

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


Resolution or Ordinance (Blue)     Waiver of First Requested  
 Recommendations of Boards, Commissions & Committees (Green)  
 Other Business (Pink)

**TO :** PRESIDENT AND BOARD OF TRUSTEES

**FROM:** Scott R. Niehaus, Village Manager

**DATE :** February 9, 2021    **(BOT) Date:** February 18, 2021

**SUBJECT:** PC 21-07, Text Amendment: Revocation Dates

**SUBMITTED BY:** William J. Heniff, AICP, Director of Community Development 

**BACKGROUND/POLICY IMPLICATIONS:**

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, is requesting a text amendments to Section 155.103(C)(10), Section 155.103(F)(11), and Section 155.103(F)(12), and any other relevant sections for clarity, to change the provisions on zoning revocation dates for variations and conditional uses from a one year period to a two year period.

The Plan Commission recommended approval of this petition by a vote of 5-0. Please place this petition on the February 18, 2021 Board of Trustees consent agenda.

**Fiscal Impact/Funding Source:**

Review (as necessary):

Finance Director \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager \_\_\_\_\_ 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

**MEETING DATE:** February 18, 2021

**SUBJECT:** **PC 21-07, Text Amendment: Revocation Dates**

Please find the following items for Village Board consideration as part of the February 18, 2021 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 21-07; and
3. An Ordinance granting approval of the text amendments of the Lombard Zoning Ordinance.

The Plan Commission recommended approval of this petition by a vote of 5-0. Please place this petition on the February 18, 2021 Board of Trustees consent agenda.



## VILLAGE OF LOMBARD

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Lombard, Illinois 60148-3926  
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[www.villageoflombard.org](http://www.villageoflombard.org)

February 18, 2021

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Sharon Kuderna

### Trustees

Dan Whittington, Dist. 1  
Anthony Puccio, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Andrew Honig, Dist. 4  
Daniel Militello, Dist. 5  
William "Bill" Ware, Dist. 6

**Village Manager**  
Scott R. Niehaus

*"Our shared **Vision** for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."*

*"The **Mission** of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."*

Mr. Keith T. Giagnorio,  
Village President, and  
Board of Trustees  
Village of Lombard

**Subject: PC 21-07, Text Amendment, Revocation Dates**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, is requesting a text amendments to Section 155.103(C)(10), Section 155.103(F)(11), and Section 155.103(F)(12), and any other relevant sections for clarity, to change the provisions on zoning revocation dates for variations and conditional uses from a one year period to a two year period.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on January 25, 2021. Sworn in to present the petition was Jennifer Ganser, Assistant Director.

Vice Chairperson Flint asked for public comment. No comments were offered.

Vice Chairperson Flint asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. The zoning ordinance requires that projects that receive zoning relief to be "substantially under way within 12 months" of the date of Board approval, or the relief is null and void. Many times, due to weather, property closings, financing, or another issue, the petitioner requests a one-year time extension from the Board. In the last 20 years, there are no instances where the Village Board denied the request for a time extension. There have been over 60 time extension requests since 2000. Therefore, staff would like to amend the sections to change from 12 months to 24 months.

Vice Chairperson Flint opened the meeting for comments among the Commissioners.

Vice Chairperson Flint asked if the time extensions were mainly conditional uses. Ms. Ganser said most likely. They were mostly new buildings that had delays due to weather or financing. She noted that Covid has caused a delay with recent projects. Commissioner Sweetser asked if this was approved, if a petitioner would still be able to ask the Board for a time extension. Ms. Ganser said yes, they would go through staff to the Village Board. She said staff always asks the petitioner for the reasoning of the extension and would continue to do so.

On a motion by Commissioner Sweetser, and a second by Commissioner Giuliano, the Plan Commission voted 5-0 to recommend that the Village Board approve the petition associated with PC 21-07.

Respectfully,

**VILLAGE OF LOMBARD**

Steve Flint, Vice Chairperson  
Lombard Plan Commission

January 25, 2021

**Title**

PC 21-07

**Petitioner**

Village of Lombard

**Property Location**

Village Wide

**Approval Sought**

Text amendment

**Prepared By**

Jennifer Ganser, AICP  
Assistant Director

**DESCRIPTION**

The petitioner, the Village of Lombard, is requesting a text amendments to Section 155.103(C)(10), Section 155.103(F)(11), and Section 155.103(F)(12), and any other relevant sections for clarity, to change the provisions on zoning revocation dates for variations and conditional uses from a one year period to a two year period.

