

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION

For Inclusion on Board Agenda

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

X

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: December 20, 2006 (BOT) Date: January 4, 2007

TITLE: PC 06-36: Roosevelt Road Development Moratorium

SUBMITTED BY: Department of Community Development *get*

BACKGROUND/POLICY IMPLICATIONS:

The Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The Village of Lombard is proposing the establishment of a nine (9) month moratorium on new development and/or major redevelopment activity along the Roosevelt Road Corridor within the Village.

The Plan Commission recommended approval of this petition, subject to amendments that have been incorporated into the final draft Ordinance.

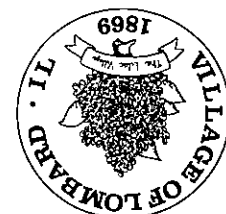
Staff requests a waiver of first reading of the Ordinance.
(DISTRICTS 2 & 6)

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X
Finance Director X
Village Manager X *W.T. Lichter*
Date
Date
Date *12/20/06*

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: William T. Lichter, Village Manager

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

DATE: January 4, 2007

SUBJECT: PC 06-36: Roosevelt Road Development Moratorium

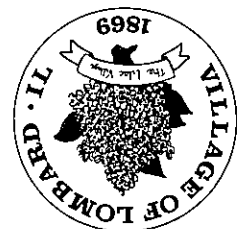
Attached please find the following items for Village Board consideration as part of the January 4, 2007 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 06-36;
3. An Ordinance granting approval of the proposed text amendments establishing a development moratorium.

The Plan Commission recommended approval of the petition, subject to amendments that have been incorporated into the final draft Ordinance.

Staff requests a waiver of first reading of the aforementioned Ordinance.

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Lombard, IL 60148-3926
(630) 620-5700 FAX: (630) 620-8222
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January 4, 2007

Mr. William J. Mueller,
Village President, and

Board of Trustees

Village of Lombard

Subject: PC 06-36: Roosevelt Road Development Moratorium

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard is proposing the establishment of a nine (9) month moratorium on new development and/or major redevelopment activity along the Roosevelt Road Corridor within the Village.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on December 18, 2006. William Heniff, Senior Planner, presented the petition. He introduced the petition and submitted the Inter-departmental Review Report to the file in its entirety.

He then discussed the proposed moratorium. The intent of the moratorium is to review all land development regulations currently in place affecting development activity along the Roosevelt Road Corridor within the Village. Through this process, development regulations would be amended to reflect the goals of the Village's Comprehensive Plan and other plans and policies of the Village. During the moratorium period, staff would review the following issues:

A. Whether a new zoning district classification should be created for the Roosevelt Road Corridor or whether an overlay district should be established;

B. The permitted and conditional uses that are/should be allowed within the Roosevelt Road Corridor; and

C. The bulk regulations, signage and landscaping criteria that are/should be applicable within the Roosevelt Road Corridor.

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

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

He noted that the proposed moratorium would apply to all properties located within the Roosevelt Road Corridor that are either zoned for or utilized as commercial uses. The moratorium would temporarily put a hold on the following activities within the Corridor:

1. Any construction of a new principal building;
2. Any construction of an addition, to an existing principal or accessory building, of more than 500 square feet in size;
3. Any new freestanding signs; however, temporary signs and panel face changes would be exempt from the moratorium; and
4. Any change in the type of commercial use for an existing commercial space of 5,000 or more square feet of gross floor area.

Projects approved by the Village prior to the establishment of the moratorium would be exempt from the moratorium provisions, provided that construction begins on the project within one (1) year of the date of approval.

He then discussed the genesis of the moratorium concept. He noted that in the past staff has worked on a number of development issues along the Butterfield Road corridor to enhance its viability. Notable examples included the Fountain Square and Highlands of Lombard planned developments as well as the Yorktown Mall/Shops on Butterfield improvements. With these approvals in place, the Village Board in its strategic planning sessions has asked staff to turn its attention to the Roosevelt Road corridor. Specifically, the Board directed staff to begin a comprehensive review of the corridor to determine what actions should be undertaken to address development concerns and economic impacts of redevelopment within the corridor.

He noted that Roosevelt Road is a primary commercial corridor and a Strategic Regional Arterial roadway within the Village. It is essential that the zoning and development regulations established for properties within the corridor reflect the goals set forth within the Comprehensive Plan and reflect the desires of the community. Also of great importance is the goal to ensure that the economic vitality of the corridor is maintained and enhanced.

He noted that a number of properties within the corridor are currently in transition. These properties currently have or may have significant vacancies in the near future. Other sites are slated for development or redevelopment activity. At the same time, property owners and developers are asking staff to provide comment on prospective development plans or provide direction regarding their proposals. While staff could direct inquirers back to the relevant Village Codes, staff believes it is more important to undertake a greater overall analysis of the corridor to determine if the Village Codes would actually produce the desired output.

He then referenced several submitted exhibits depicting the existing conditions along the corridor. These included the existing land use, the Comprehensive Plan, the existing zoning districts and an aerial of the corridor. He noted that the corridor is currently designated for

community commercial uses within the Comprehensive Plan. The existing zoning along the corridor is a patchwork of B3 and B4 properties, many of which are also controlled by planned development approvals.

He then stated that the intent of the moratorium is to review all land development regulations currently in place that would affect development activity within the corridor. Through this process, development and zoning regulations would be amended that reflect the goals of the Comprehensive Plan and other adopted plans and policies of the Village. The intent of the analysis is also intended to look at the corridor comprehensively rather than reviewing the properties on an individual basis.

He noted past reviews undertaken by the Village including the establishment of the B5A zoning district. He noted that the corridor review can be considered a first step as part of an update to the Village's Comprehensive Plan. He also reference past efforts along the East St. Charles Road corridor in the late 1990s.

He noted that many of the Roosevelt Road properties about residential properties and what the appropriate treatment for the transitional yards would be appropriate. Future analysis will include design aspects, signage, landscaping, and curb cut.

He identified the issues and items that may be reviewed during the moratorium period, as referenced within the staff report. The final analysis may not necessarily include recommendations to amend all of the areas to be reviewed. There are a number of tools that will be reviewed including establishing a new zoning district, creating a corridor overlay district, development design guidelines, and/or establishing more form-based zoning regulations.

