

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


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

**TO :** PRESIDENT AND BOARD OF TRUSTEES

**FROM:** Scott R. Niehaus, Village Manager

**DATE :** June 8, 2020     **(BOT) Date:** June 18, 2020

**SUBJECT:** PC 20-17, Text Amendments to the Zoning Ordinance – Timelines to Complete Construction

**SUBMITTED BY:** William J. Heniff, AICP, Director of Community Development 

**BACKGROUND/POLICY IMPLICATIONS:**

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, requests text amendments to Sections 155.103, 155.203 and 155.601 of the Lombard Code of Ordinances, and any other relevant sections for clarity. The amendment removes the completion time from the Zoning Ordinance, as such provisions are established in the Building Code.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the June 18, 2020 Board of Trustees agenda with a waiver of first reading requested by staff.

**Fiscal Impact/Funding Source:**

Review (as necessary):

Finance Director \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager \_\_\_\_\_ Date \_\_\_\_\_

**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:** Scott R. Niehaus, Village Manager

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

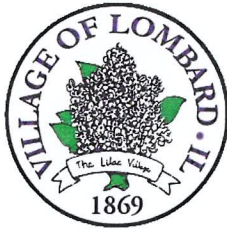
**MEETING DATE:** June 18, 2020

**SUBJECT:** **PC 20-17; Text Amendment to the Zoning Ordinance, Construction Timelines**

Please find the following items for Village Board consideration as part of the June 18, 2020 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 20-17; and
3. An Ordinance granting approval of a zoning text amendment to Sections 155.103, 155.203 and 155.601 of the Lombard Code of Ordinances.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the June 18, 2020 Board of Trustees agenda with a waiver of first reading requested by staff.



## VILLAGE OF LOMBARD

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Lombard, Illinois 60148-3926  
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June 18, 2020

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Sharon Kuderna

**Trustees**  
Dan Whittington, Dist. 1  
Anthony Puccio, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Andrew Honig, Dist. 4  
Daniel Militello, Dist. 5  
William "Bill" Ware, Dist. 6

**Village Manager**  
Scott R. Niehaus

*"Our shared **Vision** for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."*

*"The **Mission** of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."*

Mr. Keith T. Giagnorio,  
Village President, and  
Board of Trustees  
Village of Lombard

### **Subject: PC 20-17, Text Amendment to the Zoning Ordinance – Construction Timelines**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, requests text amendments to Sections 155.103, 155.203 and 155.601 of the Lombard Code of Ordinances, and any other relevant sections for clarity.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on May 18, 2020. Sworn in to present the petition was Anna Papke, Senior Planner (remotely).

Pursuant to Governor Pritzker's Executive Order No. 2020-07 which suspends the requirement of the Illinois Open Meetings Act requiring in-person attendance by members of a public body during the duration of the Gubernatorial Disaster Proclamation, multiple members of the Plan Commission participated in the meeting through a virtual meeting platform.

Vice-Chair Flint read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine and, hearing none, he proceeded with the petition.

Vice-Chair Flint asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, he asked for the staff report.

Ms. Papke presented the staff report, which was submitted to the public record in its entirety. The Village is requesting text amendments to three sections within Chapter 155 to remove 18-month construction deadlines from this portion of Village Code. Currently, Chapter 155 requires construction on conditional uses to be completed within 18 months of receiving zoning entitlements. Projects that receive conditional use approval and are not completed within 18 months are at risk of losing entitlements. Many larger projects within the village obtain zoning entitlements as planned developments, which are conditional uses.

Construction on these projects can easily stretch more than 18 months beyond approval of zoning entitlements, and may occur in a phased approach over several years. In practice the Village recognizes that many larger conditional use projects will take longer than 18 months after receiving entitlements to complete construction. The proposed text amendment will bring Chapter 155 into alignment with the Village's past practices.

The Village also proposes to amend two sections in Chapter 155 that relate to building permits issued prior to the effective date of Chapter 155. The construction timelines in these sections present similar concerns as those related to construction timelines for conditional uses. Staff also notes that construction timelines for projects that have received permits are thoroughly addressed in the Building Code, Section 150.142. This section was comprehensively amended in 2019. The proposed changes for Chapter 155 are intended to remove inconsistencies and redundancies between these two chapters.

Vice-Chair Flint asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

On a motion by Commissioner Burke, and a second by Commissioner Giuliano, the Plan Commission voted 6-0 to recommend that the Village Board approve the petition associated with PC 20-17.

Respectfully,

**VILLAGE OF LOMBARD**

Steve Flint, Vice-Chairperson  
Lombard Plan Commission

c. Lombard Plan Commission

# PLAN COMMISSION

## INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

### TEXT AMENDMENTS TO THE ZONING ORDINANCE – CONSTRUCTION TIMELINES

May 18, 2020

**Title**

PC 20-17

**Petitioner**

Village of Lombard

**Property Location**

Village-wide

**Approval Sought**

The petitioner, the Village of Lombard, is requesting a text amendment to Sections 155.103, 155.203 and 155.601 of the Lombard Code of Ordinances, and any other relevant sections for clarity.

**Prepared By**

Anna Papke, AICP  
Senior Planner

**DESCRIPTION**

The petitioner, the Village of Lombard, is requesting text amendments to Sections 155.103, 155.203 and 155.601 of the Lombard Code of Ordinances, and any other relevant sections for clarity.

**INTER-DEPARTMENTAL REVIEW****Building Division:**

The Building Division has no comments regarding the proposed text amendments to the Zoning Ordinance.

**Fire Department:**

The Fire Department has no comments regarding the proposed text amendments to the Zoning Ordinance.

**Private Engineering Services:**

Private Engineering Services has no comments regarding the proposed text amendments to the Zoning Ordinance.

**Public Works:**

The Department of Public Works has no comments regarding the proposed amendments to the Zoning Ordinance.

**Planning Services Division:**

The Village proposes to amend the text in three sections of Chapter 155 of the Village Code where it currently requires construction to be completed within an 18-month timeframe. The amendments, as discussed below, will provide for clarity as well as consistency with timeline construction requirements elsewhere in the Village Code.

***Section 155.103(F)(11)(a)***

The proposed amendment will remove from Section 155.103 the requirement that construction be complete within 18 months of approval of a conditional use. As 155.103(F)(11)(a) is currently written, an approved conditional use that has not completed construction within 18 months of receiving zoning entitlements from the Village Board would lose those entitlements.

This provision sets up the possibility of a scenario in which construction on a major project would need to be halted while the petitioner re-applied for zoning entitlements, a process that takes 60-90 days at minimum. Many larger projects within the Village obtain zoning entitlements as planned developments, which are conditional uses. Construction on these projects can easily stretch more than 18 months beyond approval of the zoning entitlements, as petitioners must go through the building permitting process and work out timing considerations related to financing, weather conditions and availability of labor and materials. Additionally, many larger planned developments are approved with the understanding that construction will be phased over a number of years. Recent examples include Fountain Square, Highlands of Lombard, and Yorktown Commons.

In light of these considerations, staff believes the 18-month construction timeline currently in place for conditional uses is neither practical nor necessary. The proposed amendment will provide clarity regarding the expectation for completion of construction on conditional uses and will bring Chapter 155 into alignment with the Village's past practice. Should the Village deem it necessary to set construction timelines for future projects that require conditional use approval, this could be done within the approval ordinances associated with specific petitions. Note that the requirement for construction to *commence* within a one year after Village approval of a conditional use shall remain in place.

***Sections 155.203(F) and 155.601(A)(1)***

Both of these sections relate to building permits issued prior to the effective date of Chapter 155. Each provides for construction on such permits to continue so long as construction has commenced within six months of permit issuance and is completed within 18 months. If strictly enforced, these requirements could require developers to halt work on active projects in order to redraw plans to address amendments made to Chapter 155 after the permits were issued.

The same issues related to the practicality of completing large-scale projects on an 18-month timeframe that were discussed above apply here. Similarly, the Village's practice over the years has been to allow construction on permitted projects to continue so long as an active building permit remains in place, regardless of text amendments that may be adopted after the permit is issued. The proposed amendments will bring Chapter 155 into conformance with this practice.

Further, staff notes that issues of construction completion and timing for projects that have already received building permits are more properly addressed by the Building Code in Chapter 150 of Village Code. Section 150.142, Time limits for permits, provides extensive provisions for expiration and extension of approved building permits. Section 150.142 was amended comprehensively by the Board of Building Appeals and the Village Board in 2019, and the amendments now proposed for Chapter 155 are intended to remove inconsistencies or redundancies between the two chapters. The staff report and revisions to Section 150.142 are attached for reference at the end of this report.

## **EXISTING & PROPOSED REGULATIONS**

Staff proposes the following text amendments. Additions are denoted by **bold and underline**. Deletions are denoted by a ~~strike through~~.

