

**VILLAGE OF LOMBARD**  
**INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission

HEARING DATE: March 19, 2007

FROM: Department of Community  
Development

PREPARED BY: William Heniff, AICP  
Senior Planner

**TITLE**

**PC 07-09; Text Amendments to the Lombard Zoning Ordinance:** The Village of Lombard is proposing text amendments to Section 155.802: Rules and Definitions to modify the definition of “Hotel or Motel” and/or any other associated definitions pertaining to the transient guest time length of stay at such facilities.

**DESCRIPTION**

The Community Development Department is proposing a few amendments to the definitions sections of the Zoning Ordinance as it pertains to hotels and motels and other types of transient guest establishments. The amendments are intended to clarify the intent of each use, address inconsistencies, and issues pertaining to the length of stay at such establishments.

**TEXT AMENDMENT DISCUSSION**

The intent of the proposed amendments is two-fold. From a zoning standpoint, the amendment is intended to further define where hotels, which provide for extended stay accommodations, are differentiated from other types of transient residence facilities. The intent of the amendment is to ensure that hotel and motels remain primarily short-term accommodation facilities and do not become longer-term guest facilities such as rooming house or even de facto apartment facilities. Further commentary regarding this issue is provided for in the standards for Text Amendments (see Appendix A).

Secondly, staff would also like to ensure that such facilities are subject to the hotel/motel tax provisions to the greatest extent possible as provided by State Statutes (see Appendix B). While staff originally intended to cap the length of stay at such facilities, the Statutes and practical code enforcement provisions preclude establishing specific limits of stay for guests. As such, Counsel suggested alternate language to denote that intent of hotels and motels, which provide greater, but not absolute differentiation, from other types of guest facilities.

The proposed text amendments are noted below. **Proposed additions to the Zoning Ordinance are underlined and portions that will be extracted are shown with strikethrough.** The Standards for Text Amendments are also included below.

## SECTION 8: RULES AND DEFINITIONS

### 155.802 Rules and Definitions

**DORMITORY** is a building or part of a building associated with or accessory to an educational use, containing a room or rooms forming one or more habitable units which are used or intended to be used by ~~residents~~ students primarily for living and sleeping.

**DWELLING** is a building, or portion thereof designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings ~~and apartment hotels~~, but not including hotels or motels.

~~**GUEST, PERMANENT** is a person who occupies or has the right to occupy a hotel or motel or apartment hotel accommodation as his domicile and place of permanent residence.~~

**HOTEL OR MOTEL** is an establishment which ~~is open to transient guests~~ primarily serves persons, other than permanent residents as defined in 35 ILCS 145/2(5), in contradistinction to a boarding, rooming or lodging house, , and is commonly known as a hotel in the community in which it is located; and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture and bellboy service. As part of their accommodations, such facilities typically offer housekeeping, concierge, bellhop and furniture, linen and laundering services.

**LODGING HOUSE** (including BOARDING and ROOMING HOUSE) is a residential building, or portion thereof, other than a hotel or motel, ~~apartment hotel, or hotel~~, containing lodging rooms which accommodate persons, including permanent residents as defined in 35 ILCS 145/2(5), who are not members of the keeper's family. Lodging with or without meals is provided for compensation on a weekly or monthly basis.

*While not proposed to be amended, staff also offers the following definition already within the Zoning Ordinance for comparison and informational purposes.*

**LODGING ROOM (ROOMING UNIT)** is a room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one "lodging room" for the purposes of this ordinance.

**ROOMING UNIT** is a term used in this ordinance to regulate residential density in boarding, lodging, and rooming houses. "Rooming unit" is synonymous with "lodging room".

**RECOMMENDATION:**

Based on the above considerations, the Inter-Departmental Review Committee finds that the proposed text amendments meet the standards for text amendments as set forth within the Zoning Ordinance. Therefore, the IDRC recommends that the Plan Commission make the following motion recommending **approval** of the request as proposed:

Based on the submitted petition and the testimony presented, the proposed text amendments comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-department Review Report be the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of the text amendments described in PC 07-09.

Inter-Departmental Review Group Report Approved By:

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David A. Hulseberg, AICP  
Assistant Village Manager/Director of Community Development

**Appendix A**  
**Standards for Text Amendments**

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 amendment would be uniformly applied to all properties that are developed and/or operated as the uses noted within the staff report.

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

The amendment is intended to provide better distraction between business uses such as a hotel and other types of transient housing, which is commonly found in residence districts.

3. *The degree to which the proposed amendment would create nonconformity; and*

The amendment does not intend to create nonconformities. Rather, it is intended for clarity.

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

The amendment does not intend to make the Ordinance more permissive. Rather, it is intended for clarity.

5. *The consistency of the proposed amendment with the Comprehensive Plan*

The amendment is intended to ensure that various land uses described in the Ordinance are operating in a manner consistent with the Plan. Specifically the amendment is intended to ensure that residential structures are being used as hotel and that hotels, as a whole, are not being used as permanent residences.

6. *The degree to which the proposed amendment is consistent with Village policy as established in previous rulings on petitions involving similar circumstances.*

The amendments are intended to follow the intent of the underlying zoning districts.

**Appendix B**  
**Relevant Sections of State Statutes**

(35 ILCS 145/2) (from Ch. 120, par. 481b.32)

Sec. 2. As used in this Act, unless the context otherwise requires:

(5) "Permanent resident" means any person who occupied or has the right to occupy any room or rooms, regardless of whether or not it is the same room or rooms, in a hotel for at least 30 consecutive days.

(65 ILCS 5/8-3-14) (from Ch. 24, par. 8-3-14)

Sec. 8-3-14. The corporate authorities of any municipality may impose a tax upon all persons engaged in such municipality in the business of renting, leasing or letting rooms in a hotel, as defined in "The Hotel Operators' Occupation Tax Act," at a rate not to exceed 5% of the gross rental receipts from such renting, leasing or letting, excluding, however, from gross rental receipts, the proceeds of such renting, leasing or letting to permanent residents of that hotel and proceeds from the tax imposed under subsection (c) of Section 13 of the Metropolitan Pier and Exposition Authority Act, and may provide for the administration and enforcement of the tax, and for the collection thereof from the persons subject to the tax, as the corporate authorities determine to be necessary or practicable for the effective administration of the tax.

Persons subject to any tax imposed pursuant to authority granted by this Section may reimburse themselves for their tax liability for such tax by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax imposed under "The Hotel Operators' Occupation Tax Act".

Nothing in this Section shall be construed to authorize a municipality to impose a tax upon the privilege of engaging in any business which under the constitution of the United States may not be made the subject of taxation by this State.

The amounts collected by any municipality pursuant to this Section shall be expended by the municipality solely to promote tourism and conventions within that municipality or otherwise to attract nonresident overnight visitors to the municipality.

No funds received pursuant to this Section shall be used to advertise for or otherwise promote new competition in the hotel business.

(Source: P.A. 87-733.)