

**ORDINANCE 8347
PAMPHLET**

PC 25-02: TEXT AMENDMENT – DIRECTOR RESPONSIBILITIES



PUBLISHED IN PAMPHLET FORM THIS 21ST DAY OF MARCH 2025, BY ORDER OF
THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.

Elizabeth Brezinski
Village Clerk

ORDINANCE NO. 8347

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE VILLAGE CODE OF LOMBARD, ILLINOIS**

PC 25-02: Text Amendments to Village Code – Community Development Department
Director Responsibilities

WHEREAS, the Village of Lombard maintains a Code of Ordinances; and,

WHEREAS, the Village of Lombard also maintains a Building Code which is found in Title 15, Chapter 150 of the Code of Lombard, Illinois; and,

WHEREAS, within the Code of Ordinances, the Village of Lombard maintains a Sign Ordinance which is found in Title 15, Chapter 153 of the Lombard Code; a Subdivision and Development Ordinance which is found in Title 15, Chapter 154 of the Lombard Code; and, a Zoning Ordinance which is found in Title 15, Chapter 155 of the Lombard Code; and,

WHEREAS, a public hearing to consider text amendments to the Sign, Subdivision and Development and Zoning Ordinances pertaining to administrative responsibilities pertaining to the aforementioned sections of Village Code provisions have been conducted by the Village of Lombard Plan Commission on January 27, 2025, 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; and

WHEREAS, the Board of Trustees deem it reasonable to make companion text amendments to all other sections of Village Code to accurately reflect the roles and responsibilities of the Director of Economic Development and Planning as well as the Director of Building; and

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 the Code of Lombard, Illinois is hereby amended in part to read as set forth in Exhibit A attached hereto and a part hereof.

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 6th day of March, 2025.

First reading waived by action of the Board of Trustees this _____ day of _____, 2025.

Passed on second reading this 20th day of March, 2025.

Ayes: Trustee LaVaque, Puccio, Dudek, Militello and Bachner

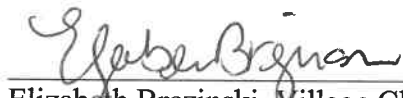
Nays: None

Absent: None

Approved by me this 20th day of March, 2025.


Keith T. Giagnorio, Village President

ATTEST:


Elizabeth Brezinski, Village Clerk

Published by me in pamphlet form this 21st day of March, 2025.

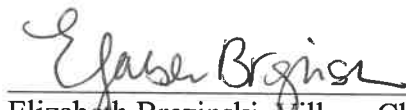

Elizabeth Brezinski, Village Clerk

EXHIBIT A

Text Amendments to Village Code (Director References)

Note: Proposed additions to the Village Code are shown in red text and underlined and deletions are in red text and strikeout.

CHAPTER 10: - GENERAL PROVISIONS

§ 13.03 - Failure to obtain required license or permit.

So as to reimburse the ~~the~~ Village for the administrative expenses related to enforcing the licensing and permitting provisions of this Code, any person, firm or corporation who fails to obtain any license(s) or permit(s) required by this Code, prior to engaging in the activity in relation to which said license(s) or permit(s) is/are issued, shall be required to obtain said license(s) and/or permit(s) and shall be charged double the applicable fee or fees therefore. In cases in which the Village finds that an improvement covered under the provisions of Chapter 150 of Village Code was undertaken without a permit and the permit is non-structural in nature, the ~~Community Development~~ Director of Building and/or ~~his/her~~ designee has the discretion to waive the doubling of the fees, provided that all applicable permits have been issued relative to the project in question.

(Ord. No. 7892, § 1, passed 12-3-20)

ARTICLE II. - BOARD OF BUILDING APPEALS

§ 32.020 - Created; qualifications; term.

(A) There is created a Board of Building Appeals which shall consist of five members who shall be appointed pursuant to the provisions of this subchapter by the President with the advice and consent of the Board of Trustees of the village.

(B) Members of the Board shall be chosen on the basis of their experience in one or more of the following occupations:

- (1) State of Illinois licensed engineer or architect.
- (2) Builder or person employed in the building construction trade.
- (3) Plumber.
- (4) Electrician.

(C) Appointments shall be for a term of three years, and each appointed member ~~so appointed~~ shall be a resident of the ~~V~~Village.

('70 Code, § 2.32.010) (Ord. 2575, passed 2-10-82)

§ 32.021 - Powers and duties.

The Board of Building Appeals shall have the following powers and duties:

(A) Prepare and recommend to the President and Board of Trustees of the ~~V~~Village any changes or amendments to the Building Code deemed necessary for the proper development of the ~~V~~Village.

(B) Hear appeals from decisions of the ~~Community Development~~ Director of Building or Fire Chief or their designees regarding any clarification or interpretation of the provisions of the Building Code concerning materials, methods, systems, or arrangement of materials for construction permitted under the provisions of the Building Code, Fire Prevention Code and the Life Safety Code.

(C) Recommend the adaptability or safety of any building materials, methods, or arrangements of materials not provided for in the Building Code and which have not been previously approved for use to the ~~Community Development~~ Director of Building or the Fire Chief or their designees; however, that nothing herein shall allow the Board of Building Appeals to approve any building materials, methods, or arrangements of materials specifically prohibited under the Building Code, Fire Prevention Code or the Life Safety Code.

('70 Code, § 2.32.020) (Ord. 2575, passed 2-10-82; Ord. 6372, passed 9/3/09)

§ 32.022 - Commencement of term, removal, officers.

(A) All terms of the members shall commence on June 1.

(B) If any member, without reason, misses more than three meetings in any 12-month period, said member may be removed and replaced by the President and Board of Trustees.

(C) The President and Board of Trustees shall appoint a Chairperson annually, as of June 1.

(D) The ~~Community Development~~ Director of Building or his designated departmental representative shall act as Secretary for the Board, and it shall be the duty of the Secretary to keep detailed records of all proceedings on file.

('70 Code, § 2.32.030) (Ord. 2575, passed 2-10-82)

§ 32.025 - Decisions of board.

The Board may affirm, modify or reverse the decision of the ~~Community Development~~ Director of Building or Fire Chief, or their respective designees, by a majority vote of the members of the Board (at least three of the five members), and such action shall be in the form of a written decision, which includes the Board's findings. Certified copies of the decision shall be furnished to the appellant and to the Community Development Director and/or the Fire Chief, or their respective designee(s), as the case may be. The appellant, the ~~Community Development~~ Director of Building or the Fire Chief, or the ~~Community Development~~ Director of Building's or Fire Chief's respective designee(s), may appeal the decision of the Board to the Board of Trustees by a written request for same, filed with the Village Clerk within ten days after receiving written notice of the decision appealed from.

('70 Code, § 2.32.060) (Ord. 2575, passed 2-10-82; Ord. 6372, passed 9/3/09; Ord. No. 7852, § 1, passed 9-3-20)

ARTICLE VIII. - PLAN COMMISSION^[3]

§ 32.096 - Membership.

Said Plan Commission shall consist of seven members (exclusive of the ~~Community Development~~ Director of Economic Development and Planning, who are ex-officio members). One of the members shall be designated as Chairperson. All members of the Commission shall be electors of the ~~V~~Village and shall be appointed by the President and approved by the Board of Trustees, shall be subject to removal at any time by the President and Board of Trustees, shall serve without compensation and shall take an oath.

(Ord. No. 7311, § 1, passed 12-15-16; Ord. No. 7313, § 1, passed 12-15-16)

§ 32.097 - Terms; chairperson; executive secretary.

The terms of members shall be for a term of four years. All vacancies occurring in such Plan Commission shall be filled by appointment for the remainder of the unexpired term in the same manner as original appointments. The Chairperson of the Commission shall be so designated by the President subject to the approval by the Board of Trustees. ~~He~~The Chairperson shall serve ~~as Chairperson~~ for a one-year term or until his successor has been appointed. The Secretary to the Plan Commission shall be the ~~Community Development~~ Director of Economic Development and Planning or ~~his/her~~ designee.

(Ord. No. 7311, § 1, passed 12-15-16; Ord. No. 7313, § 1, passed 12-15-16)

CHAPTER 36: - FINANCE AND REVENUE

ARTICLE I. - GENERAL PROVISIONS

§ 36.21 - Fee schedule.

(I) In addition to all other fees established by this Code, all filings of a preliminary or final plat of subdivision, consolidation or resubdivision, including provision of public streets or access easements, or applications for rezonings (other than for one single-family residence); variations and conditional uses related to parking, vehicular drive-through services, or other matters impacting vehicular circulation or

traffic generation; shall be accompanied by a deposit of \$1,000.00 to be used for traffic impact analysis services. This fee may be waived by the Director of Community Economic Development and Planning if it is determined that such a review is unnecessary in order to satisfactorily process a petition. If the village's costs for such services exceed the deposit, the applicant shall reimburse the additional costs incurred by the ~~Village~~. If such costs are less than the deposit, the village shall return the difference to the applicant. The total cost incurred by the applicant for such services shall not exceed \$10,000.00. Until such time that the ~~Village~~ has received final payment of all traffic advisory services fees, no permits for the use or development of land shall be issued.

(M) The Director of Community Economic Development and Planning of the Village shall have the sole authority to determine whether any fee has been collected in error and if such a determination is made, the fee shall be returned to the applicant.

ARTICLE IV. - TAX INCREMENT FINANCING IMPROVEMENT AND RENOVATION GRANT PROGRAM

§ 36.30 - Definition.

There shall be established in the Village a Tax Increment Financing (TIF) Improvement and Renovation Grant Program (the "Grant Program") which shall be administered by the Director of Community Economic Development and Planning ~~(the "Director")~~ with approval from the Economic and Community Development Committee (ECDC) in accordance with the standards set forth in this Chapter.

The Grant Program shall be eligible to those properties located within the St. Charles Road TIF 1-West District or the St. Charles Road TIF 2-East District.

ARTICLE V. - RELOCATION GRANT PROGRAM^[3]

§ 36.40 - Definition.

(A) Establishment: There shall be established a Relocation Grant Program (the "Relocation Program") which shall be administered by the Director of Community Economic Development and Planning (the "Director") in accordance with the standards set forth within the latest Village Board adopted version of the Relocation Grant Policy and based on the total Program funds available.

ARTICLE VI. - DOWNTOWN RESTAURANT FORGIVABLE LOAN PROGRAM^[4]

§ 36.50 - Establishment of program.

There shall be established in the Village a Restaurant Forgivable Loan Program (the "Loan Program") which shall be administered by the Director of Community Economic Development and Planning ~~(the "Director")~~ with approval from the Economic and Community Development Committee (ECDC) in accordance with the standards set forth in Section 36.51 below.

(Ord. No. 8235, § 1(Exh. A), passed 1-18-24)

ARTICLE VII. - PUBLIC ART PROGRAM^[5]

§ 36.60 - Purpose.

There shall be established in the Village a Public Art Program (hereinafter the "Program") which shall be administered by the Director of ~~Community Economic~~ Development ~~and Planning~~ with approval from the Economic and Community Development Committee (ECDC) in accordance with the latest Village Board adopted version of the Public Art Program Policy and based on the total applicable TIF funds available. The purpose of the Program is to increase the economic viability of Lombard by attracting visitors and, in turn, new businesses wanting to capture the market of those visitors. The Program will allow for the purchase of artwork to be placed on or adjacent to the public right-of-way. This Program is intended to complement and support the ~~v~~Village's plans to maintain quality TIF Districts. The intention of the Program is to create a more viable and attractive area through this private/public partnership initiative.

(Ord. No. 8235, § 1(Exh. A), passed 1-18-24)

ARTICLE VIII. - RETAIL BUSINESS GRANT PROGRAM^[6]

§ 36.70 - Establishment of program.

There shall be established in the Village a Retail Business Grant Program (the "Grant Program") which shall be administered by the Director of ~~Community Economic~~ Development ~~and Planning~~(~~the "Director"~~) with approval from the Economic & Community Development Committee (ECDC) in accordance with the standards set forth in Section 36.71 below.

CHAPTER 40: - COMMUNITY DEVELOPMENT DEPARTMENT

40.01 - Creation; composition.

The Community Development Department of the Village is hereby created and established. It shall consist of a Director of ~~Community-Economic~~ Development ~~and Planning~~, a Director of Building and such other employees as may be provided for by the Corporate Authorities of the Village.

(Ord. No. 7463, § 2, passed 1-4-18)

·§ 40.02 - Appointment of Directors within-of Community Development.

The Village Manager is authorized to appoint and remove the Director of Building and/or Director of Economic Development and Planning ~~Community Development~~ as set forth within the adopted Village Human Resource Manual. The Village is a statutory manager form of government, meaning that the Village Manager can hire and fire department heads without the need for Village Board approval.

(Ord. No. 7463, § 2, passed 1-4-18)

§ 40.03 - Directors of Community Development; general powers and duties.

The Director of ~~Building and Economic Development and Director of Planning Community Development~~ shall have the authority and responsibility to control the Community Development Department, and its respective employees ~~as designated within the latest version of the adopted organizational chart~~. They ~~Director of Community Development~~ shall promulgate such orders, rules, and regulations for the conduct of the Community Development Department and the ~~employeesmembers thereof, as allowed by law, as to he/she shall deem fit and proper.~~

(Ord. No. 7463, § 2, passed 1-4-18)

§ 40.04 - Director of ~~Building and Director of Economic Development and Planning Community Development~~; specific powers and duties.

The Director of ~~Building and Director of Economic Development and Planning Community Development~~ shall be ~~in-charge responsible~~ of all ~~eCommunity dDevelopment~~ activities including, but not limited to, contributing to the development, redevelopment, maintenance and enhancement of the quality of life for residents and businesses in the ~~vVillage~~. In addition to those duties assigned by the Corporate Authorities or the Village Manager, the Directors ~~of Community Development~~ shall be responsible for the following activities, with specific task responsibilities more specifically set forth elsewhere within Village Code:

(A) Providing staff assistance to residents, businesses, tenants and property owners through the processing, review, approval and inspection of private development plans and projects;

(B) Administering the provisions set forth within the Title 15 of the Code as well as any other duties assigned to the Department of Community Development ~~or Director of Community Development~~, pursuant to other provisions of the Code;

(C) Providing for the monitoring, inspection and/or enforcement of the Building Code, Subdivision and Development Ordinance, Zoning Ordinance, Sign Ordinance and applicable sections of the Municipal Code dealing with nuisances, including code violation investigation, issuance of citation and/or violation notices, and processing same for court or administrative adjudication action when necessary;

(D) Promoting the sound growth and development of the village through the development and administration of the ~~vVillage eComprehensive pPlan~~;

(E) Overseeing and implementing the activities and recommendations pertaining to the physical growth of the village through establishment of an annexation strategy plan, as well as administering the extraterritorial jurisdictional rights of the village as set forth within the Illinois Compiled Statutes;

(F) Partnering and coordinating applicable economic development cooperation between the village and other public and private entities;

(G) Advancing the economic viability of the village through the administration of economic development plans and programs including, but not limited to, Tax Increment Finance (TIF) District activities, grant programs, economic incentive programs and development agreements;

(H) Facilitating intergovernmental cooperation and the coordination of the ~~v~~Village's interaction with private, local and regional agencies serving the regional planning and public transportation needs of the community;

(I) Providing staff support assistance to other departments as well as the Zoning Board of Appeals, the Plan Commission, the Economic and Community Development Committee, the Board of Building Appeals, the Historic Preservation Commission and other established committees that address development activity within the village;

(J) Administering the relevant provisions of the DuPage County Stormwater and Floodplain Ordinance and local drainage regulations;

(K) Managing the proper design and installation of private infrastructure and public improvements associated with private development activity; and

(L) Administering village grant programs designed to address private stormwater drainage concerns; and

~~(M) Coordinating and managing activities associated with the village's Geographic Information Systems (GIS).~~

(Ord. 6559, passed 12/16/10; Ord. No. 7463, § 2, passed 1-4-18)

CHAPTER 92: - HEALTH AND SANITATION

§92.33 - Xeriscaping.

In cases where the person, firm, or corporation owning or controlling any lot or parcel of property, landscapes said lot or parcel of property either with vegetation native to the region, so as to reduce or eliminate required maintenance, or a vegetable/flower garden that does not extend into the front, side or corner side yard setbacks, said person, firm or corporation shall provide upon request of the Director of ~~Community Development~~ Building a landscape plan, including plan box detailing the species of vegetation planted, or other documentation required by the Director of Building to show compliance with § 92.31 of this Code.

('70 Code, § 6.20.035) (Ord. 2356, passed 1-3-80, Ord. 3617, passed 11/5/92; Ord. 6738, passed 6/21/12)

Cross reference— Penalty, see § 92.99

CHAPTER 95: - PARADES

95.01 - Definitions.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Chief of ~~p~~Police. The Chief of Police of the ~~v~~Village.

Director of Economic Development and pPlanning. The Director of ~~the Department~~ of Economic Development and Planning for the ~~v~~Village.

95.15 - Notice of approval or rejection.

The Chief of Police shall act upon the application and shall mail to the applicant within 14 days after the date upon which the application was filed, a written notice of his action. Any notice of an application rejected or denied shall state the reasons for such rejection or denial. Copies of the approval or rejection shall be sent to the Village Manager, the Fire Chief, the Director of Public Works, and the Director of Economic Development and Planning.

('70 Code, § 5.07.045) (Ord. 2729, passed 3-28-85)

§ 95.18 - Notice of issuance.

Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to the Village Manager, the President and Board of Trustees, the Fire Chief, the Director of Public Works, and the Director of Economic Development and Planning.

('70 Code, § 5.07.060) (Ord. 2729, passed 3-28-85)

§ 95.32 - Application.

(A) Any organization seeking issuance of a special temporary business permit shall file an application for the same with the Director of Economic Development and Planning on forms provided by such office. An application for said permit shall be filed not more than one year and not less than 21 days before the date for which the parade and the temporary business permit is requested.

(B) The application for said temporary business permit shall contain the following information:

(1) The name, address, and telephone number of the individual in charge of or responsible for the temporary business and the name of the not for profit organization in which the permit is to be issued (documentation or proof of not for profit status may be required);

(2) Type of temporary business activity to be conducted, the location of such activity, and approximate time of business;

(3) Name and date of the parade; certification by the person or organization conducting the parade;

(4) Certification of the property owner or person in control of the property;

(5) Any additional information that the Director of Economic Development and Planning shall find reasonably necessary for a fair determination as to whether a permit should be issued.

('70 Code, § 5.07.220) (Ord. 2729, passed 3-28-85)

□ **§ 95.33 - Notice of approval or rejection.**

The Director of Economic Development and Planning shall act upon the application within 14 days after the date upon which the application was filed. A written notice of ~~his~~ actions taken, indicating acceptance or rejection of the application shall be mailed to the applicant. Any rejection or denial shall state the reason for such rejection or denial.

('70 Code, § 5.07.230) (Ord. 2729, passed 3-28-85)

§ 95.35 - Contents of permits.

Each temporary business permit shall state the starting time and the completion time of the scheduled temporary business; location of this temporary but fixed business, and any other information as the Director of Economic Development and Planning shall deem necessary for the enforcement of this Chapter.

('70 Code, § 5.07.250) (Ord. 2729, passed 3-28-85)

CHAPTER 97: - STREETS AND SIDEWALKS

§ 97.005 - Items on village right-of-way.

(C)(1) All applicants who wish to place decorations in the right-of-way shall request a sidewalk decorations permit by completing an application in a form approved by the village. This application shall be submitted to the ~~v~~Village's Director of ~~Community Economic Development and Planning~~ with a non-refundable fee of \$25.00. All applications shall include the following information:

(D) One dumpster per property/business may be allowed in the public right-of way within the B5 Central Business District, on a temporary basis, with the prior written approval from the Director of ~~BuildingCommunity Development~~, or ~~his or her~~ designee. The Director of ~~BuildingCommunity Development~~, or ~~his or her~~ designee, shall be the sole authority to determine whether a permit should be issued to allow a dumpster to be temporarily placed in the public right-of-way, provided the applicant therefore:

ARTICLE IV. - VACATION OF STREETS

§ 97.102 - Determination of village manager; deposit.

Upon a determination of the Village Manager to recommend or not recommend said vacation, the property owner shall have the right to present the request to the corporate authorities. In the event the petitioner or property owner continues to request the vacation, said person shall deposit with the ~~v~~Village

sufficient monies as determined by the Director of ~~Economic Development and~~ Planning to cover any costs associated with an appraisal of the property. Any monies held above the cost of the appraisal shall be refunded to the petitioner when the process is complete.

('70 Code, § 12.26.030) (Ord. 3013, passed 12-17-87)

ARTICLE III. - TEMPORARY EVENT⁽¹⁾

§ 110.46 - Inspection.

The Village Fire Chief and/or ~~Community Development~~ Director of Building, or their designee(s), and as deemed appropriate and except where otherwise noted, shall make reasonable inspections to determine if the following conditions are met:

- (A) Adequate aisles for pedestrians, and fire separation between structure, attractions and sales areas;
- (B) Sufficient exits, marked and properly lighted;
- (C) Adequate wiring on all electrical fixtures;
- (D) Proper safeguarding of the use of any open flames;
- (E) Arrangements for the proper servicing of all areas where debris may be expected to accumulate;
- (F) All combustible decorative materials, including curtains, streamers, and cloth are rendered fireproof;
- (G) Satisfactory sanitary facilities on or near the premises on which the temporary event is to be maintained, sufficient for the public;
- (H) Adequate traffic circulation and parking provisions for patrons.
- (I) Noise levels are controlled so as not to become a nuisance to adjacent uses. At no point on the boundary of a residence district, as defined in § 155.802, shall the sound intensity level exceed the levels adopted by the Illinois Pollution Control Board, Title 35, Subtitle H, Chapter 1, Part 900 of the Illinois Administrative Code;
- (J) Adequate security and crowd control as determined by the Chief of Police or their designee;
- (K) Adequate traffic control at all entrances to public streets as determined by the Chief of Police, or their designee;
- (L) Adequate sanitation facilities and maintenance of all animals part of or associated with the circus or carnival.
- (M) Lighting does not intrude upon adjacent residential properties
- (N) All applicable village codes and ordinances are being complied with relative to the temporary event.

Each permit issued hereunder shall contain the provision that police, fire, and other authorized officials of the village shall have the right to free access to the grounds and all buildings, structures, booths, shows, and concessions, and any other attractions on such grounds to inspect and enforce compliance with the provisions of this Chapter.

(Ord. No. 7043, § 1, passed 2-5-15; Ord. No. 7755, § 1, passed 11-21-19)

§ 110.47 - Issuance of permit.

(A) The ~~Community Development~~ Director of Building, or their designee, shall make a report of the inspection to the Village Manager, who shall issue such permit if the report shows compliance with the provisions of this Chapter and the application otherwise meets all the requirements of this Chapter.

(B) No more than four permits shall be issued for a single parcel of property within the same calendar year. In the case of seasonal outdoor garden sales, not more than two permits shall be issued for a single parcel of property with the total period of both permits not to exceed four months, within the same calendar year. Any organization may in its application request an increase in the number of the permits hereunder. The President and Board of Trustees may increase the number of permits authorized for such applicant.

(C) In no case shall a permit be issued for a single parcel of property such that the first day a permit is valid falls within three consecutive days of the terms of a previously issued permit.

(D) In the case of carnivals and circuses, no permit may be renewed and no permit may be issued for more than ten consecutive days. In the case of temporary outdoor cafes, temporary special events, and of temporary outdoor sales or auctions, no permit may be renewed and no permit may be issued for more than 30 consecutive days for on-premises events, meaning events to sell or promote the goods or services of the business where the event is held. Off-premises events, meaning events to sell or promote the goods or services of a business other than the business where the event is held, may be issued a permit for no more than three consecutive days. In the case of seasonal outdoor garden sales, no permit may be renewed and no permit may be issued so as to allow the seasonal outdoor garden sales to take place for more than four months during the same calendar year.

(E) Any organization may in their application request an extension of the permit term hereunder. The President and Board of Trustees may increase the permit term authorized for such applicants.

(F) If applicable, all license and licensing requirements applicable pursuant to other provisions of this Code must be satisfied prior to the issuance of the permit.

(Ord. No. 7043, § 1, passed 2-5-15; Ord. No. 7755, § 1, passed 11-21-19; Ord. No. 8007, § 5, passed 11-18-21)

□ § 110.48 - Revocation of permit.

(A) Any permit issued hereunder may be revoked by the Village Manager upon any finding by the Police Chief, Fire Chief, ~~Director of Building-Commissioner~~ or other authorized official of the ~~✶~~Village that any provision of this Chapter has been violated or that any other ordinance of the ~~✶~~Village or statute of the State of Illinois has been violated. Upon the finding of any such violation the Village Manager shall cause written notice of the revocation stating the reason therefore to be served upon the permittee, his authorized agent, or the manager of such temporary event. Immediately upon receipt of a written notice of revocation, the permittee shall cease all operations.

(B) If during any inspection, the Fire Chief ~~or Director of Building~~, or their designee finds any attraction to pose a danger to public safety, the Fire Chief, or their designee at their discretion may immediately terminate the operation of said attraction until such time as the danger is abated. Failure to abide by the order of the Fire Chief ~~or the Director of Building~~, or their designee to terminate operation of said attraction shall be a violation of the permit provisions and shall result in the revocation of the permit for the entire event.

(C) Any permittee whose permit has been revoked or whose attraction has been terminated may, within ten days of the receipt of notice thereof, appeal to the President and Board of Trustees of the ~~✶~~Village for a hearing thereon. If no such appeal is taken within ten days as provided herein, the action of the Village Manager is final.

(Ord. No. 7043, § 1, passed 2-5-15; Ord. No. 7755, § 1, passed 11-21-19)

§ 110.60 - Carnivals, amusement rides and amusement attractions.

(B) Permit required

(1) No amusement ride, amusement attraction, midway arcade, games and attractions, and/or food and beverage vending shall be operated in conjunction with a carnival or fair in the village, without first having been issued a permit from the State of Illinois' Director of Labor or the Du-Page County Health Department, as this case may be, and without receiving a village carnival/fair permit from the ~~Community Development~~ Director ~~of Building~~ or their designee, for the operation of such carnival or fair.

(2) No permit issued hereunder may be renewed, and no permit issued hereunder may be issued for a period of more than ten consecutive calendar days, unless authorized by the President and Board of Trustees.

(3) Any permit issued hereunder may be revoked by the Village Manager or their designee upon any finding by the Police Chief, Fire Chief, Fire Marshal, ~~Community Development~~ Director ~~of Building~~ or other authorized ~~✶~~Village official that any provisions of this section have been violated by the permittee or that any other ordinance of the village or statute of the State of Illinois has been violated by the permittee. Upon the finding of any such violation, the Village Manager or their designee shall cause written notice of the revocation, stating the reason therefore, to be served upon the permittee, their authorized agent, or the operator of such carnival or fair. Immediately upon receipt of a written notice of revocation, the permittee shall cease all operations prohibited by said notice until the violation is corrected.

(3) Bond: The applicant or Operator, prior to the issuance of any permit hereunder, shall deposit with the Village Treasurer a cash bond in the sum of \$500.00 for an event of three days or less, or \$1,000.00 for an

event of more than three days, to ensure that no damage will be done to the street, sewers, trees or adjoining property and that no dirt, paper, litter or other debris will be permitted to remain upon the streets, adjoining property, or the site of the Carnival or Fair. Such cash bond shall be returned to the applicant upon confirmation by the ~~Community Development~~ Director of Building, or ~~their~~ designee, that all conditions of this section shall have been complied with upon the termination and vacation of the Carnival or Fair.

(E) Inspection required

(1) An amusement ride or amusement attraction shall be inspected by the ~~Community Development~~ Director of Building or their designee, and thereafter may be periodically reinspected throughout the duration of the carnival or fair.

(2) If, after inspection, the carnival or fair is found to comply with the regulations of this section, as well as comply with all other applicable village codes and ordinances, the ~~Community Development~~ Director of Building or ~~their~~ designee shall issue a permit for the operation of the carnival or fair.

(3) If, after inspection, an amusement ride or amusement attraction is found to be in violation of the rules and standards set forth by the State of Illinois' Carnival and Amusement Rides Safety Act 430 ILCS 85/2-1 et seq., or the currently adopted Village of Lombard Building Codes: including but not limited to the National Electric Code and the Fire Prevention Codes; the ~~Community Development~~ Director of Building or ~~their~~ designee may order and post any amusement ride or amusement attraction with a stop operation order notice. Operation shall not resume until such violative condition(s) are corrected to comply with such rule(s) and standard(s).

(4) A reinspection of the amusement ride or amusement attraction, following repair, shall be done within one business day of notification that the repair was made. Only the ~~Community Development~~ Director of Building or ~~their~~ designee may remove, deface or cover a stop operation order sticker after it has been applied to any amusement ride or amusement attraction.

(F) Daily inspections by the operator

(1) The amusement rides and amusement attractions shall be inspected and tested on each day they are intended to be used. A trained attendant shall make this inspection and the results of these daily inspections shall be recorded on industry approved forms. Completed inspection forms shall be certified by the operator and kept on file by the operator for one calendar year. These inspection records shall be made available to the ~~Community Development~~ Director of Building or ~~their~~ designee throughout the duration of the Carnival or Fair.

CHAPTER 119: - RESTAURANTS AND FOOD

ARTICLE III. - OUTDOOR CAFES AND OUTDOOR DINING

§ 119.22 - Regulations.

(B) Outdoor seating elements (as defined in § 119.23 below) shall not be permanently attached and shall be removed when not in use during cold weather months (generally October through March). Any outdoor seating elements owned by the business establishment, that are intended to be placed within the public right-of-way outside of established business hours, shall be identified within the annual permit application, and shall be subject to review by the Director of ~~Community Economic Development and Planning~~, or ~~their~~ designee. If approved, the ~~v~~Village reserves the right to require the establishment to remove or modify the outdoor seating elements, if deemed necessary by the village at any time.

§ 119.23 - Restrictions.

(A) Tables, chairs, temporary fencing, decorations and umbrellas (the "outdoor seating elements"):

(1) Shall be located so that a four-foot wide unobstructed walkway, as measured from the outdoor seating element to any other obstructions on the opposite side of the unobstructed walkway, is maintained at all times;

(2) Shall be located in accordance with the approved site plan, shall generally be immediately adjacent to the building and in no instance less than 42 inches from the back of curb, except that outdoor seating elements can be located closer than 42 inches from the back of curb when there is no parallel parking adjacent to them (said modification to these requirements may be varied by the Director of ~~Community Economic Development and Planning~~, or ~~their~~ designee, if granting such approval provides for a better design and layout of the seating area);

(C)(5) Outside seating areas on private property, not in conjunction with outdoor seating on the public right-of-way, shall be fenced or screened in a manner that prevents patrons from congregating outside of the designated seating area. Fencing shall be of a wood or metal design, and may be permanently secured to the ground or removable during the period in which outdoor seating is not open. Said fencing shall also meet the design and ingress/egress provisions as required by this Code. Modification to these requirements may be varied by the Director of ~~Community Economic Development and Planning~~, or their designee, if granting such approval provides for a better design and layout of the outdoor seating area.

§ 119.24 - Enforcement; revocation.

(B) The Chief of Police, the Fire Chief or the ~~Community Development~~ Director of ~~Economic Development and Planning~~, or their designees, of the ~~v~~Village, upon determining that the method or manner of use of the outdoor cafe or the outdoor seating or the conduct of persons serving within or using same pose an immediate threat to the public health, safety or welfare shall have the power and authority to cause the outdoor dining elements to be removed immediately and to revoke the permit issued pursuant to §§ 119.20 and 119.21 of this Code.

(Ord. 3733, passed 7/22/93, Ord. 4331, passed 6/19/97; Ord. 6713, passed 5/3/12; Ord. No. 7754, § 1, passed 11-21-19; Ord. No. 7795, § 1, passed 3-5-20)

119.24 - Enforcement; revocation.

(B) The Chief of Police, the Fire Chief or the ~~Community Development~~ Director of ~~Building~~, or their designees, of the ~~v~~Village, upon determining that the method or manner of use of the outdoor cafe or the outdoor seating or the conduct of persons serving within or using same pose an immediate threat to the

public health, safety or welfare shall have the power and authority to cause the outdoor dining elements to be removed immediately and to revoke the permit issued pursuant to §§ 119.20 and 119.21 of this Code.

(Ord. 3733, passed 7/22/93, Ord. 4331, passed 6/19/97; Ord. 6713, passed 5/3/12; Ord. No. 7754, § 1, passed 11-21-19; Ord. No. 7795, § 1, passed 3-5-20)

CHAPTER 122: - MASSAGE ESTABLISHMENTS⁽¹⁾

ARTICLE I. - GENERAL PROVISIONS

122.12 - Revocation or suspension.

(A) Any permit issued for a massage establishment may be revoked or suspended by the Village Manager after a hearing for good cause or in any case where any of the provisions of this chapter are violated or any employee of the permittee, including a masseur or masseuse, is engaged in any conduct at permittee's place of business which violates any of the provisions of this chapter or any state law which provides for imprisonment, and permittee has actual or constructive knowledge of such violations or the permittee should have actual or constructive knowledge by due diligence, or where any applicant has made a false statement on an application for a permit under this chapter or in any case where the permittee or licensee refuses to permit any duly authorized police officer or inspector of the village and/or the county to inspect the premises or the operations therein. Such permit may also be revoked or suspended by the Village Manager, after hearing upon the recommendations of the ~~Community Development~~ Director of Building and/or Fire Chief that such business is being managed, conducted, or maintained without regard for the public health or health of patrons or customers or without due regard to proper sanitation or hygiene.

(Ord. No. 7009, § 1, passed 10-16-14)

CHAPTER 122: MASSAGE ESTABLISHMENTS

122.30 - Necessary facilities.

(B) The ~~Community Development~~ Director of Building and/or Fire Chief shall certify that the proposed massage establishment complies with all the requirements of this § 122.30, and that the premises meets all applicable codes and ordinances of the village relating to building, zoning, and fire safety. Said certification shall be filed with the Village Manager.

(Ord. No. 7009, § 1, passed 10-16-14)

CHAPTER 127: - VALET PARKING

§ 127.04 - Application.

Any other information deemed necessary by the village's Director of ~~Community Economic Development and Planning~~.

CHAPTER 150: BUILDING CODE

§ 150.006 - Building ~~d~~Division.

(A) Enforcement agency. There is hereby established a Building Division designated as a division of the Community Development Department and operated under the direction and supervision of the ~~Community Development Director~~Director of Building.

(B) The Director of Building ~~and Code Enforcement shall report to the Community Development Director. The Director of Building and Code Enforcement~~ shall supervise the Building, ~~and Code Enforcement~~ and Private Engineering Services Divisions and serve as the "Building Official."

(C) All references to "Building Commissioner" ~~or "Building Official"~~ throughout this code shall mean the Director of Building or designee~~Director of Building and Code Enforcement~~.

(Ord. No. 8017, § 1, passed 12-16-21; Ord. No. 8171, § 1, passed 7-20-23)

§ 150.015 - Retaining walls.

(A) Definitions.

(B) Design Requirements. All retaining walls shall be designed by an Illinois licensed Design Professional, unless:

(1) Pre-engineered and approved construction methods are used and approved in writing by the ~~Community Development Director~~Director of Building or their designee.

(D) Determination of Wall Type. When the ~~Community Development Director~~Director of Building or their designee has determined in writing that plans as submitted may be inadequate or the classification of a landscaping or retaining wall is not the same as requested by the party building said wall, an independent engineer designated by the ~~Community Development Director~~Director of Building or their designee shall be retained to review the plans. The cost of the independent review shall be paid by the party building said wall.

(Ord. No. 8017, § 1, passed 12-16-21)

§ 150.030 - Adoption by reference.

All provisions as listed in the International Building Code, 2018 Edition, are incorporated by reference with the following changes:

Section 103.2 Delete "shall be appointed by the chief appointing authority of the jurisdiction"; add "to work under the direction of the ~~Community Development Director~~Director of Building."

§ 150.035 - Adoption by reference.

Add Section R309.6

All garages built after May 1, 2013 shall have gutters installed, or equal as approved by the Director of Building~~Official~~.

All accessory structures over 200 s.f. built after August 1, 2023 shall have gutters installed, or equal as approved by the Director of Building~~Official~~.

§ 150.040 - Construction requirements.

(A) Applies to residential uses.

(13) Construction site fencing. Residential construction site fencing when a permit authorizes demolition or authorizes construction of a new principal structure or any other construction as determined by the ~~Community Development Director~~Director of Building or his/her designee, then the applicant, owner or general contractor shall cause a "safety fence" (fencing) to be installed around the area of construction, in a location and manner approved by the ~~Community Development Director~~Director of Building or his/her designee. The fencing shall be installed not more than seven days nor less than four days prior to the commencement of any demolition and/or new construction of a proposed structure on the subject property. The fencing shall consist of six foot high chain link fencing with driven posts to secure the chain link. The chain link fencing shall consist of #9 or #11 gauge metal and maximum mesh size of four inches or as approved by the ~~Community Development Director~~Director of Building or his/her designee. The fencing shall also include removable panels or type of hinged gates, (25 percent maximum area of fencing) for construction/utility access, only on the street side where the utilities are entering the subject property. Removable panels (or type of hinged gate) shall be latched where there is no construction activity being performed on the construction site. The latch may be of wire composition or of other means as approved by the ~~Community Development Director~~Director of Building or his/her designee. The fencing shall remain in place on the subject property until the structure is made weather tight and safe and secure from unauthorized entry and until the beginning stages of final site improvements (i.e. final grading, sodding or seeding of the subject property).

The applicant, owner or general contractor shall cause tree fencing to be installed around the trees in the public right-of-way (parkway) abutting the subject property. Such tree fencing shall be located, if possible, at the drip line of the tree or as directed by the ~~Community Development Director~~Director of Building or his/her designee. The parkway tree fence shall remain in place until final inspection of the construction projects has been approved by the village. The required types of tree fencing protection shall be four foot high orange vinyl fencing or chain link fencing.

(15) Site restoration guidelines. If the application includes demolition of a principal structure and if commencement of the construction of a new principal structure does not occur within 30 days after

completion of demolition, then the application shall include a detailed site restoration plan depicting all work require to restore the subject property, within 30 days after completion of the demolition, to a safe, clean condition until construction of a new principal structure has commenced, including without limitation backfilling of any excavation, grading, seeding, sodding, fencing, stormwater management and the like.

Additional fee for late work: If the applicant, or owner or general contractor shall fail to commence construction within 30 days or shall fail to complete site restoration within 30 days, as provided in this section, then the applicant, owner or general contractor shall be subject to a special late work permit fee of \$250.00 per day until such work is completed. The village shall deduct such fee from the construction deposit provided by this Code.

The ~~Community Development Director~~ Director of Building or his/her designee may, at his discretion, extend the 30-day time limit to an additional 30 days upon special written request from the applicant, owner or general contractor.

150.064 - Disconnection of electrical services.

(A) If any person violates the provisions of this Chapter or maintains any electrical wiring or apparatus or communication, data, computer, or fiber optic cable or equipment found to be dangerous to life and property, the ~~Community Development Director~~ Director of Building or his/her designee is hereby empowered to cut-off or otherwise disconnect current to said electrical wires or apparatus.

§ 150.076 - Inspection required.

Every elevator, movable stage, movable orchestra floor, platform lift, dumbwaiter, or escalator now in operation, or which may hereafter be installed, together with the hoistway and all equipment thereof shall be inspected under and by the authority of the ~~Community Development Director~~ Director of Building at least once annually, and in no case shall any new equipment be placed in operation until an inspection of the same has been made. It shall be the duty of every owner, agent, lessee, or occupant of any building wherein any such equipment is installed, and of the person in charge or control of any such equipment to permit the making of a test and inspection of such elevator, dumbwaiter, or escalator, and all devices used in connection therewith upon demand being made by the ~~Community Development Director~~ Director of Building, or by his authorized elevator inspector within five days after such demand has been made.