### Chapter 155

#### ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

##### § 155.103 Procedures for administrative functions.

###### (F) *Conditional Uses.*

###### (11) Revocation.

- (a) In any case where the construction of an approved conditional use is not substantially underway within one year from the date of granting thereof, ~~and completed within 18 months thereof~~, then, without further action by the Village Board, the conditional use or authorization thereof shall be null and void.

#### ARTICLE III. - GENERAL PROVISIONS

##### § 155.203 - Transitional rules.

- (F) *Previously issued building permits.* When a building permit for a building or structure has been lawfully issued prior to the effective date of this Chapter, and when construction has begun within six months of the issuance of such permit and is being diligently pursued to completion, ~~(completion to be accomplished within 18 months of the adoption of this Chapter)~~, the building or structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under a certificate of occupancy for the use originally intended, subject to the provisions of Article IV, nonconforming buildings, structures, and uses.

#### ARTICLE X. - OFF-STREET PARKING AND LOADING REQUIREMENTS

##### § 155.601 - Scope and application.

###### (A) *Scope of regulations.*

- (1) For all buildings and structures erected and all uses of land, accessory parking and loading facilities shall be provided as required below. However, where a building permit has been issued prior to the effective date of this Chapter and provided that construction is begun within six months of such effective date and diligently executed to completion ~~(completion to be accomplished within 18 months of the effective date of this Chapter)~~, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this Chapter.

## **STANDARDS FOR TEXT AMENDMENTS**

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards are noted below:

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*  
The text amendments are generally applicable to all properties and proposed developments in the Village.
2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*

The proposed text amendments are consistent with the objectives of the Zoning Ordinance.

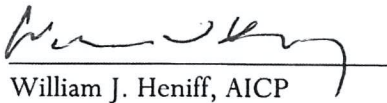
3. *The degree to which the proposed amendment would create nonconformity;*  
Staff does not believe any nonconformity would be created.
4. *The degree to which the proposed amendment would make this ordinance more permissive;*  
The proposed amendments will clarify the existing regulations.
5. *The consistency of the proposed amendment with the Comprehensive Plan; and*  
Staff finds that the proposed amendments would be consistent with the Comprehensive Plan.
6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*  
The Village has a history of amending the Zoning Ordinance to address edits for clarity. The proposed amendments are consistent with established Village policy in this regard.

#### **FINDING & RECOMMENDATIONS**

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the requested text amendments **comply** with the standards required by the Village of Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 20-17.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP  
Director of Community Development

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ORDINANCE \_\_\_\_\_

AN ORDINANCE APPROVING A TEXT AMENDMENT  
TO THE LOMBARD ZONING ORDINANCE  
TITLE 15, CHAPTER 155  
OF THE LOMBARD VILLAGE CODE

PC 20-17: Text Amendments to the Zoning Ordinance: Construction Timelines

WHEREAS, the Village of Lombard maintains a Zoning Ordinance which is found in Title 15, Chapter 155 of the Lombard Code; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Zoning Ordinance and make necessary changes; and,

WHEREAS, a public hearing to consider text amendments to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on May 18, 2020, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the text amendments described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

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 155 of the Lombard Code shall be amended as follows:

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

§ 155.103 Procedures for administrative functions.

(F) *Conditional Uses*

(11) Revocation.

- (a) In any case where the construction of an approved conditional use is not substantially underway within one year from the date of granting thereof, ~~and completed within 18 months thereof,~~ then, without further action by the Village Board, the conditional use or authorization thereof shall be null and void.

ARTICLE III. - GENERAL PROVISIONS

§ 155.203 - Transitional rules.

(F) *Previously issued building permits.* When a building permit for a building or structure has been lawfully issued prior to the effective date of this Chapter, and when construction has begun within six months of the issuance of such permit and is being diligently pursued to completion, ~~(completion to be accomplished within 18 months of the adoption of this Chapter)~~, the building or structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under a certificate of occupancy for the use originally intended, subject to the provisions of Article IV, nonconforming buildings, structures, and uses.

ARTICLE X. - OFF-STREET PARKING AND LOADING REQUIREMENTS

§ 155.601 - Scope and application.

(A) *Scope of regulations.*

(1) For all buildings and structures erected and all uses of land, accessory parking and loading facilities shall be provided as required below. However, where a building permit has been issued prior to the effective date of this Chapter and provided that construction is begun within six months of such effective date and diligently executed to completion ~~(completion to be accomplished within 18 months of the effective date of this Chapter)~~, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this Chapter.

**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 \_\_\_\_\_, 2020.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2020.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2020.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

Ordinance No. \_\_\_\_\_

Re: PC 20-17

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\_\_\_\_\_  
Keith T. Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk