

**ORDINANCE 7945  
PAMPHLET**

**PC 21-09: TEXT AMENDMENT TO CHAPTER 154 OF VILLAGE CODE –  
FEES IN LIEU OF PUBLIC IMPROVEMENTS AND PUBLIC IMPROVEMENTS IN  
ROW'S NOT CONTROLLED BY THE VILLAGE OF LOMBARD**



PUBLISHED IN PAMPHLET FORM THIS 16<sup>TH</sup> DAY OF APRIL 2021, BY ORDER  
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE  
COUNTY, ILLINOIS.

A handwritten signature in cursive script, reading "Sharon Kuderna".

Sharon Kuderna  
Village Clerk

**ORDINANCE 7945**

**AN ORDINANCE APPROVING A TEXT AMENDMENT  
TO THE LOMBARD SUBDIVISIONS AND DEVELOPMENT ORDINANCE  
TITLE 15, CHAPTER 154  
OF THE LOMBARD VILLAGE CODE**

**(PC 21-09: Text Amendments to the Subdivisions and Development Ordinance:  
Public Improvements)**

WHEREAS, the Village of Lombard maintains a Subdivisions and Development Ordinance which is found in Title 15, Chapter 154 of the Lombard Code; and,

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

WHEREAS, a public hearing to consider text amendments to the Subdivisions and Development Ordinance has been conducted by the Village of Lombard Plan Commission on March 15, 2021, 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 154, Section 154.308 of the Lombard Zoning Ordinance shall be amended to read as follows:

§ 154.308 - Acceptance of contribution in lieu of public improvements.

A monetary contribution in lieu of the provision of any public improvements (contribution for public improvements) required by this Chapter may be accepted under the following terms and conditions. All such requests shall follow these guidelines.

(A) Intent. Under certain circumstances, it may be determined that the public interest is best served by delaying the construction of specific public improvements. In order to ensure that public improvements are provided when appropriate, the Village Board may accept monetary contributions for said public improvements in lieu of the construction thereof.

(B) Initiation. A request for a contribution ~~in lieu of~~ for a public improvement can be made by the property owner, an authorized representative of the property owner, the Director of Community Development, or initiated by the Board of Trustees.

(C) Authority. The ~~Board of Trustees~~ Director of Community Development shall have the ~~sole~~ authority to determine the appropriateness and amount of a contribution for public improvements. A party subject to such a contribution shall have the right to file an

**appeal of the anticipated appropriateness of the fee or the calculated contribution request. In the event that an appeal is made, the Director of Community Development shall forward the appeal request to the Village Board for final consideration.**

(D) Procedures. Requests for a contributions for public improvements may be submitted directly to the ~~Board of Trustees through the Director of~~ Community Development **Department** at any time prior to ~~recording a final plat or~~ **approval of building permits.**

(E) Appropriateness of contribution. The appropriateness of accepting a contribution for public improvements shall be based on the following criteria:

- (1) The impact of the proposed subdivision or development does not immediately necessitate the construction of the public improvements prior to occupancy of the development;
- (2) Existing conditions in the area are such that immediate construction of the public improvements would be inefficient;
- (3) Immediate construction of the public improvements may be detrimental to the public health or general welfare of the community;

(F) Determination of contribution. The amount of a contribution for public improvements shall be based on the following criteria:

- (1) An estimate of the design and construction costs of the public improvements prepared by an Illinois Certified Professional Engineer and approved by the Director of Community Development.
- (2) Inclusion of a contingency cost equal to 15 percent of the estimated cost of the public improvements for the purpose of future increases in costs and unforeseen costs.
- (3) The impact of the development as determined by a traffic impact analysis, anticipated water usage, population equivalents, impervious surfaces, and other measures of impact on public facilities.

(G) Use of contribution **for public improvements:- All ~~A~~ contributions for public improvements shall be used for the specific public improvements of which it was intended to which it relates. If in** **In the event that the improvements covered by a contribution for public improvements are not constructed in their entirety within twenty (20) years of the date the contribution for public improvements is made, the Village shall deem the covered public improvements, or the unconstructed portion thereof, are hereby deemed unnecessary, and the balance of the contribution of public improvements shall be returned to the person or entity that provided the contribution for public improvements to the Village. It is the obligation of the person or entity making the contribution for public improvements to provide the Village with updated contact information at all times, so that any potential refund can be processed efficiently.**

**SECTION 2:** That Title 15, Chapter 154, Section 154.309 of the Lombard Zoning Ordinance shall be created, to read as follows:

**§ 154.309 – Required Public Improvements for Public Rights-of-Way not Controlled by the Village of Lombard**

**Public improvements as referenced in Chapter 154 of Village Code shall be required for all publicly dedicated rights-of-way, irrespective of the jurisdictional entity that has regulatory control of said right-of-way. However, for rights-of-way that are controlled by an entity other than the Village, said public improvement requirements can be waived under the Village in the following circumstances:**

- 1. The Director of Community Development finds that constructing the required public improvement would be inconsistent with adopted plans and polices of the Village; or**
- 2. The jurisdiction entity having control over the right-of-way provides the Village with documentation stating that the Village required public improvements are not desired or deemed necessary, based upon existing or proposed conditions within the applicable right-of-way.**

**SECTION 3:** 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 1<sup>st</sup> day of April, 2021.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Passed on second reading this 15<sup>th</sup> day of April, 2021, pursuant to a roll call vote as follows:

Ayes: Trustee Whittington, Puccio, Foltyniewicz, Honig, Militello and Ware

Nays: None

Absent: None

Approved by me this 15<sup>th</sup> day of April, 2021.

  
Keith T. Giagnorio, Village President

ATTEST:

  
Sharon Kuderna, Village Clerk

Published by me in pamphlet form this 16<sup>th</sup> day of April, 2021.

  
Sharon Kuderna, Village Clerk