

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) _____ X
Recommendations of Boards, Commissions & Committees (Green) _____
Other Business (Pink) _____

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: May 9, 2007 (B of T) Date: May 17, 2007

TITLE: Text Amendments to the Lombard Village Code - Driveway Openings

SUBMITTED BY: Department of Community Development: *WTL*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development submits for your consideration an ordinance amending Title 15, Chapter 150, Section 150.298(B) of the Lombard Village Code relative to street/driveway openings.

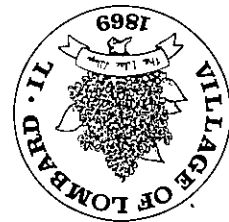
Please place this item on the May 17, 2007 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____
Finance Director X _____
Village Manager X *WTL* _____
Date _____
Date _____
Date *5/10/07* _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP
DAH

Assistant Village Manager/Director of Community Development

DATE: May 17, 2007

SUBJECT: Text Amendments: Section 150.298(B) of the Village Code – Driveway Openings

Attached is a proposed text amendment for Village Board consideration. The proposed amendment provides for reimbursement of traffic consultant fees associated with a review of permits associated with driveway openings.

Background:

Section 150.298(B) of the Building Code reads as follows:

§ 150.298 DRIVEWAY OPENINGS; PERMIT REQUIRED.

(B) In the event the use of the real estate for which permission to construct driveways has been granted shall change or be altered in any such way so as to substantially effect the use of the driveways and the effect of the said use on public health, welfare, or safety based on the usual and ordinary standards of traffic engineering and traffic safety, the Director of Public Works shall have the right to revoke the use of such driveways or to direct the alteration or change of the width or location of any such driveway or driveways. Any owner changing the character, kind, or intensity of use of the property for which driveways have been constructed shall submit a new application for a driveway permit upon the request of the Director of Public Works.

This section provides for Village review of driveway curb cuts when the associated adjacent land use changes in character, kind or intensity. However, the section does not provide for reimbursement of professional services costs associated with the requisite review of the driveway permit application. Staff notes that the Village incurred significant consultant fees in the review of a driveway permit plan in 2006.

Staff is proposing a text amendment that provides for the Village the ability to hire professional traffic consultants to assist staff in its review of any affected driveways. The amendment would also provide to require the owner/applicant to reimburse the Village for any traffic consultant fees incurred as part of the driveway permit review process.

Proposed Text Amendment
Staff recommends that the following paragraph be added to Section 150.298(B):

As part of the permit review, the Director of Public Works shall have the authority to hire professional traffic and/or engineering consultant(s) to facilitate the review of any submitted driveway permit plans. If in the event that the Director of Public Works determines that professional consultant services will be required as part of the driveway permit review process, the owner/applicant shall provide the Village with a \$1,000.00 deposit which will be used to pay for the consultant review. If the review does not expend the entire \$1,000.00 noted above, the owner/applicant shall be entitled to a reimbursement of the unspent amount. If the consultant fees exceed \$1,000.00, the additional amount shall be fully paid by the owner/applicant prior to issuance of any associated driveway permit plans.

Recommendation:
Staff recommends that this item be placed on the May 17, 2007 Board of Trustees agenda and the Board adopt the text amendment to Section 150.298(B).

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 15, CHAPTER 150,
SECTION 150.298(B) OF THE LOMBARD VILLAGE CODE RELATIVE TO
STREET/DRIVEWAY OPENINGS**

WHEREAS, the Village of Lombard maintains a Code of Ordinances, which is found in the Code of Lombard, Illinois; and,

WHEREAS, Title 15, Chapter 150 of the Code of Lombard, Illinois includes provisions regulating driveway curb cut provisions within the Village; and,

WHEREAS, Title 15, Chapter 150.298(B) of the Code of Lombard, Illinois reads as follows:

(B)

In the event the use of the real estate for which permission to construct driveways has been granted shall change or be altered in any such way so as to substantially effect the use of the driveways and the effect of the said use on public health, welfare, or safety based on the usual and ordinary standards of traffic engineering and traffic safety, the Director of Public Works shall have the right to revoke the use of such driveways or to direct the alteration or change of the width or location of any such driveway or driveways. Any owner changing the character, kind, or intensity of use of the property for which driveways have been constructed shall submit a new application for a driveway permit upon the request of the Director of Public Works; and

WHEREAS, the provisions set forth above requires the Village to undertake necessary traffic studies and/or analyses to determine if the driveway permit review meets requisite traffic safety standards; and

WHEREAS, the Village deems such studies necessary and appropriate and the reimbursement of costs incurred by the Village for associated consultant and/or engineering fees directly attributable to the processing of the driveway permit application to be reasonable; and

WHEREAS, the Board of Trustees deems it reasonable to periodically review said Code and make necessary changes pertaining to said Code.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 15, Chapter 150, Section 115.298(B) of the Lombard Village Code is hereby amended to read as follows:

§ 150.298 DRIVEWAY OPENINGS; PERMIT REQUIRED.

(B) In the event the use of the real estate for which permission to construct driveways has been granted shall change or be altered in any such way so as to substantially effect the use of the driveways and the effect of the said use on public health, welfare, or safety based on the usual and ordinary standards of traffic engineering and traffic safety, the Director of Public Works shall have the right to revoke the use of such driveways or to direct the alteration or change of the width or location of any such driveway or driveways. Any owner changing the character, kind, or intensity of use of the property for which driveways have been constructed shall submit a new application for a driveway permit upon the request of the Director of Public Works.

As part of the permit review, the Director of Public Works shall have the authority to hire professional traffic and/or engineering consultant(s) to facilitate the review of any submitted driveway permit plans. If in the event that the Director of Public Works determines that professional consultant services will be required as part of the driveway permit review process, the owner/applicant shall provide the Village with a \$1,000.00 deposit which will be used to pay for the consultant review. If the review does not exceed the entire \$1,000.00 noted above, the owner/applicant shall be entitled to a reimbursement of the unspent amount. If the consultant fees exceed \$1,000.00, the additional amount shall be fully paid by the owner/applicant prior to issuance of any associated driveway permit plans.

SECTION 2: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.

Passed on second reading this _____ day of _____, 2007.

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2007.

William J. Mueller, Village President

ATTEST:

Bridget O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2007.

Bridget O'Brien, Village Clerk