

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM
UPON DEVELOPMENT WITHIN THE ROOSEVELT ROAD CORRIDOR
AND AMENDING TITLE 15 OF THE
LOMBARD VILLAGE CODE IN RELATION THERETO**

WHEREAS, the Village's Community Development Department is presently in the process of studying the future of development/redevelopment within the Roosevelt Road Corridor within the Village, said Roosevelt Road Corridor being described in Exhibit A attached hereto and made part hereof; and

WHEREAS, it is in the best interests of the Village to protect the welfare of its residents by taking measures to assure the proper, necessary and appropriate development/redevelopment of the Roosevelt Road Corridor; and

WHEREAS, it necessary and desirable, and in the best interests of the residents of the Village, that a comprehensive review of the standards for development/redevelopment within the Roosevelt Road Corridor be conducted by the Village's Community Development Department and that, as a result thereof, appropriate action be taken by the President and Board of Trustees and, if necessary, amendments be made to the Village's Zoning, Sign, Building, and Subdivision and Development Codes; and

WHEREAS, the development/redevelopment of property within the Roosevelt Road Corridor, as it now exists under the Village's current development/redevelopment standards, would not fully promote the general welfare of the Village and would be, in part, inconsistent with the public health, safety, morals and welfare of the Village; and

WHEREAS, a moratorium on certain development approvals, as provided herein, within the Roosevelt Road Corridor, for a period of nine (9) months from the adoption of this Ordinance, is necessary for the protection of the public health, safety and general welfare of the residents of the Village; and

WHEREAS, in light of the impact of this Ordinance upon certain provisions of the Village's Zoning Code, the Plan Commission held a public hearing, pursuant to proper notice, on December 18, 2006, in regard to the moratorium provided for below, and did recommend approval of said moratorium;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: Recitals. The foregoing recitals are incorporated into this Ordinance as findings of the President and Board of Trustees.

SECTION 2: Temporary Moratorium.

- A. Start Date. Beginning on January 5, 2007, at 12:01 a.m., no applications for the following development/redevelopment activity shall be accepted or processed by the Village, and no permit or approval shall be granted authorizing any such development/redevelopment activities, within the Roosevelt Road Corridor:
1. Any construction of a new principal building;
 2. Any construction of an addition, to an existing principal or accessory building, of more than 500 square feet in size;
 3. Any new freestanding signs;
 4. Any change in the type of commercial use occupying an existing commercial space of 5,000 or more square feet of gross floor area. For purposes of determining a change in the type of commercial use, the following four (4) categories of commercial uses shall be used:
 - (i) retail only;
 - (ii) service only;
 - (iii) non-motor vehicle sales retail/service combined; and
 - (iv) motor vehicle sales retail/service combined.
- B. Limited Time Period. The Temporary Moratorium, unless sooner terminated by ordinance duly adopted by the President and Board of Trustees without further notice or hearing, shall remain in full force and effect for a period of nine (9) months and shall terminate at 12:01 a.m. on October 5, 2007.
- C. Exemptions.
1. Projects for which a formal application has been made to the Village prior to the establishment of the Temporary Moratorium shall be exempt from the Temporary Moratorium provisions, provided the applicant continues with the application and approval process as provided for by the provisions of the Village Code. A formal application shall be deemed made relative to a project if all documents as required by the Village Code relative to said application have been submitted.

2. Projects approved by the Village prior to the establishment of the Temporary Moratorium shall be exempt from the Temporary Moratorium provisions, provided that construction begins on the project within one (1) year of the date of approval by the Village. Approval shall be deemed to have been given if:
 - (i) the Village Board has adopted the necessary Ordinance(s) approving the project, if an Ordinance(s) is required; or
 - (ii) Village staff has issued the permits giving the final approvals relative to said project, if no Ordinance(s) is/are required.
 3. Temporary signs and panel face changes shall be exempt from the Temporary Moratorium provisions.
- D. Variation. A variation from the requirements of the Temporary Moratorium may be petitioned for, with said variation request being heard by the Plan Commission and subject to the requirements for variations as set forth in Chapter 155 of the Village Code. In regard thereto, the Plan Commission may hear a request for any additional relief needed by the petitioner, should the variation be granted, at the same time as the variation request is heard. The Plan Commission shall, as is the case with all variation requests heard by the Plan Commission, make a recommendation to the President and Board of Trustees, with the President and Board of Trustees having final decision making authority relative to any such variation request.

SECTION 3: Community Development Department Review. During the Temporary Moratorium period, the Village's Community Development Department shall engage in a process to review the following issues:

- A. Whether a new zoning district classification should be created for the Roosevelt Road Corridor or whether an overlay district should be established;
- B. The permitted and conditional uses that are/should be allowed within the Roosevelt Road Corridor; and
- C. The bulk regulations, signage and landscaping criteria that are/should be applicable within the Roosevelt Road Corridor;

and shall thereafter make a recommendation to the Plan Commission, with the Plan Commission holding the necessary public hearing(s) thereon and making a recommendation to the President and Board of Trustees relative to appropriate Village Code amendments, all to take place within the time set forth in this Ordinance for the Temporary Moratorium.

SECTION 4: That Title 15, Chapter 150 of the Lombard Village Code is hereby amended by adding a new Section 150.369 thereto which shall read in its entirety as follows:

“§150.369 TEMPORARY MORATORIUM.

The provisions of this Chapter 150 shall be subject to the temporary moratorium imposed by Ordinance Number _____, adopted January 4, 2007, from 12:01 a.m. on January 5, 2007, through 12:01 a.m. on October 5, 2007, unless terminated sooner by action of the President and Board of Trustees.”

SECTION 5: That Title 15, Chapter 153 of the Lombard Village Code is hereby amended by adding a new Section 153.005 thereto which shall read in its entirety as follows:

“§153.005 TEMPORARY MORATORIUM.

The provisions of this Chapter 153 shall be subject to the temporary moratorium imposed by Ordinance Number _____, adopted January 4, 2007, from 12:01 a.m. on January 5, 2007, through 12:01 a.m. on October 5, 2007, unless terminated sooner by action of the President and Board of Trustees.”

SECTION 6: That Title 15, Chapter 154 of the Lombard Village Code is hereby amended by adding a new Section 154.106 thereto which shall read in its entirety as follows:

“§154.106 TEMPORARY MORATORIUM.

The provisions of this Chapter 154 shall be subject to the temporary moratorium imposed by Ordinance Number _____, adopted January 4, 2007, from 12:01 a.m. on January 5, 2007, through 12:01 a.m. on October 5, 2007, unless terminated sooner by action of the President and Board of Trustees.”

SECTION 7: That Title 15, Chapter 155 of the Lombard Village Code is hereby amended by adding a new Section 155.03 thereto which shall read in its entirety as follows:

“§155.03 TEMPORARY MORATORIUM.

The provisions of this Chapter 155 shall be subject to the temporary moratorium imposed by Ordinance Number _____, adopted January 4, 2007, from 12:01 a.m. on January 5, 2007, through 12:01 a.m. on October

5, 2007, unless terminated sooner by action of the President and Board of Trustees.”

SECTION 8: Upon adoption of this Ordinance, the Village’s Community Development Department shall forward a copy of the Ordinance to the taxpayer of record for each parcel listed on Exhibit A.

SECTION 9: In light of the urgency in adopting this Ordinance so as to immediately begin the Temporary Moratorium, pursuant to a two-thirds (2/3rds) vote of the Corporate Authorities, as required by 65 ILCS 5/1-2-4, this Ordinance shall be in full force and effect from and after its adoption and approval as provided by law.

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

First reading waived by action of the Board of Trustees this 4th day of January, 2007.

Passed on second reading this 4th day of January, 2007, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this 4th day of January, 2007.

William J. Mueller
Village President

ATTEST:

Brigitte O’Brien
Village Clerk

Exhibit A

Roosevelt Road Corridor

All properties that are located within the Village of Lombard, are either zoned for commercial purposes or used for commercial purposes, (other than properties zoned Office District Planned Development), and which are located either adjacent to or within the immediate area of the South side of Roosevelt Road, from the Western Village boundary, (located West of Finley Road at the Milton Township/York Township boundary line), on the West, to Church Street on the East, or the North side of Roosevelt Road, from Finley Road on the West to just East of Luther Avenue on the East, all as more specifically identified by common addresses and permanent tax index numbers as follows:

<u>Common Address</u>	<u>Permanent Tax Index Number</u>
725 W. Roosevelt	06-19-100-032
525 W. Roosevelt	06-19-100-033
505 W. Roosevelt	06-19-100-029
1210 S. Finley	06-19-100-025
1280 S. Finley	06-19-100-017
513-523 W. Roosevelt	06-19-100-015
435 W. Roosevelt	06-19-200-009
351 W. Roosevelt	06-19-200-012
345 W. Roosevelt	06-19-200-013
444 W. Roosevelt	06-18-418-015
438 W. Roosevelt	06-18-418-008
428 W. Roosevelt	06-18-418-009
418 W. Roosevelt	06-18-418-010
404 W. Roosevelt	06-18-418-023
350 W. Roosevelt	06-18-419-043
340 W. Roosevelt	06-18-419-032
310-330 W. Roosevelt	06-18-419-047
300 W. Roosevelt	06-18-419-048
303 W. Roosevelt	06-19-200-014
256 W. Roosevelt	06-18-420-028
244 W. Roosevelt	06-18-420-027
234 W. Roosevelt	06-18-420-018
222 W. Roosevelt	06-18-420-014
201-275 W. Roosevelt	06-19-201-021
200 W. Roosevelt	06-18-420-015
201 W. Roosevelt	06-19-201-022
34-54 W. Roosevelt	06-18-421-046
45 W. Roosevelt	06-19-201-015

1300 S. Main	06-19-201-018
33 W. Roosevelt	06-19-201-003
1210 S. Main	06-19-201-020
30 W. Roosevelt	06-18-421-043
22 W. Roosevelt	06-18-421-044
16 W. Roosevelt	06-18-421-037
12 W. Roosevelt	06-18-421-027
6 W. Roosevelt	06-18-421-034
10 W. Roosevelt	06-18-421-028
1196 S. Main	06-18-421-045
1281 S. Main	06-20-100-039
1 E. Roosevelt	06-20-100-065
105 E. Roosevelt	06-20-100-067
109-121 E. Roosevelt	06-20-100-068
125-127 E. Roosevelt	06-20-100-069
1210-1220 S. Garfield	06-20-100-077
1103-1177 S. Main	06-17-305-046
1145 S. Main	06-17-305-041
1155 S. Main	06-17-305-042
1103-1177 S. Main	06-17-305-043
4 E. Roosevelt	06-17-305-006
150 E. Roosevelt	06-17-305-045
1177 S. Main	06-17-305-044
1103-1177 S. Main	06-17-305-021
1141 S. Main	06-17-305-007
1103-1177 S. Main	06-17-305-029
1103-1177 S. Main	06-17-305-038
1103-1177 S. Main	06-17-305-039
1133-1139 S. Main	06-17-305-012
1103-1177 S. Main	06-17-305-033
1103 S. Main	06-17-305-017
1105-1111 S. Main	06-17-305-030
1115-1119 S. Main	06-17-305-031
1121-1127 S. Main	06-17-305-032
NW Corner of Garfield & 13 th St.	06-20-100-076
201 E. Roosevelt	06-20-110-001
112-116 W. 13 th	06-20-110-005
120-124 E. Roosevelt	06-20-100-004
205 W. Roosevelt	06-20-110-002
1200 S. Highland	06-20-110-003
1210-1238 S. Highland	06-20-100-062
222 E. Roosevelt	06-17-312-029
230 E. Roosevelt	06-17-312-028
16 W. Ann	06-17-312-001
225 E. Roosevelt	06-20-106-079

273 E. Ann	06-17-312-004
277 E. Ann	06-17-312-005
281 E. Ann	06-17-312-006
240 E. Roosevelt	06-17-312-032
1178 S. Stewart	06-17-312-010
1180 S. Stewart	06-17-312-011
244 E. Roosevelt	06-17-312-030
266 E. Roosevelt	06-17-312-023
233 E. Roosevelt	06-20-106-074
241 E. Roosevelt	06-20-106-075
300 E. Roosevelt	06-17-316-003
330 E. Roosevelt	06-17-316-008
340 E. Roosevelt	06-17-316-006
352 E. Roosevelt	06-17-316-007
351 E. Roosevelt	06-20-106-050
400-450 E. Roosevelt	06-17-403-045
523-581 E. Roosevelt	06-20-200-036
523-581 E. Roosevelt	06-20-200-037
523-581 E. Roosevelt	06-20-200-038
470 E. Roosevelt	06-17-403-039
498 E. Roosevelt	06-17-403-041
500 E. Roosevelt	06-17-404-044
411-511 E. Roosevelt	06-20-200-039
411-511 E. Roosevelt	06-20-200-040
600 E. Roosevelt	06-17-405-018
601 E. Roosevelt	06-20-200-025
621-629 E. Roosevelt	06-20-200-026
612-620 E. Roosevelt	06-17-405-030
660 E. Roosevelt	06-17-405-015
700-800 E. Roosevelt	06-17-406-049
810 E. Roosevelt	06-17-406-050
816 E. Roosevelt	06-17-406-048
830 E. Roosevelt	06-17-406-045
820 E. Roosevelt	06-17-406-038
844 E. Roosevelt	06-17-406-051
701-743 E. Roosevelt	06-20-200-006
747 E. Roosevelt	06-20-200-024
832 E. Roosevelt	06-17-406-034
811-849 E. Roosevelt	06-20-204-008
850 E. Roosevelt	06-16-309-019
890-898 E. Roosevelt	06-16-309-014
855 E. Roosevelt	06-21-100-013
865 E. Roosevelt	06-21-100-014
909 E. Roosevelt	06-21-100-015
912-916 E. Roosevelt	06-16-310-022

1160 S School	06-16-310-021
920 E. Roosevelt	06-16-311-011
930 E. Roosevelt	06-16-311-017
923 E. Roosevelt	06-21-102-001
1208 S. Myers	06-21-102-021
900 E. Roosevelt	06-16-310-012
908 E. Roosevelt	06-16-310-013
927 E. Roosevelt	06-21-102-017
931 E. Roosevelt	06-21-102-025
1005-1009 E. Roosevelt	06-21-103-023
1060 E. Roosevelt	06-16-317-020
1102 E. Roosevelt	06-16-318-013