

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: March 22, 2007 (BOT) Date: April 5, 2007

TITLE: PC 07-09: Text Amendments to the Lombard Zoning Ordinance  
 (Transient Guest Definitions)

SUBMITTED BY: Department of Community Development *DLH*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition is proposing text amendments to Section 155.802: Rules and Definitions to modify the definition of "Hotel or Motel" and/or any other associated definitions pertaining to the transient guest time length of stay at such facilities.

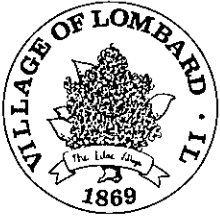
The Plan Commission recommended approval of this petition.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager X	<i>W. T. Lichter</i>	Date	<i>3/22/07</i>

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:** William T. Lichter, Village Manager

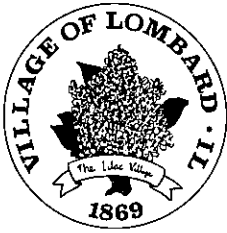
**FROM:** David A. Hulseberg, AICP, Assistant Village Manager/Director of Community Development *DLH*

**DATE:** April 5, 2007

**SUBJECT:** PC 07-09: Text Amendment to the Zoning Ordinance – Transient Guest Definitions

Attached please find the following items for Village Board consideration as part of the April 5, 2007 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 07-09;
3. An Ordinance granting approval of text amendments pertaining to transient guest definitions.



## VILLAGE OF LOMBARD

255 E. Wilson Avenue  
Lombard, IL 60148-3926  
(630) 620-5700 FAX: (630) 620-8222  
TDD: (630) 620-5812  
www.villageoflombard.org

### Village President

William J. Mueller

### Village Clerk

Brigitte O'Brien

### Trustees

Greg Alan Gron, Dist. 1  
Richard J. Tross, Dist. 2  
John "Jack" T. O'Brien, Dist. 3  
Steven D. Sebby, Dist. 4  
Kenneth M. Florey, Dist. 5  
Rick Soderstrom, Dist. 6

### Village Manager

William T. Lichter

April 5, 2007

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

### Subject: PC 07-09: Text Amendments to the Lombard Zoning Ordinance (Transient Guest Definitions)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard is proposing text amendments to Section 155.802: Rules and Definitions to modify the definition of "Hotel or Motel" and/or any other associated definitions pertaining to the transient guest time length of stay at such facilities.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on March 19, 2007.

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

William Heniff, Senior Planner, presented the petition. He stated that the Community Development Department is proposing a few amendments to the definitions sections of the Zoning Ordinance as it pertains to hotels and motels and other types of transient guest establishments. The amendments are intended to clarify the intent of each use, address inconsistencies, and issues pertaining to the length of stay at such establishments.

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

The intent of the amendments is two-fold. It is intended to further define where hotels, which provide for extended stay accommodations, are differentiated from other types of transient residence facilities. The intent is to ensure that hotel and motels remain primarily short-term accommodation facilities and do not become longer-term guest facilities such as rooming houses or even de facto apartments.

Secondly, staff would also like to ensure that such facilities are subject to the hotel/motel tax provisions to the greatest extent possible as provided by State Statutes. While staff originally intended to cap the length of stay at such facilities, the Statutes and practical code enforcement provisions preclude establishing specific limits of stay for guests. As such, Counsel suggested alternate language to denote that intent of hotels and motels, which provide greater, but not absolute differentiation, from other types of guest facilities.

April 5, 2007  
Re: PC 07-09  
Page 2

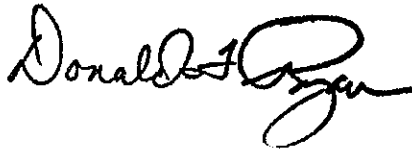
He then discussed the specific language in the proposed amendments, noting that staff recommends approval of the petition.

Chairperson Ryan then opened the meeting for public comment. There was no one in the audience to speak in favor of or against the petition. He then opened the meeting for discussion among the Commissioners. The Commissioners did not have anything to add to the petition.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed text amendments do comply with the standards of the Lombard Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 4 to 0, recommended to the Corporate Authorities, approval of PC 07-09.

Respectfully,

**VILLAGE OF LOMBARD**

A handwritten signature in black ink, appearing to read "Donald F. Ryan", written in a cursive style.

Donald F. Ryan  
Chairperson  
Lombard Plan Commission

att-

H:\CD\WORDUSER\PCCASES\2007\PC 07-09\Referral Letter.doc

**VILLAGE OF LOMBARD**  
**INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission

HEARING DATE: March 19, 2007

FROM: Department of Community  
Development

PREPARED BY: William Heniff, AICP  
Senior Planner

**TITLE**

**PC 07-09; Text Amendments to the Lombard Zoning Ordinance:** The Village of Lombard is proposing text amendments to Section 155.802: Rules and Definitions to modify the definition of "Hotel or Motel" and/or any other associated definitions pertaining to the transient guest time length of stay at such facilities.

