

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


Resolution or Ordinance (Blue) 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 : November 12, 2019 **(BOT) Date:** November 21, 2019

SUBJECT: Text Amendments to Section 150.142 of Village Code: Time Limits for Building Permits

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

BACKGROUND/POLICY IMPLICATIONS:

The Board of Building Appeals (BOBA) undertook a review of the provisions of Section 150.142 of the Village Code as it pertains to time limits for building permits. This review was undertaken to address past issues pertaining to permits that were nearing expiration but were still in the construction process. Through this review and as noted within the attached staff report, a series of amendments are offered which reflect past policies and provides clarity to entities that are proceeding, but not completed, construction projects.

Please place this item on the November 21, 2019 Village Board agenda. BOBA unanimously approval of the Code amendments relative to Chapter 150.142 as it pertains to building permit time limits.

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

MEETING DATE: November 21, 2019

SUBJECT: **Text Amendments to Section 150.142 of Village Code: Time Limits for Building Permits**

The Board of Building Appeals (BOBA) undertook a review of the provisions of Section 150.142 of the Village Code as it pertains to time limits for building permits. This review was undertaken to address past issues pertaining to permits that were nearing expiration but were still in the construction process. Through this review and as noted within the attached staff report, a series of amendments are offered which reflect past policies and provides clarity to entities that are proceeding, but not completed, construction projects.

For reference purposes, the redlined version of the proposed amendments is included within the BOBA memorandum as well as the draft ordinance.

ACTION REQUESTED

Please place this item on the November 21, 2019 Village Board agenda. BOBA unanimously approval of the Code amendments relative to Chapter 150.142 as it pertains to building permit time limits.



MEMORANDUM

TO: Board of Building Appeals (BOBA) Members

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

MEETING DATE: August 7, 2019

SUBJECT: **Text Amendments to Section 150.142 of the Village Code – Building Permit Time Limits**

Over the past few years, The Village has had several instances in which various building permits have been issued for private development projects which for varying reasons have exceeded the time limits established within Village Code. In these cases, existing code provides for the ability of staff to issue time extensions. If these extension periods are exceeded permits can be renewed through paying a portion of the overall permit fee. In other cases, projects proceeded at such a slow pace that the code enforcement issues needed to be pursued and permits needed to be reissued in their entirety.

In the application of these regulations, staff found a number of discrepancies, inconsistencies and other policy matters set forth within Section 150.142 of the Village Code. Attached for discussion and consideration are a number of edits proposed by staff (see attached Exhibit A) and based upon both internal and external concerns. The amendments are intended to memorialize past practices or otherwise offer additional clarity relative to such permits.

ACTION REQUESTED

Staff is placing this matter on the August 7, 2019 BOBA agenda for review and consideration of amendments to Section 150.142 as it pertains to Time Limits for Building Permits.

- (4) The extension fee may be waived at the discretion of the Community Development Director or his/her designee, if the delay was caused by an act of nature, labor strike, casualty accident or other event beyond the control of the applicant or the owner.
- (E) For all commercial, industrial, institutional and multiple-family construction permits for buildings of less than 1000,000 square feet of gross floor area or less, a permit once issued shall be valid for 12 months. ~~For construction projects greater than 100,000 square feet but less than 200,000 square feet, a permit once issued shall be valid for 18 months.~~ For construction projects greater than 2100,000 square feet of gross floor area, a permit shall be valid for 24 months. The Community Development Director or his/her designee may grant two extensions of up to six months each, provided that ten percent of the original ~~building~~-permit fee, has been paid. Any additional plan review fee or associated fee shall be charged according to the ~~building~~-permit fee schedule and will be in addition to the ten percent renewal fee charge. If the three-year deadline to complete work has been exceeded and the work has received valid past inspections, full current permit fees are due upon renewal for all remaining work to be undertaken as part of the project.
- (F) Any building permit which is duly issued by the village, pursuant to § 150.140, shall automatically become invalid if the work which is the subject of the permit is not commenced within 6180 days of the date the permit was issued. After the permit is issued, it shall be the obligation of the applicant to take reasonable and appropriate action so that the work, which is the subject of the permit, is commenced and completed in a diligent manner. ~~The permit shall become invalid if no work is conducted on the construction site for 50 or more working days during any given 60 working day period.~~ The occurrence of the event described above involving the immediate preceding delay, the permit shall automatically become invalid unless the unpermitted delay is caused by an act of nature, labor strike, casualty or accident. In the event of such an act of nature, labor strike, casualty or accident which results in such an unpermitted delay, the applicant shall promptly notify the Community Development Director or his/her designee in writing, describing in reasonable detail the circumstances of the unpermitted delay. For the purpose of this section the definition of the word "work" shall be held to mean, "labor performed for the number of hours that the construction industry accepts as constituting a work day."
- (G) Any permit that has become invalid will require a new ~~building~~-permit application to be completed and submitted to the Community Development Department Building Division. The applicant or the owner shall be required to pay ~~100 percent of the administration fees, as well as~~ 50 percent of all building fees, if the application is made within six months of the permit becoming invalid. After six months of the permit becoming invalid, a new building permit will be required. The new permit shall be reviewed with respect to all ~~building and fire~~-codes that are ~~currently~~-enforced by the village, as of the date of the new permit being applied for. ~~Permit fee calculations shall be charged at 100 percent of the fees that were in effect at the time of the original review.~~
- (H) Any permitted work that is not completed by the permit expiration date(s), including extensions, shall be maintained in a safe condition. Any unsafe conditions that may exist, as determined by the Community Development Director or his/her designee, shall be immediately made safe or remove the dangerous structure or portion thereof, as determined at the discretion of the Community Development Director or his/her designee, and a contractor selected by the Community Development Director or his/her designee, shall make the structure, the site or portion thereof safe, at the owner's expense. All costs associated with making the structure, the site or portion thereof safe, including but not limited to legal fees, staff hours, and any contractual work, shall be the responsibility of the owner. If all costs associated with making the structure, the site or portion thereof safe are not paid within 30 days of receipt of invoice from the village, a lien shall be placed upon the property.
- (I) Any permitted construction that has been idle for a period of six months after permit issuance is invalid and the applicant or the owner shall be held in violation of village ordinance and will be

ORDINANCE _____

**AN ORDINANCE AMENDING TITLE XV, CHAPTER 150, SECTION 150.142
OF THE LOMBARD VILLAGE CODE**

(Building Permit Time Limits)

WHEREAS, the Lombard Board of Building Appeals met on November 6, 2019, to consider the Village Code amendments pertaining to time limits associated with building permits as set forth below; and,

WHEREAS, the Lombard Board of Building Appeals has also filed their recommendations with the President and Village Board of Trustees, recommending approval of the Village Code amendments set forth below;

WHEREAS, the President and Board of Trustees approve and adopt the recommendations of the Lombard Board of Building Appeals as 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 XV, Chapter 150, Section 150.142 (A) through (I) of the Lombard Village Code is hereby amended to read in its entirety as follows:

§ 150.142 - Time limit for permits.

(A) An applicant or property owner must take possession of a permit within 30 days after notification that a permit has been approved. The date of notification for the purpose of this section shall be the date on which a telephone call or electronic correspondence is made informing the applicant or owner that their permit was approved. If an applicant or owner does not take possession of a permit within 30 days from the date the permit was approved by the Village, then the permit shall have lapsed and the application for that permit shall be considered to be withdrawn. However, any permits that are withdrawn as a result of this subsection shall still be subject to the permit fee payment provisions of Section 150.141(K).

(B) A single-family residential permit may be cancelled by the applicant or the owner, if work has not begun. The applicant or the owner must request cancellation of the permit, in written form, to the Director of Community Development or his/her designee. The plan review fee shall be retained by the Village. Any fees associated with water and sewer connections, water meters, construction bonds or miscellaneous bonds shall be refunded at 100 percent to the applicant or the owner. The remainder of the single-family residential building permit fees shall be refunded to the applicant or the owner as follows:

(1) Permits cancelled less than 30 calendar days after issuance will be refunded at 100 percent minus the review fee and the administrative fee.

(2) Permits cancelled less than 180 calendar days after issuance will be refunded at 50 percent.

(3) Permits cancelled less than 365 calendar days after issuance will be refunded at 25 percent.

(C) All other building permits may be cancelled by the applicant or by the owner within 180 calendar days of issuance, in written form, to the Community Development Director or his/her designee. The plan review fee shall be retained by the Village. Any fees associated with water and/or sewer connections, water meters, construction bonds, and miscellaneous bonds shall be refunded at 100 percent to the applicant or the owner. The remainder of the building permit fees shall be refunded to the applicant or the owner at 50 percent of the applicable fees, if the request is made in written form within 180 calendar days of the date of issuance.

(D) A permit, once issued, shall be valid for a period of one year for all single-family residential construction. The Community Development Director or his/her designee may grant two extensions of time for additional periods not to exceed six months each, provided a fee of 25 percent of the original cost of the permit shall be charged at the time each extension is granted. Where, under authority of a permit or extended permit work has been started, and has been abandoned for a continuous period of 12 months, all rights under such permit shall thereupon terminate. The extension fee may be waived at the discretion of the Community Development Director or his/her designee, if the delay was caused by an act of nature, labor strike, casualty accident or other event beyond the control of the applicant or the owner.

(E) For all commercial, industrial, institutional and multiple-family construction permits for buildings of 100,000 square feet of gross floor area or less, a permit once issued shall be valid for 12 months. For construction projects greater than 100,000 square feet of gross floor area, a permit shall be valid for 24 months. The Community Development Director or his/her designee may grant two extensions of up to six months each, provided that ten percent of the original permit fee, has been paid. Any additional plan review fee or associated fee shall be charged according to the permit fee schedule and will be in addition to the ten percent renewal fee charge. If the three-year deadline to complete work has been exceeded and the work has received valid past inspections, full current permit fees are due upon renewal for all remaining work to be undertaken as part of the project.

(F) Any building permit which is duly issued by the village, pursuant to §150.140, shall automatically become invalid if the work which is the subject of the permit is not commenced within 180 days of the date the permit was issued. After the permit is issued, it shall be the obligation of the applicant to take reasonable and appropriate action so that the work, which is the subject of the permit, is commenced and completed in a diligent manner. The occurrence of the event described above involving the immediate preceding delay, the permit shall automatically become invalid unless the unpermitted delay is caused by an act of nature, labor strike, casualty or accident. In the event of such an act of nature, labor strike, casualty or accident which results in such an unpermitted delay, the applicant shall promptly notify the Community Development Director or his/her designee in writing, describing in reasonable detail the circumstances of the unpermitted delay. For the purpose of this section the definition of the word "work" shall be held

to mean, "labor performed for the number of hours that the construction industry accepts as constituting a work day."

(G) Any permit that has become invalid will require a new permit application to be completed and submitted to the Community Development Department. The applicant or the owner shall be required to pay fifty (50) percent of all building fees, if the application is made within six months of the permit becoming invalid. After six months of the permit becoming invalid, a new building permit will be required. The new permit shall be reviewed with respect to all codes that are enforced by the village, as of the date of the new permit being applied for.

(H) Any permitted work that is not completed by the permit expiration date(s), including extensions, shall be maintained in a safe condition. Any unsafe conditions that may exist, as determined by the Community Development Director or his/her designee, shall be immediately made safe or remove the dangerous structure or portion thereof, as determined at the discretion of the Community Development Director or his/her designee, and a contractor selected by the Community Development Director or his/her designee, shall make the structure, the site or portion thereof safe, at the owner's expense. All costs associated with making the structure, the site or portion thereof safe, including but not limited to legal fees, staff hours, and any contractual work, shall be the responsibility of the owner. If all costs associated with making the structure, the site or portion thereof safe are not paid within 30 days of receipt of invoice from the Village, a lien shall be placed upon the property.

(I) Any permitted construction that has been idle for a period of six months after permit issuance is invalid and the applicant or the owner shall be held in violation of Village ordinance and will be subject to being ticketed. The applicant or the owner of the property may be subject to fines of up to \$750.00 per day, for each day the property is found in violation of Village ordinance.

(Ord. 2561, passed 10-28-82; Ord. 5481, passed 5/6/04; Ord. 5914, passed 9/7/06)

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

Passed on first reading this ____ day of _____, 2019.

First reading waived by action of the Board of Trustees this ____ day of _____, 2019.

Passed on second reading this ____ day of _____, 2019, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Ordinance No. _____

Re: Amendments to Chapter 150.142 – Building Permit Time Limits

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Absent: _____

Approved by me this _____ day of _____, 2019.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet from this _____ day of _____, 2019.

Sharon Kuderna, Village Clerk