

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission

HEARING DATE: October 19, 2009

FROM: Department of
Community Development

PREPARED BY: Stuart Moynihan
Associate Planner

TITLE

PC 09-28; Text Amendments to the Lombard Sign, Subdivision and Development, and Zoning Ordinances: The Village of Lombard requests text amendments to the following relevant chapters and definition of the Lombard Code of Ordinances: Chapter 153: Signs, Chapter 154: Subdivisions and Development, and Chapter 155: Zoning Code.

The text amendments are intended to address the proper roles and responsibilities of Lombard staff, correct references pertaining to the Illinois Compiled Statutes and update definitions for clarity and consistency.

GENERAL INFORMATION

Petitioner: Village of Lombard
255 E. Wilson Ave
Lombard, IL 60148

ANALYSIS

DESCRIPTION

The Department of Community Development has reviewed the above indicated ordinances, along with Chapter 151: Flood Control and Chapter 152: Planning, as a result of the recent movement of the Building Division, formerly the Bureau of Inspectional Services (BIS), into the Department of Community Development. Staff has specifically looked for references to BIS and for now obsolete references relating to administrative procedures and personnel responsibilities. Staff has also looked for references to the Illinois Compiled Statutes for necessary corrections. For instances in which there were references to procedures and staff responsibilities that were unclear or incorrect, the Director of Community Development has determined how such procedures and responsibilities will be performed and by whom. As text amendments to the aforementioned sections require a public hearing by the Plan Commission before Village Board consideration, staff brings these amendments forward for consideration.

Companion changes to Chapter 150: Building were adopted by the Village Board in September, 2009. Edits to Chapters 151: Flood Control and 152: Planning are not reviewed by the Plan Commission but will be transmitted concurrently with the other text amendments to Board of Trustees.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

The Department of Public Works has no comments on the petition.

PRIVATE ENGINEERING SERVICES

The Private Engineering Services Division of Community Development has no comments.

BUILDING DIVISION

Upon review of the above referenced request for text amendments, the Building Division of Community Development has no comments at this time.

FIRE DEPARTMENT

The Fire Department has reviewed the petition and has no comments.

PLANNING

On August 23, 2009, the Bureau of Inspectional Services (BIS) was moved from the Fire Department into the Department of Community Development. The Bureau of Inspectional Services (BIS) is now referred to as the Building Division of the Department of Community Development. As a result, a number of references within the Lombard Code of Ordinances have become incorrect or obsolete. These references most often pertain to the roles and responsibilities of Lombard staff within the Fire Department and the Department of Community Development. Also, direct references to BIS are proposed to be revised to refer to the Building Division.

Staff has reviewed Chapter 153: Signs, Chapter 154: Subdivisions and Development, and Chapter 155: Zoning Code for such references relating to administrative procedures and personnel responsibilities. Staff has also looked for references to the Illinois Revised Statutes/Illinois Compiled Statutes for necessary corrections. Further, staff is proposing text amendments to the definitional sections of these Chapters as necessary for clarity and consistency. Staff is proposing to add definitions for specific staff positions in the definitional section of the Zoning Ordinance and Sign Ordinance.

Standards for Text Amendments

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards and the petitioner's and staff comments are noted below:

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

The proposed amendments are not intended to benefit any specific property but would correct and/or clarify the responsibilities of Village staff. Further, the text amendments would correct other references within the Village code which are currently obsolete, ambiguous or invalid.

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

These amendments are being proposed in order to allow for proper functioning of Village staff and the proper application of Village codes. The zoning district regulations will only be affected with regard to application and enforcement.

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

The proposed amendment would not create any non-conforming situations.

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

The proposed amendments would not make Village codes more or less permissive. These amendments would primarily affect the administrative procedures of Village staff. These amendments are also not intended to modify the processes applicants must undertake to apply for permits, develop properties or seek zoning relief.

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

Staff believes that the proposed text amendments are consistent with the Comprehensive Plan. The amendment is intended to ensure that Village staff can apply Village codes in a manner consistent with the Plan.