Questions were previously raised to staff about the need for a moratorium. He stated that staff would not want to see the Village being placed in the position of reviewing projects slated to start in 2007 with one set of regulations and others that will start in 2008 with another set of regulations. As such the proposed moratorium would serve as a temporary "time-out" while all aspects of the corridor are reviewed.

The moratorium is intended to extend for a nine-month period. Within this timeframe, the first six-month period would consist of a comprehensive review of the study elements and, if necessary, an additional three-month period is also suggested in order to allow any affected codes that would be amended, to be properly considered through a separate public hearing and/or committee review processes.

He noted that in addition in anticipation of the moratorium, staff also sent out notices to all property owners and known business tenants. Staff also held an informational meeting on December 6, 2006 to review the moratorium concept with the affected property owners and/or business tenants. General concerns about the moratorium and its applicability to specific properties were discussed. Staff noted that if a project is deemed necessary and desirable by the Village Board, an exemption from the moratorium could be approved for a specific project.

He referenced the appendices within the staff report that depicted the moratorium area, the topics to be reviewed and a draft Ordinance for discussion and review.

He closed his presentation by noting some of the comments previously raised to staff including exemption provisions and change of use provisions.

Chairperson Ryan then opened the meeting for public comment.

John Moroni, owner of the Westgate Lincoln Mercury property, 500 E. Roosevelt Road, inquired further about the exemption provision. He also asked if the moratorium would allow for a new automotive establishment to be located on his property. Mr. Heniff noted that the intent of the ordinance is to provide to opportunity to allow for a like use to occupy the premises, but not a change of use.

Mr. Moroni stated that it may not be a smart move to have a property vacant for a nine-month period and asked if there is a possibility for an exemption. Mr. Heniff stated that the staff report and recommendation notes that if the Board finds that a project is of a substantial design and is consistent with the objectives of the corridor review, the Board could grant special exception.

Mark Blum, 400 Skokie Boulevard, Northbrook, represents Roosevelt Associates, owner of a shopping center within the corridor. He noted his existing tenants include Sports Authority, Fruitful Yield, Marshall's and X-Sport Fitness. He noted that the original Sportmart was located within the center. He raised concerns regarding the change in use provisions, noting that they do not to be negatively impacted by the proposed moratorium as it pertains to their ability to re-lease vacant tenant spaces. Mr. Heniff noted that the intent of the ordinance is to provide for similar retail uses to be able to occupy tenant spaces. He noted the example that if a sporting goods store would leave the center that a similar retail use, such as a clothing store, would be permissible. However, if it were to change to a differing land use such as an office use, it would not be a permitted exception to the moratorium.

Peter Friedman, attorney for Roosevelt Associates, sought a clarification regarding the change of use provisions. He noted that the draft ordinance is vague relative to this issue. He also stated that the draft ordinance does not specifically state the exemption provisions.

George Wagner, Village Counsel, noted that projects previously approved, would fall under the exemption provision.

John Hirsch III, 53 N. Main Street, Glen Ellyn, discussed his concerns regarding the exceptions to the moratorium ordinance. He asked about the process would be involved to get a hearing for an exemption from the moratorium, specifically as it relates to the Westgate property. Mr. Heniff stated that the site is already regulated by a planned development. Any changes to a planned development would be required to go to the Plan Commission and Village Board for consideration. This is typically a 90-day process. However, he noted that before considering an exception to the moratorium, staff would want to know what was being proposed for a site.

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission
FROM: Department of Community Development
PREPARED BY: William Heniff, AICP
HEARING DATE: December 18, 2006
Senior Planner

TITLE

PC 06-36; Roosevelt Road Development Moratorium: The Village of Lombard is proposing the establishment of a nine (9) month moratorium on new development and/or major redevelopment activity along the Roosevelt Road Corridor within the Village of Lombard.

DESCRIPTION:

The intent of the moratorium is to review all land development regulations currently in place that would affect development activity along the Roosevelt Road Corridor within the Village of Lombard. Through this process, development and zoning regulations would be amended to reflect the goals of the Village's Comprehensive Plan and other adopted plans and policies of the Village. During the moratorium period, Village staff would engage in a process to review the following issues:

- A. Whether a new zoning district classification should be created for the Roosevelt Road Corridor or whether an overlay district should be established;
- B. The permitted and conditional uses that are/should be allowed within the Roosevelt Road Corridor; and
- C. The bulk regulations, signage and landscaping criteria that are/should be applicable within the Roosevelt Road Corridor.

Staff will thereafter make a recommendation to the Plan Commission and Village Board relative to appropriate Village Zoning Code amendments.

The moratorium would apply to all properties located within the Roosevelt Road Corridor that are either zoned for or utilized as commercial uses. The moratorium would temporarily put a hold on the following activities within the Corridor:

1. Any construction of a new principal building;
2. Any construction of an addition, to an existing principal or accessory building, of more than 500 square feet in size;

3. Any new freestanding signs; however, temporary signs and panel face changes would be exempt from the moratorium; and
 4. Any change in the type of commercial use for an existing commercial space of 5,000 or more square feet of gross floor area.
- Projects approved by the Village prior to the establishment of the moratorium would be exempt from the moratorium provisions, provided that construction begins on the project within one (1) year of the date of approval.

The proposed moratorium would be applicable to all properties that are located within the Village along Roosevelt Road that are either zoned for commercial purposes or used for commercial purposes, excluding the National University of Health Sciences property. Appendix A is a map of the proposed moratorium area.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

The Private Engineering Services Division has no comment on the proposal.

PUBLIC WORKS

Public Works does not have any comments on the petition at this time.

BUILDING AND FIRE

Building and Fire do not have any comments on the petition.

PLANNING

Background

Roosevelt Road is a primary commercial corridor and a Strategic Regional Arterial roadway within the Village. It is essential that the zoning and development regulations established for properties within the corridor reflect the goals set forth within the Comprehensive Plan and reflect the desires of the community. Also of great importance is the goal to ensure that the economic vitality of the corridor is maintained and/or enhanced through a systematic and comprehensive review. The Village Board has raised concerns regarding the future development trends along the corridor through its strategic planning/visioning session and has suggested to staff that the corridor should be reviewed and recommendations should be made that address these concerns.

Staff notes that a number of properties within the corridor are currently in transition. These properties currently have or may have significant vacancies in the near future. Other sites are slated for development or redevelopment activity. At the same time, property owners and developers are asking staff to provide comment on prospective development plans or provide direction regarding

their proposals. While staff could direct inquirers back to the relevant Village Codes, staff believes it is more important to undertake a greater overall analysis of the corridor to determine if the Village Codes would actually produce the desired output.

