

July 21, 2005

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

**Subject: PC 05-21: Text Amendment to the Lombard Zoning Ordinance –
Certificates of Occupancy**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard requests text amendments to Sections 155.103 and 155.802 (and any related cross-references) to the Lombard Zoning Ordinance as it relates to Certificates of Occupancy, Occupancy Permits and Zoning Certificates.

After due notice and as required by law, the Plan Commission conducted a public hearing for the petition on June 20, 2005. William Heniff, Senior Planner, noted that staff has been working with Counsel relative to the Village's Certificate of Occupancy (CO) process. Through this discussion, Counsel suggested amendments to sections of the Zoning Ordinance, to ensure that our codes accurately reflect our policies and meet the provisions set forth in the International Building Code and any subsequent amendments. The proposed amendments are administrative in nature and would be largely transparent to developers and/or property owners.

Village policy has required all businesses operating in the Village to have a valid CO prior to commencing business operations. As it is currently defined in the Zoning Ordinance, the CO only references that the approved buildings or structures conform to the provisions of the Ordinance. However in the event of ownership or use changes, an argument could be made that the CO would not be needed as the previous ownership or use already applied for and received a CO.

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To remedy this issue, Counsel is recommending and staff is proposing text amendments establishing both Certificates of Occupancy and Zoning Certificates. While the amendments may seem semantic in nature, it closes a procedural gap in our processes. Simply stated, the amendment would require Certificates of Occupancy for new construction activity and Zoning Certificates for any use, name or owner/operator changes. Administratively, the corresponding staff forms for a Certificate of Occupancy would remain the same but with an additional check-off box denoting the type of certificate that is being requested.

Chairperson Ryan then opened the meeting for public comment. There was no one to speak in favor or against this petition. He then opened the meeting to the Commissioners.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed text amendment complies with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 4 to 0, to accept the findings and recommendation of the Inter-departmental Review Report as the findings of the Plan Commission and recommended to the Corporate Authorities **approval** of the petition associated with PC 05-21.

Respectfully,

VILLAGE OF LOMBARD

Donald F. Ryan
Chairperson
Lombard Plan Commission

DR:WJH:jd
att-

c Petitioner
 Lombard Plan Commission