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 a history of amending its Zoning Ordinance to address evolving circumstances presented by petition or to clarify the intent of the Ordinance provisions. The proposed amendments are consistent with established Village policy in this regard. The amendments are consistent with the staffing directives set forth by the Village Manager and previously approved by the Village Board.

Proposed Text Amendments

The proposed text amendments to the Lombard Sign, Subdivision and Development and Zoning Ordinances are listed below. Any new additions and/or changes are underlined while any information that is to be removed is marked with a strikethrough.

CHAPTER 153: SIGNS

SECTION 153.601 WORD USAGE

Words and phrases used in this ordinance shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in Title 15 of the Code of Ordinances of the

Village of Lombard, also known as the Zoning Ordinance, shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meanings, as defined in ~~Webster's Unabridged Dictionary (1976 edition)~~ Merriam-Webster's Collegiate Dictionary, Eleventh Edition (2003), unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.

SECTION 153.602 DEFINITIONS

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 PUBLIC WORKS. The Director of the Village of Lombard, Illinois, Department of Public Works, or the Director's duly authorized representative.

FIRE CHIEF. The Fire Chief of the Village of Lombard, Illinois or his duly authorized representative.

OWNER A person recorded as such on official records. For the purposes of this Ordinance, the owner of the property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the ~~Administrator~~ Village; e.g., a sign leased from a sign company.

VILLAGE MANAGER. The Village Manager of the Village of Lombard, Illinois or the Manager's duly authorized representative.

CHAPTER 154: SUBDIVISIONS AND DEVELOPMENT

154.202 ADMINISTRATIVE BODIES AND DUTIES

(A) Village Board of Trustees

The Board of Trustees of the Village of Lombard, hereinafter referred to as the "Village Board" or "Board of Trustees", as established in accordance with the ~~Revised Statutes of the State of Illinois~~ Illinois Compiled Statutes, shall have the following authority and duties with respect to this ordinance.

154.407 PUBLIC RIGHTS-OF-WAY, STREETS AND SIDEWALKS

(I) Street Names and Traffic Signs

(1) Street name signs are to be placed at all intersections within, or abutting, the subdivision, the type and location of which to be approved by the Director of Public Works. No street names shall be used which will duplicate or be confused with the names of existing streets. New streets which are extensions of, or obviously in alignment with existing streets shall bear the name of the existing streets. Street names shall be subject to the approval of the Village Board. Street addresses shall be

assigned by the ~~Fire Chief~~ Director of Community Development and be clearly visible from the street in front of the structure.

154.502 CONFORMANCE TO APPLICABLE RULES AND REGULATIONS

(B) All applicable provisions of the Illinois ~~Revised~~ Compiled Statutes.

154.702 RULES

(J) Terms not herein defined shall be defined as specified in ~~Webster's New Collegiate Dictionary—1986 Edition~~ Merriam-Webster's Collegiate Dictionary, Eleventh Edition (2003).

154.703 DEFINITIONS

Building Permit. Written permission issued by the Village of Lombard through the ~~Bureau of Inspectional Services~~ Department of Community Development for the construction, repair, alteration or addition to a structure.

~~**Bureau of Inspectional Services Building Division.**~~ The ~~Bureau of Inspectional Services Building Division~~ of the ~~Fire Department~~ Department of Community Development of the Village of Lombard, Illinois.

Certificate of Occupancy. A document issued jointly by the ~~Bureau of Inspectional Services and~~ the Department of Community Development allowing the occupancy or use of a building and certifying that the building or use has been constructed or will be used in compliance with all applicable Village codes and ordinances.

Land Division (Deed Division). A land division or deed division is the division of a parcel of land into two (2) or more parts, lots or parcels in accordance with one (1) of the nine (9) exemptions under Chapter 109 (Plat Act) of the Illinois ~~Revised~~ Compiled Statutes.

Plat, Condominium. Condominium plat means a plat or plats of survey of the parcel and of all units in the property submitted to the provisions of the Condominium Property Act of the Illinois ~~Revised~~ Compiled Statutes, which may consist of a three (3) dimensional horizontal and vertical delineation of all such units.

CHAPTER 155: ZONING CODE

155.102 ADMINISTRATIVE BODIES AND DUTIES

(A) Village Board of Trustees

The Village Board of Trustees of the Village of Lombard, hereinafter referred to as the “Village Board” or “Board of Trustees,” as established in accordance with the ~~Revised Statutes of the State~~

~~of Illinois~~ Illinois Compiled Statutes, shall have the following authority and duties with respect to this ordinance.

(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 ~~one member~~ representation from each of the following Village offices: ~~Bureau of Inspectional Services~~, Department of Public Works, Department of Community Development, Fire Department, and the Office of the Village Manager.

155.103 PROCEDURES FOR ADMINISTRATIVE FUNCTIONS

(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 ~~Revised~~ Compiled Statutes. Information regarding requirements for public hearings for each Administrative Function shall be available at the Department of Community Development 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. 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 ~~Revised~~ Compiled Statutes, except where Village Code requires broader notice than minimal state requirements.

155.205 FENCES, WALLS, AND HEDGES

(A) Fences and Walls

(1) Fences or walls in Residential Districts.

(a) Fence or Wall Materials

Fences or walls in residential districts shall not include the use of barbed wire or other material intended to maintain security by means of bodily injury. Electrified fences shall not be permitted in residential districts. Fences or walls within fifteen feet (15') of any multi-family building must be of fire resistant type of construction, as approved by the ~~Bureau of Inspectional Services~~ Building Division. Materials for fences or walls in the clear line of sight area shall meet the requirements of Section 155.205(A)(1)(e) of this Chapter.

(2.) Fences or Walls in Business and Office Districts

(a) Fence or Wall Materials

The use of barbed wire shall be permitted only around approved outside storage areas and only at a height greater than six feet (6') and less than eight feet (8') above the ground. No electrified fences shall be permitted. Fences or walls within fifteen feet (15') of any building must be of fire resistant type construction, as approved by the ~~Bureau of Inspectional Services~~ Building Division. Materials for fences or walls in the clear line of sight area shall meet the requirements of Section 155.205(A)(2)(e) of this Chapter.

(3) Fences or Walls in Industrial Districts

(a) Fence or Wall Materials.

The use of barbed wire shall be permitted only around approved outside storage areas and only at a height greater than eight feet (8') and less than ten feet (10') above the ground. No electrified fences or walls shall be permitted. All fences within fifteen feet (15') of any building must be of fire resistant type of construction, as approved by the ~~Bureau of Inspectional Services~~ Building Division. Materials for fences or walls in the clear line of sight area shall meet the requirements of Section 155.205(A)(3)(e) of the Chapter.

155.402 MAPS

(B) The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map:

3. Where a district boundary line divides a lot in single ownership on the effective date of this ordinance, the ~~Zoning Board of Appeals~~ Plan Commission, after date of hearing, may extend the regulations for either portion of such lot. ~~No fee shall be assessed for such interpretation.~~

155.801 WORD USAGE

F. Words contained in this ordinance and not defined hereinafter shall assume definitions as prescribed in ~~Webster's unabridged dictionary (1976 edition)~~ Merriam-Webster's Collegiate Dictionary, Eleventh Edition (2003).

155.802 RULES AND DEFINITIONS

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 PUBLIC WORKS. The Director of the Village of Lombard, Illinois, Department of Public Works, or the Director's duly authorized representative.

FIRE CHIEF. The Fire Chief of the Village of Lombard, Illinois or his duly authorized representative.

VILLAGE MANAGER. The Village Manager of the Village of Lombard, Illinois or the Manager's duly authorized representative.

FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee recommends that the petition as presented does meet the standards set forth in the Zoning Ordinance and recommends that 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 Lombard Zoning, Sign and Subdivision and Development Ordinances; 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 09-28.

Inter-Departmental Review Group Report Approved By:

William J. Heniff, AICP
Director of Community Development