



Agenda Cover Memorandum

Meeting Date: March 27, 2017

Meeting Type: COW (Committee of the Whole) City Council Budget Workshop

Item Title: Discuss Permit Expirations and Extensions
Action Requested: Approval For discussion
 Feedback requested For your information

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Background:

The Municipal Code and the Zoning Ordinance include expiration times for permits and various land use approvals. Additionally, procedures for extending permit and other approvals beyond the normal expiration date are provided. These expirations and extension procedures are summarized on the attached document. In general, municipalities frequently attach expiration terms to approvals for such items as building permits or special uses.

Discussion:

To what extent, if any, does the City Council desire to alter either the expiration times for permits (including adding expiration times where none now exist) and/or the extension process?

Recommendation:

Discuss permit expirations and extensions. Specific suggestions contained in attached document. I will provide some insights on regional municipalities' approaches to approval expirations at the meeting.

Budget Implications:

Does Action Require an Expenditure of Funds: Yes No

If Yes, Total Cost:

If Yes, is this a Budgeted Item:

Yes No Requires Budget Transfer

If Budgeted, Budget Code (Fund, Dept, Object)

Attachment

Expiration Provisions in Building and Zoning Regulations

EXPIRATION PROVISIONS IN BUILDING AND ZONING REGULATIONS

Building Regulation Expiration of Approvals

Section 15-1-9 (Expiration of Permit) contains provisions for the expiration of various types of building permit approvals. This section reads in its entirety:

15-1-9 - EXPIRATION OF PERMIT

Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 30 days. Before such work can be recommenced, a new permit shall first be obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work, or complete work under that permit when he is unable to commence work, or complete work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once, except upon review and approval by the City Manager for an additional 180 days. In order to renew a permit after expiration, the permittee shall pay one-half the original permit fee.

Failure to complete construction as indicated on the approved permit plans within the time indicated in the table below from the date of issuance shall terminate the permit.

- a. Commercial and Institutional Structures—Principal Building—24 months;
- b. Multi-family Residential Structures Exceeding 24 Dwelling Units—18 months;
- c. Single family Dwellings—12 months;
- d. All Other Exterior Construction—12 months;
- e. All Interior Construction—12 months.

RECOMMENDATION: Do not alter above provisions.

Appearance Code

There are no expirations for approvals granted by the Appearance Commission. The Appearance Commission and its appearance review, however, fall under Article 15 (Building Regulations) of

the Municipal Code, and Appearance Commission approval is a prerequisite to the issuance of certain building permits. Article 15 contains provisions for the expiration of permits.

RECOMMENDATION: The City Council should clarify, through code amendment, that Appearance Commission approval would expire along with the expiration of a building permit. I see no need to add expiration of Appearance Commission approval if work is not initiated on proposed project within a certain time, since the City has (or I am recommending) other expirations that in most cases would apply.

Zoning Ordinance Expiration of Approvals

Zoning Variance. Variances normally run with the land and the Zoning Ordinance contains no provisions regarding expirations.

RECOMMENDATION: I suggest the City Council consider, on a case-by-case basis, particular time limits on certain types of variances. These expiration times could be included as a condition within the approving variance ordinance. For example, a proposed new single-family home might receive approval of a height variance, but the variance would expire if a complete application for a building permit were not received within a year of variance approval.

Special Use: Per 4.6.G. special use approval shall become null and void if work has not begun on the proposed development within two years from the date of approval, and “all rights granted pursuant to the special use shall lapse.” An applicant may submit, prior to the expiration, a written request to the Zoning Administrator to extend the two-year period. The Zoning Administrator may grant such extensions for a period of one year, and the City Council may grant not more than one extension for a period of not more than one additional year.

Planned Development. Planned developments are special uses, and thus would be subject to the expiration and extension provisions provided in 4.6.G of the Zoning Ordinance (see above).

Site Plan Review. The Zoning Ordinance does not contain any provisions regarding expiration of site plan approval.

RECOMMENDATION: I find the two-year expiration period appropriate, since projects are often delayed or stall for a variety of reasons: financing, completion of final engineering or architectural plans, discovery on site of unexpected obstacle (e.g. underground petroleum storage tank). However, I believe it appropriate to have site plan review subject to the same two-year limit attendant provisions as found for special uses.

James A. Brown
Community Preservation and Development Director
March 28, 2017