**INTER-DEPARTMENTAL REVIEW**

**Building Division:**

The Building Division has no comments regarding the proposed text amendment to the Zoning Ordinance.

**Fire Department:**

The Fire Department has no comments regarding the proposed text amendment to the Zoning Ordinance.

**Public Works:**

The Department of Public Works has no comments regarding the proposed text amendment to the Zoning Ordinance.

**Private Engineering Services:**

Private Engineering Services has no comments regarding the proposed text amendment. They noted that some engineering permits are good for one year or less, such as IEPA and stormwater.

**Planning Services Division:**

The zoning ordinance requires that projects that receive zoning relief to be “substantially under way within 12 months” of the date of Board approval, or the relief is null and void. Many times, due to weather, property closings, financing, or another issue, the petitioner requests a one-year time extension from the Board. In the last 20 years, there are no instances where the Village Board denied the request for a time extension. There have been over 60 time extension requests since 2000. Therefore, staff would like to amend the sections to change from 12 months to 24 months.

## **EXISTING & PROPOSED REGULATIONS**

Staff proposes the following text amendments. Additions are denoted by **bold and underline**. Deletions are shown in ~~striketrough~~.

§ 155.103 - Procedures for administrative functions.

(C)(10)

Revocation. Where a variation has been granted pursuant to the provisions of this Chapter, such approval shall become null and void unless work thereon is substantially under way within ~~12~~ **24** months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.

(F)(11)

(a) In any case where the construction of an approved conditional use is not substantially underway within ~~one~~ **two** years from the date of granting thereof, then, without further action by the Village Board, the conditional use or authorization thereof shall be null and void.

(F)(12)

Expiration and transferability. A conditional use approval shall be deemed to authorize only a particular conditional use and shall expire if the conditional use shall cease for more than ~~12~~ **24** months for any reason. However, the ownership of an authorized conditional use may be changed if the use remains unchanged.

## **STANDARDS FOR TEXT AMENDMENTS**

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed.

### STANDARDS FOR TEXT AMENDMENTS

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed.

1. The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;

The text amendment is generally applicable to all property in the Village.

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

The text amendment is consistent with the objectives of the Zoning Ordinance.

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

Staff does not believe any nonconformity would be created.

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

The proposed amendment will allow more flexibility for new developments.

5. The consistency of the proposed amendment with the Comprehensive Plan; and

Staff finds that the proposed amendments would be consistent with 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 Village has a history of amending the Zoning Ordinance to address edits.

## **FINDING & RECOMMENDATIONS**

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the requested text amendments **comply** with the standards required by the Village of Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 21-07.

Inter-Departmental Review Committee Report approved by:

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William J. Heniff, AICP  
Director of Community Development

ORDINANCE \_\_\_\_\_

AN ORDINANCE APPROVING A TEXT AMENDMENT  
TO THE LOMBARD ZONING ORDINANCE  
TITLE 15, CHAPTER 155  
OF THE LOMBARD ZONING CODE

PC 21-07: Text Amendments to the Zoning Ordinance: Revocation Dates for Zoning Relief

WHEREAS, the Village of Lombard maintains a Zoning Ordinance which is found in Title 15, Chapter 155 of the Lombard Code; and,

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

WHEREAS, a public hearing to consider text amendments to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on January 25, 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 155, Section 155.103(C)(10) of the Lombard Zoning Ordinance shall be amended to read in part as follows:

Revocation. Where a variation has been granted pursuant to the provisions of this Chapter, such approval shall become null and void unless work thereon is substantially under way within ~~12~~ **24** months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.

**SECTION 2:** That Title 15, Chapter 155, Section 155.103(F)(11)(a) of the Lombard Zoning Ordinance shall be amended to read in part as follows:

(a) In any case where the construction of an approved conditional use is not substantially underway within ~~one~~ **two** years from the date of granting thereof, then, without further



action by the Village Board, the conditional use or authorization thereof shall be null and void.

**SECTION 3:** That Title 15, Chapter 155, Section 155.103(F)(12) of the Lombard Zoning Ordinance shall be amended to read in part as follows:

Expiration and transferability. A conditional use approval shall be deemed to authorize only a particular conditional use and shall expire if the conditional use shall cease for more than ~~12~~ **24** months for any reason. However, the ownership of an authorized conditional use may be changed if the use remains unchanged.

**SECTION 4:** 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 \_\_\_\_\_, 2021.

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

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Keith T. Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published in pamphlet from this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk