

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

 X 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: Scott R. Niehaus, Village Manager

DATE: March 7, 2017 (B of T) Date: March 16, 2017

TITLE: Text Amendments - Issuance of Building Permits

SUBMITTED BY: Department of Community Development *it*

BACKGROUND/POLICY IMPLICATIONS:

Your Board of Building Appeals (BOBA) transmits for your consideration its recommendation regarding the above-referenced petition. The BOBA recommends that the Village Board approve an ordinance amending Title XV, Chapter 150, Section 150.157 of the Lombard Village Code in regard to issuance of building permits by the Village. This amendment removes obsolete, duplicative and/or inconsistent language with other sections of the Village Code.

The BOBA recommended approval of this petition by a vote of 5-0 at its February 27, 2017 meeting.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X _____ Date _____

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: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

MEETING DATE: March 16, 2017

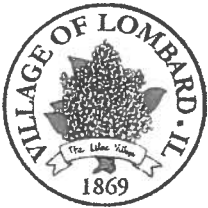
SUBJECT: **Text Amendments to the Lombard Building Code – Section 150.157
(Permit Issuance Provisions)**

Please find the following items for Village Board consideration as part of the March 16, 2017 Village Board meeting:

1. Board of Building Appeals memorandum pertaining to code amendments to remove selected text from Section 150.157 of the Building Code; and
2. An Ordinance granting approval of text amendments to the Building Code.


The intent of this amendment is to strike provisions of this section that are unnecessary, duplicative with other sections of the Village Code or otherwise lacking clarity.

The Board of Building Appeals unanimously recommended approval of the amendments at the February 27, 2017 meeting. Please place this item on the March 16, 2017 Board of Trustees agenda for a first reading.



MEMORANDUM

TO: Board of Building Appeals (BOBA) Members

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: February 20, 2017

SUBJECT: **Text Amendments – Issuance of Building Permits**

Section 150.157 of the Lombard Building Code establishes general regulations for the issuance of building permits by the Village. As part of the code review and clean-up effort previously mentioned by staff to the Board of Building Appeals, staff is commencing with a series of text amendments to ensure that the Village Code in its entirety does not contain regulations that are inconsistent with other sections of Village Code or are no longer applicable.

Proposed Amendments

Below are the proposed code amendments to Chapter 150.157 with deletions noted in strikeout and addition in underline text. The amended language also is set forth in the attached draft ordinance of approval. Staff commentary is offered in *italics*.

§ 150.157 - Issuance of building permits.

(A) No permit will be considered valid unless plans are signed or stamped by the Fire Chief or his/her designee and/or the Community Development Director or his/her designee, whichever is applicable.

This edit is for clarity purposes and also recognizes that not all permits require both Fire Department and community Development Department approval for issuance.

~~(B) Plans for buildings other than single-family dwellings must also be approved and signed by the Director of Fire Prevention Bureau.~~

This edit is duplicative with the subsection A above and can be eliminated.

~~(C) Issuance of building permits in violation of lawful restrictions prohibited.~~

~~(1) The Village shall not issue any permit for the construction of any building or structure in violation of any valid restriction imposed by law, on the use of the land where such structure or building is to be located, or any restriction on the type, kind, or size of building to be permitted on such land.~~

~~(2) No building permit issued by the village shall authorize any construction in violation of any valid restriction imposed by law, by restrictions in the deed, by covenant or otherwise on the use of the location or on the type, kind, or size of building or other structure to be located thereon.~~

The Village does not have the legal authority to deny a building permit if it meets all Village Code provisions. Building permits cannot be denied based upon a private covenant unless said regulation is memorialized within Village Code. Additionally, a strict application of this provision would also require an applicant to submit all private deed restrictions, covenants and the like associated with a requested permit, which would likely also require a property owner to secure other documents such

as title commitments and the like. It would also place the Village in the role of reviewing and interpreting such private provisions as part of a permit review – an item that would make permit issuance which would be functionally impractical and not necessarily consistent with the life/safety purposes of a building code.

~~(3) (a) No building permit shall be issued for construction of any building or structure in a designated U.S. Department of Housing and Urban Development Federal Wetland without compliance by the party requesting the permit with all of the rules, regulations, or laws governing the Army Corps of Engineers.~~

~~(b) Prior to issuance of said building permit, the village shall require the party requesting the permit to supply proof or documentation that he has met the requirements of the Army Corps of Engineers, and supply a Kane-DuPage Soil Conservation Service test result if Kane-DuPage has made such test available.~~

~~(4) (a) No building permit shall be issued for construction of any building or structure in a designated U.S. Department of Housing and Urban Development Federal Flood Plain without prior compliance by the party so requesting with all rules, regulations, or laws governing the Army Corps of Engineers.~~

~~(b) Prior to issuance of said building permit, the village shall require the party requesting the permit to supply proof or documentation that has met the requirements of the Army Corps of Engineers, and supply a Kane-DuPage Soil Conservation Service test result if Kane-DuPage has made such test available.~~

The sections above are suggested for removal as such drainage provisions are covered elsewhere within Village code and through the adoption of the DuPage County Stormwater and Floodplain Ordinance.

~~(5) The village shall not issue any building permit for the construction of any building or structure upon any lot of record where such lot does not front or have access to a fully improved street meeting the minimum requirements of the subdivision and development ordinance of the village, or fronts on or has access to a road which is constructed prior to passage of the subdivision and development ordinance of the village and met any of the previous ordinances of the village or any other governmental agency.~~

~~(6) Any building permit issued for a lot fronting or having access to a street, less than a fully improved street (street, curb, gutter, and storm sewer) shall require the party requesting the permit to receive written notice of the possibility or pending nature of a special assessment, special service area, or any other road improvement requiring payment by the property owner of his pro rata share of the road construction or reconstruction. The village may further require, when the street on which the lot fronts or has access is in poor condition, an additional cash amount to guarantee the street be made in better condition until the fully improved street is constructed.~~

The sections above are proposed for removal based upon past practice, the provisions are arbitrary and are otherwise inconsistent within the provisions found elsewhere in Village Code and/or Public Works policies.

~~(CD) No building permit shall be issued unless engineering drawings required under § 150.152 shall have been reviewed by the Private Engineering Services Division, or an independent, third-party agency, pursuant to subsection 150.152 (D) and stamped and signed by the Community Development Director or his/her designee, to certify the details shown on the drawings comply with applicable local regulations, and full payment has been made for any review.~~

As the Private Development Engineer is under the direction of the Community Development Director, the edit is offered for clarity.

ACTION REQUESTED

Staff recommends approval of the amendments to Chapter 150.157 of the Lombard Code as it pertains to the issuance of building permits.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE XV, CHAPTER 150, SECTION 150.157
OF THE LOMBARD VILLAGE CODE IN REGARD TO
ISSUANCE OF BUILDING PERMITS**

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 XV, Chapter 150, Section 150.157 of the Lombard Village Code is hereby amended to read in its entirety as follows:

§ 150.157 - Issuance of building permits.

(A) No permit will be considered valid unless plans are signed or stamped by the Fire Chief or his/her designee and/or the Community Development Director or his/her designee, whichever is applicable.

(B) The Village shall not issue any permit for the construction of any building or structure in violation of any valid restriction imposed by law.

(C) No building permit shall be issued unless engineering drawings required under § 150.152 shall have been reviewed by the Community Development Director or his/her designee, to certify the details shown on the drawings comply with applicable local regulations, and full payment has been made for any review.

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 _____, 2017.

First reading waived by action of the Board of Trustees this ____ day of _____, 2017.

Passed on second reading this ____ day of _____, 2017. Pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____, day of _____, 2017.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2017.

Sharon Kuderna, Village Clerk