

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) _____
Recommendations of Boards, Commissions & Committees (Green) _____
Other Business (Pink) _____

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: November 29, 2006 (BOT) Date: December 7, 2006

TITLE: PC 06-35: Text Amendments to the Lombard Zoning Ordinance - Tents

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The Village of Lombard is proposing amendments to the Lombard Zoning Ordinance, as follows: 1. Section 155.210 establishing regulations for the placement of tents. 2. Amend Section 155.803 to establish definitions for Tent and Structure, Temporary.

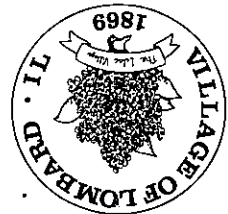
The Plan Commission recommended approval of this petition.

Fiscal Impact/Funding Source:


Review (as necessary):

Village Attorney X _____
Finance Director X _____
Village Manager X *W.T. Lichter*
Date _____
Date _____
Date 11/29/06

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. Huliseberg, AICP,  Assistant Village Manager/Director of Community Development
DATE: December 7, 2006
SUBJECT: PC 06-35: Text Amendment to the Zoning Ordinance – Tents

Attached please find the following items for Village Board consideration as part of the December 7, 2006 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC reports for PC 06-35;
3. An Ordinance granting approval of text amendments defining and establishing provisions for tents.

The Plan Commission recommended approval of the petition.

VILLAGE OF LOMBARD

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Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Subject: PC 06-35: Text Amendments to the Lombard Zoning Ordinance

Dear President and Trustees:

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

December 7, 2006

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. Village staff requests Zoning Ordinance text amendments to Section 15.210 establishing regulations pertaining to the use of tents as permanent storage structures. The intent would be to establish regulations for the placement of tents as well as establish definitions for 'Tent and Structure', 'Temporary',

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on November 27, 2006. Michael Toth, Associate Planner, presented the petition. He provided a general description of the cause for concern regarding this issue. Three more recent cases of tents being used as storage structures were mentioned and supported with photographic evidence.

Michael Toth noted that staff modeled their text from DuPage County Code. Important issues were highlighted in regards to the amendments. He noted that tent permits for non-residential events will still be considered permissible through a temporary event. He stated that the amendments would exempt tents associated with yard parties or recreational activities.

Chairperson Ryan opened the meeting for public comment. No one spoke in favor or against this petition. He then opened the meeting for comments from the Plan Commission members.

Commissioner Olbrish noted that nothing is said about tents in regard to the period of time they can be up, which concerns him. William Heniff responded that there are a couple of ways that the code addresses this issue. Non-residential instances would require a temporary event permit, which is three days. For residential properties, there would be prohibition for such structures unless it met the provisions set forth within the proposed code. If a tent is seen for an extended period of time staff will inform our Code Enforcement Division.

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

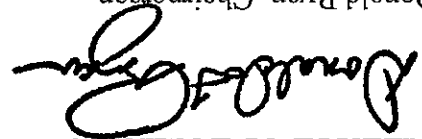
"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

Commissioner Oibrysh then questioned the time period to which Pods (cargo containers) could remain on the property. William Heniff stated that cargo containers can remain as long as you have an active building permit. They are not permitted to remain on a residential property. If cargo containers are placed on a property, Code Enforcement staff can follow up with a site inspection.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed text amendment complies with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 4 to 0, recommended to the Corporate Authorities, **approval** of the petition associated with PC 06-35.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson

Lombard Plan Commission

att-

c. Petitioner

Lombard Plan Commission

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**VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission

FROM: Department of Community Development

PREPARED BY: Michael S. Toth
Associate Planner

HEARING DATE: November 27, 2006

TITLE

PC 06-35: Text Amendments to the Lombard Zoning Ordinance: The Planning Services Division of the Community Development Department is proposing amendments to Section 155.210 by establishing subsection (E) "Tents" along with the pertinent definitions. The intent would be to establish regulations for the placement of tents as well as establish definitions for 'Tent and Structure', 'Temporary'.

DESCRIPTION:

The proposed text amendments are intended to address the issue of temporary tents being used as permanent storage structures in residential areas. Currently, Zoning Ordinance regulations would consider such structures as accessory structures; however, the regulations do not prohibit tents from being used in this manner, provided that Building Code provisions are met. Due to the open and temporary nature of tent construction, poor aesthetic implications in residential areas have been an evident result of the lack of regulation. Appendix A shows examples of tents that have been erected on selected residential properties in the Village.

As a Zoning Ordinance regulation, this amendment must be addressed through the public hearing process. The proposed amendments are not intended to modify the intent of the regulations. This amendment would not affect any existing businesses or residential properties nor does it create any legal non-conforming (grandfathered) situations – its intent is to prevent the use of tents as permanent storage structures in residential districts to maintain the aesthetic value of neighborhoods within the Village.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

The Private Engineering Services Division has no comment on the subject case.

PUBLIC WORKS

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

BUILDING AND FIRE

The use of "tent structures" for any type of storage or installation is addressed in the 2000 International Building Code and defines the requirements for permanent and temporary installation of tents/membrane structures. There are no requirements in the 2000 International Building Code for tent requirements in residential construction.

The 2000 IBC defines "temporary" use of tent/membrane structures as those structures that are erected for a period not to exceed 180 days. Permanent structures that are erected are to meet the requirements for fire retardant materials, flame spread ratings, smoke development and more.

A true prohibition of tent use in the residential areas would be preferred or a temporary use be limited to a period of 60 days or less in the case of an addition or any type of construction that would require the storage of personal items during the construction period, the tents could stay until all construction is completed and a certificate of completion not be issued until the tent is taken down and removed from the property. If tents remain as permanent structures, the Village will start to look like a tent city and this would be another issue that would have to be addressed in the future as a property maintenance issue.

PLANNING

Proposed Text Amendments

The proposed text amendment will not alter any existing Ordinance text; it will merely serve as an addition to current regulations. Section 155.210, which regulates accessory uses, activities, buildings, and structures, currently has no language addressing tents. In order to address the recent swell in temporary tents being used as storage structures, staff is proposing the addition of the subsection (E) to Section 155.210 "Accessory Uses, Activities, Buildings, and Structures".

The proposed text amendments are noted below. **Proposed changes to the ordinances are denoted by underlining new text.** The Standards for Text Amendments is also included below.

Section 155.210 Accessory Uses, Activities, Buildings, and Structures

155.210 (E) Tents

a. General Regulations

1. Tents shall observe all accessory yard setback requirements in the districts where located.
2. Tents shall be permitted only as an accessory structure on the property.
3. Tents shall not be erected on any vacant parcel of land.

b. Tents shall be erected, used or maintained on any zoning lot under the following conditions:

1. As provided by Section 110.40 of the Village Code (Temporary Event regulations); or
2. When located on residentially zoned property and used for events such as private yard parties or for recreational purposes.

Section 8 Rules and Definitions

Structure, Temporary: Any structure, designed, built, erected or occupied for short and/or intermittent periods of time.

Tent: Any temporary structure or enclosure, the roof of which or one-half or more of the sides are constructed of silk, cotton, canvas, fabric, or a similar pliable material.

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*

The proposed amendment would be uniformly applied to all properties in the Village.

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

The amendment is intended to prevent the use of tents as permanent storage structures in residential districts to maintain the aesthetic value of neighborhoods within the Village.

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

The Ordinance would not create any nonconformities. The proposed addition of the Zoning Ordinance is intended to prevent a sudden epidemic of tents as storage structures and give Code Enforcement the justifiable means to enforce the issue. Therefore, such activities should not be subject to non-conforming provisions.

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

The amendments would not make the code more permissive. The proposed additions would actually make the code less permissive by restricting the use of tents.

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

The Comprehensive Plan offers a number of recommendations pertaining to property maintenance as well as the protection/enhancement of identity and character of residential neighborhoods. The addition of subsection (E) to Section 155.210 will further increase the Village's ability to keep with the Comprehensive Plan.

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

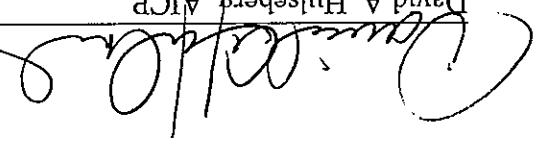
This amendment would be consistent with staff and Board policies. As a recent example, provisions were added addressing cargo containers as storage devices. Under 155.603(C) the placement of cargo containers on residentially zoned property is prohibited. In keeping with this theme, regulating tents would be consistent with the Village's goal of preventing the use of any structure, other than a principal structure, detached garage, as a storage device.

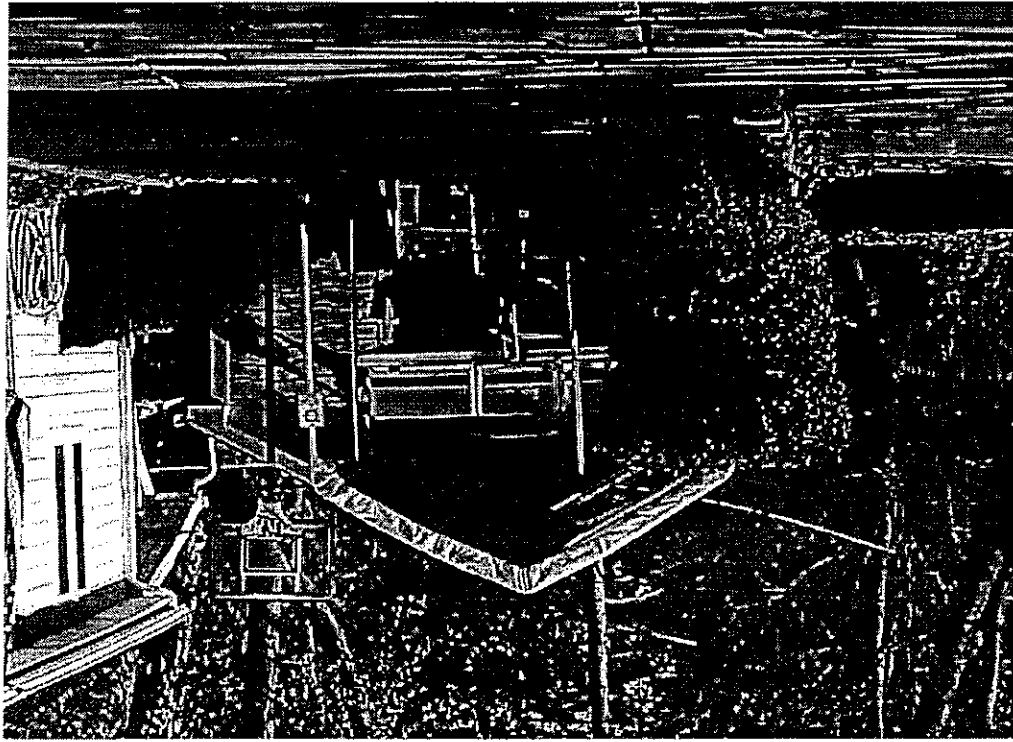
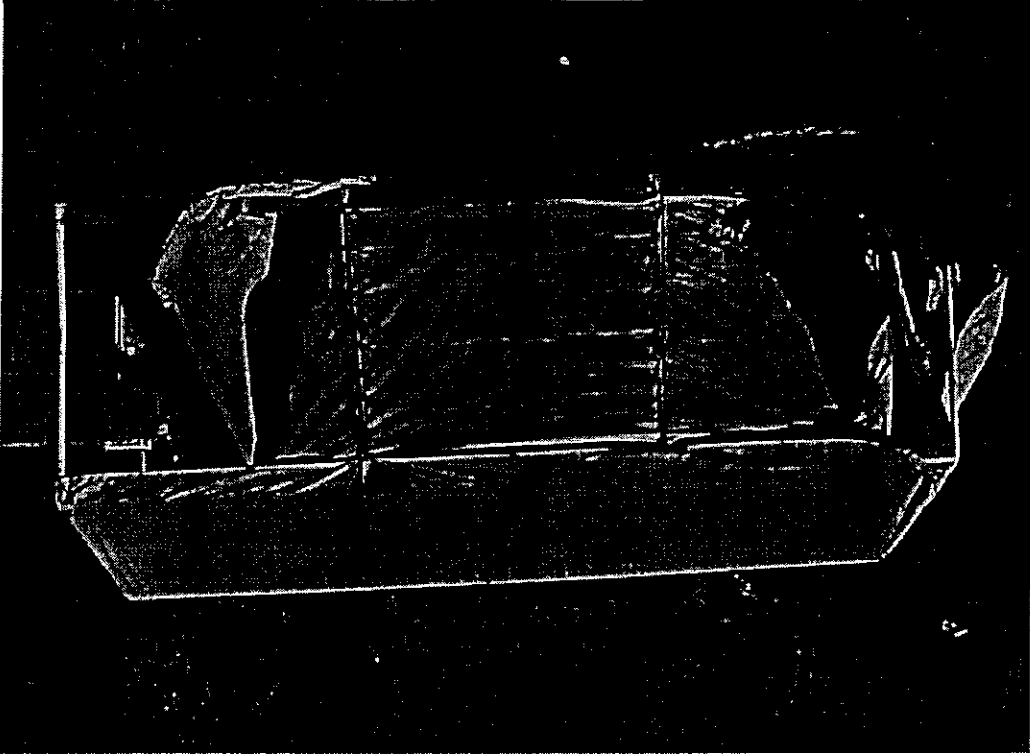
RECOMMENDATION:

