

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission

HEARING DATE: June 20, 2005

FROM: Department of
Community Development

PREPARED BY: William Heniff, AICP
Senior Planner

TITLE

PC 05-21; Text Amendments to the Lombard Zoning Ordinance: 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.

BACKGROUND

Village staff has been working with Counsel relative to the Village's Certificate of Occupancy (CO) process. Through this discussion, Counsel has suggested amendments to sections of the Village Code, including 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.

INTER-DEPARTMENTAL REVIEW COMMENTS

Note: as the review of the respective Village Codes has been an inter-departmental effort, staff offers its comments cumulatively.

For reference purposes, the Zoning Ordinance currently defines a CO as:

CERTIFICATE OF OCCUPANCY is a certificate certifying that the building or structure, as illustrated on approved plans, conforms to the provisions of this Ordinance; and, if constructed and used in conformance with such plans, may be occupied upon completion of construction.

Village policy has required all businesses operating in the Village to have a valid CO prior to commencing business operations. This requirement is a critical element of the Village's operations, as it ensures the following:

1. The use is a permitted use and activity on a property;
2. The buildings and/or structures located on a property are in compliance with all Village Codes;
3. The Village has current emergency contact information; and
4. A life/safety inspection has been completed by the Fire Department.

A CO has been required in the following instances:

1. A new principal building or structure is erected;
2. An addition to a non-single-family residential building is constructed;
3. A business use or name changes; or
4. An owner or operator of a business changes.

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.

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.

Building and Inspectional Services staff will also be preparing companion amendments to the Building Code (Section 150 of the Code of Ordinances) as warranted. Any companion amendments to the Building Code will be brought forward and considered with the proposed Zoning Ordinance text amendments as set forth within this report.

Compatibility with the Zoning Ordinance

Standards for Text Amendments

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. Staff's comments are noted below:

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 amendments are not site specific and will be generally applicable to all future applications for Certificates of Occupancy and/or Zoning Certificates within the Village. Thus, the amendments are not intended to benefit specific property, but are intended to ensure that the administrative provisions as set for in the Zoning Ordinance accurately reflect our policies.

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

The proposed amendments are intended to create consistencies between regulations and policies associated with the types of residential housing available in the Village.

3. *The degree to which the proposed amendment would create nonconformity;*
The proposed amendments would not affect any previously issued Certificates of Occupancy.

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

The proposed amendments do not make the approval process any more permissive or restrictive.

5. *The consistency of the proposed amendment with the Comprehensive Plan;*
This amendment has no impact on 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 proposed amendments are consistent with established Village policies.

Proposed Text Amendments

The following are the proposed text amendments for the Zoning Ordinance and Code of Ordinances. Proposed changes to the ordinance are denoted by underlining or ~~striking~~ text.

155.103 PROCEDURES FOR ADMINISTRATIVE FUNCTIONS

Procedures governing zoning compliance reviews, occupancy permits, variations, appeals, amendments, conditional uses, fees, penalties, and site plan reviews shall be as set forth below:

A. Zoning Compliance Review/Zoning Certificate

Except as hereinafter provided, no permit pertaining to the use of land or buildings whether existing or proposed, shall be issued by an officer, department or employee of the Village unless the application for such permit has been examined by the Director of Community Development and has affixed to it his written authorization certifying that the proposed use complies with all the provisions of Chapter 155 of this Code ~~this ordinance~~. In certifying compliance, the Village authorizes that the subject land and/or building can be occupied and used for its intended purpose, provided that any new construction/remodeling conforms to the approved plans and the applicable ordinances of the Village of Lombard. Any permit issued in conflict with the provisions of this ordinance, or without such authorization, shall be null and void.

B. Zoning Certificate of Occupancy

~~No buildings, or portions thereof addition thereto, constructed after the effective date of this ordinance, and no addition to a previously existing building shall be occupied, and no land, or portions thereof, vacant on the effective date of this ordinance, shall be used for any purpose until a Zoning Certificate of Occupancy has been issued by the Director of Community Development. No change in the a-use or user of a building, or portion thereof, or land, or portion thereof, shall be made until a Zoning Certificate of Occupancy has been issued by the Director of Community Development.~~

1. Application for Zoning Certificate of Occupancy

~~Every application for a building permit or zoning certificate shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land where no building permit is required shall be made directly to the Director of Community Development.~~

Every person who proposes to change the use of the building or land, or portion thereof, and every person who proposes to changes the user of a building or land, or portion thereof, shall apply for and obtain from the Village a Zoning Certificate, prior to changing said use, or prior to changing said user, an occupancy permit for said building or land or portion thereof.

2. Issuance of a Zoning Certificate of Occupancy

~~No Zoning Certificate of Occupancy for a building, or land or portion thereof, constructed after the effective date of this ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Director of Community Development to be in conformity with all applicable provisions of this Code. the plans and specifications upon which the zoning certificate was based. No occupancy certificate for a building or addition thereto, constructed after the effective date of this ordinance, shall be issued and no addition to a previously existing building shall be occupied until the premises have been inspected and certified by the Director of Community Development to be in compliance with all applicable standards. Pending the issuance of a regular zoning certificate, a temporary conditional zoning certificate may be issued, to be valid for a period not to exceed six months from its date, allowing for during the completion of any addition during the partial occupancy of the premises. The term of this temporary conditional zoning certificate~~

may be extended by mutual consent of the applicant and the Village. The conditional zoning certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a conditional zoning certificate cannot be issued not later than 14 days after the Director of Community Development receives the zoning certificate application ~~is notified in writing that the building or premises are ready for occupancy.~~

SECTION 155.802: DEFINITIONS

ZONING CERTIFICATE is a certificate issued by the Community Development Department Director certifying that the use proposed to be located on a lot is in accordance with all of the regulations of the Zoning Ordinance.

FINDINGS AND RECOMMENDATIONS

Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of the request as proposed:

Based on the information and testimony presented, the proposed text amendments comply with the standards required by the Lombard Zoning Ordinance, and, therefore, I move that the Plan Commission accept the finding and recommendation of the Inter-departmental Review Report as the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of the text amendments described in PC 05-21.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:WJH