



MEMORANDUM

TO: Trustee Anthony Puccio, Chairperson
Economic and Community Development Committee

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

MEETING DATE: November 13, 2023

SUBJECT: **Lombard Downtown TIF District Termination (Text Amendments to Sections 36.30 through 36.74 of Village Code)**

The Lombard Downtown Tax Increment Financing (TIF) District was established in February, 1989 as an economic development tool to assist in the financing of numerous public and private projects within the designated Redevelopment Project Area. Originally established as a 16-year TIF District, the District time periods were extended through the end of 2023 (maximum period allowed) for the TIF District.

With the final year of the TIF concluding and consistent with the representations made to the ECDC in January, the Village needs to undertake a number of legal and administrative activities.

The first action being presented to the ECDC will be to amend Sections 36.30 through 36.74 (Articles IV through VII) of the Village Code, which sets forth the provisions of the various grant programs, including:

ARTICLE IV. - DOWNTOWN IMPROVEMENT AND RENOVATION GRANT PROGRAM
ARTICLE V. - DOWNTOWN RELOCATION GRANT PROGRAM
ARTICLE VI. - DOWNTOWN RESTAURANT FORGIVABLE LOAN PROGRAM
ARTICLE VII. - PUBLIC ART PROGRAM
ARTICLE VIII. - DOWNTOWN RETAIL BUSINESS GRANT PROGRAM

The aforementioned sections are proposed to be amended in the final contexts:

- Striking all references to the Downtown Lombard TIF District
- Clarifying the existing grant programs remain available for the St. Charles Road TIF 1 - West District
- Making all of the referenced grants available within the St. Charles Road TIF 2 - East District
- Instead of having some provisions within the Village Code and others within the companion grant policy, the Village Code would be amended to reference the Policy by name. As has been past practice, any Policy amendments would be brought before the ECDC for a recommendation and final approval would be made by the Village Board.

ACTION REQUESTED

This item is being placed on the November 13, 2023 ECDC meeting agenda for discussion purposes only. At the ECDC meeting, staff will be presenting this item as well as several other companion Policy amendments, an amendment to the Business Retention Economic Incentive Agreement and an introduction of a new Downtown Grant program. Staff will be seeking initial comment on each item, with a formal action being requested for consideration at the December 11, 2023 meeting.

ARTICLE IV. - DOWNTOWN TAX INCREMENT FINANCING IMPROVEMENT AND RENOVATION GRANT PROGRAM

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- § 36.30 - Definition.
- There shall be established in the Village a Downtown Tax Increment Financing (TIF) Improvement and Renovation Grant Program (the "Grant Program") which shall be administered by the Director of Community Development (the "Director") with approval from the Economic and Community Development Committee (ECDC) in accordance with the standards set forth in this Chapter.

The Grant Program shall be eligible to those properties located within the St. Charles Road TIF 1-West District or the St. Charles Road TIF 2-East District.

(Ord. No. 7993, § 1, passed 11-4-21)

- § 36.31 - Funding.
- Each year, commencing on the year of the establishment of the applicable TIF District in 1998 and continuing until the termination of the existence of the Tax Increment Financing District established by the vVillage in 1989 (the 'TIF District') pursuant to the Tax Increment Allocation Financing Act (the 'Act') or until sufficient funds obtained from the sale of bonds pursuant to the Act (the 'Bond Proceeds') or tax revenues accumulated pursuant to the Act that are available for such purposes ('Incremental Property Tax Revenues') are no longer available, the vVillage shall, pursuant to the approved vVillage bBudget, allocate a certain amount from the Bond Proceeds or available Incremental Property Tax Revenues to be expended in the form of matching, reimbursement grants to business and/or property owners who meet the eligibility standards for improving the facades of their buildings, as well as other eligible improvements in the TIF District. Grant considerations must follow the provisions set forth within the latest Village Board adopted version of the Improvement and Renovation Grant Program Policy. Funds shall be granted for amounts up to 50 percent of the improvement cost to a maximum per project to be established yearly, and based on the total Program funds available.

(Ord. 4159, passed 4/25/96, Ord 4509, passed 7/23/98)

~~• § 36.32 - Applications for grants.~~

~~• (A)~~

~~Any property owner or lessee of business or residential property who wishes to undertake façade improvements, improve signage, or improve existing parking to facilitate additional use of same for the village may apply for a matching, reimbursement grant under this Chapter by completing an application supplied by the Director provided that the principal structure located on the property is at least ten years old. Applications shall be eligible for acceptance if received by a date established by the Director and if they meet the following eligibility criteria:~~

~~(1) The building or property must be located within the limits of the TIF District.~~

~~(2) The applicant is either a commercial, office, residential or mixed-use building owner (excluding single-family residences) or a commercial, office, or residential tenant which has obtained consent of the building's owner to the project as evidenced by the building owner's signature on the application form.~~

~~(3) The cost of the project is at least \$500.00.~~

~~(4) The improvements involve certain exterior renovation and/or restoration projects as determined by the Economic and Community Development Committee and listed in the informational packet supplied with the application. General maintenance items are not eligible.~~

~~(B) Applications shall contain at least the following information: an estimate of the project costs, a detailed description of the project, a description of the building involved including ownership information, lease information, if applicable, names and addresses of the applicants, names and addresses of the architect and/or contractor involved and the estimated amount of the repair, renovation, and/or restoration.~~

~~(Ord. No. 7993, § 2, passed 11-4-21)~~

~~● § 36.33—Requirements for grant application approval.~~

~~● Recipients of grants shall be chosen from eligible applicants based on the characteristics of the project as described in the grant application and materials submitted therewith. The ECDC shall have the authority to approve grant applications, as provided for within Sections 36.30 to 36.36 of this Code, in an amount of less than \$10,000.00. The Board of Trustees has the authority to approve grant requests of \$10,000.00 or greater.~~

~~(Ord. 6725, passed 5-17-12; Ord. No. 7993, § 3, 11-4-21)~~

~~● § 36.34—Disbursement of grant funds.~~

~~● A minimum of three estimates must be submitted for the work to be performed. No grant funds shall be disbursed unless all building improvements are undertaken in compliance with all applicable provisions of the Village Code and until the village receives an affidavit from the grant recipient containing his or her sworn statement that he or she has paid 100 percent of the approved cost of the project. The village will then release the approved grant amount with proper documentation. Upon filing of such affidavit and receipts, the grant percentage of the amounts which will result in payment of no more than the originally approved grant amount shall be disbursed.~~

~~(Ord. No. 7993, § 4, passed 11-4-21)~~

~~● § 36.35—Restrictions.~~

~~• Current or future owners or lessees of buildings which have been improved through use of funds obtained through this Grant Program shall not alter the facade or substantially change the use of the building for three years after completion of the improvements without written approval from the Director.~~

~~• § 36.36 – Penalty.~~

~~• Any person, firm or corporation who or which shall violate § 36.35 of this Chapter shall be subject to a fine upon conviction thereof of not less than \$100.00 nor more than \$750.00, and each day such violation is permitted to continue shall constitute a separate offense.~~

~~(Ord. 4020, passed 5/18/95)~~

• ARTICLE V. - ~~DOWNTOWN~~ RELOCATION GRANT PROGRAM

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• § 36.40 - Definition.

• (A) Establishment: There shall be established ~~in the Village of Lombard~~ a ~~Downtown~~ Relocation Grant Program (the 'Relocation Program') which shall be administered by the Director of Community Development (the 'Director') in accordance with the standards set forth ~~in this Chapter within the latest Village Board adopted version of the Relocation Grant Policy and based on the total Program funds available.~~

(B) Purpose: The purpose of the Relocation Program is to provide for retention of business impacted by Redevelopment Agreements within the St. Charles Road TIF 1-West District or the St. Charles Road TIF 2-East District downtown tax increment financing district ('TIF District') adopted by the Village Board and future redevelopment of the affected property. This is intended to complement and support the ~~v~~Village's plans to maintain and/or enhance a-quality TIF Districts. The redevelopment of particular parcels of land and the retention of viable merchants is crucial to maintaining an economically strong TIF District area; a commercial area where the image, appearance and environment encourage the attraction of shoppers, business activity and permanent capital investment. The intention of this program is to provide financial resources to assist impacted business owners re-establish their business within the Village ~~of Lombard~~ and in an area which is appropriate to that use.

~~• § 36.41 – Eligibility.~~

~~• (A) Eligible Applicants: Eligible applicants for a Relocation Program Grant must own a commercial business that is located in a property in which a Village Redevelopment Agreement in the TIF District has been executed. Notwithstanding the foregoing, no owner of a commercial business located in a property in which a Village Redevelopment Agreement in the TIF District has been executed shall be eligible for a Relocation Program Grant if that owner currently holds title, or is the holder of a beneficial interest in a trust that holds title, to the property that is the subject of the Redevelopment Agreement, or was the titleholder, or holder of a beneficial interest in a trust that conveyed the property to the current title holder. Program eligibility may be limited based upon the individual Redevelopment Agreement for the affected property. The~~

~~Redevelopment Agreement terms and conditions shall supersede the terms of the Relocation Program.~~

~~(B) Eligible costs: Eligible costs may include: Rent differential for a like or similar location (square footage, quality, location, visibility) for either six months or the balance of the lease whichever is greater, moving costs (truck rental or professional mover), initiation and hook up of new utility services, set up costs of equipment, new equipment required by a governmental body, interior remodeling of new location, exterior signs, stationery and business cards, and other moving incidentals. Professional, legal, architectural and permit fees may be included in the relocation costs.~~

~~(C) Determination of eligibility: The Director shall determine whether applications and costs are eligible for consideration for a Relocation Program Grant.~~

~~• § 36.42 – Grant amounts.~~

~~• (A) Amount: Once approved, applications for the Relocation Program are eligible to receive grants as follows:~~

~~(1) For business utilizing under 1,000 square feet, 100 percent reimbursement for eligible costs of the first \$5,600.00. The Relocation Program provides for 60 percent reimbursement of eligible costs between \$5,601.00 and \$16,800.00.~~

~~(2) For business utilizing 1,000 square feet or more, 100 percent reimbursement for eligible costs of the first \$10,000.00. The Relocation Program provides for 60 percent reimbursement of eligible costs between \$10,001.00 and \$15,000.00.~~

~~(B) Approval: Grants under \$10,000.00 may be approved by the Director. Grants \$10,000.00 and over require approval of the Lombard Board of Trustees.~~

~~• § 36.43 – Conformance.~~

~~• All improvements must conform to all building and zoning codes of the Village of Lombard and to criteria developed for the Relocation Program. The business owner must comply with all local, state and federal ordinances, laws, rules and regulations.~~

~~• § 36.44 – Procedural requirements.~~

~~• (A) Procedures: An applicant must first meet with the Director for advice and technical assistance. A checklist is to be followed when applying for the Relocation Program. The applicant will submit a preapplication accompanied by any remodeling, signage or façade plans, including sample materials, color samples and detailed cost estimates of the eligible expenses. All plans must follow appropriate design guidelines and code requirements. Improvements made prior to the approval of the application and execution of an agreement may be ineligible. The business owner must complete the preapplication, and be prepared to comply with all federal, state and local regulations.~~

~~(B) Other programs: Participation in the Relocation Program does not limit additional participation in other programs such as the Downtown Improvement and Façade Program or the Village of Lombard Low Interest Loan Program.~~

(Ord. 4555, passed 11/5/98; Ord. 5378, passed 11/6/03)

• ~~ARTICLE VI. - DOWNTOWN RESTAURANT FORGIVABLE LOAN PROGRAM~~

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• ~~§ 36.50 - Establishment of program.~~

• ~~There shall be established in the Village of Lombard a Downtown Restaurant Forgivable Loan Program (the "Loan Program") which shall be administered by the Director of Community Development (the "Director") with approval from the Economic and Community Development Committee (ECDC) in accordance with the standards set forth in §§ 36.51 through 36.56 below.~~

• § 36.51 - Funding.

• Each fiscal year, ~~commencing with the 2005-2006 fiscal year~~ and continuing until the termination of the ~~Lombard Downtown TIF District and the Lombard St. Charles Road TIF District 1-West or 1 (West) St. Charles Road TIF District 2-East Districts~~ (the "Eligible TIF Districts") or until debt instrument proceeds or incremental revenues in relation to said Eligible TIF Districts (hereinafter collectively referred to as "TIF funds") are no longer available, the Village Board may, as part of the approved ~~v~~Village ~~b~~Budget, allocate a certain amount from the TIF funds to be expended in the form of forgivable loans to businesses and/or property owners who meet the eligibility standards for a storefront or office space renovation for use as a sit-down restaurant (as defined within Section 155.802 of Village Code) in the Eligible TIF Districts (the "Forgivable Loan"). Forgivable Loans may be granted pursuant to the latest Village Board adopted version of the Restaurant forgivable Loan Program Policy in amounts up to one-third of the improvement cost to a maximum per project to be established yearly, and based on the total applicable TIF funds available.

• ~~§ 36.52 - Applications for grants.~~

• ~~(A) Any property owner or business operator within the Eligible TIF Districts who wishes to undertake storefront or office space renovation for use as a restaurant (hereinafter the "Project") may apply for a Forgivable Loan by completing an application supplied by the Director. Applications shall be eligible for consideration provided that they meet the filing deadline established by the Director and provided the Project meets the following eligibility criteria:~~

~~(1) The building must be located within the limits of the Eligible TIF Districts;~~

~~(2) The applicant must be either a commercial, office, or mixed-use building owner or a commercial, office, or mix-use building tenant who has obtained the building owner's consent, relative to the Project and application for the Forgivable Loan, evidenced by the building owner's signature on the application form.~~

~~(3) The cost of the Project must be no less than \$500.00; and~~

~~(4) The Project must involve eligible improvements as determined by the Director and as set forth in the Downtown Restaurant Forgivable Loan Program Policy, dated March, 2005 and approved by the Village Board Ordinance No. 5641, adopted May 5, 2005. (hereinafter the "Policy")~~

~~(B) Applications shall contain such information as required by the Economic and Community Development Committee from time to time, including but not limited to, an estimate of the Project costs; a business plan for the proposed restaurant; a description of the building involved, including ownership information and market value, as well as lease information, if applicable; the names and addresses of the applicants; and the names and addresses of the architect and/or contractor being used in relation to the proposed Project.~~

~~• § 36.53 — Forgivable loan approval.~~

~~• Recipients of forgivable loans shall be chosen based on the characteristics of the Project, the potential benefit to the economic welfare of the eligible TIF Districts and the amount of TIF funds that are available. The detailed criteria for forgivable loan eligibility are established by, and set forth in the Policy, as amended from time to time by the Village Board.~~

~~• § 36.54 — Disbursement of forgivable loan funds.~~

~~• A minimum of three estimates must be submitted for the Project. No forgivable loan funds shall be disbursed unless all building improvements are undertaken in compliance with all applicable provisions of the Village Code and until the village receives an affidavit from the loan recipient containing his or her sworn statement that he or she has paid at least two-thirds of the approved cost of the Project. Original paid receipts from contractors amounting to at least two-thirds of the approved Project cost must be attached to the affidavit and no disbursement of forgivable loan funds shall be made until such receipts are received. Upon receipt of the approved affidavit and receipts, the village will release 50 percent of the approved forgivable loan fund, subject to proper documentation. No further disbursement shall be made thereafter until an affidavit containing a sworn statement that the approved Project is complete is received, together with attached paid receipts for the remaining approved Project costs. Upon filing of such affidavit and receipts, the balance of the forgivable loan funds shall be disbursed, and a lien shall be recorded against the property on which the Project was undertaken, in the amount of the forgivable loan.~~

~~• § 36.55 — Lien conditions.~~

~~• (A) Upon final payment of forgivable loan funds, lien shall be placed on the property on which the Project is to occur as a guarantee for the loan. Current or future owners or lessees of buildings which have been improved through use of funds obtained through this loan program shall not operate any business other than a restaurant, within the building area improved by the Project, for ten years after completion of the Project without written approval from the Director.~~

~~(B) The conditions associated with the lien on the property are as follows:~~

~~(1) One-tenth of the forgivable loan amount is forgiven for each full year after the recording of the lien that a restaurant is operated at the Project location.~~

~~(2) That at any time a business other than a restaurant operates at the Project location, the lien becomes permanent (no more amortized "forgiveness") and the village will record a document to this effect.~~

~~(3) In the event that any business other than a restaurant operates at the location of the Project, the balance of the loan must be immediately repaid by the recipient or the property owner.~~

~~(4) The release of the lien will be recorded by the village after ten years from the date the lien was recorded no business other than a restaurant has operated at the premises or after repayment of the remaining loan amount by the recipient or the property owner.~~

~~(C) Conditions associated with the lien may be waived in whole or in part by the Village Board upon a recommendation to do so from the Economic and Community Development Committee.~~

(Ord. 5640, passed 5/5/05)

~~•—ARTICLE VII. - PUBLIC ART PROGRAM~~

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~~•—§ 36.60 - Purpose.~~

~~•—There shall be established in the Village of Lombard a Downtown Public Art Program (hereinafter the "Program" ~~for purposes of §§ 36.60 through 36.63 of this Code~~) which shall be administered by the Director of Community Development with approval from the Economic and Community Development Committee (ECDC) in accordance with the latest Village Board adopted version of the Public Art Program Policy, and based on the total applicable TIF funds available. standards set forth in §§ 36.60 through 36.63 of this Code. The purpose of the Program is to increase the economic viability of ~~Downtown~~ Lombard by attracting visitors and, in turn, new businesses wanting to capture the market of those visitors. The Program will allow for the purchase of artwork to be placed on or adjacent to the public right-of-way. This Program is intended to complement and support the village's plans to maintain a-quality TIF DistrictsDowntown. The intention of the Program is to create a more viable and attractive area through this private/public partnership initiative.~~

~~•—§ 36.61—Definitions.~~

~~•—For the purpose of §§ 36.60 through 36.63 of this Code the following definitions shall apply unless the context clearly indicates or requires a different meaning:~~

~~Board means the President and Board of Trustees of the village.~~

~~Committee means the Economic and Community Development Committee.~~

~~Director means the Director of Community Development.~~

~~Eligible TIF districts means the Lombard Downtown TIF District and the Lombard St. Charles Road TIF 1 (West).~~

~~Program means the Downtown Public Art Program.~~

~~Public art collection means the entirety of works of art in public places that have been acquired by the Village of Lombard through the Program.~~

~~TIF funds means debt instrument proceeds or incremental revenues in relation to the Eligible TIF Districts.~~

~~Work(s) of art means any work of visual art, including but not limited to, a mural, fresco, sculpture, mosaic, works in clay, textile, fiber, wood, metal, plastic, glass, and like materials, or mixed media. For projects which involve no structure, "Work of Art" may include a combination of landscaping and landscape design (including some natural and manufactured materials such as rock, fountains, reflecting pools, sculpture, screens, benches, and other types of street furniture). Except as provided herein, the term "Work of Art" does not include environmental landscaping or ephemeral arts such as dance, voice, music or poetry unless expressed in a manner defined above.~~

~~• § 36.62 – Funding.~~

~~• (A)~~

~~Each fiscal year, commencing with the 2005–2006 fiscal year and continuing until the termination of the eligible TIF Districts or until TIF funds are no longer available, the Village Board may, as part of the approved village budget, allocate a certain amount from the TIF funds to be expended for the purchase of Works of Art to be placed on property owned by the village or property in relation to which the village has rights for use, in the eligible TIF districts.~~

~~(B)~~

~~Other funds—Public sector: Additional sources for funding the acquisitions of Works of Art may be identified, and additional funds solicited, from sources other than TIF funds. In this regard:~~

~~(1)~~

~~The Program may seek private or public donations of funds or other services including in-kind services or items necessary for the development of the Program.~~

~~(2)~~

~~The Economic and Community Development Committee shall make recommendations to the Village Board relative to pursuing, or accepting assistance/contributions from, said other sources of funds.~~

~~• § 36.63 – Applications to the program.~~

~~• Based on funding available, staff will bring proposals for the purchase of Works of Art to the Economic and Community Development Committee, who shall recommend purchases to the Village Board.~~

(Ord. 5644, passed 5/19/05)

• ARTICLE VIII. - ~~DOWNTOWN~~ RETAIL BUSINESS GRANT PROGRAM

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• § 36.70 - Establishment of program.

• There shall be established in the Village of Lombard a ~~Downtown~~ Retail Business Grant Program (the "Grant Program") which shall be administered by the Director of Community Development (the "Director") with approval from the Economic & Community Development Committee in accordance with the standards set forth in §§ 36.70 through 36.74 below.

• § 36.71 - Funding.

• Each fiscal year, ~~commencing with the 2005-2006 fiscal year and~~ continuing until the termination of the ~~Lombard Downtown TIF District and the Lombard St. Charles TIF 1 West District or the Lombard St. Charles TIF 2 East District~~ (the "Eligible TIF Districts") or until debt instrument proceeds or incremental revenues in relation to said Eligible TIF Districts (hereinafter collectively referred to as "TIF funds") are no longer available, the Village Board may, as part of the approved ~~v~~Village ~~b~~Budget, allocate a certain amount from the TIF funds to be expended in the form of grants to businesses and/or property owners who meet the eligibility standards for a business in the Eligible TIF Districts (the "Grant"). A Grant may be awarded in accordance with the latest Village Board adopted version of the Retail Business Grant Program Policy amounts up to one half of the improvement cost to a maximum per project to be established yearly, based on the total TIF funds available.

~~• § 36.72 – Applications for grants.~~

~~• (A) Any property owner or business operator within the eligible TIF Districts who wishes to start a new business or expand an existing business (hereinafter the "Project") may apply for a Grant by completing an application supplied by the Director. Applications shall be eligible for consideration provided that they meet the filing deadline established by the Director and provided the project meets the following eligibility criteria:~~

~~(1) The building must be located within the limits of the Eligible TIF Districts;~~

~~(2) The applicant must be either a commercial, office, or mixed-use building owner or a commercial, office, or mixed-use building tenant who has obtained the building owner's consent relative to the Project and application for the Grant evidenced by the building owner's signature on the application form; and~~

~~(3) The Project involves eligible improvements as determined by the Director of Community Development as set forth in the Downtown Retail Business Grant Program Policy dated January 11, 2011 and approved by the Village Board Ordinance No. 6752, adopted January 20, 2011 (hereinafter "the Policy").~~

~~(Ord. 6335, passed 5/21/09; Ord. 6572, passed 1/20/11)~~

~~• § 36.73 — Grant approval.~~

~~• Recipients of Grants shall be chosen based on the characteristics of the Project, the potential benefit to the economic welfare of the eligible TIF Districts and the amount of TIF funds that are available. The detailed criteria for Grant eligibility are established by and set forth in the Program Policy, as amended from time to time by the Village Board.~~

~~• § 36.74 — Disbursement of grant funds.~~

~~No Grant funds shall be disbursed unless all Project-related activities are undertaken in compliance with all applicable provisions of both the Program Policy and Village Code and until the village receives an affidavit from the Grant recipient containing his or her sworn statement that he or she has paid the approved cost of the Project. Original paid receipts must be attached to the affidavit. Upon receipt of the approved affidavit and receipts, the village will release Grant funds in accordance with the Program Policy, subject to proper documentation.~~

~~(Ord. 5737, passed 10-6-05; Ord. 6335, passed 5/21/09; Ord. 6572, passed 1/20/11)~~