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:

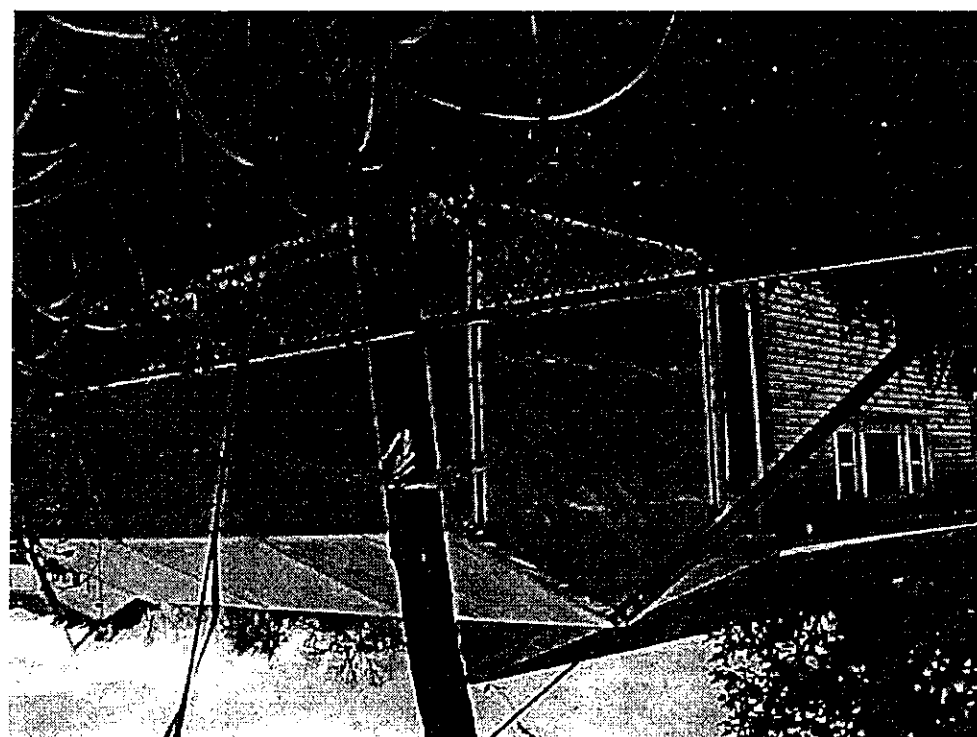
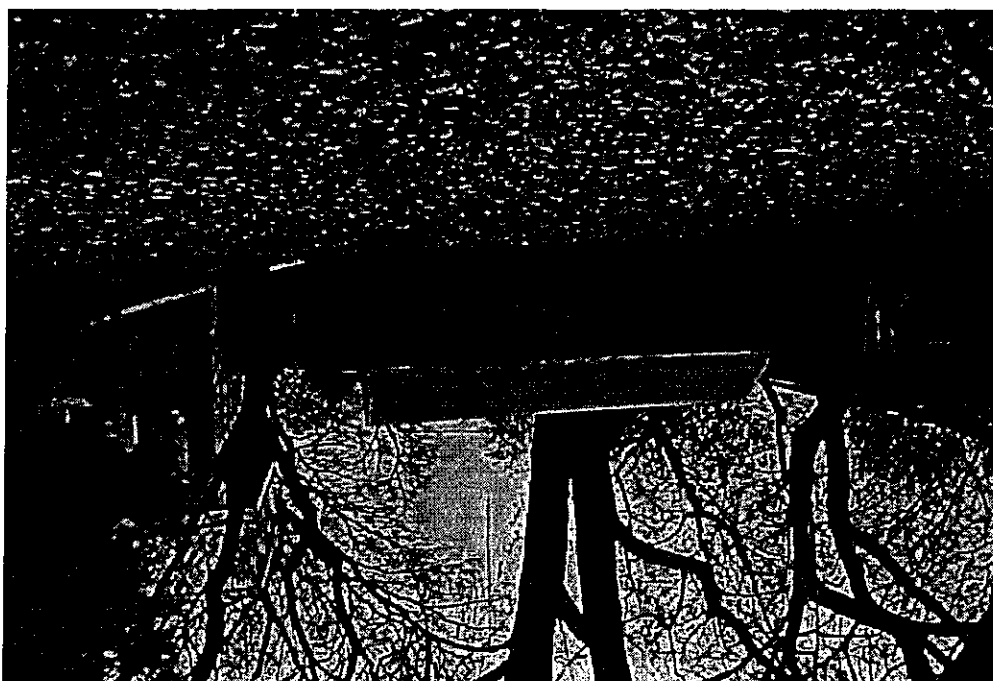
Based on the submitted petition and the testimony presented, the proposed text amendments comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-department Review Report be the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of the text amendments described in PC 06-35.

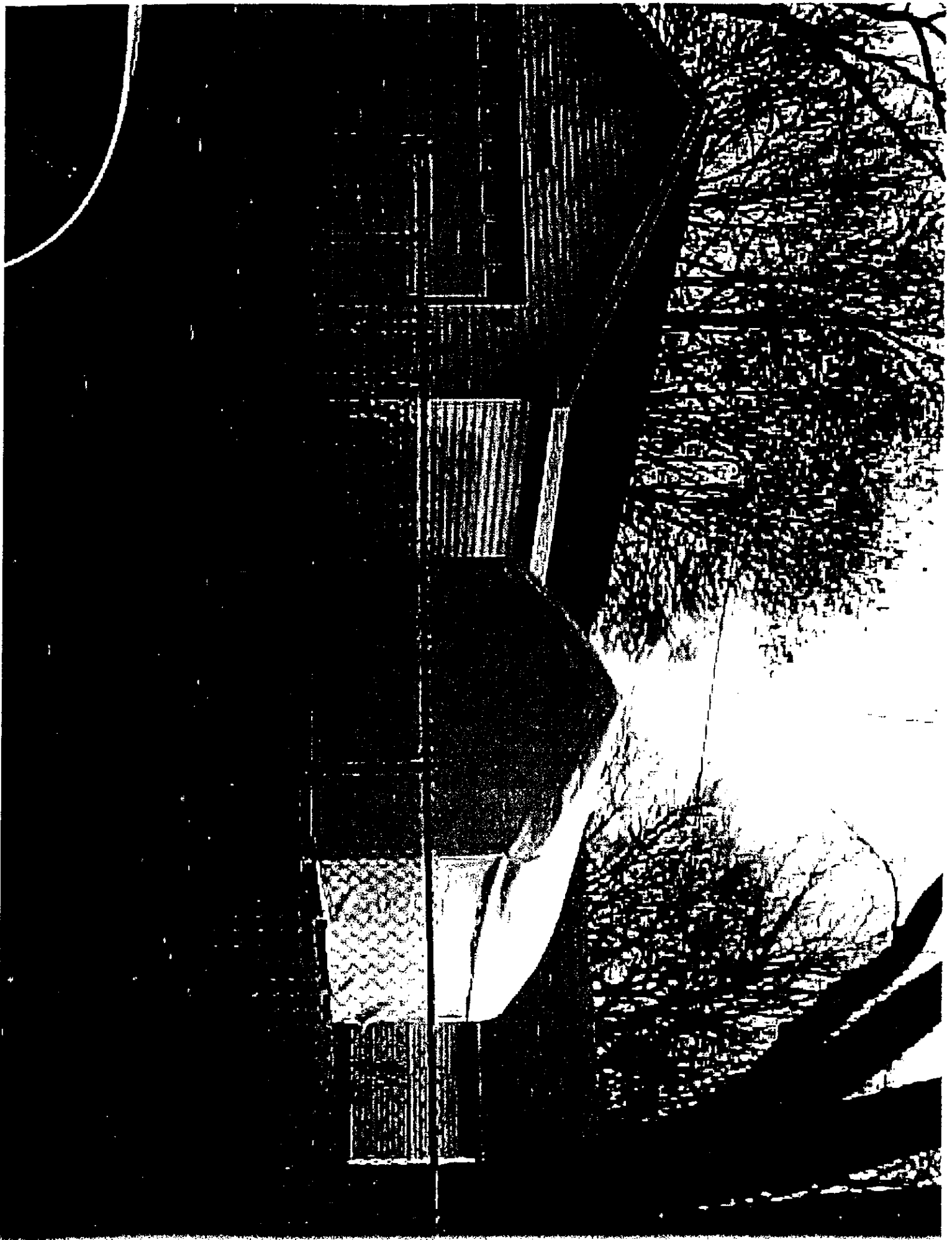
Inter-Departmental Review Group Report Approved By:

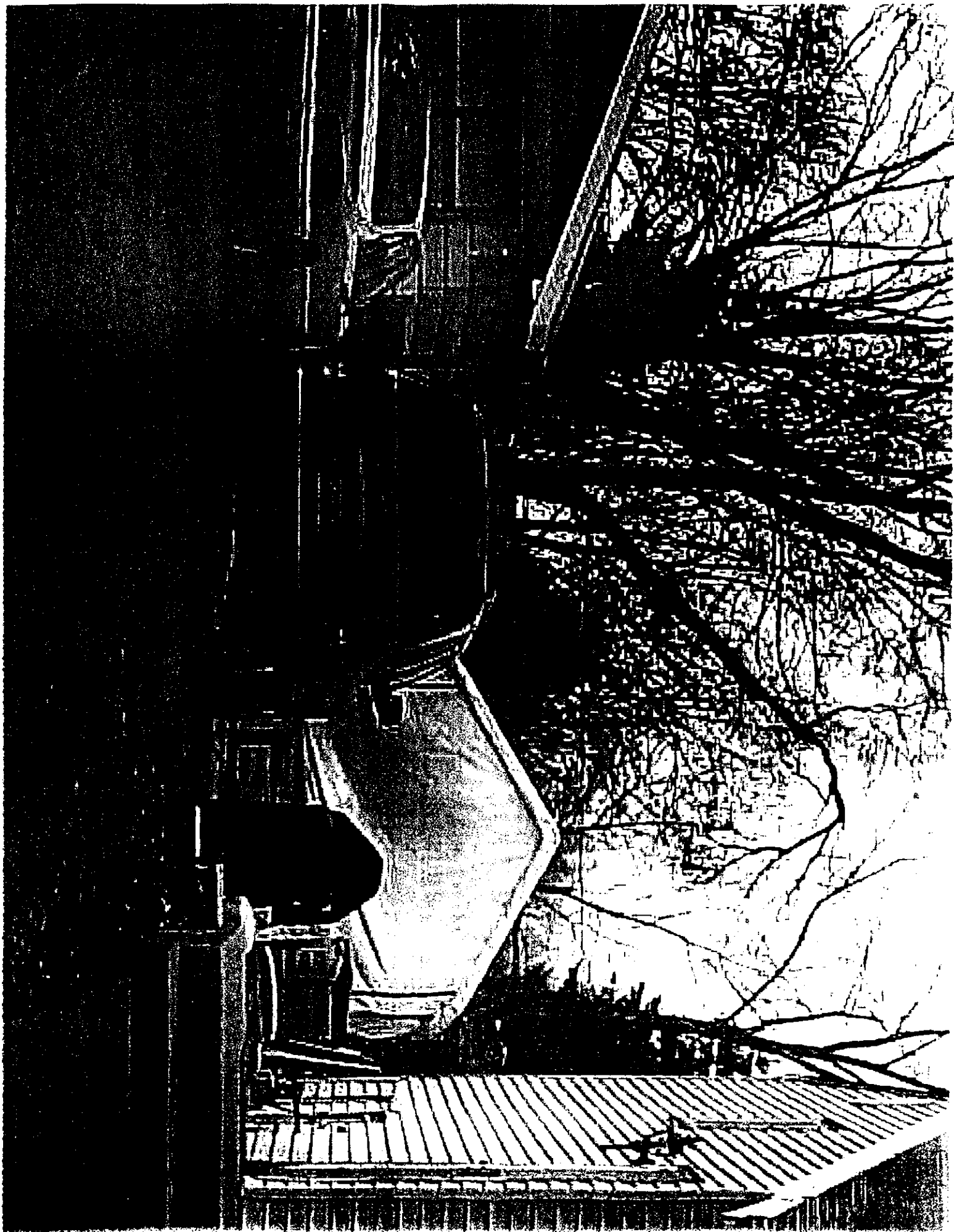

David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development

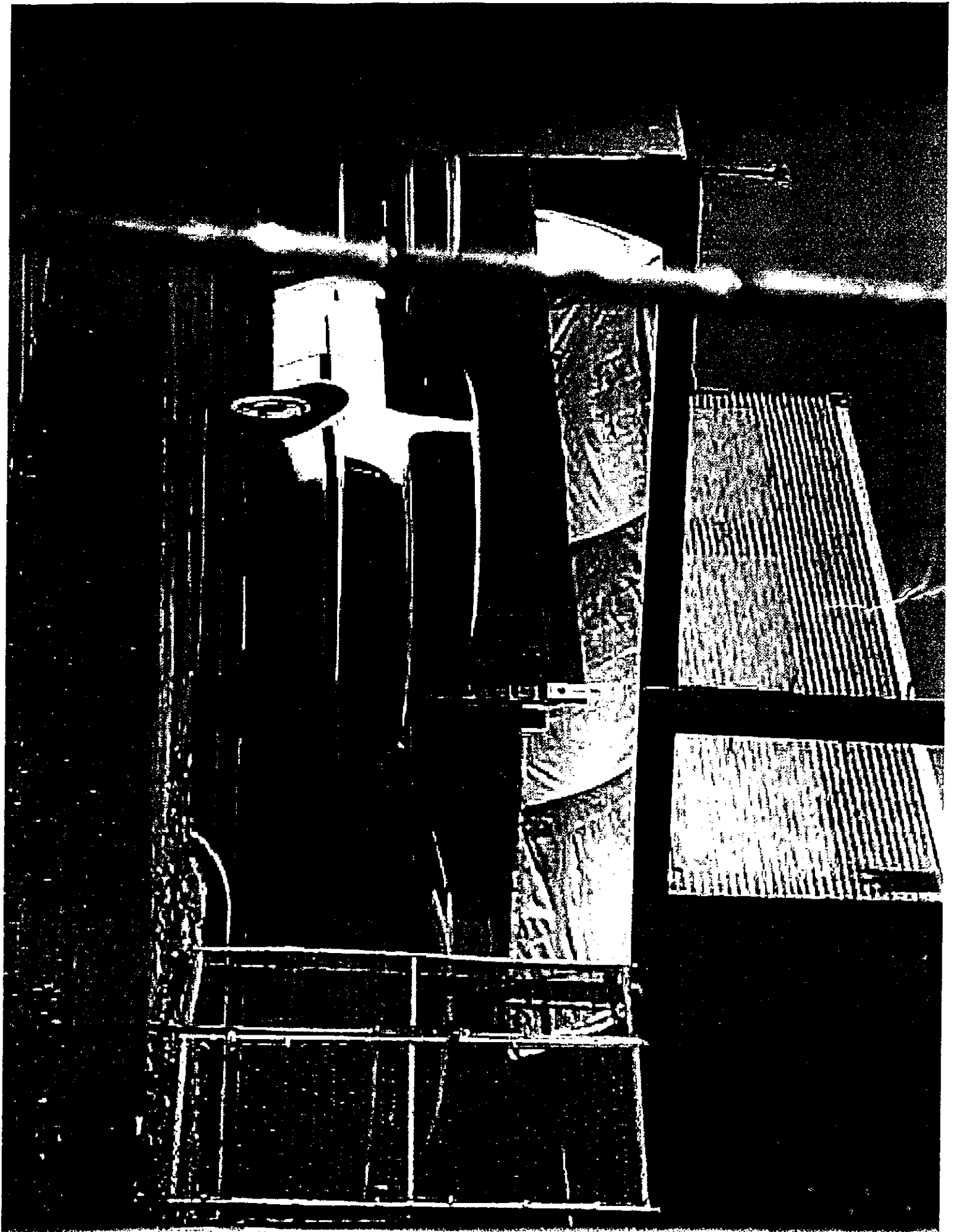


Appendix A
Examples of Temporary Tent Structures









ORDINANCE

AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS

(PC 06-35: Tents)

WHEREAS, the Village of Lombard maintains a Zoning Ordinance which is found in Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Zoning Ordinance and make necessary changes; and,

WHEREAS, a public hearing to consider a text amendment to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on November 27, 2006 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the text amendment described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 15, Chapter 155, Section 155.210(E), of the Code of Lombard, Illinois is hereby added to read in its entirety as follows:

Section 155.210 Accessory Uses, Activities, Buildings, and Structures

155.210 (E) Tents

a. General Regulations

1. Tents shall observe all accessory yard setback requirements in the districts where located.

2. Tents shall be permitted only as an accessory structure on the property.

3. Tents shall not be erected on any vacant parcel of land.

b. Tents shall be erected, used or maintained on any zoning lot under the following conditions:

1. As provided by Section 110.40 of the Village Code (Temporary Event regulations); or
2. When located on residentially zoned property and used for events such as private yard parties or for recreational purposes.

SECTION 1: That Title 15, Chapter 155, Section 155.803, of the Code of Lombard, Illinois is hereby amended to read in part as follows:

Section 8 Rules and Definitions

Structure, Temporary: Any structure, designed, built, erected or occupied for short and/or intermittent periods of time.

Tent: Any temporary structure or enclosure, the roof of which or one-half or more of the sides are constructed of silk, cotton, canvas, fabric, or a similar pliable material.

SECTION 3: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2006.

First reading waived by action of the Board of Trustees this _____ day of _____, 2006.
Passed on second reading this _____ day of _____, 2002.

Ayes: _____
Nays: _____
Absent: _____

Approved this _____ day of _____, 2006

William J. Mueller, Village President

ATTEST:

Brightie O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2006

Brightie O'Brien, Village Clerk