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Staff Report to the Plan Commission

Text Amendment for Construction of Utility Facilities in The Public Rights-of-Way

Prepared: 2/27/2026

Prepared by: Rob Fischer, Associate Planner

Project: 2026-0229 – Text Amendment for the Construction of Utility Facilities in the Public Rights-of-Way

Request: Approve proposed text amendments to reduce duplicate regulations in Land Development Code (LDC) Section 7-102 and Village Code Section 3-8, both entitled, “Construction of Utility Facilities in the Public Rights-of-Way”. The intent of the proposed amendments are to improve clarity, reduce duplication, and ensure consistent administration and enforcement of Village regulations. The Plan Commission’s purview is to make a recommendation regarding the LDC regulations, while the Board of Trustees will approve amendments to both the Village Code and LDC.

PROPOSED AMENDMENT SUMMARY

Following review, Public Works and Development Services determined that the regulations governing construction of utility facilities in the public rights-of-way should be consolidated for clarity and consistency. Staff recommends retaining the full standards within LDC Section 7-102 and revising the corresponding Village Code of Ordinances Section 3-8 to serve as a cross-reference to LDC Section 7-102, rather than maintaining two nearly identical sets of requirements.

This approach “cleans up” the Code by establishing one primary, unified section while still preserving an easy reference point in Section 3-8. Consolidation is also expected to improve ease of understanding and compliance for contractors and utility providers as the construction season approaches.

In addition to consolidation, the proposed amendment includes targeted updates to Section 7-102, including the addition of Section 7-102.M.3 (Project Management) to clarify expectations related to project coordination. Staff notes the Code already requires a pre-construction meeting, and—depending on project size—applicable Section M requirements can be reviewed at that meeting.

Finally, the amendment clarifies that while Section 7-102.T allows emergency work to proceed, emergency work remains subject to the Quality Control guidelines and related standards outlined in Section 7-102.

STAFF RECOMMENDED ACTION

Regarding Case Number 2026-0229 – Text Amendment for Construction of Utility Facilities in the Public Rights-of-Way, Staff recommends to accept and make findings of fact as discussed at this Plan Commission meeting and within the Staff Report dated March 3, 2026;

And

Staff Recommends the Plan Commission **approve** the Land Development Code Amendment for Section 7-102.

STAFF RECOMMENDED MOTION

Regarding Case Number 2026-0229 - Text Amendment for Construction of Utility Facilities In The Public Rights-of-Way, I move to approve the Staff Recommended Action as presented in the Staff Report to the Plan Commission for this case.