§ 150.077 - Certificate of inspection.

(A) Whenever any elevators, movable stage, movable orchestra floor, platform lift, dumbwaiter, or escalator has been inspected and the tests herein required shall have been made of all safety devices with which such equipment is required to be equipped, and the result of such inspection and tests shows such equipment to be in good condition, and that such safety devices are in good working condition and in good repair, it shall be the duty of the ~~Community Development Director~~ Director of Building to issue or cause to be issued a certificate setting forth the result of such inspection and tests containing the date of inspection, the weight which such equipment will safely carry and a statement to the effect that the shaft

doors, hoistway, and all equipment, including safety devices, comply with all applicable provisions of § 150.075, upon the payment of the inspection fee required by the building provisions of the building.

150.079 - Suspension of operation.

Whenever any elevator inspector finds any elevator or dumbwaiter, its equipment and hatchway, including doors or any escalator, movable stage, movable floor, or platform lift in an unsafe condition, he shall immediately report the same to the elevator inspector in charge, who shall report it to the ~~Community Development Director~~Director of Building together with a statement of all the facts relating to the condition of such equipment. It shall be the duty of the ~~Community Development Director~~Director of Building, upon receiving from the elevator inspector in charge a report of the unsafe condition of such equipment and hatchway, including doors, to order the operation of such equipment to be stopped and to remain inoperative until it has been placed in a safe condition, and it shall be unlawful for any agent, owner, lessee, or occupant of any building, wherein any such equipment is located, to permit or allow the same to be used after the receipt of a notice, in writing that such equipment is in an unsafe condition, and until it has been restored to a safe and proper condition as required by the building provisions of the building code.

150.113 - Permit refusal.

Whenever the Chief of the Fire Department or the ~~Community Development Director~~Director of Building, disapproves an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department or the ~~Community Development Director~~Director of Building to the President and Board of Trustees within 30 days from the date of the decision appealed.

§ 150.141 - Permit fees.

(H) Fire protection - Commercial, industrial and multi-family.

(8) Special consultation. For any fire protection concerns in which the ~~Community Development Director~~Director of Building, Fire Chief or Fire Marshal determine that additional technical resources or technical assistance is required from sources outside of the village staff, the village's cost of additional consultant services are paid for at the billed rate as charged to the village by the consultant. Examples where such fees may apply include, but are not limited to:

§ 150.142 - Time limit for permits.

(B) A single-family residential permit may be cancelled by the applicant or the owner, if work has not begun. The applicant or the owner must request cancellation of the permit, in written form, to the ~~Director~~

~~of Community Development Director~~ ~~Director of Building or his/her designee~~. The plan review fee shall be retained by the ~~v~~Village. Any fees associated with water and sewer connections, water meters, construction bonds or miscellaneous bonds shall be refunded at 100 percent to the applicant or the owner. The remainder of the single-family residential building permit fees shall be refunded to the applicant or the owner as follows:

(1) Permits cancelled less than 30 calendar days after issuance will be refunded at 100 percent minus the review fee and the administrative fee.

(2) Permits cancelled less than 180 calendar days after issuance will be refunded at 50 percent.

(3) Permits cancelled less than 365 calendar days after issuance will be refunded at 25 percent.

(C) All other building permits may be cancelled by the applicant or by the owner within 180 calendar days of issuance, in written form, to the ~~Community Development Director~~ ~~Director of Building or his/her designee~~. The plan review fee shall be retained by the ~~v~~Village. Any fees associated with water and/or sewer connections, water meters, construction bonds, and miscellaneous bonds shall be refunded at 100 percent to the applicant or the owner. The remainder of the building permit fees shall be refunded to the applicant or the owner at 50 percent of the applicable fees, if the request is made in written form within 180 calendar days of the date of issuance.

(D) A permit, once issued, shall be valid for a period of one year for all single-family residential construction. The ~~Community Development Director~~ ~~Director of Building or his/her designee~~ may grant two extensions of time for additional periods not to exceed six months each, provided a fee of 25 percent of the original cost of the permit shall be charged at the time each extension is granted. Where, under authority of a permit or extended permit work has been started, and has been abandoned for a continuous period of 12 months, all rights under such permit shall thereupon terminate. The extension fee may be waived at the discretion of the ~~Community Development Director~~ ~~Director of Building or his/her designee~~, if the delay was caused by an act of nature, labor strike, casualty accident or other event beyond the control of the applicant or the owner.

(E) For all commercial, industrial, institutional and multiple-family construction permits for buildings of 100,000 square feet of gross floor area or less, a permit once issued shall be valid for 12 months. For construction projects greater than 100,000 square feet of gross floor area, a permit shall be valid for 24 months. The ~~Community Development Director~~ ~~Director of Building or his/her designee~~ may grant two extensions of up to six months each, provided that ten percent of the original permit fee, has been paid. Any additional plan review fee or associated fee shall be charged according to the permit fee schedule and will be in addition to the ten percent renewal fee charge. If the three-year deadline to complete work has been exceeded and the work has received valid past inspections, full current permit fees are due upon renewal for all remaining work to be undertaken as part of the project.

(F) Any building permit which is duly issued by the village, pursuant to § 150.140, shall automatically become invalid if the work which is the subject of the permit is not commenced within 180 days of the date the permit was issued. After the permit is issued, it shall be the obligation of the applicant to take reasonable and appropriate action so that the work, which is the subject of the permit, is commenced and completed in a diligent manner. The occurrence of the event described above involving the immediate preceding delay, the permit shall automatically become invalid unless the unpermitted delay is caused by an act of nature, labor strike, casualty or accident. In the event of such an act of nature, labor strike, casualty or accident which results in such an unpermitted delay, the applicant shall promptly notify the ~~Community Development Director~~ ~~Director of Building or his/her designee~~ in writing, describing in

reasonable detail the circumstances of the unpermitted delay. For the purpose of this section the definition of the word "work" shall be held to mean, "labor performed for the number of hours that the construction industry accepts as constituting a work day."

(G) Any permit that has become invalid will require a new permit application to be completed and submitted to the Community Development Department. The applicant or the owner shall be required to pay 50 percent of all building fees, if the application is made within six months of the permit becoming invalid. After six months of the permit becoming invalid, a new building permit will be required. The new permit shall be reviewed with respect to all codes that are enforced by the village, as of the date of the new permit being applied for.

(H) Any permitted work that is not completed by the permit expiration date(s), including extensions, shall be maintained in a safe condition. Any unsafe conditions that may exist, as determined by the ~~Community Development Director~~Director of Building or his/her designee, shall be immediately made safe or remove the dangerous structure or portion thereof, as determined at the discretion of the ~~Community Development Director~~Director of Building or his/her designee, and a contractor selected by the ~~Community Development Director~~Director of Building or his/her designee, shall make the structure, the site or portion thereof safe, at the owner's expense. All costs associated with making the structure, the site or portion thereof safe, including but not limited to legal fees, staff hours, and any contractual work, shall be the responsibility of the owner. If all costs associated with making the structure, the site or portion thereof safe are not paid within 30 days of receipt of invoice from the village, a lien shall be placed upon the property.

§ 150.144 - Deposit required for protection of public properties.

(C)(1) When any earth, gravel, or other material is caused to roll, flow, or wash upon any street, the person causing or having responsibility for causing, the earth and like material to be placed or rest on the street, shall cause the same to be removed from the street within 24 hours after deposit, unless said deposit is of sufficient quantity or such a nature that would cause either a safety hazard or a spreading problem beyond which would be considered reasonable as determined by the ~~Community Development Director~~Director of Building or his/her designee. In that event the earth, gravel, or other material shall be removed immediately. In the event it is not, the Village Manager or his/her designee shall cause to remove said dirt, gravel, or other material and the person causing said earth, gravel, or other materials to be placed or allowing it to be place on the street shall be billed for the cost of removal or such.

§ 150.146 - Application for building permits.

The ~~Community Development Director~~Director of Building or his/her designee shall upon review and approval of the plan submitted issue permits for the construction or alteration of buildings and structures provided all the other requirements of ordinances have been approved by the respective departments.

§ 150.149 - Technical data required.

(A) The ~~Community Development Director~~Director of Building or his/her designee shall require, as necessary, other pertinent information such as soil tests, compaction reports, and technical data that will provide the necessary structural strength and fire resistance qualities of the buildings. He shall require, as necessary, other reports from technical testing laboratories during construction all at the applicant's expense and shall become part of the building permit file.

§ 150.152 - Engineering drawings.

(A) Applications for building permits for all development shall include a set of engineering drawings. Applications for building permits for all development in special management areas (flood plains, wetlands, areas having substandard bearing soils) shall in addition be subject to those application requirements which may be required by the County of DuPage.

(B) Drawings shall be prepared by an Illinois Registered Engineer and include but not be limited to: all existing and proposed grades, proposed storm water runoff and storm water management facilities (with calculations utilizing TR20, TR55, or other methodology with prior approval of the ~~Community Development Director~~Director of Building), existing and proposed curb cuts for street access, private development improvements which will be dedicated to the village and for which the ~~Village~~ will accept ownership and maintenance responsibility, and other details as required by the ~~Community Development Director~~Director of Building to determine compliance with village regulations.

(C) Prior to final inspection, an "as built" record drawing of the grading plan prepared by an Illinois Registered Engineer shall be submitted to Private Engineering Services Division for review and approval. Issuance of any Certificate of Occupancy, as well as return of applicable fees, bonds, and/or letters of credit are subject to approval of said "as built" record drawing.

(D) When deemed necessary the ~~Community Development Director~~Director of Building may send the engineering drawings to an independent, third-party agency for review. The ~~Community Development Director~~Director of Building shall periodically place before the Board of Trustees for their approval, a contract for said third-party review services. Upon approval of the contract by the Board of Trustees the ~~Community Development Director~~Director of Building shall establish review fees such that the cost of review whether performed by Private Engineering Services staff or third-party agency, in addition to any such other administrative fees charged by the ~~Village~~, shall be borne by the permit applicant.

§ 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~~Director of Building 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~~Director of Building 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.

§ 150.220 - Occupancy of buildings.

(A) The ~~Community Development Director~~Director of Building and Fire Chief, or their designees, shall determine that any building under construction shall be completed in a manner as described hereinafter before any occupancy whatsoever shall be permitted whether whole or in part.

(B) A Certificate of Occupancy permit is required whenever any building or structure is used for any purpose other than the construction of that building or structure. A Certificate of Occupancy permit shall not be issued to an applicant who has not complied with all of the building, health, subdivision, zoning, and any other local ordinance of the village or laws of the state.

(C) A Conditional Certificate of Occupancy permit for partial occupancy of the building is also required whenever any building or structure is determined to be safe and habitable but may not meet all provisions of Village Code due to weather conditions, an established phasing or stocking plan, or other minor conditions, as determined by the Village, that warrants such a Conditional Certificate of Occupancy issuance. Due to architectural characteristics and design it may be required that additional protection and fire separation shall be proved for the health, safety, and welfare of the occupants before any partial occupancy is permitted. In such cases, said applicant, upon a showing that the building is safe for occupancy, may set up an escrow account with the Village wherein sufficient funds, as determined by the Village, are deposited to guarantee that the building or site shall be completed in compliance with Village Code or laws of the State.

(D) A Certificate of Occupancy or Conditional Certificate of Occupancy shall be signed by the Fire Chief or ~~his/her~~ designee and the ~~Community Development Director~~Director of Building or ~~his/her~~ designee. No building or structure or any part thereof shall be used or occupied until a Certificate of Occupancy or Conditional Certificate of Occupancy has been issued by the ~~Community Development Director~~Director of Building and Fire Chief or their designees. They shall jointly issue such certificate only if, after inspection, he/she finds that such building or structure complies with the provisions of this title and all other laws of the Village and the State of Illinois, and that said building or structure has been completed in accordance with the approved plans and documents filed in support of the approved Building Permit relating to said building or structure. Such Certificates shall also identify the permitted use for the building or structure.

(E) "As built" plans and drawings of any new commercial construction, additions and interior alterations in an electronic format compatible with Village electronic data storage systems shall be required to be submitted to the Community Development Department when the project is completed and approved by the Community Development and Fire Departments.

(F) Prior to or concurrent with the issuance of any Certificate of Occupancy or occupancy permit, the ~~Community Development Director~~Director of Building of the Village shall make said Certificates, along with any companion approved plans and documentation available to the respective Township Assessor for the purpose of determining any impacts a development may have on the property assessment.

§ 150.260 - Issuance of demolition permit restricted where private well or septic tank exists.

(A) Demolition or wrecking permits will not be issued (or any other object removed whatsoever) where a private well or septic tank exists until such well is sealed by a licensed and registered well driller and the septic tank pumped and filled, and affidavits filed with the State Bureau of Mines, DuPage County Health Department, and Building Division.

(B) The ~~Community Development Director~~Director of Building~~or his/her designee~~, shall inspect the demolition site to ensure that the water and sewer connections are sealed in accordance with the law, and the septic tank has been pumped and filled.

§ 150.280 - Permit required.

It is unlawful for any person, firm, or corporation to alter or change the elevation or grade of any lot or parcel of land within the ~~v~~Village, including, but not solely limited to landscaping, without having first obtained a permit for such alteration or change from the Department of Community Development. This shall also include all new construction, parking lots, and all open land.

§ 150.281 - Submission of topographical survey prerequisite to issuance of permit.

Applications to the Community Development Department for Fill and Grade Change Permits shall contain:

- (1) A topographical survey using U.S.G.S. datum of the area contributing to a nuisance or creating stagnant pools. The survey shall be prepared by a registered land surveyor, and shall have been produced not more than five years prior to the date of application, nor shall the survey have been produced prior to the completion of any change of grade upon the subject or adjacent parcels of property.
- (2) A final grading plan prepared by a registered engineer, providing that such altering or change of grade shall not result in a material change in the flow of storm or surface water, which will be detrimental to adjacent or nearby properties.
- (3) In the case of a single-family residence, the submittal requirements may be waived upon determination of the ~~Community Development Director~~Director of Building~~or his/her designee~~, that the scale of the project is insufficient to result in a material change in the flow of storm or surface water, which will be detrimental to adjacent or nearby properties.

§ 150.283 - Drainage flow affected; property owner consent required; permit fees; permit limitations; renewal of permits.

(A) In such cases where the filling in of land will adversely affect the adjoining or nearby real estate in the flow of established drainage, it will be necessary for the applicant hereunder to get consent or an agreement with the property owners so adversely affected and involved. Such consent or agreement shall

be recorded, and in such form as to constitute a perpetual easement providing for the construction, operation, and maintenance of any new drainage courses adversely affecting property other than that of the applicant.

(B) The filing fee for such application for a permit shall be .00216 dollars per square foot of the total area of the lot or lots on which the fill or grade change is located, or \$16.00 whichever is greater.

(C) Upon receipt of a notification of a permit denial, or a "notice of violation and order to abate", the person named in said notification shall have ten days from receipt of notification to file a written request with the ~~Community Development Director~~Director of Building for appeal to the Public Works Committee. No permit shall be issued nor shall any fill or grading take place during the pendency of the appeal to the Public Works Committee.

(D) Permits shall be valid for six months from the date of issuance.

(E) Permits may be renewed with the approval of the ~~Community Development Director~~Director of Building ~~or his/her designee~~. Submittal of a current topographical survey showing existing grades as the time of renewal, shall be required in all cases where a survey was required for the original permit. Fees for renewal permits shall be limited to the filing fee, no additional deposit shall be required.

150.337 - Platted survey for single- or two-family dwellings (spot survey).

(A) No single-family or two-family dwelling shall proceed with framing above the foundation until a platted survey prepared by a registered land surveyor, showing position of foundation and measurements front, rear, and side yards with the U.S.G.S. data as to the top of foundation height is submitted to the ~~Community Development Director~~Director of Building for ~~his/her~~ approval. Exception will be made to permit sewer or water installation or other construction requirements lying outside of foundation at the builder's risk.

(B) The platted survey shall be submitted to the Community Development Department for approval. If not approved, a variance shall be requested or revisions made and resubmitted for approval.

§ 150.340 - Engineering inspections.

(A) Every development for which an engineered drawing is required under § 150.152 of the code of ordinances shall be subject to inspection by the ~~Community Development Director~~Director of Building ~~or his/her designee~~, including, but not limited to, an independent, third-party agency. As a condition of application for building permit the developer shall grant access to the development to the ~~Director of Community Development~~Director of Building ~~or his/her designee~~ for the purposes of performing said inspections.

(B) The actual cost of said engineering inspection(s) shall be borne by the permit applicant and shall be in addition to any such other fees charged by the village.

(C) The developer or ~~his/her~~their designee shall have a representative on site at the time the inspection is made. The ~~Community Development Director~~Director of Building or ~~his/her~~designee shall have the authority to issue stop work orders at any time compliance with approved plans or village ordinances has not been satisfied and/or require removal of any and all work proceeding to bury, obscure or otherwise conceal uninspected portions of the development.

(D) If the development fails to satisfy the conditions of the approved plans or applicable village ordinances, or fails to fully pay for the engineering inspection the ~~Community Development Director~~Director of Building or ~~his/her~~designee shall withhold approval of the Certificate of Occupancy until such time as compliance is satisfied.

§ 150.359 - Property owner maintenance responsibilities.

(A) Once a radio amplification system has been found to be in compliance with the requirements of §§ 150.350—150.361 of this Code, the building/structure owner shall be responsible for maintaining said radio amplification system thereafter in full compliance with the provisions of said sections. A maintenance contract shall be provided to the ~~Community Development Director~~Director of Building and Fire Chief or ~~his~~ designee, with the name of the contractor who will supply a 24 hours per day, seven days per week, emergency response within two hours after notification by either the village or the building/structure owner. The maintenance contract shall contain contact information relative to the contractor including, but not limited to phone numbers. The building/structure owner shall also submit contact information for the building/structure owner to the village, including but not limited to phone numbers for the building/structure owner.

(B) The building/structure owner shall be responsible for making any repairs, replacements or upgrades to the radio amplification system, as directed by the village, should the radio amplification system fail to work properly.

§ 150.365 - Responsibility for enforcement and administration.

(A) The ~~Community Development Director~~Director of Building and ~~his authorized agents~~ shall have the responsibility of enforcing all the provisions of the building code.

(B) The ~~Community Development Director~~Director of Building or ~~his/her~~designee, shall maintain all records of plans, permits, and other criteria required in the approval of all building permits and such records shall be available for inspection by the public.

(C) The ~~Community Development Director~~Director of Building or ~~his/her~~designee, shall inspect any and all portions of a building or structure under construction, or that is being repaired.

(D) The ~~Community Development Director~~Director of Building or ~~his/her~~designee, shall submit all requests for the use of new materials or assemblies to the Board of Building Appeals for approval. Upon which records shall be maintained and information forwarded to the corporate authorities, as provided under Chapter 150 of this Code.

(E) The ~~Community Development Director~~Director of Building or his/her designee, shall submit monthly and yearly comparison reports of all building activities to the corporate authorities.

(F) The ~~Community Development Director~~Director of Building or his/her designee, shall have the power to interpret the rules and regulations of the building code as necessary in the interest of safety, health, and general welfare. Interpretations of this building code are subject to administrative review as set forth in § 150.366.

§ 151.03 - Adoption of other codes.

(A) Adoption of DuPage County Countywide Stormwater and Floodplain Ordinance, as a partial waiver community: It is hereby adopted by the village for the purpose of establishing rules and regulations for the construction, alteration, use and occupancy, location and maintenance of land development and building construction in accordance with proper floodplain and stormwater controls, including permits and penalties, that certain code known as the DuPage County Countywide Stormwater and Floodplain Ordinance (hereinafter the "DuPage County Ordinance" in this Chapter), being particularly the May 14, 2019, edition thereof, and all subsequent amendments, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended per § 151.04 of this Code, of which one copy has been and now is filed in the office of the Village Clerk, and the same is hereby adopted and incorporated as fully as if set out at length therein, and from the date on which this section shall take effect, the provisions the DuPage County Ordinance shall be controlling within the village. All definitions as defined in Appendix A in the DuPage County Ordinance are hereby incorporated by reference into this Chapter. The designated Village Stormwater Administrator is the Private Development Engineer in the Community Development Department. The ~~Director of Community Development~~Director of Building referred to in this Chapter shall be the ~~Director of Community Development~~Director of Building and/or his/her designee.

151.04 - Amendments to the DuPage County Ordinance.

(A) Section 15-72.A of the DuPage County Countywide Stormwater and Floodplain Ordinance is hereby revised to read in its entirety as follows:

15-72.A All new development that increases the total impervious area (TIA), of the development property by more than 5,000 square feet, after July 1, 2012, shall require surface water runoff from the limits of said lot to be limited by detention or retention to the maximum of 0.10 cubic feet per second (cfs) per acre of land or fraction thereof for the one percent annual recurrence (100-year) rainfall event, unless:

- i. the net TIA without detention will be within 5,000 square feet of the TIA that existed on February 15, 1992;
- ii. the TIA will decrease by at least five percent from its highest level in the past three years; or
- iii. the TIA will be less than ten percent of the entire development property area.

(A) All surface water detention/retention or equivalent shall be in excess of the allocation provided for an equivalency of flood plain, which may involve a subject tract or portion thereof.

(B) Any improvements which are necessary to comply with this section shall be proposed by the owner or developer in preliminary form to the ~~Director of Community Development~~Director of Building. The ~~Director of Community Development~~Director of Building shall have the authority to review and approve or disapprove said improvements based on whether or not they meet the terms of this section. The owner or developer shall take into account with the submittal of the plans, the effect of the improvement of any land or land tract to downstream and surrounding areas as a result of rainfall and surface water runoff.

(C) The ~~Director of Community Development~~Director of Building shall notify adjacent communities and the Illinois Department of Natural Resources, Office of Water Resources, and the Federal Insurance Administration prior to any alteration or relocation of a watercourse. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

(D) (1) No building permit shall be issued for any property which is being built or substantially improved in accordance with this Chapter or Chapter 154 of this Code, until stormwater detention or retention improvements have been completed or installed so that they are operational. Installation and operational does not necessarily mean all final grading has been approved, constructed and accepted, but that the system substantially functions the way it was designed.

(2) In the event stormwater detention or retention is not immediately necessary because the earth work or construction on the site will not have an adverse effect on stormwater control, sedimentation, or erosion on any adjacent or nearby properties, building permits may be issued at the direction of the ~~Director of Community Development~~Director of Building or his/her designee. The ~~Director of Community Development~~Director of Building may direct and require, as a condition of the issuance of the building permit, construction of stormwater improvements within a designated time or on any schedule ~~he/she~~ deems reasonably necessary to protect adjacent or surrounding properties.

(3) If stormwater detention or retention improvements are to be constructed using hard surface or any item involving a building permit, a building permit may be issued at the direction of the ~~Director of Community Development~~Director of Building or his/her designee with any terms, conditions, or timing requirements deemed necessary by the ~~Director of Community Development~~Director of Building or his/her designee to adequately protect adjacent or surrounding properties.

(4) During all construction phases until final occupancy, the stormwater detention shall be substantially functional in the way it was designed and approved by the village. In the event stormwater detention is not substantially functional, any building permits issued may be revoked or stayed until such time as the stormwater detention is substantially functional.

(B) The DuPage County Ordinance is hereby amended to add the following:

15-72.H Single Family Residential Development: Any single family residential development that shall increase the impervious areas on a lot by more than 500 square feet, cumulatively, for development occurring on or after September 1, 2001, and that is not part of a major subdivision with a stormwater detention/retention facility as required per the DuPage County Countywide Stormwater and Floodplain Ordinance or the amendments listed above, shall include one percent minimum slope swales along the entire length of the rear and side property lines, if physically possible. If there is less than a continuous one percent minimum slope from the new impervious areas to a storm sewer or defined watercourse, then drain tiles, storm drains and/or dry wells shall be required to convey or store the 100-year runoff. Such

drainage improvements shall be as directed to the ~~Director of Community Development~~Director of Building based on technical feasibility, impact on other properties, available easements and cost. Whenever possible, such direction shall be based on site inspections rather than a topographic survey. Drain tiles and/or storm drains shall drain from flat or low areas into a separated storm sewer or to a swale or ditch having a continuous one percent minimum slope to a separated storm sewer or defined watercourse. The preferred location for storm drain inlets shall be a rear corner of the lot. Dry wells shall be located and sized to contain volume equal to the new impervious area times 0.58 foot of runoff. Dry wells shall not be located in utility easements or public rights-of-way. The existing impervious area shall be subtracted from proposed impervious area to determine the increase in impervious area.

151.09 - Variance procedure.

(A) In the event the owner or developer of the property is unable to meet the requirements of the regulations of this Chapter which are more restrictive than the DuPage County Ordinance 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 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 \$425.00 shall be charged to process any variance request. Said fee is to cover the costs of the hearing and engineering work. Any variance request requiring detailed engineering review shall be charged an additional \$500.00 fee.

(C) The variance may be approved to the Village Board of Trustees following receipt of a recommendation from the Public Works and Environmental Concerns Committee (for public property) or Board of Building Appeals (for private property). Applications are to be made to the ~~Director of Community Development~~Director of Building on approved forms of the ~~v~~Village.

(D) The ~~Director of Community Development~~Director of Building 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~~Director of Building shall respond and 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 Village Board of Trustees deem reasonable and/or necessary.

(G) Notwithstanding subsections (C) through (F) above, the ~~Director of Community Development~~Director of Building 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 Village Board of Trustees. Where an administrative variance is granted, fees as required by 151.04 (L) above, as well as a \$200.00 administrative processing fee, shall be deposited into the detention fund for the appropriate watershed.

(1) In cases where such an administrative variance is requested, the petition for said variation submit evidence, in writing, that:

(a) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied;

(b) The conditions upon which the variation is based are unique to the property for which the variation is sought, and are not generally applicable to other properties in the neighborhood;

(c) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and

(d) The variation, if granted, will not impair natural drainage or create drainage problems on adjacent or downstream properties, or endanger the public safety or substantially diminish or impair property values within the neighborhood.

(H) Appeals relative to an administrative variance that is denied, will follow the process for a variance under subsections (C) through (F) above, including any fees due.

(I) Revocation. Where a variation has been granted pursuant to the provisions of this Chapter, such approval shall become null and void unless work is completed by December 31 of the third year from the date of stormwater certification or permit issuance, whichever is earlier.

iii. the TIA will be less than ten percent of the entire development property area.

(A) All surface water detention/retention or equivalent shall be in excess of the allocation provided for an equivalency of flood plain, which may involve a subject tract or portion thereof.

(B) Any improvements which are necessary to comply with this section shall be proposed by the owner or developer in preliminary form to the ~~Director of Community Development~~Director of Building. The ~~Director of Community Development~~Director of Building shall have the authority to review and approve or disapprove said improvements based on whether or not they meet the terms of this section. The owner or developer shall take into account with the submittal of the plans, the effect of the improvement of any land or land tract to downstream and surrounding areas as a result of rainfall and surface water runoff.

(C) The ~~Director of Community Development~~Director of Building shall notify adjacent communities and the Illinois Department of Natural Resources, Office of Water Resources, and the Federal Insurance Administration prior to any alteration or relocation of a watercourse. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

(D) (1) No building permit shall be issued for any property which is being built or substantially improved in accordance with this Chapter or Chapter 154 of this Code, until stormwater detention or retention improvements have been completed or installed so that they are operational. Installation and operational does not necessarily mean all final grading has been approved, constructed and accepted, but that the system substantially functions the way it was designed.

(2) In the event stormwater detention or retention is not immediately necessary because the earth work or construction on the site will not have an adverse effect on stormwater control, sedimentation, or erosion

on any adjacent or nearby properties, building permits may be issued at the direction of the ~~Director of Community Development~~Director of Building or his/her designee. The ~~Director of Community Development~~Director of Building may direct and require, as a condition of the issuance of the building permit, construction of stormwater improvements within a designated time or on any schedule he/she deems reasonably necessary to protect adjacent or surrounding properties.

(3) If stormwater detention or retention improvements are to be constructed using hard surface or any item involving a building permit, a building permit may be issued at the direction of the ~~Director of Community Development~~Director of Building or his/her designee with any terms, conditions, or timing requirements deemed necessary by the ~~Director of Community Development~~Director of Building or his/her~~their~~ designee to adequately protect adjacent or surrounding properties.

(4) During all construction phases until final occupancy, the stormwater detention shall be substantially functional in the way it was designed and approved by the village. In the event stormwater detention is not substantially functional, any building permits issued may be revoked or stayed until such time as the stormwater detention is substantially functional.

(B) The DuPage County Ordinance is hereby amended to add the following:

15-72.H Single Family Residential Development: Any single family residential development that shall increase the impervious areas on a lot by more than 500 square feet, cumulatively, for development occurring on or after September 1, 2001, and that is not part of a major subdivision with a stormwater detention/retention facility as required per the DuPage County Countywide Stormwater and Floodplain Ordinance or the amendments listed above, shall include one percent minimum slope swales along the entire length of the rear and side property lines, if physically possible. If there is less than a continuous one percent minimum slope from the new impervious areas to a storm sewer or defined watercourse, then drain tiles, storm drains and/or dry wells shall be required to convey or store the 100-year runoff. Such drainage improvements shall be as directed to the ~~Director of Community Development~~Director of Building based on technical feasibility, impact on other properties, available easements and cost. Whenever possible, such direction shall be based on site inspections rather than a topographic survey. Drain tiles and/or storm drains shall drain from flat or low areas into a separated storm sewer or to a swale or ditch having a continuous one percent minimum slope to a separated storm sewer or defined watercourse. The preferred location for storm drain inlets shall be a rear corner of the lot. Dry wells shall be located and sized to contain volume equal to the new impervious area times 0.58 foot of runoff. Dry wells shall not be located in utility easements or public rights-of-way. The existing impervious area shall be subtracted from proposed impervious area to determine the increase in impervious area.

CHAPTER 152: - PLANNING

ARTICLE I. - COMPREHENSIVE VILLAGE PLAN

§ 152.01 - Adoption by reference of official plan.

(A) The ~~e~~C~~omprehensive~~ ~~p~~P~~lan~~ of the ~~v~~V~~illage~~, which plan has been prepared and was recommended on May ~~24~~~~15~~, ~~1984~~~~2014~~ to the ~~v~~V~~illage~~, is adopted and made the official plan of the ~~v~~V~~illage~~, hereinafter designated as the official plan.

~~(B) The southwest sub-area plan update is hereby incorporated by reference and made part of the comprehensive plan.~~

~~(C) The northwest sub-area plan update is hereby incorporated by reference and made part of the comprehensive plan.~~

~~(D) The Roosevelt Road corridor study is hereby incorporated by reference and made part of the comprehensive plan.~~

('70 Code, § 19.08.010) (Ord. 1220, passed - -66; Am. Ord. 2670, passed 5-24-84; Am. Ord. 3012, passed 12-3-87; Am. Ord. 3049, passed 4-21-88; Ord. 6419, passed 11/19/09)

§ 152.07 - Enforcement.

It shall be the duty of the ~~Community Development~~ Director of Economic Development and Planning to enforce the requirements of the official plan. The ~~Community Development~~ Director of Economic Development and Planning may call upon any other departments or officials of the ~~v~~Village to furnish ~~him with~~ such information or assistance as ~~he may deem~~ necessary for the observance or enforcement of the official plan. ~~It shall be the duty of such other departments or officials to furnish such information or assistance whenever requested.~~

('70 Code, § 19.08.070) (Ord. 635, passed - -54)

ARTICLE II. - HOUSE AND STREET NUMBERS

152.21 - Designating number.

The ~~Community Development~~ Director of Economic Development and Planning and/or Director of Building and/or his/her designee shall assign to each ~~house or lot~~ property its proper number and shall deliver said number designation to the owner, governmental entities and applicable public utility entities when requested.

('70 Code, § 19.08.110) (Am. Ord. 2886, passed 9-25-86)

§ 152.25 - Failure to post number.

No ~~person being the~~ owner or occupant of any ~~erected~~ building ~~now erected or that may hereafter be erected in the v~~Village shall, ~~for 30 days after notice by the Community Development Director or his designee of the proper number of such building,~~ neglect or refuse to number ~~that~~ buildings ~~owned or occupied by him,~~ in conformity with the provisions of this subchapter, ~~or shall number the building without having first obtained from the Community Development Director the property number of the building, or maintain an improper number or a number not in conformity with § 152.24.~~

('70 Code, § 19.08.130) (Am. Ord. 2886, passed 9-25-86) Penalty, see § 152.99

□ **§ 152.26 - Supervision of numbering.** ~~RESERVED~~

~~All numbering, renumbering, and all changes in numbering caused by the action of the corporate authorities of the village shall be under the immediate charge and supervision of the Community Development Director or his designee; and no person shall change or alter any number given pursuant to § 152.21 by the Community Development Director.~~

~~(70 Code, § 19.08.140) (Am. Ord. 2886, passed 9-25-86)~~

CHAPTER 153: - SIGNS

§ 153.102 - Administrative bodies and duties.

The administrative duties and functions of the four administrative offices shall be as described in Title 15, Chapter 155, Section 155.102 of this Code, also referred to as the "Zoning Ordinance." The administrative duties and functions of the four administrative offices shall have, in addition to those described in Title 15, Chapter 155, Section 155.102 of this Code, are as follows:

(A) Director of ~~Community Development~~ Economic Development and Planning. Director of ~~Community Development~~ Economic Development and Planning, or their duly appointed representatives designee(s) hereafter referred to as "the Director", are authorized to:

(1) Process applications for permits and variances.

(2) Enforce and carry out all provisions of this code, both in letter and in spirit, and promulgate regulations and procedures consistent with this function.

(B) Director of Building. Director of Building, or designee(s), are authorized to:

(1) Enforce and carry out all provisions of this code, both in letter and in spirit, and promulgate regulations and procedures consistent with this function.

~~(23)~~ Upon presentation of proper credentials, to enter or inspect any building, structure or premises in the Village ~~of Lombard~~ for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspections are to be carried out during business hours unless and emergency exists.

(Ord. No. 8018, § 1(Exh. A), 12-16-21)

153.103 - Administrative procedures.

(C) Abandoned, illegal, defective and dangerous signs.

(1) Order to repair or remove: If, upon inspection, the Director of Building finds that a sign is abandoned or structurally, materially or electrically defective, or in any way endangers the public, the Director of Building shall issue a written notice to the owner of the property on which the sign is located stating the

nature of the violation and requiring them to repair or remove the sign, in a manner consistent with the code enforcement policies of the ~~v~~Village.

(2) Removal of signs by the Director of Building: In cases of emergency, the Director of Building may cause the immediate removal and demolition of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety, as determined by the Director of Building, Fire Chief or the Chief of Police. The Director of Building may cause the removal of an illegal sign for failure to comply with the written orders of removal or repair.

(3) Recovery of removal cost: After removal or demolition of the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Director of Building together with an additional ten percent for inspection and incidental costs.

(4) Assessment of lien: If the amount specified in the notice is not paid within 30 days of the notice, it shall become an assessment upon a lien against the property together with a reasonable penalty for collection in the same manner as the real estate taxes.

(5) Presumption of ownership: The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the *Director*, as in the case of a leased sign.

(D) Insurance or bond requirements for private signs within the public rights-of-way.

(1) Insurance required prior to permit: Every applicant for a permit or for a sign which will extend over a public right-of-way shall file with the Director of Building, before the permit is granted, a liability insurance policy covering all damage or injury that might be caused by each of the signs, or a certificate of insurance, issued by an insurance company authorized to do business in the state, and satisfactory to the Director of Building.

(2) Coverage required: The policy shall be a multi-peril policy with the limits of liability not less than \$1,000,000.00. The village, its officers, agents and employees shall be named as additional parties insured.

(3) Length of coverage: Such liability insurance policy shall be maintained in force throughout the life of the permit; and if at any time it is not in full force, the permit shall be revoked by the Director of Building.

(4) Bond in lieu of insurance: In lieu of insurances as provided for in this section, the applicant may file an indemnity bond, with a corporate surety satisfactory to the Director of Building, in the amount of \$1,000,000.00, which will provide that the principal and surety will indemnify and hold harmless the village, its officers, agents and employees from all claims, loss or suits resulting from such sign.

(E) Penalties.

(1) Failure to secure permit: If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee may be doubled if Code Enforcement action was taken as determined by the Director of BuildingCommunity Development. However, payment of the fee shall not relieve any person of any other requirements or penalties prescribed by this ordinance.

(2) Failure to comply: Any persons who fails to comply with the provisions of this ordinance shall be subject to such penalties as may be provided for in Section 10.99 of this Code.

(F) Appeals. The applicant is required to respond to any decision rendered by the Director of Economic Development and Planning or the Director of Building in denying a permit or in alleging a violation of this ordinance within 30 days to the Zoning Board of Appeals. The Director of Economic Development and Planning or the Director of Building is required to submit the application for an appeal to the Zoning Board of Appeals within 60 days. The action being appealed shall be held in abeyance pending the decision of the Zoning Board of Appeals.

§ 153.201 - Interpretation.

When there is any ambiguity or dispute concerning the interpretation of this ordinance, the decision of the Director of Building and the Director of Economic Development and Planning shall prevail subject to appeal as provided herein.

(Ord. No. 8018, § 1(Exh. A), 12-16-21)

153.204 - Permit required.

It is unlawful for any person to erect, construct, alter or relocate any sign within the ~~V~~Village without first obtaining a permit from the ~~Director~~ Community Development Department and paying the fee required, unless said sign is specifically exempt from such requirements by provisions of this ordinance. Maintenance or changing of parts designed for changes shall not be considered an alteration; provided such change does not alter the surface area; height or otherwise make the sign nonconforming.

(Ord. No. 8018, § 1(Exh. A), 12-16-21)

153.211 - Awnings and canopies.

It is unlawful to erect, construct or maintain any awning or canopy unless the following provisions are followed:

(A) Construction materials: The construction materials and manner of construction of all awnings and canopies shall be subject to the approval of the Director of Building, based upon the provisions of the Lombard Building Code.

(B) Location height above sidewalk: All awnings and canopies shall be constructed and erected so that the lowest portion thereof shall be not less than seven feet above the level of the sidewalk or parkway.

(C) Setback from curb line: No awning or canopy shall be permitted to extend beyond a point two feet inside the curb line.

(D) Erection:

(1) Awnings—Support: Every awning shall be securely attached to and supported by the building. Posts or columns beyond the building line shall not be permitted for awnings.

(2) Canopies—Support: The framework of all canopies shall be designed by a structural engineer or registered architect and approved by the Director of Building as to compliance with the Building Code. All canopy supports shall be designed so as not to obstruct the continuous flow of pedestrian traffic along any sidewalk and in conformance with any other reasonable requirements established by the Director of Building.

153.216 - Freestanding sign.

It is unlawful to construct, erect, or maintain any freestanding sign for which a permit is required without complying with the following provisions:

(A) Design: Every freestanding sign, including the frames, braces, and supports thereof, shall be securely built and be designed by a structural engineer, registered architect or sign manufacturer, as may be required by the Director of Building.

153.226 - Off-premises signs.

(K) Design: Every off-premises sign, including the frames, braces and supports thereof, shall be securely built and be designed by a structural engineer, registered architect, or sign manufacturer, as may be required by the Director of Building.

153.228 - Projecting signs.

(A) Design: Every projecting sign, including the frames, braces and supports thereof, shall be securely built and be designed by a structural engineer, registered architect or sign manufacturer, as may be required by the Director of Building. The sign shall be designed such that the sign frame shall be securely attached to the face of the building with the sign securely attached to the frame, subject to review by the Director of Building.

(B) Construction materials required: All projecting signs shall have a supporting framework constructed from approved incombustible material. The body of the sign shall be constructed of an approved incombustible material, however, trim may be of a combustible material.

