

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

TEXT AMENDMENTS TO THE ZONING ORDINANCE – IMPROVEMENT, PUBLIC

February 16, 2015

Title

PC 15-02

Petitioner

Village of Lombard

Property Location

Village-wide

Approval Sought

An amendment to Section 154.703 (and any other relevant sections for clarity) of the Lombard Subdivision and Development Ordinance regarding the definition for “improvement, public.”

Submittals

1. Petition for a public hearing; and
2. Response to Standards for a Text Amendment.

Prepared By

Jennifer Ganser
Assistant Director

DESCRIPTION

The petitioner, the Village of Lombard, requests to amend the definition of “improvement, public.” Upon research, staff learned that other municipalities had varying definitions of public improvements. The current definition is found in Section 154.703, in the Subdivision and Development Ordinance.

The revised definition is intended to allow for the required cost estimate and subsequent guarantees to be based off of what the Village would actually pull the guarantee funds in order to fix an issue with a public improvement associated with a development when a developer/contractor fails to fix it in a timely fashion. The current definition includes the wording “or benefit” which has been interpreted as including privately owned and maintained improvements that the Village would never go onto private property to maintain, such as a private parking lot or private parking lot lighting. The definition is also being revised to add “stormwater management facility”, which is required to have surety per the DuPage Countywide Stormwater Ordinance.

This change may help save developers money by reducing the amount they have to pay for the extra surety amount.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments.

Fire Department:

The Fire Department has no issues or concerns.

Private Engineering Services:

Private Engineering Services has no comments.

Public Works:

The Department of Public Works is in support of the proposed amendment.

EXISTING & PROPOSED REGULATIONS

New Text ~~Deleted Text~~

§154.703 – Definitions

Improvement, public. Any sanitary sewer, storm sewer, drainage ditch, detention area, water main, roadway, public lighting, traffic control, parkway, sidewalk, pedestrian or bicycle path, planting strip, landscaping, parking lot, pavement, curb/gutter, signage, pavement marking, grading, **stormwater management facility**, retaining walls or any improvement which is intended for public use ~~or benefit~~, or any improvement ~~which is intended for public use or benefit, or any improvement for which the village may ultimately assume the responsibility for maintenance or operation~~ **that the Village may ultimately assume either ownership of, or have the right, but not necessarily the primary responsibility, to maintain, repair, reconstruct and/or operate, pursuant to an easement.**

STANDARDS FOR TEXT AMENDMENTS

The petitioner has provided responses to the standards for a text amendment.

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*
This text amendment would apply to all Village properties and not a specific property.
2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*
This text amendment would be applied in every zoning district of the Village.
3. *The degree to which the proposed amendment would create nonconformity;*
This text amendment would not create any nonconformity as it still would allow for development to occur. Provisions when a development does not meet code (i.e. setbacks) would still follow the same process as now.
4. *The degree to which the proposed amendment would make this ordinance more permissive;*
This text amendment would not be more permissive, as it still would allow for development to occur. Provisions when a development does not meet code (i.e. setbacks) would still follow the same process as now.
5. *The consistency of the proposed amendment with the Comprehensive Plan; and*
The Comprehensive Plan does not specifically mention public improvements. The Comprehensive Plan does support development in the Village, and the proposed text amendment is meant to assist rather than hinder development.
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 reviews its Codes and makes amendments, when necessary.

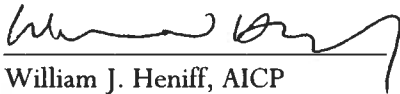
FINDINGS & RECOMMENDATIONS

Staff finds the proposed amendments to be consistent with the objectives of the Lombard Subdivision and Development Ordinance. The proposed amendments are also consistent with the intent of the Comprehensive Plan in general.

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

Based on the submitted petition and the testimony presented, the requested text amendments **comply** with the standards required by the Village of Lombard Subdivision and Development Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 15-02.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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