

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: May 12, 2004 (B of T) Date: May 20, 2004
TITLE: BOT 04-06: Code Amendment Regarding Storm Water Detention
Variances
SUBMITTED BY: Department of Community Development *DH/WH*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development staff transmits for your consideration its recommendation regarding the above-referenced ordinance. The Public Works Committee has recommended this ordinance for approval. (ALL DISTRICTS)

Fiscal Impact/Funding Source:

There will be no fiscal impact to the Village and no funding is required.

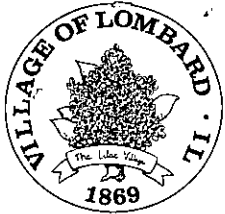
Review (as necessary):

Village Attorney X _____ (Reviewed by Tom Bayer on 5/11/04) Date _____

Finance Director X _____ Date _____

Village Manager X *W. T. Lichter* Date *5/12/04*

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 P. Gorman, PE, Development Engineer *DPG*

SUBJECT: Proposed Code Amendment for Administrative Storm Water Detention Variances

DATE: May 12, 2004

Please add the attached ordinance to the Board of Trustees' May 20, 2004 meeting agenda. The ordinance would amend the Village Code to authorize the Director of Community Development to approve administrative storm water detention variances for areas less than 500 s.f.

BACKGROUND:

Village Code §151.55 requires storm water detention for all commercial business, office, industrial, and multi-family construction. Detention is also required for single-family residential subdivisions of more than one acre or at least 5 lots. Village Code §151.56 provides the process for variances to the detention requirements. This process requires the demonstration of hardship, remittance of a \$150 processing cost, demonstration that the detention storage will be provided off-site, a public notice, a public hearing and an ordinance. Furthermore, Village Code §151.57 allows a fee at rate of \$162,000/acre-ft in lieu of providing on- or off-site detention.

PERCEIVED PROBLEM:

The Village's detention requirements are among the most stringent in DuPage County. The Code has greatly benefited the Village by not only preventing additional flooding from new developments but also lessening flooding through the redevelopment of properties. However, the detention requirement and the cost and time required to process variances often dissuades property owners from undertaking minor building and parking lot additions. Such parking lot additions are often needed to bring existing multi-family properties more into compliance with current parking count standards. Furthermore, such small detention systems require restrictors that are less than ½ inch diameter so maintenance is always a problem.

RECOMMENDATION:

Staff recommends, and the Public Works Committee has voted to endorse, the attached Code amendment to allow the Director of Community Development to approve minor variances administratively. The requisite fees would be remitted to the detention fund for the appropriate watershed. Such variances would be limited to new areas less than 500 s.f. and would still require the demonstration of hardship and negligible impact on other properties. The variance fee (\$162,000/acre-ft) would still be required as well as a \$50 processing fee. The current \$150 processing fee as well as the public notice & hearing would not be required, thereby making such approvals quicker and less costly. The maximum variance fee for a 500 s.f. area would total \$1,022.73 (500sf x 0.55ac-ft/ac x \$162,000/ac-ft ÷ 43,560sf/ac). Petitioners could appeal the Director's decision by petitioning to the Board of Trustees under the procedures already codified.

The Village Attorney reviewed the ordinance and his comments have been incorporated. One of the comments was to change the references from the Director of Public Works to the Director of Community Development.

Please call me at 620-5973 if you have any questions.

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attachments

cc: David A. Hulseberg, AICP, Director of Community Development

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 15, CHAPTER 151, SECTION 151.56 OF THE LOMBARD VILLAGE CODE REGARDING STORM WATER DETENTION VARIANCES

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 151, Section 151.56 of the Code of Lombard is amended to read in its entirety as follows:

“§ 151.56 VARIANCE PROCEDURES.

(A) In the event the owner or developer of the property is unable to meet the requirements of § 151.55 and seeks a variance, the variance may only be considered in the following situations:

(1) Detention or retention is to be provided off site, but in a manner which is satisfactory or acceptable to the Village; or

(2) The property had previously been developed prior to the Village requiring retention or detention and an improvement is being added to the property which will have some impact on the property, but complete on-site detention is practically not available; or

(3) The property to be developed cannot adequately provide on-site water detention, but the Village deems it necessary or beneficial to develop said property with the detention/retention to be met in some other fashion than on-site detention.

(B) A fee of \$150 shall be charged to process any simple variance requests. Said fee is to cover the costs of the hearing and engineering work. Any variance requiring detailed engineering review shall be charged an additional \$500.

(C) The Board of Trustees of the Village shall hear any variance request. Applications are to be made to the Director of Community Development on approved forms of the village.

(D) The Director of Community Development may require engineering studies to be provided by the petitioner before any variance hearing is held.

(E) At the public hearing, it shall be the owner or developer's responsibility to put forth a case in favor of the variance. The Director of Community Development shall respond, and shall make any recommendations, or suggest any conditions, deemed necessary to the granting or denial of the variance.

(F) A variance may be granted under any terms and conditions as the Board of Trustees deem reasonable and/or necessary.
(Ord. 2967, passed 7-9-87)

(G) Notwithstanding subsections (C) through (F) above, the Director of Community Development may grant an administrative variance for areas totaling, in the aggregate (inclusively of previously granted variances), less than 500 square feet. Such an administrative variance shall not require a public hearing or approval by the Board of Trustees. Where an administrative variance is granted, a fee as required by Section 151.57 below as well as a \$50 administrative processing fee shall be deposited into the detention fund for the appropriate watershed.”

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 _____, 2004, pursuant to a roll call vote as follows:

First reading waived by action of the Board of Trustees this ____ day of _____, 2004.

Passed on second reading this ____ day of _____, 2004.

Ayes: _____

Nayes: _____

Absent: _____

Approved by me this _____, day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk

Published by me in pamphlet form this _____, day of _____, 2004.

Barbara A. Johnson, Deputy Village Clerk