(C) Secure attachment: Characters or representations applied to any projecting sign shall be safely and securely built or attached to the sign structure.

(D) Projection above building: No projecting sign or support structures shall project beyond the top of the building except where the building is designed so that the clearance required above the sidewalk by the ordinance cannot be provided without the sign projecting above the top of the building, then a projecting

sign and/or supports will be permitted to project above the top of the building. The projection shall be kept to an absolute minimum as required by the Director of Building.

153.229 - Real estate signs.

(B) (5) For signs which advertise the lease or rental of available floor area within a non-residential building, a permit shall be issued upon determination by the Director of Economic Development and Planning that 25 percent or more of the leasable floor area is vacant or that 100 percent of the leasable floor area will be vacant within 90 days. The applicant shall provide all documentation deemed necessary by the Director of Economic Development and Planning to determine the actual vacancy rate.

153.237 - Temporary signs.

(G) Permit issuance.

(1) Review of applications: It shall be the duty of the Director of Building, upon the filing of application for a permit, to examine such plans and specifications and other data related to proposed erection of the sign and the sign structure. If it appears that the proposed sign and sign structure is in compliance with all the requirements of this ordinance, and there are no violations of any other ordinances of the ~~v~~Village, the permit shall then be issued.

(2) Denial and revocation of permit: When a permit is denied by the Director of Building, a written notice shall be given to the applicant along with a brief statement of the reasons for denial. The Director of Building may suspend or revoke a permit for any false statement or misrepresentation.

§ 153.238 - Traffic control signs.

(C) Design: Every traffic control sign, including the supports thereof, shall be securely built by a sign manufacturer. Traffic control signs shall be constructed of metal or an equivalent material as approved by the ~~Community Development~~ Director of Building. Traffic control signs shall not be constructed of wood. Accessible parking signs shall follow the standards established by the Illinois Administrative Accessibility Code. Traffic control signs which convey information that would typically be found on signs with the right-of-way (e.g. "stop," "yield," "one-way," etc.) and shall follow the current standards of the Federal Highway Administration's Manual on Uniform Traffic Control Devices.

§ 153.242 - Wall signs.

It is unlawful to construct, erect, locate or maintain any wall sign for which a permit is required without complying with the following provisions:

(A) Location limitation on placement: No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends of the wall to which it is affixed. No sign shall project beyond the top of the building except where the structure is so designed so as to not permit the attachment of a wall sign, then a sign will be permitted to project above the surface of the building. The projection shall be kept to a minimum as required by the Director of Building.

(B) Projection above sidewalk: Wall signs must be affixed flat against the building wall. Any projection will be limited to encasing illumination or depth of lettering. At no time shall a wall sign be permitted to extend more than 12 inches beyond the building line. The sign shall not be affixed to a wall at a height of less than eight feet above the sidewalk or ground.

(C) Construction supports required: A wall sign shall be safely and securely affixed to the building wall to the satisfaction of the Director of Building.

(D) Placement location on building: Wall signs may be located either on the front of the building abutting a street or on either side wall perpendicular to the street frontage.

(E) Mixed signs prohibited: No wall sign may be displayed in conjunction with an awning, canopy, or projecting sign.

(Ord. No. 8018, § 1(Exh. A), 12-16-21)

§ 153.245 - Interpretation of sign types.

The Director of Economic Development and Planning may determine compliance for signs which, though not contained by name in a permitted sign list for a zoning district, are deemed to be similar in nature and clearly compatible with the listed signs. All non-listed signs which are approved by the Director of Economic Development and Planning shall be added to the permitted sign list by ordinance at the time of periodic updating and revision.

(Ord. No. 8018, § 1(Exh. A), 12-16-21)

§ 153.302 - Nonconforming signage.

Damage or destruction. In the event that any sign in whole or in part is a legal, nonconforming sign is damaged or destroyed, by any means, to the extent of more than 50 percent of the fair market value of such sign immediately prior to such damage, such sign shall not be restored unless such sign shall thereafter conform to all regulations for the district in which such sign is located. When such damage or destruction is 50 percent or less of the fair market value of such sign immediately prior to such damage, such sign may be repaired and reconstructed and returned to the same condition and use as existed prior to the damage or destruction, provided such repairs or reconstruction is commenced and completed within 90 days of the date of damage or destruction. The fair market value shall be determined by the Director of BuildingCommunity Development, based on an appraisal conducted by an independent sign contractor.

-ARTICLE IX. - SIGNS LOCATED IN OFFICE DISTRICTS

§ 153.503 - Office District requirements.

(11) (b) If more than one wall sign is erected on a building, each of the signs shall be constructed of the same materials and be of the same format to provide consistency and unity; ~~subject to the review and approval of the Director.~~

ARTICLE X. - SIGNS LOCATED IN BUSINESS DISTRICTS

§ 153.504 - B1 and B2 Neighborhood Shopping District requirements.

(5) (g) Curbing: Any freestanding sign within three feet of a driveway, parking area, or maneuvering area shall be completely surrounded by a curbing that is not less than three feet from the outermost perimeter of the sign, and this area will be landscaped as approved by the Director of Economic Development and Planning.

§ 153.506 - B5 Central Business District requirements.

(6)(f) Curbing: Any freestanding sign within three feet of a driveway, parking area, or maneuvering area shall be completely surrounded by a curbing that is not less than three feet from the outermost perimeter of the sign, and this area will be landscaped as approved by the Director of Economic Development and Planning.

ARTICLE XII. - DEFINITIONS

§ 153.601 - Word usage.

Director of Building (Zoning Enforcement Officer). The ~~person or persons~~ individual ~~duly~~ appointed by the Village Manager, or designee to enforce the provisions of this Ordinance pertaining to permit issuance, inspection, and Building Code compliance and enforcement activities.

Director of Economic Development and Planning ~~Community Development.~~ The individual appointed by ~~Director of the Village Manager~~ to enforce the regulatory provisions of this Ordinance. ~~of Lombard, Illinois, Department of Community Development or the Director's duly authorized representative.~~

CHAPTER 154: - SUBDIVISIONS AND DEVELOPMENT

ARTICLE II. - ADMINISTRATION AND PROCEDURES

§ 154.201 - Organization.

(A) Administrative bodies. The administration of this Chapter is hereby vested in the following offices of the village:

- (1) Village Board
- (2) Plan Commission
- (3) Inter-departmental Review Committee
- (4) Director of ~~Community Development~~ Economic Development and Planning
- (5) Director of Building
- (5) Director of Public Works
- (6) Fire Chief

§ 154.202 - Administrative bodies and duties.

(C) Director of ~~Community~~ Economic Development and Planning. The position of Director of Community Economic Development and Planning has been established by the ~~Village~~ and the authority and duties ~~of the Director of Community Development (or the Director's duly authorized representative)~~ relative to this Chapter shall be as follows:

- (1) Review and prepare recommendations on all matters going before the Plan Commission or Board relative to this Chapter;
- (2) Coordinate all staff review of plats and development relative to compliance with this Chapter;
- (3) Ensure compliance with all regulations of this Chapter and all plats and development as approved by the various administrative bodies described in this Chapter;
- (4) In cases in which a violation of the provisions of this Chapter is observed, provide applicable and relevant documentation necessary for code enforcement response and effective resolution. Issue notices and citations for violations of the terms of this Chapter and require that construction work be stopped when such work is not in compliance with this Chapter;
- (5) Maintain records of plats and other documents related to this Chapter;
- (6) Assist in providing public information relative to this Chapter;
- (7) Initiate, direct, and review, from time to time, a study of the provisions of this Chapter, and make a report of recommendations to the Plan Commission and Village Board.

(D) Director of Building. The position of Director of Building has been established by the Village and the authority and duties relative to this Chapter shall be as follows:

(1) Provide staff review of plats and development relative to compliance with this Chapter;

(2) Ensure compliance with all regulations of this Chapter and all plats and development as approved by the various administrative bodies described in this Chapter;

(3) Issue notices and citations for violations of the terms of this Chapter and require that construction work be stopped when such work is not in compliance with this Chapter;

(4) Assist in providing public information relative to this Chapter;

~~(ED)~~ Director of Public Works. The position of Director of Public Works has been established by the ~~v~~Village and the authority and duties of the Director of Public Works (or the Director's duly authorized representative) relative to this Chapter shall be as described in the text of this Chapter.

~~(FE)~~ Fire Chief. The position of Fire Chief has been established by the ~~v~~Village and the authority and duties of the Fire Chief (or the Chief's duly authorized representative) relative to this Chapter shall be as described in the text of this Chapter.

(Ord. No. 7999, § 1(Exh. A), passed 11-4-21)

§ 154.203 - Procedures for administrative functions.

(A) General procedures for plats of subdivision.

(1) Initiation of a plat. Any owner of property, or an authorized representative, may request approval of a plat of subdivision.

(2) Filing for a plat of subdivision. An application for a plat of subdivision shall be filed with the Department of Community Development in such form and accompanied by such information as required by the Director of ~~Community~~ Economic Development and Planning.

(3) Authority. The authority to approve a plat of subdivision shall rest with the Director ~~of Community Development of Economic Development and Planning~~ in the case of administrative plats and the Board in the case of minor and major plats of subdivision.

(B) Preliminary plats of subdivision.

(1) Initiation. An applicant may choose to submit a preliminary plat of subdivision for approval prior to submittal of the final plat of subdivision. The Director ~~of Community Development of Economic Development and Planning~~ should be consulted to determine the appropriateness of a preliminary plat.

(2) Purpose of preliminary plats. The purpose of a preliminary plat review process is to allow an applicant to determine the appropriateness of a proposed, conceptual subdivision design. This shall generally mean the configuration of streets and lots; conceptual landscaping design; and conceptual engineering plans.

(3) Submittal requirements. The primary difference between a preliminary and final plat is the submittal requirements. The submittal requirements for a preliminary plat shall be as established by the Director ~~of Community Development of Economic Development and Planning~~; but generally, a preliminary plat may be accompanied by conceptual engineering, site, and landscape plans. Whereas, a final plat must be accompanied by final plans.

(C) Procedures for administrative plats of subdivision.

(2) Submittal of application for plat approval. Submittal of the application for plat approval formally begins the village's development review process. The application consists of the completion and submittal of the application form provided by the Department ~~of Community Development of Economic Development and Planning~~, submittal of the final plat of subdivision, payment of the required fees, and any required supporting materials specified in the aforementioned application or requested by the Director ~~of Community Development of Economic Development and Planning~~.

(3) Staff review of the administrative plat. Upon receipt of the application for final plat of subdivision and all necessary supporting documents as required, the proposal will be reviewed by the village. This may result in revisions or refinements to the proposed plat of subdivision.

(4) Final approval. Upon the conclusion of its review and receipt of the final plat, the Director ~~of Community Development of Economic Development and Planning~~ shall grant or deny the plat as determined appropriate. Approval shall be so designated by the Director's signature on the final plat of subdivision. If denied, the Director shall inform the subdivider, in writing, of the denial, the reasons for the denial, and procedures for appealing the Director's decision.

(5) Appeal of administrative plat denial. Any aggrieved party may request Plan Commission review of the plat by filing a letter of appeal with the Department ~~of Community Development of Economic Development and Planning~~ and within 30 calendar days of the formal approval or denial of the plat of subdivision. Upon receipt of the letter of appeal and payment of any additional fees required, the Director ~~of Community Development of Economic Development and Planning~~ shall schedule the plat for review by the Plan Commission. The plat shall then comply with all procedures and requirements stipulated in subsection 154.203(D), below.

(6) Recording of final plat. Prior to the recording of a final plat, the Village Finance Director must certify that there are no delinquent or unpaid current or forfeited special assessments or any deferred installments apportioned against any portion of the property included in the plat. Following such certification, the Director ~~of Community Development of Economic Development and Planning~~ will have the plat recorded in the office of the Recorder of DuPage County, Illinois and shall inform the subdivider accordingly. The original (vellum) of the recorded plat will be retained by the village.

(D)(2) Submittal of application for plat of subdivision. Submittal of the application formally begins the village's plat review process. The application consists of the following documents:

(a) Application for plat of subdivision;

(b) Required fees including the plat review fee, engineering services fees, and any other fees established by village ordinances;

(c) Engineering plans: Final engineering plans required for final plats, conceptual engineering plans required for preliminary plats;

(d) Copies of the final or preliminary plat of subdivision;

(e) Subdivision and development agreement if applicable (see Article VI of this Chapter);

(f) Any other supporting materials as specified in the aforementioned application or as may be requested by the Director ~~of Community Development~~ of Economic Development and Planning.

(7) Recording of final plat. The original final plat must be submitted to the Department ~~of Community Development~~ of Economic Development and Planning within one year from the date of approval by the Board unless otherwise specified by the Board. Prior to the recording of the final plat, the Village Finance Director must certify that no delinquent or unpaid current or forfeited special assessments or any deferred installments apportioned against any portion of the property included in the plat exist. Following such certification, the Director ~~of Community Development~~ of Economic Development and Planning will have the plat recorded in the office of the Recorder of DuPage County, Illinois. The original (vellum) of the recorded plat will be maintained on file at the Department ~~of Community Development~~ of Economic Development and Planning for purview by the public.

(E) Variations.

(4) Procedure for a variation. A petition for any such variation shall be submitted in writing by the developer at the time the application for plat of subdivision, or other requests are filed for consideration of the Plan Commission. In the event no Plan Commission action is requested, the submission of a variation shall be made to the Board through the Director ~~of Community Development~~ of Economic Development and Planning. The petitioner shall state fully the grounds for the petition and all facts relied upon by the petitioner.

(G) Procedures for plats of easement abrogation

(1) Initiation. A plat of abrogation may be requested by the owner(s) of property, or a duly authorized representative of the proposed abrogation.

(2) Filing for a plat of abrogation. An application for a plat of abrogation shall be filed with the Director ~~of Community Development~~ of Economic Development and Planning in such form and accompanied by such information as required by the Director ~~of Community Development~~ of Economic Development and Planning.

(3) Review by the Inter-departmental Review Committee. Upon receipt of a request for a plat of abrogation, the Director ~~of Community Development~~ of Economic Development and Planning shall request review of the plat by the Interdepartmental Review Committee. The Director shall then provide a report to the applicant indicating the conclusions of the Inter-departmental Review Committee.

(4) Board of Trustees action. The Director ~~of Community Development~~ of Economic Development and Planning shall submit the Inter-departmental Review Committee report to the Board of Trustees. Said plat of abrogation shall include the approvals and signatories of all designated easement beneficiaries, prior to consideration of the plat. After review and due consideration, the Board shall act on said plat.

(J) (3) Filing an amendment. An application for an amendment to this Chapter shall be filed with the Department of ~~Community Development~~ Economic Development and Planning in such form and accompanied by such information as required by the Director of ~~Community Development~~ Economic Development and Planning. The Director of ~~Community Development~~ Economic Development and Planning, upon receiving a full and complete application for amendment, shall transmit the application, along with all pertinent data filed therewith, to the Plan Commission for review and recommendation to the Village Board.

§ 154.308 - Acceptance of contribution in lieu of public improvements.

A monetary contribution in lieu of the provision of any public improvement (contribution for public improvements) required by this Chapter may be accepted under the following terms and conditions. All such requests shall follow these guidelines.

(A) Intent. Under certain circumstances, it may be determined that the public interest is best served by delaying the construction of specific public improvements. In order to ensure that public improvements are provided when appropriate, the ~~Village~~ may accept monetary contributions for said public improvements in lieu of the construction thereof.

(B) Initiation. A request for a contribution for a public improvement can be made by the property owner, an authorized representative of the property owner, the Director of ~~Community Economic Development and Planning~~, Director of Building, Director of Public Works or initiated by the Board.

(C) Authority. The Director of ~~Community Economic Development and Planning~~, Director of Building or the Director of Public Works shall have the ~~sole~~ authority to determine the appropriateness and amount of a contribution for public improvements. A party subject to such a contribution shall have the right to file an appeal of the anticipated appropriateness of the fee or the calculated contribution request. In the event that an appeal is made, the Director of Community Development shall forward the appeal request to the Village Board for final consideration.

(D) Procedures. Requests for contributions for public improvements may be submitted directly to the Community Development Department at any time prior to approval of building permits.

(E) Appropriateness of contribution. The appropriateness of accepting a contribution for public improvements shall be based on the following criteria:

(1) The impact of the proposed subdivision or development does not immediately necessitate the construction of the public improvement prior to occupancy of the development;

(2) Existing conditions in the area are such that immediate construction of the public improvement would be inefficient;

(3) Immediate construction of the public improvement may be detrimental to the public health or general welfare of the community;

(F) Determination of contribution. The amount of a contribution for public improvements shall be based on the following criteria:

(1) An estimate of the design and construction costs of the public improvement prepared by an Illinois Certified Professional Engineer and approved by the Director of BuildingCommunity Development.

(2) Inclusion of a contingency cost equal to 15 percent of the estimated cost of the public improvement for the purpose of future increases in costs and unforeseen costs.

(3) The impact of the development as determined by a traffic impact analysis, anticipated water usage, population equivalents, impervious surfaces, and other measures of impact on public facilities.

§ 154.309 - Required Public Improvements for Public Rights-of-Way not Controlled by the Village of Lombard.

Public improvements as referenced in Chapter 154 of this Code shall be required for all publicly dedicated rights-of-way, irrespective of the jurisdictional entity that has regulatory control of said right-of-way. However, for rights-of-way that are controlled by an entity other than the village, said public improvement requirements can be waived under the ¶Village in the following circumstances:

(1) The Director of Community Economic Development and Planning finds that constructing the required public improvement would be inconsistent with adopted plans and policies of the ¶Village; or

(2) The jurisdiction entity having control over the right-of-way provides the ¶Village with documentation stating that the ¶Village required public improvements are not desired or deemed necessary, based upon existing or proposed conditions within the applicable right-of-way.

(Ord. No. 7999, § 1(Exh. A), passed 11-4-21)

ARTICLE IV. - ENGINEERING REQUIREMENTS AND SPECIFICATIONS

§ 154.401 - Purpose and intent.

The engineering standards provided in this section are intended to provide guidelines for the conceptual and final engineering of all public improvements for Plats of Subdivision and private development. Where specific guidelines are not provided and where discretion is required, such discretion shall reside with the Board and the Director of BuildingCommunity Development. The Board shall have sole authority to approve modifications of this section except where such authority is specifically delegated by the terms of this section.

(Ord. No. 7999, § 1(Exh. A), passed 11-4-21)

§ 154.402 - Conformance to the Village Specifications Manual.

The Director of ~~Community Development~~Building shall prepare, maintain, and update as determined necessary, the manual of specifications for the design of public improvements in the village (referred to as the Lombard Specifications Manual). The specifications manual shall include detailed engineering and construction specifications for public improvements required by this Chapter.

(Ord. No. 7999, § 1(Exh. A), passed 11-4-21)

§ 154.403 - Engineering plans.

(B) Preliminary engineering plans. The Director of ~~Community-Economic Development and Planning and/or the Director of Building~~ may authorize the submission of a preliminary plat of subdivision and corresponding preliminary engineering plans. Submission of preliminary documents shall comply with this Chapter. Preliminary engineering plans shall comply with the requirements in subsection 155.403(A), and shall include the following information:

§ 154.404 - Water distribution system.

All water supply systems shall be designed in a manner to provide a continuous water flow with no dead-end water mains unless otherwise authorized by the Director of ~~Community Development~~Building upon recommendation from the Director of Public Works and Fire Chief. The maximum distance between the intersection of water mains shall be based on the diameter of the water main and the type of development served. The maximum distance between intersections shall be as follows:

(E) Fire hydrants shall be provided in compliance with the following standards:

(1) The distance between fire hydrants shall not exceed 300 feet in single-family residential areas and 150 feet in all other areas. The land use character of the area shall be determined by the Director of ~~Building~~Community Development. Alternative spacing, either greater or lessor, may be required by the Fire Department if determined necessary to provide adequate fire protection.

(K) Prior to final acceptance of public improvements as stipulated by Section 154.604 of this Chapter, the Fire Chief shall report all findings and recommendations regarding water supply systems to the Director of ~~Building~~Community Development.

§ 154.405 - Sanitary sewer system.

(E) All required sanitary sewer systems shall be connected with the sewer system of the Glenbard Waste ~~W~~water Authority or Flagg Creek Water Reclamation District. As determined by the Director of Public Works, before any connection can be made, the developer shall apply to the Glenbard Waste ~~W~~water

Authority or Flag Creek Water Reclamation District through the village for permission to connect. In addition, the applicant shall obtain all necessary approvals of the Illinois Environmental Protection Agency. It is understood that each of the agencies cited above shall operate only within their respective jurisdiction.

§ 154.406 - Storm sewer and drainage system.

All stormwater detention or retention areas for Major or Minor Plats of Subdivision shall be located on separate lots of record (outlots) unless otherwise specifically approved by the Director of ~~CommunityEconomic~~ Development and Planning or the Village Board. All other stormwater detention areas required by this Code must be placed within a dedicated stormwater easement area, with said dedication stating the right of the village for access and the right but not the responsibility to undertake requisite maintenance and repair activities.

§ 154.407 - Public rights-of-way, streets and sidewalks.

(F) At least one standard density test (performed in accordance with AASHTO T99) shall be taken in each fill section, with a minimum distance between tests of 300 feet. One Standard Proctor Test may be required to be taken from each different source of borrowed material. The proctor and density tests must be submitted for review and approval by the Director of ~~BuildingCommunity~~ Development. Upon approval of these tests, the subgrade must be approved prior to placing any type of curb and gutter or base material.

§ 154.408 - Erosion and sedimentation control.

(A) Purpose and intent. This section is intended to govern earthwork, land modifications, and excavations. It is to control erosion, sedimentation, earth soil or rock removal and dust problems which will result in damage to or loss of topsoil and cause sedimentation that will affect the quality of runoff or the capacity of storm sewers, drainage channels, streams, and structures.

(B) Erosion and sedimentation control shall be provided in compliance with the Lombard Specifications Manual, this Code and IEPA provisions, which shall establish minimum standards for the avoidance or control of potential environmental problems resulting from the movement of earth or re-sculpturing of the land during, or subsequent to development.

(C) The following general principles shall apply to any movement of earth and efforts to control soil erosion and sedimentation.

(1) The smallest practical area of land, as determined by the Director of ~~BuildingCommunity~~ Development, shall be exposed at any given time during development.

(2) Such minimum area exposure shall be kept to as short a duration of time as is practical, as determined by the Director of ~~BuildingCommunity~~ Development.

- (3) Sediment basins, debris basins, desilting basins, or silt traps shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
- (4) Provision shall be made to effectively accommodate the increased run-off waters from land undergoing development.
- (5) Permanent, final plant covering or structures shall be installed as soon as possible.
- (6) The plan of development shall relate to the topography and soils of the site so that the lowest potential for erosion is created.
- (7) Natural plant covering shall be retained and protected and shall be deemed a dominating factor in developing the site.
- (8) Wind-blown dust problems shall be minimized by appropriate periodic watering.
- (D) Fill permit required. Before any land modification is made, a permit for the proposed work shall be obtained from the Director of ~~Building~~Community Development. The application for permit shall be submitted on forms provided by the ~~Director of~~ Community Development Department and at a minimum shall include the following information:

ARTICLE V. - PLANNING AND DESIGN SPECIFICATIONS

§ 154.501 - Purpose and intent.

The design specifications provided in this section are intended to provide guidelines for the conceptual and final design of public improvements and for all plats of subdivision and developments that include the described public improvements. Where specific guidelines are not provided and where discretion is required, such discretion shall reside with the Village Board and the Director of ~~Community Economic~~ Development and Planning, and Director of ~~Building~~. The Board shall have the sole authority to approve modifications of this section except where such authority is specifically delegated by the terms of this section.

§ 154.503 - Streets and rights-of-way.

(5) Proposed streets shall be extended to the boundary lines of the tract to be subdivided or developed unless prevented by topography or other physical conditions, or unless in the opinion of the Director of ~~Community Economic~~ Development and Planning such extension is not necessary or desirable for the coordination of the subdivision or development with existing subdivisions or developments or the most advantageous future development of adjacent tracts.

(D) Required street and right-of-way widths. The required width for streets and rights-of-way is based on the street classification and its land use character. The Director of ~~Community Economic~~ Development and Planning shall determine the street classification and its land use character based upon existing development and zoning, the Comprehensive Plan, and relevant street classification maps adopted by the Village Board.

(I) Cul-de-sac streets.

(1) Limited use of cul-de sac streets. Cul-de-sac streets shall only be used where necessary due to topographical conditions, existing development patterns, or other existing physical conditions and only with the express approval of the Director of Community Economic Development and Planning or the Village Board.

(2) Maximum length of cul-de-sac streets. The maximum length of cul-de-sac streets shall be based on the land use character of the adjoining property (as determined by the Director of Community Economic Development and Planning based on existing development, existing zoning, and the Comprehensive Plan) and shall comply with the following:

§ 154.504 - Sidewalks.

(A) Improvement of sidewalks. The minimum sidewalk width, expressed in lineal feet, shall be five feet. The maximum slope of sidewalks shall meet the more stringent provisions of the Americans with Disabilities Act and the Illinois Accessibility Code.

(B) Location. Sidewalks in public rights-of-way shall be one foot from the property line. Sidewalks should also be a minimum of five feet from the street curb, however, under normal circumstances sidewalks will be farther from the street curb. Sidewalks shall generally be located parallel with the street curb but the Directors of Community Economic Development and Planning or Public Works may allow deviation to accommodate preservation of trees, existing utilities, existing topographical conditions, or public safety. If necessary to accommodate the above, the Director(s) may require sidewalks to be placed on private property. Sidewalk easements shall be granted for all public sidewalks that are located on private property.

§ 154.505 - Blocks.

(B) Residential blocks.

(2) Blocks approximating or exceeding the maximum length and width requirements shall provide pedestrian and bicycle pathways where deemed appropriate by the Director of EconomicCommunity Development and Planning or the Village Board. The purpose of such pathways shall be to compensate for the decreased accessibility caused by the block lengths or widths.

§ 154.508 - Landscaping.

Landscaping of rights-of-way, outlots, and other common or public areas shall comply with the standards described below.

(C) Right-of-way landscaping. All landscaping within the public right-of-way shall comply with Chapter 97 and Section 155.705 of this Code. The Director of CommunityEconomic Development and Planning

may require that parkway trees be selected and planted by the Department of Public Works but paid for by the developer/subdivider.

(D) Storm water detention/retention areas. The perimeter of all storm water detention/retention areas shall provide landscaping comparable to the requirements for Perimeter Lot Landscaping described in Section 155.709 of this Code. In addition, storm water detention/retention areas shall be provided with a ground cover consistent with the perimeter lot landscaping. Internal landscaping may be required as determined appropriate by the Director of CommunityEconomic Development and Planning.

(E) Other outlots. Landscaping for all other outlots or common areas shall be subject to the review and approval of the Director of CommunityEconomic Development and Planning. In general, landscaping of such areas shall be consistent with the standards established by Section 155.709 of this Code.

§ 154.511 - Pedways, bike lanes, and bike routes.

A subdivider or developer shall construct pedways, bike lanes, or bike routes in conjunction with a subdivision or development where designated by an adopted village bicycle transportation plan or as may be determined appropriate by the Director of CommunityEconomic Development and Planning. Pedways, bike lanes, and bike routes shall be provided where deemed beneficial to provide access or circulation within a subdivision or for access to schools, playgrounds, shopping centers, or other community facilities. All pedways, bike lanes, and bike routes shall comply with the requirements of this subsection and the ~~v~~Village's adopted Complete Streets Policy.

(3) Pavement widths for all pedways shall not be less than eight feet. Pedways shall be constructed of concrete unless otherwise approved by the Director of Public WorksCommunity Development. Generally, pedways adjacent to public streets should be concrete and others may be asphalt. Minimum construction specifications shall be established by the Lombard Specifications Manual.

§ 154.512 - Easements.

(A) Utility and other public improvement easements. Easements for the purpose of maintenance and protection of public improvements shall be provided as required by the terms of this and other ordinances of the village.

(1) Utility easements. Easements for public utilities shall be centered on rear lot lines, and across lots or centered on side lot lines.

(a) Such easements shall be at least ten feet wide but may be larger if required by the Department of Community Development or the Department of Public Works. At a minimum, new lots of record shall provide public utility easements with a depth of ten feet along the rear lot line and a depth of five feet along the side lot lines.

(b) A minimum width of 30 feet is required for water mains and sewers that are to be owned by the ~~v~~Village unless otherwise expressly approved by the Director of CommunityEconomic Development and Planning, Director of Public Works or the Board of Trustees.

(c) Proper coordination shall be established between the developer and the applicable utility companies for the establishment of utility easements. Recommendations on the proposed layout of telephone, gas, water, and sanitary sewer easements shall be obtained from all of the utility companies which serve the areas.

(d) It shall be ~~a~~ the responsibility of the subdivider to submit copies of approved preliminary and final plats of subdivision to all appropriate utility agencies and secure approval of all involved utility companies. Utility easements shall connect with easements established in adjoining properties.

(2) Blanket easements. For subdivisions that include common property which is maintained by a common property or homeowners' association, blanket easements may be used on those common lots in lieu of otherwise delineated utility easements. Blanket easements shall not be used without the express approval of the Director of ~~CommunityEconomic~~ Development and Planning, Director of Public Works or the Village Board~~[HW1]~~.

(B) Drainage easements. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and shall include the floodplain where applicable, and of such width or construction or both as will be adequate for the purpose per the requirements of Chapter 151 of this Code. Subject to the requirements of subsection (A), above, blanket easements may be permitted in lieu of a specific drainage easement.

(C) Temporary vehicular turn-around easement. Temporary vehicular turn-around easements shall be provided where a dead-end street is provided with the intention of future extension of the street. The temporary vehicular turn-around easement and description shall be placed on the final plat of subdivision. The easement shall be as follows:

(1) The vehicular turnaround shall be of sufficient size for maneuvering by emergency vehicles and shall be subject to the approval of the Director of ~~CommunityEconomic~~ Development and Planning.

(2) The plat of subdivision or the easement document shall state: "The temporary turn-around easement shall be vacated upon extension of the street. Extension shall include dedication and acceptance

ARTICLE VI. - AGREEMENTS, ASSURANCES, AND ACCEPTANCES

§ 154.602 - The subdivision and development agreement.

(B) Submittal. It shall be the responsibility of the property owner or an authorized representative of the property owner (also referred to as the developer) to submit the subdivision and development agreement for the review and approval of the appropriate village authorities. The agreement shall be presented in a general format prescribed by the Director of ~~CommunityEconomic~~ Development and Planning. The agreement shall be submitted and approved prior to issuance of a building permit for a development or prior to recording a final plat of subdivision, whichever is appropriate.

(3) Schedule of construction. A schedule of construction shall be included in all subdivision and development agreements, where warranted. The purpose of the schedule is to clearly establish deadlines for the completion of the various public and private improvements relative to issuance of building permits and certificates of occupancy/zoning certificate. The schedule may establish phases for the completion of

improvements. Furthermore, the Director of ~~Community~~Economic Development and Planning or the Board may approve a schedule contrary to the following guidelines if determined appropriate due to particular circumstances of a specific development. However, all Agreements shall generally comply with the schedule established herein.

(c) Storm sewer and drainage system. A functional storm sewer and drainage system shall be completed prior to the start of any vertical building construction activity or any construction activity that increases stormwater runoff for the related development. A functional storm sewer and drainage system shall mean a system that is in compliance with the approved final engineering plans unless an acceptable, interim, alternative is approved by the Director of ~~Community~~Economic Development and Planning.

(h) Completion of public improvements. Any other improvements required by other applicable ordinances of the village shall be completed in compliance with the construction schedule established as part of the subdivision and development agreement. All public improvements not completed prior to issuance of the first building permit shall be completed prior to the issuance of building permits or certificates of occupancy/zoning certificate for the final ten percent of lots, buildings, tenant spaces, dwelling units; within a specified time period; or other applicable measurement as determined appropriate by the Director of ~~Building~~Community Development. The subdivision and development agreement shall stipulate the terms for completion of all public improvements.

(E) Changes to the subdivision and development agreement.

(1) Initiation. Changes to the subdivision and development agreement may be proposed by the Director of ~~Community Development of Economic Development and Planning~~, Village Board, or the property owner (or the owners duly authorized representative). Changes to the agreement may be proposed at any time during the development and subdivision process.

(2) Agreements for minor and major plats. Major changes to an Agreement for a minor or major plat of subdivision must be approved by the Village Board and the property owner/developer. Minor changes to an agreement for a minor or major plat may be approved by the Director of ~~Community Development of Economic Development and Planning~~. The Director of ~~Community Development of Economic Development and Planning~~ shall have the sole responsibility for determining if a proposed change is minor or major.

§ 154.603 - Guarantee of completion and compliance.

All subdivisions and developments shall provide guarantees that any improvements required by this Chapter shall be completed in compliance with the terms and conditions of this Chapter. Such guarantees shall include the following.

(A) Submittal of engineer's cost estimate. A detailed estimate of the costs for all public improvements as defined in Section 154.703 shall be submitted to the Director of Building Community Development (hereinafter the "Director" for purposes of this section) for review and approval. Estimates shall be based on current costs for materials and labor. The approved engineer's cost estimate shall be used to determine the amount of the instrument of credit described below.

(E) Extension of letter of credit. The Director ~~of Building of Community Development~~, upon written proof of difficulty, shall have the authority to grant one extension of the instrument of credit, not to exceed six months. The Village Board may, upon written proof of difficulty, grant additional extensions of the instrument of credit. Prior to any extension, an amendment to the Development Agreement shall be submitted which proposes a revised schedule of construction in compliance with the terms of this Section.

§ 154.604 - Acceptance and assurances.

(A) Record drawing (as-built drawings). Upon completion of the required public improvements a detailed record drawing (a.k.a. as-built drawings) of the subdivision or development shall be submitted by the owner/developer to the Director of ~~Community Economic Development and Planning~~ in a medium deemed acceptable by the Director. Completion shall include all public improvements guaranteed by the instrument of credit. The purpose of the record drawing is to ensure that such public improvements have been installed in accordance with the approved final engineering plans for the subdivision or development. The record drawing shall indicate location (setback from property lines), dimensions, elevations, and construction materials of all improvements, and any other information as may be required by the Director.

(B) Acceptance. Public improvements shall be accepted by the Village Board after certification by the Directors of ~~Community Economic Development and Planning~~, and Public Works that the public improvements are in compliance with previously approved plans, specifications, and relevant codes and ordinances. All required fees and procedures shall be provided and complied with prior to such acceptance. The village shall not be liable for any damages that may occur on any dedicated road or to any utilities within a new subdivision or development that has not been accepted by the Village Board. The owner/developer shall hold the ~~*Village~~ free and harmless from any and all such claims that may be submitted.

(Ord. No. 7999, § 1(Exh. A), passed 11-4-21)

ARTICLE VII. - RULES AND DEFINITIONS

Director of ~~Building Community Development~~. The Director of ~~Building of~~ the Village of Lombard, Illinois, Department of Community Development or the ~~Director's~~ duly authorized representative.

~~Director of Economic Development and Planning. The Director Economic Development and Planning of the Village of Lombard, Illinois, Department of Community Development or the duly authorized representative.~~

CHAPTER 155: ZONING CODE

§155.101 - Organization.

(A) Administrative bodies. The administration of this Chapter is hereby vested in ~~five~~ offices of the government of the Village of Lombard as follows:

- Village Board of Trustees
- Plan Commission
- Zoning Board of Appeals
- Inter-Departmental Review Committee
- ~~Director~~ Department of Community Development ~~and Planning~~

§ 155.102 - Administrative bodies and duties.

(C)(1) To hear appeals from any order, requirement, decision, or determination made by the Director of Community Economic Development and Planning under this ordinance and prepare a recommendation to the Board of Trustees, as prescribed in subsection 155.103 (D), below; and

D) Inter-Departmental Review Committee.

(1) Creation. There is hereby created the Inter-Departmental Review Committee. Said committee shall be appointed by the Village Manager and consist of representation from each of the following village offices: Department of Public Works, Department of Community Development, Fire Department, and the office of the Village Manager.

(2) Intent. In order to exercise more orderly control of land use within areas of critical concern, the Village ~~of Lombard~~ hereby establishes an Inter-Departmental Review Committee to act as an advisory body to the Director of Community Economic Development and Planning in the site plan review process, as specified in subsection 155.103 (I), below.

(3) Procedure for meetings. The Inter-Departmental Review Committee shall convene at the request of the Director of Community Economic Development and Planning, who shall provide each department identified above with appropriate information regarding the application being considered. The committee shall report on the suitability of said application as interpreted by the various ~~v~~Village departments. No quorum is required for meetings and the members in attendance to review a particular application/petition shall constitute the reviewing body for that application or petition.

(E) Director of Community Economic Development and Planning. The position of the Director of Community Economic Development and Planning has been established by the Village ~~of Lombard~~ and the authority and ~~the duties of the Director of Community Development, or his duly authorized representatives,~~ shall be as follows:

(1) Issue all certificates of occupancy and zoning certificates based upon compliance with provisions of this Chapter and maintain records thereof;

(2) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this ~~ordinance Chapter~~, including zoning compliance reviews;

(3) ~~In cases in which a violation of the provisions of this Chapter is observed, provide applicable and relevant documentation necessary for code enforcement response and effective resolution; Issue notices and citations for violations of the terms of this Chapter. Notices shall require compliance within 30 days, or less if deemed appropriate by the Director of Community Development, and shall advise suspected violators of their right to appeal;~~

(4) Require that all construction or work of any type be stopped when such work is not in compliance with this ordinance;

(5) Review and approve or deny, all applications for non-listed uses;

(6) Have possession of permanent and current records of this ordinance, including but not limited to, all maps, amendments, conditional uses, variations, appeals, site plan reviews and applications ~~therefore~~;

(7) Assist in providing public information relative to this Chapter;

(8) Forward to the Plan Commission all applications for conditional uses, companion variations, amendments to this Chapter or other matters on which the Plan Commission is required to review under this Chapter;

(9) Forward to the Zoning Board of Appeals applications for appeals, variations, or other matters on which the Zoning Board of Appeals is required to review under this Chapter;

(10) Forward pertinent applications to the Inter-Departmental Review Committee as specified in subsection 155.102 (D), above;

(11) Enforce all orders of the Zoning Board of Appeals;

(12) Review and prepare recommendations on all matters going before the Plan Commission or Zoning Board of Appeals.

(13) Initiate, direct, and review, from time to time, a study of the provisions of this ordinance, and make a report of recommendations to the Plan Commission, Zoning Board of Appeals and Board of Trustees not less frequently than once a year.

(14) To conduct site plan reviews and issue site plan review permits as described in subsection 155.103 (I), below.

(Ord. 5696, passed 8-18-05)

(F) Director of Building. The position of the Director of Building has been established by the Village and the authority and the duties of the Director pertaining to this Chapter are as follows:

(1) Issue all certificates of occupancy and zoning certificates and maintain records;

(2) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Chapter;

(3) Issue notices and citations for violations of the terms of this Chapter.

(4) Require that all construction or work of any type be stopped when such work is not in compliance with this Chapter.

§ 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 Economic Development and Planning and has affixed to it his written authorization certifying that the proposed use complies with all the provisions of Chapter 155 of this Code. 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 Chapter, or without such authorization, shall be null and void.

(B) Zoning certificate. No buildings, or portions thereof shall be occupied, and no land, or portions thereof, shall be used for any purpose until a zoning certificate has been issued by the Director of Community Development. No change in the use or user of a building, or portion thereof, or land, or portion thereof, shall be made until a zoning certificate has been issued by the Director of Community Economic Development and Planning.

(1) Application for zoning certificate. Every person who proposes to change the use of the building or land, or portion thereof, and every person who proposes to change 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.

(C) Variations.

(4) Filing for applications. An application for a variation shall be filed with the Director of Community Economic Development and Planning, who shall forward such application to the Zoning Board of Appeals or to the Plan Commission based upon subsection 155.103(C)(2).

(D) Appeals.

(4) Filing for application. An appeal shall be filed with the Director of Community Economic Development and Planning, who shall forward such appeal to the Zoning Board of Appeals for processing in accordance with this Chapter and applicable Statutes of the State of Illinois.

(E) Amendments.

(1) (c) Planned development approval is also required for any property which is proposed to be rezoned to the R6, O, B1, B2, B3, B4, B4A, B5, B5A and I District and which meets the minimum lot area and width requirements for a planned development. The planned development approval requirement may be waived by the Director of Community Economic Development and Planning, per subsection 155.502(G).

(4) Filing for application. An application for an amendment to this Chapter shall be filed with the Director ~~of Community Development~~of Economic Development and Planning in such form and accompanied by such information as required by the Director ~~of Community Development~~of Economic Development and Planning. The Director ~~of Community Development~~of Economic Development and Planning, upon receiving a full and complete application for amendment, shall transmit the application, along with all pertinent data filed therewith, to the Plan Commission for review and recommendation to the Village Board.

(9) Effect of denial of proposal. No application for a map amendment which has been denied by the Village Board shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of change of condition found to be valid by the Director ~~of Community Development~~of Economic Development and Planning; and no application for a text amendment which has been denied shall be resubmitted within 90 days.

(10) Repeal of amendment. In any case where a map amendment has been granted, and where no development has taken place within one year, the Plan Commission, after holding a public hearing, may recommend to the Village Board that such zoning be affirmed or repealed and rezoned to its most appropriate district classification. The repeal of a map amendment can then be effected by the adoption of an ordinance repealing the amendment by the Board of Trustees.

(F) Conditional uses.

(4) Filing for application. An application for a conditional use shall be filed with the Director ~~of Community Development~~of Economic Development and Planning or an official, prescribed form. The application shall be accompanied by the following plans, data or information:

(a) A statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in subsection (F), hereinafter.

(b) The existing use and zoning of land within 200 feet of the subject site.

(c) An accurate legal description of the subject property.

(d) Other information as may be required at the discretion of the Director ~~of Community Development~~of Economic Development and Planning.

Such application shall be forwarded from the Director ~~of Community Development~~of Economic Development and Planning to the Plan Commission for review and recommendation to the Village Board.

(10) Effect of denial of application. No application for a conditional use which has been denied wholly or in part by the Village Board shall be resubmitted for a period of one year from the date of said denial, except on the grounds of new factual evidence, or a change in conditions which would alter the concept or intent of the request. Such changes may include more than a 15 percent modification in the density, height, land use, or building type, changes in road standards or alignment, or conditions which would have a positive effect on the surrounding property. New factual evidence or a change in conditions must

be reviewed by the Director ~~of Community Development~~ of Economic Development and Planning. The Director ~~of Community Development~~ of Economic Development and Planning must find either new factual evidence or a change in conditions presented at the original public hearing, as well as a change in the site plan, before allowing a new public hearing to be conducted.

(11) Revocation.

(a) In any case where the construction of an approved conditional use is not substantially underway within 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.

(b) A conditional use permit may be revoked if conditional use as established or constructed on the site does not conform to the established conditions for approval. The Director ~~of Community Development~~ of Economic Development and Planning will be responsible for advising the Village Board of any violations and the Village Board may then authorize the Plan Commission to schedule a public hearing to consider revoking the conditional use permit. After conducting the public hearing, the Plan Commission shall then prepare a written report and recommendation to submit to the Village Board. Upon receipt of the Plan Commission's report, the Village Board shall then render a final judgment regarding rescinding the conditional use permit and accompanying ordinance.

(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 24 months for any reason. However, the ownership of an authorized conditional use may be changed if the use remains unchanged.

(13) Modification or intensification. Any modification or intensification of a conditional use which alters the essential character or operation of the use in a way not intended at the time the conditional use was granted shall require a new conditional use permit. Such conditional use permit shall be applied for prior to any modification of the use or property. The Director ~~of Community Development~~ of Economic Development and Planning shall determine whether the proposed modification or intensification represents an alteration in the essential character of the original conditional use as approved. The operator of the conditional use shall provide the Director ~~of Community Development~~ of Economic Development and Planning with all the necessary information related to the conditional use to render this determination.

(I) Site plan review.

(1) Intent. The Village of Lombard recognizes that the very nature of land development creates potential for traffic congestion, overcrowding, adverse environmental impacts, and health related problems. It seeks to ensure that any location within the village that has a potential for such problems, referred to as areas of critical concern, shall be subject to site plan review by the Director ~~of Community Development~~ of Economic Development and Planning, who shall receive advise on such reviews by the Inter-Departmental Review Committee. Site plan reviews shall help ensure compliance with the meaning and intent of the zoning ordinance, and all portions thereof.

(2) Applicability. All applications for building permits in the CR, R3, R4, R5, R6, B1, B2, B3, B4, B4A, B5, B5A, O, and I Districts shall be subject to site plan review approval in accordance with the provisions established below. Petitions for planned developments and conditional uses shall receive site plan review but shall not require site plan review approval. Site plan reviews shall be performed by the Director ~~of Community Development~~ of Economic Development and Planning, with the Inter-Departmental Review Committee serving as an advisory body, as specified in subsection 155.103(D), above.

(3) Authority. Building permits shall not be issued for any use of land or proposed construction on a lot in the zoning districts identified in subsection 155.103(I), above, unless site plan review approval has been granted by the Director ~~of Community Development~~of Economic Development and Planning.

(4) Required information. Additional information beyond that required for a building permit may be required of the petitioner or applicant at the discretion of the Director ~~of Community Development~~of Economic Development and Planning.

(5) Decisions. The decisions of the Director ~~of Community Development~~of Economic Development and Planning shall be based on the following standards:

(6) Appeals. All denials of site plan review applications may be appealed according to the provisions of subsection 155.103(D), above.

(J) Public hearings.

(1) General procedures and information. Public hearings of the administrative bodies of the Village of Lombard shall be conducted in accordance with requirements of the Illinois Compiled Statutes. Information regarding requirements for public hearings for each administrative function shall be available at the Department ~~of Community Development~~of Economic Development and Planning of the Village of Lombard. In addition, materials submitted in conjunction with a public hearing shall be made available for public inspection by the Department ~~of Community Development~~of Economic Development and Planning. Issuance of notice of public hearings and pending actions of the administrative bodies of the Village of Lombard shall be governed by the requirements of Illinois Compiled Statutes, except where Village Code requires broader notice than minimal state requirements.

(2) Public notice.

(a) Publication. The Director ~~of Community Development~~of Economic Development and Planning shall see that notice of all public hearings is published not more than 30 nor less than 15 days before said hearing in one or more newspapers with a general circulation within the Village ~~of Lombard~~.

(b) Adjoining property owners. It shall be the responsibility of the Director ~~of Community Development~~of Economic Development and Planning to ensure that notice of all public hearings is provided to all owners of property located within 250 feet of a property that is the subject of a public hearing. Such notification shall be in writing and provided not more than 30 nor less than 15 days before said hearing. For the purposes of determining property owners for notification, the taxpayer of record as listed with the Township Assessors office shall be used.

(c) Posting notice. A public notice sign, provided for and erected by the Director ~~of Community Development~~of Economic Development and Planning at the expense of the applicant, shall be placed property that is the subject of a request for a map amendment or a conditional use. The public notice sign shall be erected at least fifteen 15 days before the public hearing and remain until final action by the Board of Trustees. The sign shall be visible to the general public as determined by the Director ~~of Community Development~~of Economic Development and Planning. In the event that the Director ~~of Community Development~~of Economic Development and Planning determines that a public notice sign cannot be placed on the subject property or will not be visible to the general public if placed on the subject property, the Director ~~of Community Development~~of Economic Development and Planning shall have discretion to place the sign within the adjacent public right-of-way or at another location that meets the intent of this subsection.

(K) Submittal requirements.

(1) General procedures and information. The Director ~~of Community Development~~ of Economic Development and Planning may require the submittal of a site plan, plat of survey, or similar information for any proposed development or approval related to the administrative functions described in § 155.103, above. All required site plans, plats of survey, and other required information shall conform to the requirements of this Chapter.

(2) Plats of survey. Plats of survey must indicate all existing conditions and shall be signed and sealed by an Illinois Registered Land Surveyor.

(3) Site plans.

(a) All required site plans shall be prepared by one of the following unless otherwise approved by the Director ~~of Community Development~~ of Economic Development and Planning:

ARTICLE III. - GENERAL PROVISIONS

§ 155.205 - Fences, walls, and hedges.

(5) Application for permits. Effective March 17, 2000, permits for the erection, relocation, or placement of fence or wall shall be required. Application for a fence or wall permit shall be made to the Director of Economic Development and Planning upon a form provided by the Director of Economic Development and Planning and the permit application shall include the following information:

(h) Such other information as may be required by the Director of Economic Development and Planning to show full compliance with this and other applicable ordinances of the village.

(6) Permit issuance.

(a) Review of applications. It shall be the duty of the Director of Economic Development and Planning and Director of Building, upon the filing of an application for a fence or wall permit, to examine such plans and specifications and other data related to the proposed erection or placement of the fence or wall. It appears that the proposed fence or wall is in compliance with all the requirements of this Chapter, the permit shall then be issued.

(b) Denial and revocation of permit. When a permit is denied by the Director of Economic Development and Planning and/or Director of Building, a written notice shall be given to the applicant along with a brief statement of the reasons for denial. The Director of Economic Development and Planning and/or Director of Building may revoke or suspend a permit for any false statement or misrepresentation.

155.206 - Regulations for radio, satellite and television antennas, towers and dishes.

(A) General requirements.

(6) Screening. The base of all ground mounted antenna towers, dishes and personal wireless service facilities, shall be screened by a fence and landscaping, or other means as determined appropriate by the Director of Community Economic Development and Planning. Landscaping shall be designed to screen not only the antenna tower, dish, or personal wireless service facility, but also any associated structures or equipment.

(11) Abandonment. In the event the use of any antenna tower, dish or personal wireless service facility has been discontinued for a period of 180 consecutive days, the antenna tower, dish or personal wireless service facility shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Director of Community Economic Development and Planning who shall have the right to request documentation and/or affidavits from the antenna tower, dish or personal wireless service facility's owner/operator regarding the issue of the personal wireless service facilities' use. Upon written notice of such abandonment by the Director of Community Economic Development and Planning, the owner/operator of the antenna tower, dish or personal wireless service facility shall have an additional 90 days within which to:

(a) Activate the use of the facilities or transfer the facilities to another owner/operator who makes actual use of the facilities, or

(b) Dismantle and remove the facilities, at full cost and expense to the owner(s).

At the earlier date of either 180 days from the date of abandonment without reactivation or upon completion of dismantling and removal, any conditional use and/or variance approval for the antenna tower, dish and personal wireless service facility shall automatically expire.

(B) Ground mounted antenna towers and dishes.

(1) Residential districts.

~~(a) Location.~~

~~(i) Ground-mounted towers, associated with personal wireless service facilities, shall be prohibited in all residential zoning districts.~~

(ii) Ground mounted towers and dishes shall not be located in any required yard, except for rear yards and shall conform with the requirements specified for accessory buildings and structures. No tower or dish, including all appurtenant guide wires, may be located in a required front or side yard. The location and arrangement of all towers and dishes shall be subject to the review and approval of the Director of Community Development of Economic Development and Planning.

(b) Height restrictions.

(i) Ground mounted towers (not associated with a personal wireless service facilities) located in residential zoning districts shall not project higher than 35 feet above the established grade level.

(ii) Ground mounted dish antennas located in residential zoning districts shall not project higher than 12 feet above the established grade level.

(c) Dish antenna size.

(i) Ground mounted dish antennas located in residential zoning districts shall not exceed ten feet in diameter.

(2) Non-residential districts.

(a) Location.

(i) Ground mounted antenna towers and dishes shall not be located in any required yard, except for rear yards. There shall be no requirements for separation of a ground-mounted antenna tower or dish from other structures; however, buildings associated with ground-mounted antenna towers and dishes shall conform with the requirements specified for accessory buildings and structures. No antenna tower or dish, including all appurtenant guide wires, may be located in a required front or side yard. The location and arrangement of all antenna towers and dishes shall be subject to the review and approval of the Director ~~of Community Development~~ of Economic Development and Planning.

(ii) Ground-mounted personal wireless service facility towers shall be allowed only in the I Limited Industrial District. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Director ~~of Community Development~~ of Economic Development and Planning that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antennas may consist of any of the following:

§ 155.216 - Interpretation of use lists.

The Director ~~of Community Development~~ of Economic Development and Planning may determine zoning compliance for land uses which, though not contained by name in a zoning district lists of permitted or conditional uses, are deemed to be similar in nature and clearly compatible with the listed uses.

All non-listed uses which are approved by the Director ~~of Community Development~~ of Economic Development and Planning shall be added to the appropriate use list by ordinance at the time of periodic updating and revision.

§ 155.219 - Regulations for family and group care facilities.

The purpose of these regulations includes the conserving of the taxable value of land and buildings, and the lessening and avoiding of congestion in the public streets, promotion of the public welfare, and securing and promoting the quiet, seclusion, clean air, and clean surroundings in residential areas. In order to provide for group housing and accomplish these purposes the following group occupancies of family care and group care facilities shall be permitted within any zone where residences occupied by families are permitted, provided that such facilities receive administrative approval from the Director ~~of Community Development~~ of Economic Development and Planning.

(A) Administrative approval of permitted use for family care facilities. The Director ~~of Community Development~~ of Economic Development and Planning shall give administrative approval to family care facilities, as permitted use, provided that the following conditions are present:

The Director ~~of Community Development~~ of Economic Development and Planning shall grant administrative approval to any group care facility for which a conditional use has been granted and which is operated in conformance with any conditions and stipulations contained in the Conditional Use Ordinance.

(Ord. 5429, passed 2/19/04)

§ 155.221 - Regulations for screening rooftop mechanicals.

(C) Exceptions.

(1) Minor features not exceeding one foot in height shall be exempted from this regulation, except that such minor features shall be of a color that minimizes glare and blends in with the rooftop.

(2) Solar collectors and rain gutters shall not require screening.

(3) Radio, satellite and television antennas, towers and dishes approved pursuant to § 155.206 are exempt from the requirements of this section where screening would interfere with the effective operation of these antennas.

(4) A painted appurtenance is exempt from the requirements of this section if the Director ~~of Community Development~~ of Economic Development and Planning determines that painting will be as effective in minimizing rooftop clutter as a solid structural screen.

(D) Substitutions. Well-planned, compact, architecturally integrated rooftop equipment may be substituted for screening with the approval of the Director ~~of Community Development~~ of Economic Development and Planning.

(Ord. 5084, passed 3/21/02)

ARTICLE IV. - NONCONFORMING BUILDINGS, STRUCTURES AND USES

§ 155.302 - Nonconforming uses.

(G) Damage or destruction. In the event that any building or structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 50 percent of the fair market value of such building or structure immediately prior to such damage, such building or structure shall not be restored unless such building or structure and the use thereof shall thereafter conform to all regulations of the zoning district in which such building or structure and use are located. When such damage or destruction is 50 percent or less of the fair market value of the building or structure immediately prior to such damage, such building or structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided that such repair or damage or reconstruction is commenced and completed within 12 months of the date of damage or destruction. The fair market value shall be determined by the Director of ~~Community-Economic~~ Development and

Planning based upon a real estate appraisal conducted by an independent and certified real estate appraiser.

§ 155.418 - B5 Central Business District requirements.

(N) Landscaping. All uses in the B5 District shall conform to the provisions of § 155.700 of this Chapter; except that where a building is constructed at zero setback, no perimeter landscaping shall be required on that portion of the lot on which the building is located. The perimeter landscaping yard may be reduced to accommodate other impervious structures as determined appropriate by the Director of CommunityEconomic Development and Planning.

§ 155.420 - I Limited Industrial District requirements.

(B)(15) Manufacturing, processing, repairing, servicing, storage, or industrial uses as determined by the Director of CommunityEconomic Development and Planning to be of the same general character as the uses permitted in subsection 155.420(B) above, and not listed as a conditional use in subsection 155.420(C) of this article, and further provided that sufficient information is provided to the Director of CommunityEconomic Development and Planning, prior to issuing a certificate of occupancy, in order to determine that the use shall be found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, toxic, or noxious matter or glare or heat.

(39) Other manufacturing, processing, storage, or industrial uses as determined by the Director of CommunityEconomic Development and Planning to be of the same general character as the uses permitted in subsection 155.420(C), above, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, toxic or noxious matter or glare or heat.

ARTICLE IX. - PLANNED DEVELOPMENTS

§ 155.502 - Intent of planned developments.

(G) The planned development requirement identified in subsection 155.502(F) may be waived by the Director of CommunityEconomic Development and Planning, provided that the Director of Economic Development and Planning finds the following:

(1) That the rezoning petition does not involve the construction or expansion of an existing permitted use on the premises; or

(2) The development proposal meets all provisions of the zoning ordinance and the sign ordinance. Shall a waiver from the planned development requirement be granted by the Director of Economic Development and Planning, notice shall be provided to the Plan Commission.

(Ord. 5606, passed 2/17/05)

§ 155.503 - Procedures for planned developments.

Specific procedures and submission requirements for planned development applications shall be included in the package of application materials assembled by the Department of Community Development. The procedures and submission requirements represents an outline of these requirements, and supplement the ~~v~~Village's submission requirements contained in the Plan Commission application for public hearing.

(A) Pre-application conference. Prior to filing a formal application for approval of a planned development, the applicant shall request a pre-application conference with the Director of ~~Community~~Economic Development and Planning and other ~~v~~Village staff as deemed appropriate by the Director of Community Development. The purpose of the preapplication conference shall be to:

(1) Allow the applicant to present to the village staff a general concept of proposed development and foster a discussion regarding the various characteristics of the development concept; and

(2) Allow the Director of ~~Community~~Economic Development and Planning to inform the applicant of applicable policies, standards and procedures for the planned development.

The petitioner shall prepare plans and documents in conformance with § 155.507 below. The Director of ~~Community~~Economic Development and Planning shall advise the applicant of the requirements and official ~~v~~Village plans and policies but shall not take any action with respect to the proposal on behalf of the ~~v~~Village.

§ 155.504 - Changes in the planned development.

(A) Major changes. Major changes in an approved planned development shall require the resubmission and approval of new or amended preliminary plan and final plan documents. Major changes shall be those which: 1) alter the concept or intent; 2) increase the density; 3) reduce the dimensions of peripheral yards; 4) change the location of any buildings by more than 10 feet; 5) change the use of the site; 6) increase building height; 7) reduce open space by more than ten percent from the original planned development approval; 8) change the proportion of housing types by more than 15 percent; 9) change road standards or locations; or 10) change the final governing agreements of the planned development. Whether an alteration constitutes a major change to an approved planned development is to be determined by the Director ~~of Community Development~~of Economic Development and Planning.

Upon receipt of an application for a major change to a planned development, the Director ~~of Community Development~~of Economic Development and Planning shall give public notice pursuant to subsection 155.103(J). Major changes to a planned development can only be approved by the Village Board and only

after a public hearing has been held by the Plan Commission and a recommendation is forwarded to the Village Board.

(B) Minor changes without signage or parking deviations Changes which are not major changes shall be considered minor changes and do not necessitate a new public hearing. Petitioners requesting minor changes to approved planned developments which do not include deviations from either the underlying zoning district or any adopted development agreements shall not be required to submit revised preliminary plan materials, but shall submit revised final plan documents to the Director ~~of Community Development~~of Economic Development and Planning, who shall approve or deny the proposed changes after receiving comments and recommendations from the Inter-Departmental Review Committee. The Director ~~of Community Development~~of Economic Development and Planning may also elect to bring any request for a minor change to the Plan Commission and/or the Village Board for a recommendation.

(C) Minor changes with deviations to the sign ordinance. Changes from an approved planned development which are determined to be minor changes but which would require a deviation in the number, size type, or location of signage within a planned development in an O, B1, B2, B3, B4, B4A, B5, B5A or I District shall require review and approval by the Plan Commission in conjunction with the site plan approval process (§ 155.511). Off-premise signs, as defined in § 153.602 of the ~~Village s~~Sign eOrdinance, cannot be approved through the site plan approval process unless specifically allowed for in the initial planned development, or any subsequent amendments thereto.

Upon receipt of an application for a sign deviation within an approved planned development, the Director ~~of Community Development~~of Economic Development and Planning shall give public notice and conduct a public hearing pursuant to subsection 155.103(J). The applicant shall not be required to submit revised preliminary plan materials, but shall submit revised final plan documents and all other necessary and supporting documentation to the Director ~~of Community Development~~of Economic Development and Planning, who shall forward the proposed changes after receiving comments and recommendations from the Inter-Departmental Review Committee to the Plan Commission. The petitioner shall also submit a written response to the standards for variations, subsection 155.103(C)(7).

(D) Minor changes with deviations from parking requirements. Changes from an approved planned development which are determined to be minor changes but would require a deviation in the number of parking spaces on an individual lot within a planned development in an R6, O, B3, B4, B4A, B5, B5A or I District shall require review and approval by the Plan Commission in conjunction with the site plan approval process (§ 155.511). The petitioner must demonstrate that any reductions in the number of parking spaces requested through the site plan approval process for an individual unit or lot within a planned development meets the following requirements:

- (1) Any reductions in parking spaces can be provided for an adjacent lot or lots within 300 feet of the principal building.
- (2) The petitioner must secure, either by deed or long-term lease, a parking agreement with the property owner of the site on which the off-site parking spaces would be provided. The appropriate terms of the lease shall be determined by the Plan Commission and/or the Village Board.
- (3) Any off-site spaces on adjacent properties shall be determined to be in excess of the minimum number of required spaces for the respective use on the adjacent property.

Upon receipt of an application for a reduction in requisite parking spaces within an approved planned development, the Director ~~of Community Development~~of Economic Development and Planning shall

give public notice and conduct a public hearing pursuant to subsection 155.103(J). The applicant shall not be required to submit revised preliminary plan materials, but shall submit revised final plan documents and all other necessary and supporting documentation to the Director ~~of Community Development of~~ Economic Development and Planning, who shall forward the proposed changes after receiving comments and recommendations from the Inter-Departmental Review Committee to the Plan Commission.

§ 155.507 - Submittal requirements for planned developments.

(B) Preliminary plan stage. The petitioner shall organize the following materials into a planned development document which shall conform to the format established by the Director ~~of Community Development of~~ Economic Development and Planning, as periodically revised.

(3) Subdivision or planned development design features.

(k) Impact assessments as may be required by the Department ~~of Community Development of~~ Economic Development and Planning in order to adequately evaluate the effect of the proposed development on the environment, the existing community facilities, and the existing and proposed land uses surrounding the development.

(l) An identification and explanation of those aspects of the planned development that vary from the requirements of the otherwise applicable zoning district, as well as variations from the Lombard Subdivision and Development Ordinance.

The Director ~~of Community Development of~~ Economic Development and Planning shall have the authority to waive any of the aforementioned requirements if the creation of the planned development will not change or impact the items noted above or if the information is readily available in the ~~Village~~ offices.

ARTICLE X. - OFF-STREET PARKING AND LOADING REQUIREMENTS

§ 155.601 - Scope and application.

(E) Submission of required plans. Any application for a ~~B~~building ~~P~~permit, shall include therewith a site plan drawn to scale and fully dimensioned showing any off-street parking or loading facilities to be provided in compliance with this Chapter. Other information shall also be provided as required by the Director of ~~Community-Economic~~ Development and Planning to determine compliance including; number of existing parking spaces, seating capacity, number of employees or other information indicating the intensity of the principal use.

§ 155.602 - Off-street parking.

(A)(3)(g) For all property owned by the Lombard Park District and located within the CR Conservation/Recreation District, required parking spaces may include those legal parking spaces within

adjacent public rights-of-way that are located on the same side as, and abutting the subject property. The calculation of on-street parking for compliance with the parking requirements of this section shall be subject to the review and approval of the Director of Community-Economic Development and Planning.

(10) Design and maintenance. All off-street parking lots shall be designed and maintained in conformance with the specific requirements established below.

(a) Plan: The design of parking lots shall be subject to the approval of the Director of Community-Economic Development and Planning in accordance with standards established by this Chapter, and those established by the Plan Commission and the Board of Trustees in the case of variations, conditional uses and planned developments.

(11) Business vehicle parking spaces. All business vehicles shall be parked in designated business vehicle parking spaces. The Director of Community-Economic Development and Planning shall review and approve the proposed location of business vehicle parking spaces. When site considerations allow, business vehicle parking spaces shall be visually separated from public streets and residential areas.

(B) Accessible parking requirements. Accessible (handicapped) parking spaces shall be provided in compliance with the Illinois Accessibility Code.

(C) Specific requirements. All off-street parking spaces hereinafter required by this ordinance, except those required for one- and two-family dwellings, shall be designed in accordance with one of the formulae set forth in Figure 6-1 and Table 6.2, which is attached hereto and made a part hereof. Off-street parking spaces shall be provided in accordance with the specific uses listed in Table 6.3. Stacking spaces shall be provided in accordance with the specific uses listed in Table 6.4. Parking spaces for accessory activities not specifically enumerated within a parking class shall be assumed to be included in the principal (permitted or conditional) use requirement. If a use is not specifically listed on Table 6.3, the Director of Community-Economic Development and Planning shall determine like uses listed in the table for the purposes of determining parking space requirements.

Table 6.3

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Hotel/Convention Hall	As determined and required by the Director of <u>Community-Economic Development and Planning</u> based upon an individualized study of the facility by a professional traffic and parking consultant.
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Table 6.4

SCHEDULE OF STACKING REQUIREMENTS FOR DRIVE-THROUGH USES

Other	As determined and required by the Director of <u>Community-Economic Development and Planning</u> based upon an individualized study of the facility by a professional traffic and parking consultant.
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§ 155.603 - Off-street loading.

(A)(3) Access. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement, and shall be subject to approval by the Director of ~~Community Economic Development and Planning~~.

Table 6-5

SCHEDULE OF OFF-STREET LOADING REQUIREMENTS

Hotel/Convention Hall	As determined and required by the Director of Community Economic Development and Planning based upon an individualized study of the facility by a professional traffic and parking consultant
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ARTICLE XI. - LANDSCAPE REQUIREMENTS

§ 155.702 - Scope and application.

(A) Scope of regulations.

(1) For all construction of principal buildings, landscaping shall be provided and maintained in full compliance with the standards described below.

(2) When the intensity of use of any existing building, structure, or premises shall be increased through the construction of a principal building or the construction of a building addition or accessory building in which the combined gross floor area exceeds 20 percent of existing buildings or 2,000 square feet; full compliance with the landscaping required herein shall be provided. The Director ~~of Community Development of Economic Development and Planning~~ may modify the landscaping standards for such increases in intensity of use if the Director determines that any or all of the following conditions exist or are proposed.

(B) Landscape plan required. A landscape plan shall be required for all exterior construction and development activity. Such landscape plan shall conform with the requirements specified in this section. Landscape plans must be approved by the Director ~~of Community Development of Economic Development and Planning~~ prior to the issuance of a building permit for exterior construction and development. The construction of single-family residences shall be exempted from this requirement.

(C) Content of landscape plan. All landscape plans submitted for approval shall contain or have attached thereto the following information:

(1) The location and dimensions of all existing and proposed structures, parking lots and drives, roadways and rights-of-way, sidewalks, bicycle paths, ground signs, refuse disposal areas, bicycle parking areas, fences, freestanding electrical equipment, tot lots and other recreational facilities, and other freestanding structural features as determined necessary by the Director ~~of Community Development of Economic Development and Planning~~.

(8) Elevations, cross-sections and other details as determined necessary by the Director ~~of Community Development of Economic Development and Planning.~~

§ 155.704 - Design criteria.

(J) Preservation of existing plant material. Existing plant material should, wherever practical as determined by the Director ~~of Community Development of Economic Development and Planning,~~ be incorporated into the landscape treatment of a site.

(K) Berming. Earthen berms and existing topography should be, whenever determined practical by the Director ~~of Community Development of Economic Development and Planning,~~ incorporated into the landscape treatment of a site, particularly when combined with plant material to facilitate screening.

(Ord. No. 7821, § 1, passed 6-18-20)

§ 155.706 - Parking lot landscaping.

(A) Applicability. All parking lots designed for 15 or more parking spaces, as specified in Section 155.600, shall provide landscaping in accordance with the provisions of this Section.

(B) Interior landscaping.

(1) (a) Interior parking lot landscaping areas (planting islands) shall be dispersed throughout the parking lot in a design and configuration satisfactory to the Director ~~of Community Development of Economic Development and Planning.~~

~~(c)(iii)~~ Ground cover. A minimum of 50 percent of every interior parking lot landscaping area shall be improved with approved ground cover, as determined appropriate by the Director ~~of Community Development of Economic Development and Planning.~~

(2) Requirements along front and corner side yards.

(a) Across from residential property. Where a parking lot is located across a dedicated public right-of-way from property zoned for residential use the following landscape improvements shall be required.

(i) Plant material. Continuous landscaping of evergreen or dense deciduous shrubs shall be provided across 100 percent of the street frontage to a minimum height of four feet. The height of such shrubs may be reduced if berming is provided so that the combined height of shrubs and berming is not less than four feet. In addition, shade or ornamental trees shall be provided within this landscape area, with the number of trees not less than one tree per 50 feet of frontage with the number of trees required, rounded to the nearest whole number. However, where parkway trees are required as provided for in subsection 155.705(C), above, such parkway trees may be counted toward compliance with perimeter landscape requirements. Additional plantings may be provided, subject to the approval of the Director ~~of Community Development of Economic Development and Planning.~~ All landscaping described above shall conform to Section 155.207 of this Chapter.

In lieu of the requirements of this subsection 155.706(C)(2)(a)(i), properties located in the CR Conservation/Recreation Districts, property owners may, at their option, substitute one shade or ornamental tree per 25 feet of frontage.

(ii) Ground cover. Except where occupied by planting beds, all landscaping areas located in front and corner side yards shall be sodded or planted with another comparable ground cover as determined appropriate by the Director ~~of Community Development~~of Economic Development and Planning.

(b) Across from non-residential property. Where a parking lot is located across a dedicated public right-of-way from property zoned for non-residential use the following landscape improvements shall be required.

(i) Plant material. Landscaping of evergreen or dense deciduous shrubs shall be provided across 50 percent of the street frontage to a minimum height of four feet.

The height of such shrubs may be reduced if berming is provided so that the combined height of shrubs and berming is not less than four feet. Additional plantings may be provided, subject to the approval of the Director ~~of Community Development~~of Economic Development and Planning. All landscaping described above shall conform to Section 155.207 of this Chapter.

(ii) Ground cover. Except where occupied by planting beds, all landscaping areas located in front and corner side yards shall be sodded or planted with another comparable ground cover as determined appropriate by the Director ~~of Community Development~~of Economic Development and Planning.

(3) Requirements along rear and interior side yards. Where the provisions of Section 155.707, below, do not apply, landscaping shall be provided to conform with the following requirements.

(a) Plant material. Where a parking lot abuts property zoned for non-residential use, landscaping shall be provided across 50 percent of that portion of the parking lot abutting the property line to a minimum height of four feet. The height of such shrubs may be reduced if berming is provided so that the combined height of shrubs and berming is not less than four feet. Such plantings shall be concentrated into shrub masses, typically containing seven to nine shrubs per shrub mass. Additional plantings may be provided, subject to the approval of the Director ~~of Community Development~~of Economic Development and Planning.

In lieu of the requirements of this subsection 155.706(C)(3)(a), properties located in the CR Conservation/Recreation Districts, property owners may, at their option, substitute one shade or ornamental tree per 50 feet of frontage.

(b) Ground cover. Except where occupied by planting beds, all side and rear yard perimeter parking lot landscaping shall be sodded, seeded or planted with another comparable ground cover, as determined appropriate by the Director ~~of Community Development~~of Economic Development and Planning.

(Ord. 4119, passed 1/18/96; Ord. 4119, passed 1/18/96; Ord. No. 7821, § 1, passed 6-18-20; Ord. No. 8227, § 1, passed 12-21-23)

§ 155.707 - Transitional yard landscaping.

(B) Transitional landscape yard improvements. Within the transitional landscape yards defined above, required planting and fencing shall be required to conform with the following provisions:

(1) R3, R4 and R5 Districts. Within required transitional landscape yards the following improvements shall be required:

(a) Shade trees shall be required in conformance with section 99.04, with one tree every 25 feet along the entire length of the landscape yard. Shade trees may be clustered subject to the approval of the Director ~~of Community Development~~of Economic Development and Planning.

(3) B1, B2, B5 and B5A Districts. Within required transitional landscape yards the following improvements shall be required:

(a) Except within a front or corner side yard, a solid fence, the design of which shall be subject to the approval of the Director ~~of Community Development~~of Economic Development and Planning, shall be provided along the entire length of the landscape yard. Such fence shall be six feet in height and shall conform to § 155.205 of this Chapter.

(b) A continuous evergreen or dense deciduous shrub hedge extending the entire length of the landscape yard shall be planted. The shrub hedge shall be installed at a height of three feet. The spacing of shrubs shall be five feet on center, or as approved by the Director ~~of Community Development~~of Economic Development and Planning.

(c) Shade trees shall be required to conform with section 99.04, with one tree every 25 feet along the entire length of the landscape yard. Shade trees may be clustered subject to the approval of the Director ~~of Community Development~~of Economic Development and Planning.

(d) Planted areas shall be maintained in mulch and kept free of weeds.

(e) Areas not planted with trees or shrubs shall be maintained as lawn.

(4) O, B3 and B4 and B4A Districts. Within required transitional landscape yards the following improvements shall be required:

(a) All service areas shall be screened by a solid fence or berm, the design of which shall be subject to the approval of the Director ~~of Community Development~~of Economic Development and Planning.

(b) Shade trees shall be required in conformance with section 99.04, with one tree every 25 feet along the entire length of the landscape yard. Shade trees may be clustered subject to the approval of the Director ~~of Community Development~~of Economic Development and Planning.

(c) Shrub masses, at least two rows deep and with shrubs alternately spaced, shall be provided along 75 percent of the length of the landscape yard. Shrubs shall be installed at a height of three feet and shall reach a mature height of not less than six feet. Shrub masses may be curvilinear in shape.

(d) Areas not planted with trees or shrubs shall be maintained as lawn.

(5) I District. Within required transitional landscape yards the following improvements shall be required:

(a) Except within a front or corner side yard, a solid fence, the design of which shall be subject to the approval of the Director ~~of Community Development~~ of Economic Development and Planning, shall be provided along the entire length of the landscape yard. Such fence shall be six to eight feet in height.

(b) Shade trees shall be required in conformance with section 99.04, with one tree every 25 feet along the entire length of the landscape yard. Shade trees may be clustered subject to the approval of the Director ~~of Community Development~~ of Economic Development and Planning.

§ 155.708 - Foundation landscaping.

Landscaping shall be required at the base of all principal buildings to help achieve harmony between the buildings and the landscape to conform with the requirements set forth below.

(A) Required landscape area. Unless otherwise authorized by the Director ~~of Community Development~~ of Economic Development and Planning, a landscaped area a minimum of ten feet in width shall be located around the perimeter of all buildings. Retail commercial buildings may, at the discretion of the Director ~~of Community Development~~ of Economic Development and Planning, be exempted from this requirement if such landscape area would interfere with access to the buildings from the parking lot. Where such exemptions are made, landscaping equivalent in area and plantings to required foundation landscaping area shall be added to other required landscaping as described in this section.

(B) Coverage. Required foundation landscaping areas shall remain open and free of all paving except where walks to buildings and other similar paving is required.

(C) Plant material. Foundation landscaping shall be provided for all principal buildings. Such landscaping shall consist of shade or ornamental trees, evergreens, shrubbery, hedges, and/or other plant material. Particular attention shall be paid toward screening mechanical equipment, bicycle parking areas and loading docks; softening large expanses of building walls; and accenting building entrances and architectural features.

(D) Ground cover. Except where occupied by planting beds, all foundation landscaping areas shall be sodded or planted with another comparable ground cover as determined appropriate by the Director ~~of Community Development~~ of Economic Development and Planning.

§ 155.709 - Perimeter lot landscaping.

(B) Required landscape improvements. Landscaping required around the perimeter of a lot shall be located within a landscape yard not less than five feet in width and shall conform with the following:

(1) Shade trees. Shade trees, conforming to the provisions of section 99.04, shall be provided along the abutting property line. The number of trees required shall be equivalent to one tree for every 75 feet of lot line length. Such trees may be clustered or spaced linearly as determined appropriate by the Director ~~of Community Development~~ of Economic Development and Planning.

(2) Other plant material. Other landscaping materials including berms, ornamental trees, evergreens, shrubbery, hedges, and/or other planting material, as determined necessary by the Director ~~of Community Development~~ of Economic Development and Planning, shall be provided at appropriate locations along the abutting property line.

(3) Ground cover. Except where occupied by planting beds, all perimeter landscape areas shall be sodded, seeded, or planted with another comparable ground cover, as determined appropriate by the Director of ~~Community Development of Economic Development and Planning~~.

(Ord. No. 8227, § 3, passed 12-21-23)

§ 155.711 - Innovative landscaping.

Innovative landscape designs are encouraged and may be approved by the Director of ~~Community Development of Economic Development and Planning~~ provided that such designs meet the intent of Section 155.704 and that the alternate species selection and placement of plant materials otherwise does not conflict with this Chapter and is considered a positive attribute in connection with any such approval.

(Ord. No. 7821, § 1, passed 6-18-20)

§ 155.712 - Changes to approved landscape plans.

Any change to an approved landscape plan, which conforms with this Section, shall require the approval of the Director of ~~Community Development of Economic Development and Planning~~. Changes which do not conform to this Section or are otherwise not deemed to meet the intent of Section 155.711 shall be subject to the procedures for a variation as established in Section 155.100 of this Chapter. Should the zoning relief be approved, it is tied to the property address, not the property owner. Future property owners and future users of the property have an obligation to maintain the approved landscape plan over time.

(Ord. No. 7821, § 1, passed 6-18-20; Ord. No. 8227, § 4, passed 12-21-23)

ARTICLE XII. - RULES AND DEFINITIONS

§ 155.802 - Rules and definitions.

Appeal is a request to review a decision or interpretation of the Director of ~~Community Economic Development and Planning, or~~ other authorized official relative to the administration of this Chapter.

~~Director of Community Development. The Director of the Village of Lombard Illinois Department of Community Development or the Director's duly authorized representative.~~

Director of Building. The individual appointed by the Village Manager, to enforce the provisions of this Ordinance pertaining to permit issuance, inspection, and Building Code compliance and enforcement activities; or the duly authorized representative.

Director of Economic Development and Planning. The individual appointed by the Village Manager to enforce the regulatory provisions of this Ordinance; or the duly authorized representative.

Recycle collection center is the use of a lot for the collection of such products only, and not their processing. The placement is required to be on a hard surface parking area, and is permitted only in an area where there is an excess of parking beyond that required in Section 6. The collection center must be

staffed full-time to monitor the use, and all collection is to be removed on a daily basis. Any area involved must be swept and cleaned at the end of the business day. Additionally, no recycle collection center shall operate without the consent of the property owner stating approved days and hours of operation. Such owners consent must be filed with the office of the ~~Community Development~~ Director of Economic Development and Planning prior to operation.

Zoning certificate is a certificate issued by the ~~Community Development Department~~ Director of Economic Development and Planning certifying that the use proposed to be located on a lot is in accordance with all of the regulations of the zoning ordinance.