**DESCRIPTION**

The Community Development Department is proposing a few amendments to the definitions sections of the Zoning Ordinance as it pertains to hotels and motels and other types of transient guest establishments. The amendments are intended to clarify the intent of each use, address inconsistencies, and issues pertaining to the length of stay at such establishments.

**TEXT AMENDMENT DISCUSSION**

The intent of the proposed amendments is two-fold. From a zoning standpoint, the amendment is intended to further define where hotels, which provide for extended stay accommodations, are differentiated from other types of transient residence facilities. The intent of the amendment is to ensure that hotel and motels remain primarily short-term accommodation facilities and do not become longer-term guest facilities such as rooming house or even de facto apartment facilities. Further commentary regarding this issue is provided for in the standards for Text Amendments (see Appendix A).

Secondly, staff would also like to ensure that such facilities are subject to the hotel/motel tax provisions to the greatest extent possible as provided by State Statutes (see Appendix B). While staff originally intended to cap the length of stay at such facilities, the Statutes and practical code enforcement provisions preclude establishing specific limits of stay for guests. As such, Counsel suggested alternate language to denote that intent of hotels and motels, which provide greater, but not absolute differentiation, from other types of guest facilities.

The proposed text amendments are noted below. **Proposed additions to the Zoning Ordinance are underlined and portions that will be extracted are shown with strikethrough.** The Standards for Text Amendments are also included below.

## SECTION 8: RULES AND DEFINITIONS

### 155.802 Rules and Definitions

**DORMITORY** is a building or part of a building associated with or accessory to an educational use, containing a room or rooms forming one or more habitable units which are used or intended to be used by ~~residents~~ students primarily for living and sleeping.

**DWELLING** is a building, or portion thereof designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings ~~and apartment hotels~~, but not including hotels or motels.

~~**GUEST, PERMANENT** is a person who occupies or has the right to occupy a hotel or motel or apartment hotel accommodation as his domicile and place of permanent residence.~~

**HOTEL OR MOTEL** is an establishment which ~~is open to transient guests~~ primarily serves persons, other than permanent residents as defined in 35 ILCS 145/2(5), in contradistinction to a boarding, rooming or lodging house, , and is commonly known as a hotel in the community in which it is located; and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture and bellboy service. As part of their accommodations, such facilities typically offer housekeeping, concierge, bellhop and furniture, linen and laundering services.

**LODGING HOUSE** (including BOARDING and ROOMING HOUSE) is a residential building, or portion thereof, other than a hotel or motel, ~~apartment hotel, or hotel~~, containing lodging rooms which accommodate persons, including permanent residents as defined in 35 ILCS 145/2(5), who are not members of the keeper's family. Lodging with or without meals is provided for compensation on a weekly or monthly basis.

*While not proposed to be amended, staff also offers the following definition already within the Zoning Ordinance for comparison and informational purposes.*

**LODGING ROOM (ROOMING UNIT)** is a room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one "lodging room" for the purposes of this ordinance.

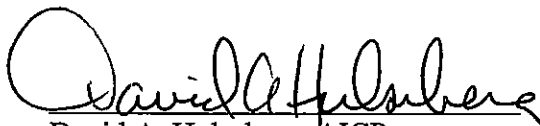
**ROOMING UNIT** is a term used in this ordinance to regulate residential density in boarding, lodging, and rooming houses. "Rooming unit" is synonymous with "lodging room".

**RECOMMENDATION:**

Based on the above considerations, the Inter-Departmental Review Committee finds that the proposed text amendments meet the standards for text amendments as set forth within the Zoning Ordinance. Therefore, the IDRC recommends that the Plan Commission make the following motion recommending **approval** of the request as proposed:

Based on the submitted petition and the testimony presented, the proposed text amendments comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-department Review Report be the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of the text amendments described in PC 07-09.

Inter-Departmental Review Group Report Approved By:

A handwritten signature in black ink, appearing to read "David A. Hulseberg". The signature is fluid and cursive, with a large initial "D".

David A. Hulseberg, AICP

Assistant Village Manager/Director of Community Development

**Appendix A**  
**Standards for Text Amendments**

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property*

The proposed amendment would be uniformly applied to all properties that are developed and/or operated as the uses noted within the staff report.

2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations*

The amendment is intended to provide better distraction between business uses such as a hotel and other types of transient housing, which is commonly found in residence districts.

3. *The degree to which the proposed amendment would create nonconformity; and*

The amendment does not intend to create nonconformities. Rather, it is intended for clarity.

4. *The degree to which the proposed amendment would make this ordinance more permissive*

The amendment does not intend to make the Ordinance more permissive. Rather, it is intended for clarity.

5. *The consistency of the proposed amendment with the Comprehensive Plan*

The amendment is intended to ensure that various land uses described in the Ordinance are operating in a manner consistent with the Plan. Specifically the amendment is intended to ensure that residential structures are being used as hotel and that hotels, as a whole, are not being used as permanent residences.

6. *The degree to which the proposed amendment is consistent with Village policy as established in previous rulings on petitions involving similar circumstances.*

The amendments are intended to follow the intent of the underlying zoning districts.



**Appendix B**  
**Relevant Sections of State Statutes**

(35 ILCS 145/2) (from Ch. 120, par. 481b.32)

Sec. 2. As used in this Act, unless the context otherwise requires:

(5) "Permanent resident" means any person who occupied or has the right to occupy any room or rooms, regardless of whether or not it is the same room or rooms, in a hotel for at least 30 consecutive days.

(65 ILCS 5/8-3-14) (from Ch. 24, par. 8-3-14)

Sec. 8-3-14. The corporate authorities of any municipality may impose a tax upon all persons engaged in such municipality in the business of renting, leasing or letting rooms in a hotel, as defined in "The Hotel Operators' Occupation Tax Act," at a rate not to exceed 5% of the gross rental receipts from such renting, leasing or letting, excluding, however, from gross rental receipts, the proceeds of such renting, leasing or letting to permanent residents of that hotel and proceeds from the tax imposed under subsection (c) of Section 13 of the Metropolitan Pier and Exposition Authority Act, and may provide for the administration and enforcement of the tax, and for the collection thereof from the persons subject to the tax, as the corporate authorities determine to be necessary or practicable for the effective administration of the tax.

Persons subject to any tax imposed pursuant to authority granted by this Section may reimburse themselves for their tax liability for such tax by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax imposed under "The Hotel Operators' Occupation Tax Act".

Nothing in this Section shall be construed to authorize a municipality to impose a tax upon the privilege of engaging in any business which under the constitution of the United States may not be made the subject of taxation by this State.

The amounts collected by any municipality pursuant to this Section shall be expended by the municipality solely to promote tourism and conventions within that municipality or otherwise to attract nonresident overnight visitors to the municipality.

No funds received pursuant to this Section shall be used to advertise for or otherwise promote new competition in the hotel business.

(Source: P.A. 87-733.)

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE APPROVING TEXT AMENDMENTS  
TO THE LOMBARD ZONING ORDINANCE  
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 07-09: Transient Guest Regulations)

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

WHEREAS, Section 155.102 (E)(13) of the Zoning Ordinance directs the Director of Community Development to initiate a review of the provisions established within the Zoning Ordinance; and

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

WHEREAS, as the Director has identified and recommends text amendments to the Zoning Ordinance as set forth herein; and

WHEREAS, a public hearing to consider text amendments to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on March 19, 2007 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, Section 802, of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

## SECTION 8: RULES AND DEFINITIONS

### 155.802 Rules and Definitions

**DORMITORY** is a building or part of a building associated with or accessory to an educational use, containing a room or rooms forming one or more habitable units which are used or intended to be used by ~~residents~~ students primarily for living and sleeping.

**DWELLING** is a building, or portion thereof designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings ~~and apartment hotels~~, but not including hotels or motels.

~~**GUEST, PERMANENT** is a person who occupies or has the right to occupy a hotel or motel or apartment hotel accommodation as his domicile and place of permanent residence.~~

**HOTEL OR MOTEL** is an establishment which ~~is open to transient guests~~ primarily serves persons, other than permanent residents as defined in 35 ILCS 145/2(5), in contradistinction to a boarding, rooming or lodging house, , and is commonly known as a hotel in the community in which it is located; and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture and bellboy service. As part of their accommodations, such facilities typically offer housekeeping, concierge, bellhop and furniture, linen and laundering services.

**LODGING HOUSE** (including BOARDING and ROOMING HOUSE) is a residential building, or portion thereof, other than a hotel or motel, ~~apartment hotel, or hotel~~, containing lodging rooms which accommodate persons, including permanent residents as defined in 35 ILCS 145/2(5), who are not members of the keeper's family. Lodging with or without meals is provided for compensation on a weekly or monthly basis.

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 \_\_\_\_\_, 2007.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2007.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2007.

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

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

Ordinance No. \_\_\_\_\_  
Re: PC 07-09  
Page 3

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk