

January 25, 2021

Title

PC 21-07

Petitioner

Village of Lombard

Property Location

Village Wide

Approval Sought

Text amendment

Prepared By

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Assistant Director

DESCRIPTION

The petitioner, the Village of Lombard, is requesting a text amendments to Section 155.103(C)(10), Section 155.103(F)(11), and Section 155.103(F)(12), and any other relevant sections for clarity, to change the provisions on zoning revocation dates for variations and conditional uses from a one year period to a two year period.

INTER-DEPARTMENTAL REVIEW

Building Division:

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

Fire Department:

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

Public Works:

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

Private Engineering Services:

Private Engineering Services has no comments regarding the proposed text amendment. They noted that some engineering permits are good for one year or less, such as IEPA and stormwater.

Planning Services Division:

The zoning ordinance requires that projects that receive zoning relief to be “substantially under way within 12 months” of the date of Board approval, or the relief is null and void. Many times, due to weather, property closings, financing, or another issue, the petitioner requests a one-year time extension from the Board. In the last 20 years, there are no instances where the Village Board denied the request for a time extension. There have been over 60 time extension requests since 2000. Therefore, staff would like to amend the sections to change from 12 months to 24 months.

EXISTING & PROPOSED REGULATIONS

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

§ 155.103 - Procedures for administrative functions.

(C)(10)

Revocation. Where a variation has been granted pursuant to the provisions of this Chapter, such approval shall become null and void unless work thereon is substantially under way within ~~12~~ **24** months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.

(F)(11)

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

(F)(12)

Expiration and transferability. A conditional use approval shall be deemed to authorize only a particular conditional use and shall expire if the conditional use shall cease for more than ~~12~~ **24** months for any reason. However, the ownership of an authorized conditional use may be changed if the use remains unchanged.

STANDARDS FOR TEXT AMENDMENTS

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed.

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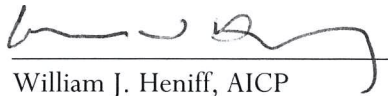
1. The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;
The text amendment is generally applicable to all property in the Village.
2. The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;
The text amendment is 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 amendment will allow more flexibility for new developments.
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.

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 21-07.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development