Intent

The intent of the moratorium is to review all land development regulations currently in place that would affect development activity within the corridor. Through this process development and zoning regulations would be amended that reflect the goals of the Comprehensive Plan and other adopted plans and policies of the Village. To this end, the following issues would be reviewed:

1. Whether a new zoning district classification should be created for the district, or whether an overlay district should be established;
2. The permitted and conditional uses allowed within the corridor;
3. Bulk regulations, signage, and landscaping criteria.

Through this process, the review will hope to accomplish the following goals:

1. Appropriate land uses would be enumerated as permitted or conditional uses for the corridor;
2. The regulations would be sensitive to the abutting non-residential uses next to most commercial properties within the corridor;
3. The corridor would become more pedestrian friendly;
4. Driveway access points would be reviewed and curb-cuts would be minimized in an effort to provide for better traffic flow;
5. Wall and free-standing signage criteria would be comprehensively reviewed and applied;
6. Multiple tenant buildings would be designed and operated consistent with the corridor goals;
7. Future development activity would be consistent with the Village's infrastructure capital improvement goals and planning activities.

A further list of the items to be reviewed is included in Appendix B. Please note that while staff may review all of the listed items, the final analysis may not necessarily include recommendations to amend all of the areas to be reviewed. Moreover, there are a number of tools that will be reviewed including establishing a new zoning district, creating a corridor overlay district, development design guidelines, and/or establishing more form-based zoning regulations.

While it is possible to undertake an analysis of the corridor without a moratorium, staff recommends the establishment of a moratorium to ensure that concept development proposals be designed with the overall intent of the corridor review in mind. Moreover, staff would not want to see the Village being placed in the position of reviewing projects slated to start in 2007 with one set of regulations and others that will start in 2008 with another set of regulations.

Applicability

The moratorium would apply to all properties noted within the study area that were identified as part of the public hearing notice and included within the draft Ordinance noted in Appendix C. The moratorium is proposed to apply to the following instances:

1. Any new construction of a principal building or an addition to and existing principal or accessory building of more than 500 square feet in size.
2. Any change in the type of commercial use occupying an existing commercial space of 5,000 or more square feet of gross floor area.
3. Any new freestanding signs within the corridor. Temporary signs and panel face changes would be exempt from the moratorium.
4. Projects approved by the Village prior to the establishment of the moratorium would be except from the moratorium provisions. However, if a specific project has been approved and no new construction has started on the project within one year of the date approval, the property and the project would be subject to the moratorium provisions.

Staff may also seek to provide an exemption provision from the moratorium provisions in unique cases in which a proposed development would meet the objectives and goals of the corridor study.

Time Provisions

The moratorium period is intended to extend for a nine-month period. Within this timeframe, the first six-month period would consist of a comprehensive review of the study elements and, if necessary, an additional three-month period is also suggested in order to allow any affected codes that would be amended, to be properly considered through a separate public hearing and/or committee review processes. The moratorium itself will automatically have an established sunset provision as noted in the draft Ordinance in Appendix C.

Actions to Date

In addition to providing the public hearing notice and in anticipation of the moratorium staff also sent out notices to all property owners and known business tenants that would be affected by the moratorium. Staff held an informational meeting on December 6, 2006 to review the proposed amendment informally with the affected property owners and/or business tenants. General concerns about the moratorium and its applicability to specific properties were discussed. Staff noted that if a project is deemed necessary and desirable by the Village Board, an exemption from the moratorium could be approved for a specific project.

Text Amendment Standards

The proposed moratorium would be considered a text amendment to several sections of the Village Code, including the Building Code (Chapter 150), the Sign Ordinance (Chapter 153) and the Zoning Ordinance (Chapter 155). As such, staff has prepared a response to standards for text amendments, as set forth below:

Standards for Text Amendments

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

While the impacts of the moratorium may affect some properties to a greater extent, the moratorium provisions would be uniformly applied to all properties in the proposed moratorium area.

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

The moratorium is intended to ensure that future development is meeting the desired goals of Village Code and other adopted plans. Where the Code does not produce the desired affect, staff will bring forward a request for a text amendment to the Zoning Ordinance.

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

The moratorium itself would not create any nonconformities.

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

The moratorium would not make the code more permissive. During the moratorium period, the Code will be very restrictive, albeit only for a short, limited duration.

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

Staff is beginning the process of reviewing the Comprehensive Plan. As a first step in this process, the Village Board identified the Roosevelt Road corridor for special review. As the corridor is in transition, the moratorium is intended to serve as a first step to review development activity and development policies in the corridor. Ultimately, the recommendations identified during the moratorium period will serve as recommendations to be incorporated in the Comprehensive Plan itself.

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

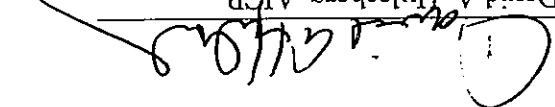
The Village has not considered a zoning related moratorium in recent memory (a temporary moratorium was established in the 1980s as a result of a 100-year storm event). This moratorium is intended to be consistent with the Village's goals to ensure that development and/or redevelopment activity within the corridor is achieving the Village's goals as well.

RECOMMENDATION:

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

Based on the submitted petition and the testimony presented, the proposed text amendments comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-department Review Report be the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of the text amendment described in PC 06-36.

Inter-Departmental Review Group Report Approved By:


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

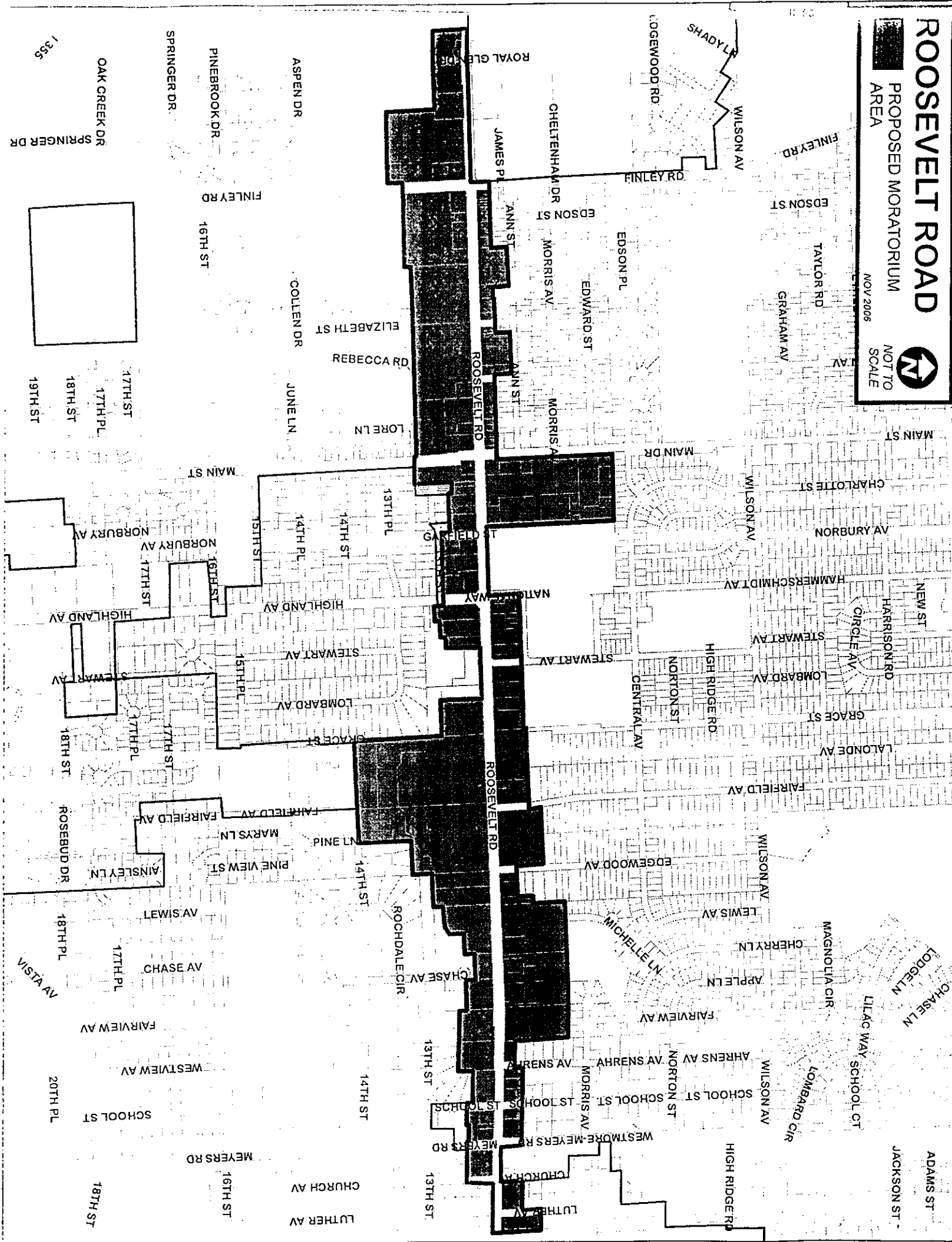
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Appendix A
Map of Proposed Roosevelt Road Corridor Moratorium Area

ROOSEVELT ROAD

PROPOSED MORATORIUM
AREA

NOV 2006



Appendix B

Roosevelt Road Corridor Moratorium – Issues to be Reviewed

Land Use Issues

- B3/B4 Zoning Designation
- Tenant Space Review
- Appropriate Land Uses
- Stormwater (wetlands & floodplains)
- Past & future annexation agreements

Bulk Regulations

- Lot Width Area Standards
- General Bulk Regulations
- Transitional Yards

Traffic/Transportation

- Curb Cut Standards - review IDOT standards
- Cross Access (Between Properties)
- Pedestrian Access (Right of Way/Internal)
- IDOT (Pedestrian Tunnel? Bridge?)
- Accident Data
- Traffic Volume Data
- -Average Daily Trips
- -Speed limits

Signage

- Signage Review (Wall & Freestanding)

Aesthetics

- Aesthetics (Street Right of Way/Property)
- Design Palette
- Lighting
- Landscaping & Screening

Other

- Public right-of-way improvements
- Utility improvements

Attachment C

DRAFT
ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM
UPON DEVELOPMENT WITHIN THE ROOSEVELT ROAD CORRIDOR
AND AMENDING TITLE 15 OF THE
LOMBARD VILLAGE CODE IN RELATION THERETO

WHEREAS, the Village's Community Development Department is presently in the process of studying the future of development/redevelopment within the Roosevelt Road Corridor within the Village, said Roosevelt Road Corridor being described in Exhibit A attached hereto and made part hereof; and

WHEREAS, it is in the best interests of the Village to protect the welfare of its residents by taking measures to assure the proper, necessary and appropriate development/redevelopment of the Roosevelt Road Corridor; and

WHEREAS, it necessary and desirable, and in the best interests of the residents of the Village, that a comprehensive review of the standards for development/redevelopment within the Roosevelt Road Corridor be conducted by the Village's Community Development Department and that, as a result thereof, appropriate action be taken by the President and Board of Trustees and, if necessary, amendments be made to the Village's Zoning, Sign, Building, and Subdivision and Development Codes; and

WHEREAS, the development/redevelopment of property within the Roosevelt Road Corridor, as it now exists under the Village's current development/redevelopment standards, would not fully promote the general welfare of the Village and would be, in part, inconsistent with the public health, safety, morals and welfare of the Village; and

WHEREAS, a moratorium on certain development approvals, as provided herein, within the Roosevelt Road Corridor, for a period of nine (9) months from the adoption of this Ordinance, is necessary for the protection of the public health, safety and general welfare of the residents of the Village; and

WHEREAS, in light of the impact of this Ordinance upon certain provisions of the Village's Zoning Code, the Plan Commission held a public hearing, pursuant to proper notice, on December 18, 2006, in regard to the moratorium provided for below, and did recommend approval of said moratorium;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: Recitals. The foregoing recitals are incorporated into this Ordinance as findings of the President and Board of Trustees.

SECTION 2: Temporary Moratorium.

A. **Start Date.** Beginning on January 5, 2007, at 12:01 a.m., no applications for the following development/redevelopment activity shall be accepted or processed by the Village, and no permit or approval shall be granted authorizing any such development/redevelopment activities, within the Roosevelt Road Corridor:

1. Any construction of a new principal building;
2. Any construction of an addition, to an existing principal or accessory building, of more than 500 square feet in size;
3. Any new freestanding signs;
4. Any change in the type of commercial use occupying an existing commercial space of 5,000 or more square feet of gross floor area.

B. **Limited Time Period.** The Temporary Moratorium, unless sooner terminated by ordinance duly adopted by the President and Board of Trustees without further notice or hearing, shall remain in full force and effect for a period of nine (9) months and shall terminate at 12:01 a.m. on October 5, 2007.

C. **Exemptions.**

1. Projects for which application has been made to the Village prior to the establishment of the Temporary Moratorium shall be exempt from the Temporary Moratorium provisions, provided the applicant continues with the application and approval process as provided for by the provisions of the Village Code.
2. Projects approved by the Village prior to the establishment of the Temporary Moratorium shall be exempt from the Temporary Moratorium provisions, provided that construction begins on the project within one (1) year of the date of approval by the Village.
3. Temporary signs and panel face changes shall be exempt from the Temporary Moratorium provisions.

SECTION 3: Community Development Department Review. During the Temporary Moratorium period, the Village's Community Development Department shall engage in a process to review the following issues:

- A. Whether a new zoning district classification should be created for the Roosevelt Road Corridor or whether an overlay district should be established;
- B. The permitted and conditional uses that are/should be allowed within the Roosevelt Road Corridor; and
- C. The bulk regulations, signage and landscaping criteria that are/should be applicable within the Roosevelt Road Corridor.

and shall thereafter make a recommendation to the Plan Commission, with the Plan Commission holding the necessary public hearing(s) thereon and making a recommendation to the President and Board of Trustees relative to appropriate Village Code amendments, all to take place within the time set forth in this Ordinance for the Temporary Moratorium.

SECTION 4: That Title 15, Chapter 150 of the Lombard Village Code is hereby amended by adding a new Section 150.369 thereto which shall read in its entirety as follows:

“§150.369 TEMPORARY MORATORIUM.

The provisions of this Chapter 150 shall be subject to the temporary moratorium imposed by Ordinance Number _____, adopted January 4, 2007, from 12:01 a.m. on January 5, 2007, through 12:01 a.m. on October 5, 2007, unless terminated sooner by action of the President and Board of Trustees.”

SECTION 5: That Title 15, Chapter 153 of the Lombard Village Code is hereby amended by adding a new Section 153.005 thereto which shall read in its entirety as follows:

“§153.005 TEMPORARY MORATORIUM.

The provisions of this Chapter 153 shall be subject to the temporary moratorium imposed by Ordinance Number _____, adopted January 4, 2007, from 12:01 a.m. on January 5, 2007, through 12:01 a.m. on October 5, 2007, unless terminated sooner by action of the President and Board of Trustees.”

SECTION 6: That Title 15, Chapter 154 of the Lombard Village Code is hereby amended by adding a new Section 154.106 thereto which shall read in its entirety as follows:

“§154.106 TEMPORARY MORATORIUM.

The provisions of this Chapter 154 shall be subject to the temporary moratorium imposed by Ordinance Number _____, adopted January 4, 2007, from 12:01 a.m. on January 5, 2007, through 12:01 a.m. on October 5, 2007, unless terminated sooner by action of the President and Board of Trustees.”

SECTION 7: That Title 15, Chapter 155 of the Lombard Village Code is hereby amended by adding a new Section 155.03 thereto which shall read in its entirety as follows:

“§155.03 TEMPORARY MORATORIUM.

The provisions of this Chapter 155 shall be subject to the temporary moratorium imposed by Ordinance Number _____, adopted January 4, 2007, from 12:01 a.m. on January 5, 2007, through 12:01 a.m. on October 5, 2007, unless terminated sooner by action of the President and Board of Trustees.”

SECTION 8: In light of the urgency in adopting this Ordinance so as to immediately

begin the Temporary Moratorium, pursuant to a two-thirds (2/3rds) vote of the Corporate Authorities, as required by 65 ILCS 5/1-2-4, this Ordinance shall be in full force and effect from and after its adoption and approval as provided by law.

Passed on first reading this _____ day of _____, 2007.

First reading waived by action of the Board of Trustees this 4th day of January, 2007.

Passed on second reading this 4th day of January, 2007, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this 4th day of January, 2007.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

Exhibit A
Roosevelt Road Corridor

All properties that are located within the Village of Lombard, are either zoned for commercial purposes or used for commercial purposes, (other than properties zoned Office District Planned Development), and which are located either adjacent to or within the immediate area of the South side of Roosevelt Road, from the Western Village boundary, (located West of Finley Road at the Milton Township/York Township boundary line), on the West, to Church Street on the East, or the North side of Roosevelt Road, from Finley Road on the West to just East of Luther Avenue on the East, all as more specifically identified by common addresses and permanent tax index numbers as follows:

<i>Common Address</i>	<i>Permanent Tax Index Number</i>
725 W. Roosevelt	06-19-100-032
525 W. Roosevelt	06-19-100-033
505 W. Roosevelt	06-19-100-029
1210 S. Finley	06-19-100-025
1280 S. Finley	06-19-100-017
513-523 W. Roosevelt	06-19-100-015
435 W. Roosevelt	06-19-200-009
351 W. Roosevelt	06-19-200-012
345 W. Roosevelt	06-19-200-013
444 W. Roosevelt	06-18-418-015
438 W. Roosevelt	06-18-418-008
428 W. Roosevelt	06-18-418-009
418 W. Roosevelt	06-18-418-010
404 W. Roosevelt	06-18-418-023
350 W. Roosevelt	06-18-419-043
340 W. Roosevelt	06-18-419-032
310-330 W. Roosevelt	06-18-419-047
300 W. Roosevelt	06-18-419-048
303 W. Roosevelt	06-19-200-014
256 W. Roosevelt	06-18-420-028
244 W. Roosevelt	06-18-420-027
234 W. Roosevelt	06-18-420-018
222 W. Roosevelt	06-18-420-014
275-299 Roosevelt	06-19-201-021
200 W. Roosevelt	06-18-420-015
201 W. Roosevelt	06-19-201-022
34-54 W. Roosevelt	06-18-421-046
45 W. Roosevelt	06-19-201-015
1300 S. Main	06-19-201-018
33 W. Roosevelt	06-19-201-003
1210 S. Main	06-19-201-020
30 W. Roosevelt	06-18-421-043
22 W. Roosevelt	06-18-421-044
16 W. Roosevelt	06-18-421-037
12 W. Roosevelt	06-18-421-027

6 W. Roosevelt	06-18-421-034
10 W. Roosevelt	06-18-421-028
1196 S. Main	06-18-421-045
1281 S. Main	06-20-100-039
1 E. Roosevelt	06-20-100-065
105 E. Roosevelt	06-20-100-067
109-121 E. Roosevelt	06-20-100-068
125 E. Roosevelt	06-20-100-069
1210-1220 E. Roosevelt	06-20-100-077
1103-1177 S. Main	06-17-305-046
1145 S. Main	06-17-305-041
1155 S. Main	06-17-305-042
1103-1177 S. Main	06-17-305-043
4 E. Roosevelt	06-17-305-006
150 E. Roosevelt	06-17-305-045
1177 S. Main	06-17-305-044
1103-1177 S. Main	06-17-305-021
1141 S. Main	06-17-305-007
1103-1177 S. Main	06-17-305-029
1103-1177 S. Main	06-17-305-038
1103-1177 S. Main	06-17-305-039
1133-1139 S. Main	06-17-305-012
1103-1177 S. Main	06-17-305-033
1103 S. Main	06-17-305-017
1105-1111 S. Main	06-17-305-030
1115-1119 S. Main	06-17-305-031
1121-1127 S. Main	06-17-305-032
NW Corner of Garfield & 13 th St	06-20-100-076
201 E. Roosevelt	06-20-110-001
112-116 W. 13 th	06-20-110-005
120-124 E. Roosevelt	06-20-100-004
205 W. Roosevelt	06-20-110-002
1200 S. Highland	06-20-110-003
1210-1238 S. Highland	06-20-100-062
222 E. Roosevelt	06-17-312-029
230 E. Roosevelt	06-17-312-028
16 W. Ann	06-17-312-001
225 E. Roosevelt	06-20-106-079
273 E. Ann	06-17-312-004
277 E. Ann	06-17-312-005
281 E. Ann	06-17-312-006
240 E. Roosevelt	06-17-312-032
1178 S. Stewart	06-17-312-010
1180 S. Stewart	06-17-312-011
244 E. Roosevelt	06-17-312-030
266 E. Roosevelt	06-17-312-023
233 E. Roosevelt	06-20-106-074
241 E. Roosevelt	06-20-106-075

300 E. Roosevelt	06-17-316-003
330 E. Roosevelt	06-17-316-008
340 E. Roosevelt	06-17-316-006
352 E. Roosevelt	06-17-316-007
351 E. Roosevelt	06-20-106-050
400 E. Roosevelt	06-17-403-045
523-569 E. Roosevelt	06-20-200-036
523-569 E. Roosevelt	06-20-200-037
523-569 E. Roosevelt	06-20-200-038
470 E. Roosevelt	06-17-403-039
498 E. Roosevelt	06-17-403-041
500 E. Roosevelt	06-17-404-044
411-511 E. Roosevelt	06-20-200-039
411-511 E. Roosevelt	06-20-200-040
600 E. Roosevelt	06-17-405-018
601 E. Roosevelt	06-20-200-025
621-629 E. Roosevelt	06-20-200-026
612-620 E. Roosevelt	06-17-405-030
660 E. Roosevelt	06-17-405-015
700 E. Roosevelt	06-17-406-049
810 E. Roosevelt	06-17-406-050
816 E. Roosevelt	06-17-406-048
830 E. Roosevelt	06-17-406-045
820 E. Roosevelt	06-17-406-038
844 E. Roosevelt	06-17-406-051
701-743 E. Roosevelt	06-20-200-006
747 E. Roosevelt	06-20-200-024
832 E. Roosevelt	06-17-406-034
811-849 E. Roosevelt	06-20-204-008
850 E. Roosevelt	06-16-309-019
855 E. Roosevelt	06-21-100-013
865 E. Roosevelt	06-21-100-014
909 E. Roosevelt	06-21-100-015
916 E. Roosevelt	06-16-310-022
1160 S School	06-16-310-021
920 E. Roosevelt	06-16-311-011
930 E. Roosevelt	06-16-311-017
923 E. Roosevelt	06-21-102-001
1208 S. Myers	06-21-102-021
900 E. Roosevelt	06-16-310-012
908 E. Roosevelt	06-16-310-013
927 E. Roosevelt	06-21-102-017
931 E. Roosevelt	06-21-102-025
1005 E. Roosevelt	06-21-103-023
1060 E. Roosevelt	06-16-317-020
1102 E. Roosevelt	06-16-318-013

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM
UPON DEVELOPMENT WITHIN THE ROOSEVELT ROAD CORRIDOR
AND AMENDING TITLE 15 OF THE
LOMBARD VILLAGE CODE IN RELATION THERETO

ORDINANCE NO. _____

WHEREAS, the Village's Community Development Department is presently in the process of studying the future of development/redevelopment within the Roosevelt Road Corridor within the Village, said Roosevelt Road Corridor being described in Exhibit A attached hereto and made part hereof; and

WHEREAS, it is in the best interests of the Village to protect the welfare of its residents by taking measures to assure the proper, necessary and appropriate development/redevelopment of the Roosevelt Road Corridor; and

WHEREAS, it necessary and desirable, and in the best interests of the residents of the Village, that a comprehensive review of the standards for development/redevelopment within the Roosevelt Road Corridor be conducted by the Village's Community Development Department and that, as a result thereof, appropriate action be taken by the President and Board of Trustees and, if necessary, amendments be made to the Village's Zoning, Sign, Building, and Subdivision and Development Codes; and

WHEREAS, the development/redevelopment of property within the Roosevelt Road Corridor, as it now exists under the Village's current development/redevelopment standards, would not fully promote the general welfare of the Village and would be, in part, inconsistent with the public health, safety, morals and welfare of the Village; and

WHEREAS, a moratorium on certain development approvals, as provided herein, within the Roosevelt Road Corridor, for a period of nine (9) months from the adoption of this Ordinance, is necessary for the protection of the public health, safety and general welfare of the residents of the Village; and

WHEREAS, in light of the impact of this Ordinance upon certain provisions of the Village's Zoning Code, the Plan Commission held a public hearing, pursuant to proper notice, on December 18, 2006, in regard to the moratorium provided for below, and did recommend approval of said moratorium;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: Recitals. The foregoing recitals are incorporated into this Ordinance as findings of the President and Board of Trustees.

SECTION 2: Temporary Moratorium.

A. Start Date. Beginning on January 5, 2007, at 12:01 a.m., no applications for the following development/redevelopment activity shall be accepted or processed by the Village, and no permit or approval shall be granted authorizing any such development/redevelopment activities, within the Roosevelt Road Corridor:

1. Any construction of a new principal building;
2. Any construction of an addition, to an existing principal or accessory building, of more than 500 square feet in size;
3. Any new freestanding signs;
4. Any change in the type of commercial use occupying an existing commercial space of 5,000 or more square feet of gross floor area. For purposes of determining a change in the type of commercial use, the following four (4) categories of commercial uses shall be used:

- (i) retail only;
- (ii) service only;
- (iii) non-motor vehicle sales retail/service combined; and
- (iv) motor vehicle sales retail/service combined.

B. Limited Time Period. The Temporary Moratorium, unless sooner terminated by ordinance duly adopted by the President and Board of Trustees without further notice or hearing, shall remain in full force and effect for a period of nine (9) months and shall terminate at 12:01 a.m. on October 5, 2007.

C. Exemptions.

1. Projects for which a formal application has been made to the Village prior to the establishment of the Temporary Moratorium shall be exempt from the Temporary Moratorium provisions, provided the applicant continues with the application and approval process as provided for by the provisions of the Village Code. A formal application shall be deemed made relative to a project if all documents as required by the Village Code relative to said application have been submitted.

2. Projects approved by the Village prior to the establishment of the Temporary Moratorium shall be exempt from the Temporary Moratorium provisions, provided that construction begins on the project within one (1) year of the date of approval by the Village. Approval shall be deemed to have been given if:

- (i) the Village Board has adopted the necessary Ordinance(s) approving the project, if an Ordinance(s) is required; or
- (ii) Village staff has issued the permits giving the final approvals relative to said project, if no Ordinance(s) is/are required.

3. Temporary signs and panel face changes shall be exempt from the Temporary Moratorium provisions.

D. Variation. A variation from the requirements of the Temporary Moratorium may be petitioned for, with said variation request being heard by the Plan Commission and subject to the requirements for variations as set forth in Chapter 155 of the Village Code. In regard thereto, the Plan Commission may hear a request for any additional relief needed by the petitioner, should the variation be granted, at the same time as the variation request is heard. The Plan Commission shall, as is the case with all variation requests heard by the Plan Commission, make a recommendation to the President and Board of Trustees, with the President and Board of Trustees having final decision making authority relative to any such variation request.

SECTION 3: Community Development Department Review. During the Temporary Moratorium period, the Village's Community Development Department shall engage in a process to review the following issues:

- A. Whether a new zoning district classification should be created for the Roosevelt Road Corridor or whether an overlay district should be established;
- B. The permitted and conditional uses that are/should be allowed within the Roosevelt Road Corridor;
- C. The bulk regulations, signage and landscaping criteria that are/should be applicable within the Roosevelt Road Corridor;

and shall thereafter make a recommendation to the Plan Commission, with the Plan Commission holding the necessary public hearing(s) thereon and making a recommendation to the President and Board of Trustees relative to appropriate Village Code amendments, all to take place within the time set forth in this Ordinance for the Temporary Moratorium.

SECTION 4: That Title 15, Chapter 150 of the Lombard Village Code is hereby amended by adding a new Section 150.369 thereto which shall read in its entirety as follows:

"§150.369 TEMPORARY MORATORIUM.

The provisions of this Chapter 150 shall be subject to the temporary moratorium imposed by Ordinance Number _____, adopted January 4, 2007, from 12:01 a.m. on January 5, 2007, through 12:01 a.m. on October 5, 2007, unless terminated sooner by action of the President and Board of Trustees."

SECTION 5: That Title 15, Chapter 153 of the Lombard Village Code is hereby amended by adding a new Section 153.005 thereto which shall read in its entirety as follows:

"§153.005 TEMPORARY MORATORIUM.

The provisions of this Chapter 153 shall be subject to the temporary moratorium imposed by Ordinance Number _____, adopted January 4, 2007, from 12:01 a.m. on January 5, 2007, through 12:01 a.m. on October 5, 2007, unless terminated sooner by action of the President and Board of Trustees."

SECTION 6: That Title 15, Chapter 154 of the Lombard Village Code is hereby amended by adding a new Section 154.106 thereto which shall read in its entirety as follows:

"§154.106 TEMPORARY MORATORIUM.

The provisions of this Chapter 154 shall be subject to the temporary moratorium imposed by Ordinance Number _____, adopted January 4, 2007, from 12:01 a.m. on January 5, 2007, through 12:01 a.m. on October 5, 2007, unless terminated sooner by action of the President and Board of Trustees."

SECTION 7: That Title 15, Chapter 155 of the Lombard Village Code is hereby amended by adding a new Section 155.03 thereto which shall read in its entirety as follows:

"§155.03 TEMPORARY MORATORIUM.

The provisions of this Chapter 155 shall be subject to the temporary moratorium imposed by Ordinance Number _____, adopted January 4, 2007, from 12:01 a.m. on January 5, 2007, through 12:01 a.m. on October

5, 2007, unless terminated sooner by action of the President and Board of Trustees."

SECTION 8: Upon adoption of this Ordinance, the Village's Community Development Department shall forward a copy of the Ordinance to the taxpayer of record for each parcel listed on Exhibit A.

SECTION 9: In light of the urgency in adopting this Ordinance so as to immediately begin the Temporary Moratorium, pursuant to a two-thirds (2/3rds) vote of the Corporate Authorities, as required by 65 ILCS 5/1-2-4, this Ordinance shall be in full force and effect from and after its adoption and approval as provided by law.

Passed on first reading this _____ day of _____, 2007.
First reading waived by action of the Board of Trustees this 4th day of January, 2007.
Passed on second reading this 4th day of January, 2007, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this 4th day of January, 2007.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

Exhibit A

Roosevelt Road Corridor

All properties that are located within the Village of Lombard, are either zoned for commercial purposes or used for commercial purposes, (other than properties zoned Office District Planned Development), and which are located either adjacent to or within the immediate area of the South side of Roosevelt Road, from the Western Village boundary, (located West of Finley Road at the Milton Township/York Township boundary line), on the West, to Church Street on the East, or the North side of Roosevelt Road, from Finley Road on the West to just East of Luther Avenue on the East, all as more specifically identified by common addresses and permanent tax index numbers as follows:

Common Address	Permanent Tax Index Number
725 W. Roosevelt	06-19-100-032
525 W. Roosevelt	06-19-100-033
505 W. Roosevelt	06-19-100-029
1210 S. Finley	06-19-100-025
1280 S. Finley	06-19-100-017
513-523 W. Roosevelt	06-19-100-015
435 W. Roosevelt	06-19-200-009
351 W. Roosevelt	06-19-200-012
345 W. Roosevelt	06-19-200-013
444 W. Roosevelt	06-18-418-015
438 W. Roosevelt	06-18-418-008
428 W. Roosevelt	06-18-418-009
418 W. Roosevelt	06-18-418-010
404 W. Roosevelt	06-18-418-023
350 W. Roosevelt	06-18-419-043
340 W. Roosevelt	06-18-419-032
310-330 W. Roosevelt	06-18-419-047
300 W. Roosevelt	06-18-419-048
303 W. Roosevelt	06-19-200-014
256 W. Roosevelt	06-18-420-028
244 W. Roosevelt	06-18-420-027
234 W. Roosevelt	06-18-420-018
222 W. Roosevelt	06-18-420-014
201-275 W. Roosevelt	06-19-201-021
200 W. Roosevelt	06-18-420-015
201 W. Roosevelt	06-19-201-022
34-54 W. Roosevelt	06-18-421-046
45 W. Roosevelt	06-19-201-015

1300 S. Main	06-19-201-018
33 W. Roosevelt	06-19-201-003
1210 S. Main	06-19-201-020
30 W. Roosevelt	06-18-421-043
22 W. Roosevelt	06-18-421-044
16 W. Roosevelt	06-18-421-037
12 W. Roosevelt	06-18-421-027
6 W. Roosevelt	06-18-421-034
10 W. Roosevelt	06-18-421-028
1196 S. Main	06-18-421-045
1281 S. Main	06-20-100-039
1 E. Roosevelt	06-20-100-065
105 E. Roosevelt	06-20-100-067
109-121 E. Roosevelt	06-20-100-068
125-127 E. Roosevelt	06-20-100-069
1210-1220 S. Garfield	06-20-100-077
1103-1177 S. Main	06-17-305-046
1145 S. Main	06-17-305-041
1155 S. Main	06-17-305-042
1103-1177 S. Main	06-17-305-043
4 E. Roosevelt	06-17-305-006
150 E. Roosevelt	06-17-305-045
1177 S. Main	06-17-305-044
1103-1177 S. Main	06-17-305-021
1141 S. Main	06-17-305-007
1103-1177 S. Main	06-17-305-029
1103-1177 S. Main	06-17-305-038
1103-1177 S. Main	06-17-305-039
1133-1139 S. Main	06-17-305-012
1103-1177 S. Main	06-17-305-033
1103 S. Main	06-17-305-017
1105-1111 S. Main	06-17-305-030
1115-1119 S. Main	06-17-305-031
1121-1127 S. Main	06-17-305-032
NW Corner of Garfield & 13 th St.	06-20-100-076
201 E. Roosevelt	06-20-110-001
112-116 W. 13 th	06-20-110-005
120-124 E. Roosevelt	06-20-100-004
205 W. Roosevelt	06-20-110-002
1200 S. Highland	06-20-110-003
1210-1238 S. Highland	06-20-100-062
222 E. Roosevelt	06-17-312-029
230 E. Roosevelt	06-17-312-028
16 W. Ann	06-17-312-001
225 E. Roosevelt	06-20-106-079

273 E. Ann	06-17-312-004
277 E. Ann	06-17-312-005
281 E. Ann	06-17-312-006
240 E. Roosevelt	06-17-312-032
1178 S. Stewart	06-17-312-010
1180 S. Stewart	06-17-312-011
244 E. Roosevelt	06-17-312-030
266 E. Roosevelt	06-17-312-023
233 E. Roosevelt	06-20-106-074
241 E. Roosevelt	06-20-106-075
300 E. Roosevelt	06-17-316-003
330 E. Roosevelt	06-17-316-008
340 E. Roosevelt	06-17-316-006
352 E. Roosevelt	06-17-316-007
351 E. Roosevelt	06-20-106-050
400-450 E. Roosevelt	06-17-403-045
523-581 E. Roosevelt	06-20-200-036
523-581 E. Roosevelt	06-20-200-037
523-581 E. Roosevelt	06-20-200-038
470 E. Roosevelt	06-17-403-039
498 E. Roosevelt	06-17-403-041
500 E. Roosevelt	06-17-404-044
411-511 E. Roosevelt	06-20-200-039
411-511 E. Roosevelt	06-20-200-040
600 E. Roosevelt	06-17-405-018
601 E. Roosevelt	06-20-200-025
621-629 E. Roosevelt	06-20-200-026
612-620 E. Roosevelt	06-17-405-030
660 E. Roosevelt	06-17-405-015
700-800 E. Roosevelt	06-17-406-049
810 E. Roosevelt	06-17-406-050
816 E. Roosevelt	06-17-406-048
830 E. Roosevelt	06-17-406-045
820 E. Roosevelt	06-17-406-038
844 E. Roosevelt	06-17-406-051
701-743 E. Roosevelt	06-20-200-006
747 E. Roosevelt	06-20-200-024
832 E. Roosevelt	06-17-406-034
811-849 E. Roosevelt	06-20-204-008
850 E. Roosevelt	06-16-309-019
890-898 E. Roosevelt	06-16-309-014
855 E. Roosevelt	06-21-100-013
865 E. Roosevelt	06-21-100-014
909 E. Roosevelt	06-21-100-015
912-916 E. Roosevelt	06-16-310-022

1160 S School	06-16-310-021
920 E. Roosevelt	06-16-311-011
930 E. Roosevelt	06-16-311-017
923 E. Roosevelt	06-21-102-001
1208 S. Myers	06-21-102-021
900 E. Roosevelt	06-16-310-012
908 E. Roosevelt	06-16-310-013
927 E. Roosevelt	06-21-102-017
931 E. Roosevelt	06-21-102-025
1005-1009 E. Roosevelt	06-21-103-023
1060 E. Roosevelt	06-16-317-020
1102 E. Roosevelt	06-16-318-013