destroyed or demolished during the prior three-year period and no additional dwelling units are created, the gross floor area is not increased, and the use is not changed.
 - (7). Projects which do not meet the exemptions of items 1 through 6 above shall require payment at the rates required by this Chapter on a per dwelling basis or on an acreage basis as rounded up to the nearest quarter of an acre in area increased, whichever is applicable.
- BC. For property used for residential purposes, the capital development fee shall be in the amount of two thousand eight hundred thirty-five dollars for each residential dwelling unit.

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- ED.** For property used for nonresidential purposes, the capital development fee shall be in the amount of two thousand eight hundred thirty-five dollars for each acre of nonresidential property.
 - DE.** For property used for mixed-use purposes, the capital development fee shall be in the amount of two thousand eight hundred thirty-five dollars for each acre of mixed use property and, in addition thereto, a fee in the amount of one thousand four hundred seventeen dollars and fifty cents for each residential dwelling unit.
 - EF.** For portions of the property which remain vacant or are not initially scheduled for development or redevelopment, the fee set forth in subsections 3.36.010(B) to (D) inclusive shall be determined at such time that a building permit is issued with respect to each such portion of the property.

3.36.020 Forcible or involuntary annexations of developed property.

In the case of forcible or involuntary annexations of developed property, the capital development fee shall be waived in its entirety.

3.36.030 Payment of the capital development fee.

- A. The capital development fee applicable to nonresidential, mixed-use and vacant property shall be paid at the time (i) an earth change permit is issued or (ii) a building permit is issued for each building or other structure to be constructed on the property, whichever occurs first.
- B. The capital development fee applicable to residential property shall be paid upon the issuance of a certificate of occupancy for each residential dwelling unit.

3.36.040 Other fees.

The capital development fee shall be in addition to all other fees and charges of the village, including, but not limited to, annexation fees, transportation fees, stormwater management fees, building fees, inspection fees, connection fees, tap-on fees, and sewer and water expansion fees, as established from time to time by the village.

3.36.050 Capital development fee adjustments.

The capital development fee shall be increased only through amendments to this chapter approved by the village board of trustees.

3.36.060 Disposition of revenue.

The revenue received by the village from capital development fees shall be deposited into a segregated fund known as the "capital improvement and development fee fund." The sums on deposit in said fund, from time to time, may be co-mingled with other village funds and invested by the treasurer of the village as provided by law. All interest received by the village on any investments of sums on deposit in the capital improvement and development fund (less the cost, if any, of investment) shall be credited to said fund. All sums on deposit in the capital improvement and development fund shall be used to design, engineer, construct or expand the village's facilities and systems, including, but not limited to, road improvements, stormwater management improvements, public works facilities, police or fire stations, or to purchase equipment related thereto, including, but not limited to, snow plows, fire trucks, ambulances, and police cars. Such funds shall neither become part of the village's general revenue, nor be used to satisfy operational needs of the village.

3.36.070 Acceptance of donations in lieu of fees.

In lieu of the capital development fee otherwise payable under this chapter, the village may, at the discretion of the board of trustees, accept a donation of real or personal property or the installation of public improvements which serve more than the development in question having a value equal to the capital development fee.

Chapter 3.40 TRANSPORTATION FEE

3.40.010 Establishment of the new transportation fee.

There is hereby established a new transportation fee applicable to all new developments and redevelopments of property within for the Village of Mundelein as follows:

- A. Property use types shall be determined according to the following definitions:
- (1) "Property used for residential purposes" shall mean a property containing one or more permanent buildings with one or more residential dwelling units used or intended for use exclusively for living quarters.
 - (2) "Property used for nonresidential purposes" shall mean a property which is unimproved or, if improved, contains one or more permanent buildings or other structures used or intended for use for a purpose other than living quarters.
 - (3) "Property used for mixed-use purposes" shall mean a property which contains one or more permanent buildings, a portion of which is used or intended for use as living quarters and a portion of which is used or intended for use for a purpose other than living quarters.
 - (4) "Residential dwelling unit" shall mean a building or portion thereof designed for occupancy as living quarters by one family or household which includes a permanently installed bathroom and kitchen facilities.
- B. The Transportation Fee established by this Chapter shall apply to all new development or redevelopment projects as described in Section A of this Chapter, whether or not a subdivision is required, with the following exceptions:
- (1). Government/public buildings, public schools, park district, library district, Lake County, or other public facilities.
 - (2). Alteration, remodeling, rehabilitation and/or reconstruction of, or additions to, any existing legal residential structure where no additional dwelling units are added and the use is not changed.
 - (3). Construction on previously platted infill single-family homes on single, buildable parcels of land.
 - (4). Alteration, remodeling, rehabilitation and/or reconstruction of any existing legal nonresidential structure(s) where either:
 - i. The gross floor area of the structure(s) is not increased.
 - ii. The gross floor area of the structure(s) is increased by no more than 50% of the area of the current structure(s) and the use is not changed from nonresidential to residential purposes.
 - (5). Development projects that are the subject of a development or annexation agreement entered into with the Village, but only where the agreement specifically states that said development shall be exempt from all or a portion of the fees herein.
 - (6). Reconstruction of a building or structure located on a property which was damaged or destroyed or demolished during the prior three-year period and no additional dwelling units are created, the gross floor area is not increased, and the use is not changed.
 - (7). Projects which do not meet the exemptions of items 1 through 6 above shall require payment at the rates required by this Chapter on a per dwelling basis or on an acreage basis as rounded up to the nearest quarter of an acre in area increased, whichever is applicable.
- BC. For property used for residential purposes, the transportation fee shall be in the amount of two thousand nine hundred thirty-five dollars for each residential dwelling unit.

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- CD.** For property used for nonresidential purposes, the transportation fee shall be in the amount of four thousand three hundred eighty-five dollars for each acre of nonresidential property.
 - DE.** For property used for mixed-use purposes, the transportation fee shall be in the amount of four thousand three hundred eighty-five dollars for each acre of mixed-use property and, in addition thereto, a fee in the amount of \$2,935.00 for each residential dwelling unit.
 - EE.** For portions of the property which remain vacant or are not initially scheduled for development or redevelopment, the fee set forth in subsection 3.40.010(B) to (D) inclusive shall be determined at such time that a building permit is issued with respect to each such portion of the property.

3.40.020 Payment of the transportation fee.

- A. The transportation fee applicable to nonresidential, mixed-use and vacant property shall be paid at the time (i) an earth change permit is issued or (ii) a building permit is issued for each building or other structure to be constructed on the property, whichever occurs first.
- B. The transportation fee applicable to residential property shall be paid upon the issuance of a certificate of occupancy for each residential dwelling unit.

3.40.030 Other fees.

The transportation fee shall be in addition to all other fees and charges of the village, including, but not limited to, annexation fees, capital development fees, stormwater management fees, building fees, inspection fees, connection fees, tap-on fees, and sewer and water expansion fees, as established from time to time by the village.

3.40.040 Transportation fee adjustments.

The transportation fee shall be increased only through amendments to this chapter approved by the village board of trustees.

3.40.050 Disposition of revenue.

The revenue received by the village from the transportation fee shall be deposited into a segregated fund known as the "transportation contribution fund." The sums on deposit in said fund, from time to time, may be commingled with other village funds and invested by the treasurer of the village as provided by law. All interest received by the village on any investments of sums on deposit in the transportation contribution fund (less the cost, if any, of investment) shall be credited to said fund. All sums on deposit in the transportation contribution fund shall be used to plan, acquire land, design, engineer, construct or expand village road systems or other transportation related projects. Transportation related projects may include, but are not limited to, commuter rail or other mass transit facilities; airport; intersection improvements including traffic signals, traffic islands, and turn lanes; or bike paths. Such funds shall neither become part of the village's general revenue, nor be used to satisfy operational needs of the village.

3.40.060 Acceptance of donations in lieu of fees.

In lieu of the transportation fee otherwise payable under this chapter, the village may, at the discretion of the board of trustees, accept a donation of real or personal property or the installation of public transportation improvements which serve more than the development in question having a value equal to the transportation fee.

Chapter 14.34 STORMWATER EXPANSION FEE

14.34.010 Establishment of the new stormwater expansion fee.

There is hereby established a new stormwater expansion fee applicable to all new developments and redevelopments of property within the Village of Mundelein as follows:

- A. Property use types shall be determined according to the following definitions:
- (1) "Property used for residential purposes" shall mean a property containing one or more permanent buildings with one or more residential dwelling units used or intended for use exclusively for living quarters.
 - (2) "Property used for nonresidential purposes" shall mean a property which is unimproved or, if improved, contains one or more permanent buildings or other structures used or intended for use for a purpose other than living quarters.
 - (3) "Property used for mixed-use purposes" shall mean a property which contains one or more permanent buildings, a portion of which is used or intended for use as living quarters and a portion of which is used or intended for use for a purpose other than living quarters.
 - (4) "Residential dwelling unit" shall mean a building or portion thereof designed for occupancy as living quarters by one family or household which includes a permanently installed bathroom and kitchen facilities. For property used for single-family residential purposes, the stormwater expansion fee shall in the amount of one thousand six hundred eighty-five dollars for each residential dwelling unit.
- B. The Stormwater Expansion Fee established by this Chapter shall apply to all new development or redevelopment projects as described in Section A of this Chapter, whether or not a subdivision is required, with the following exceptions:
- (1). Government/public buildings, public schools, park district, library district, Lake County, or other public facilities.
 - (2). Alteration, remodeling, rehabilitation and/or reconstruction of, or additions to, any existing legal residential structure where no additional dwelling units are added and the use is not changed.
 - (3). Construction on previously platted infill single-family homes on single, buildable parcels of land.
 - (4). Alteration, remodeling, rehabilitation and/or reconstruction of any existing legal nonresidential structure(s) where either:
 - i. The gross floor area of the structure(s) is not increased.
 - ii. The gross floor area of the structure(s) is increased by no more than 50% of the area of the current structure(s) and the use is not changed from nonresidential to residential purposes.
 - (5). Development projects that are the subject of a development or annexation agreement entered into with the Village, but only where the agreement specifically states that said development shall be exempt from all or a portion of the fees herein.
 - (6). Reconstruction of a building or structure located on a property which was damaged or destroyed or demolished during the prior three-year period and no additional dwelling units are created, the gross floor area is not increased, and the use is not changed.
 - (7). Projects which do not meet the exemptions of items 1 through 6 above shall require payment at the rates required by this Chapter on a per dwelling basis or on an acreage basis as rounded up to the nearest quarter of an acre in area increased, whichever is applicable.
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- BC.** For property used for two-family residential purposes, the stormwater expansion fee shall be in the amount of one thousand six hundred eighty-five dollars for each residential dwelling unit.
 - CD.** For property used for townhome or row-home residential purposes, the stormwater expansion fee shall be in the amount of eight hundred sixty dollars for each residential dwelling unit.
 - DE.** For property used for multi-family residential purposes, the stormwater expansion fee shall be in the amount of five hundred nine dollars for each residential dwelling unit.
 - EF.** For property used for mixed-use purposes, the stormwater expansion fee shall be in the amount of two thousand five hundred twenty-five dollars for each acre of mixed use property and, in addition thereto, a fee is established for each residential dwelling unit as provided in subsections 14.34.010(B) to (E) inclusive.
 - FG.** For property used for nonresidential purposes, the stormwater expansion fee shall be in the amount of two thousand five hundred twenty-five dollars for each acre of nonresidential property.
 - GH.** For portions of the property which remain vacant or are not initially scheduled for development or redevelopment, the fee set forth in subsections 14.34.010(B) to (G) inclusive shall be determined at such time that a building permit is issued with respect to each such portion of the property.

14.34.020 Payment of the stormwater expansion fee.

- A. The stormwater expansion fee applicable to nonresidential, mixed-use and vacant property shall be paid at the time (i) an earth change permit is issued or (ii) a building permit is issued for each building or other structure to be constructed on the property, whichever occurs first.
- B. The stormwater expansion fee applicable to residential dwelling units shall be paid upon the issuance of a certificate of occupancy for each residential dwelling unit.

14.34.030 Other fees.

The stormwater expansion fee shall be in addition to all other fees and charges of the village, including, but not limited to, annexation fees, capital development fees, transportation fees, building fees, inspection fees, connection fees, tap-on fees, and sewer and water expansion fees, as established from time to time by the village.

14.34.040 Stormwater expansion fee adjustments.

The stormwater expansion fee shall be increased only through amendments to this chapter approved by the village board of trustees.

14.34.050 Disposition of revenue.

The revenue received by the village from stormwater expansion fees shall be deposited into a segregated fund known as the "stormwater expansion fee fund." The sums on deposit in said fund, from time to time, may be commingled with other village funds and invested by the treasurer of the village as provided by law. All interest received by the village on any investments of sums on deposit in the stormwater expansion fee fund (less the cost, if any, of investment) shall be credited to said fund. All sums on deposit in the stormwater expansion fee fund shall be used to design, engineer or construct village stormwater management improvements and facilities and to satisfy land acquisition costs for such improvements. Such funds shall neither become part of the village's general revenue, nor be used to satisfy operational needs of the village.

14.34.060 Acceptance of donations in lieu of fees.

In lieu of the stormwater expansion fee otherwise payable under this chapter, the village may, at the discretion of the board of trustees, accept a donation of real or personal property or the installation of stormwater management improvements or facilities which serve more than the development in question having a value equal to stormwater expansion fee.

14.34.070 Waiver.

The board of trustees may, in its discretion, waive the stormwater expansion fee with respect to any real estate used for public purposes which is owned by a school district, park district, library district, or other unit of local government.