

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


Resolution or Ordinance (Blue) X *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager

DATE: August 27, 2013 (B of T) Date: September 5, 2013

TITLE: PC 13-14: Text Amendments to the Zoning Ordinance

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard is proposing text amendments to:

- a.) Section 155.420 (B) and (C) of the Lombard Zoning Ordinance regarding the permitted or conditional use status of "cartage and express facilities," "motor freight terminal," and "warehousing, storage, and distribution facilities" and add provisions for "distribution center," "truck terminal," and "warehouse;" and
- b.) Section 155.802 (and any other relevant sections for clarity) of the Lombard Zoning Ordinance regarding the definitions of "cartage and express facilities," "motor freight terminal," and "warehousing, storage, and distribution facilities" and add provisions for "distribution center," "truck terminal," and "warehouse." (DISTRICT #1, #3, and #4)

The Plan Commission unanimously recommended approval of this petition, subject to conditions. Staff requests a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):
Village Attorney X _____ Date _____


Finance Director X _____ Date _____

Village Manager X _____ Date _____

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: David A. Hulseberg, AICP, ICMA-CM, Village Manager
FROM: William J. Heniff, AICP, Director of Community Development 
DATE: September 5, 2013
SUBJECT: PC 13-14; Text Amendments to the Zoning Ordinance

Please find the following items for Village Board consideration as part of the September 5, 2013 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 13-14; and
3. An Ordinance granting approval of the proposed text amendments to the definitions and permitted/conditional use section for the I Limited Industrial District, as it pertains to warehouse, distribution and truck terminal land uses.

The Plan Commission unanimously recommended approval of this petition, subject to conditions. Please place this petition on the September 5, 2013 Board of Trustees agenda. Staff recommends a waiver of first reading of the Ordinance in order to effectuate the approval of PC 13-12 which is also being placed on the September 5, 2013 agenda.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
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www.villageoflombard.org

September 5, 2013

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
David A. Hulseberg

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

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

Mr. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 13-14; Text Amendments to the Zoning Ordinance

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard is proposing text amendments to:

- a.) Section 155.420 (B) and (C) of the Lombard Zoning Ordinance regarding the permitted or conditional use status of "cartage and express facilities," "motor freight terminal," and "warehousing, storage, and distribution facilities" and add provisions for "distribution center," "truck terminal," and "warehouse;" and
- b.) Section 155.802 (and any other relevant sections for clarity) of the Lombard Zoning Ordinance regarding the definitions of "cartage and express facilities," "motor freight terminal," and "warehousing, storage, and distribution facilities" and add provisions for "distribution center," "truck terminal," and "warehouse."

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on August 19, 2013. Sworn in to present the petition was William J. Heniff, AICP, Director of Community Development. The staff report was submitted to the public record in its entirety.

Mr. Heniff stated that after becoming aware of possible confusion due to the syntax and lack of definitions within the Zoning Ordinance for the above referenced uses, staff researched best practices from other communities and gave careful consideration to the context of the Village in order to create a clearly defined distinction between three (3) different types of uses where the primary functions are;

- a.) The storage of goods and materials for an undetermined amount of time and the transportation to and from the site is ancillary;
- b.) Breaking down and sorting of shipments of goods and materials for further, near immediate, distribution; and

c.) Parking and/or storage of semi-trailers and other trucks as they wait for dispatch orders.

Staff is proposing a series of text amendments to provide additional clarity within the Zoning Ordinance. Mr. Heniff noted the existing regulations for “cartage and express facilities” are listed as a conditional use, “motor freight terminal” is unlisted, and “warehousing, storage, and distribution facilities” are listed as a permitted use.

In the rules and definitions section there is no definition for “cartage and express facilities.” Motor freight terminal is defined as a building or area in which freight, shipped by motor truck or railroad is received, assembled, sorted, and/or rerouted for local intrastate or interstate shipment by motor truck. “Warehousing, storage, and distribution facilities” also have no definition.

Staff is trying to provide clarity for any future business entities that want to locate within the I Limited Industrial District so that there is a better understanding of our regulations. Staff is proposing three new definitions to be included and deleting what was included in the past.

Warehouse:

Staff is looking to recognize that the principal usage of a warehouse is for the indoor storage of manufactured goods and/or materials before their distribution to retail locations or other warehouses. They are characterized by a small employment count due to their automation and the majority of the interior space being utilized for storage of products, materials or equipment. Goods or materials stored in a warehouse establishment are typically intended to be held for an extended time period (i.e., more than a day). Trucks and trailers are primarily intended to be on the premises during periods in which they are being loaded or unloaded or are owned by the business entity performing the warehouse function.

Distribution Center:

An establishment engaged in the receipt, temporary storage and distribution of goods or materials, in which the storage of goods and materials is incidental to the primary function of the activity of freight shipment. The product comes in the morning and is shipped out the same day or within a very short time period. Distribution centers are differentiated from warehouses in that operators usually store the goods or materials for a very short period of time (i.e., within a day). They can be further characterized by the use and/or presence of third-party logistics companies who are neither the manufacturer of the goods to be distributed nor the end user of the goods, but are the independent distributor of the goods.

Truck Terminal:

An establishment in which semi-trailers, including tractor and/or trailer units, and other trucks are parked and stored awaiting dispatch for a delivery function. Truck terminals are not considered to be warehouse or distribution center uses.

Based on these three new definitions, staff recommends that the warehouse use, as it was previously, be classified as a permitted use within the I Limited Industrial District. Staff recommends that distribution center and truck terminals be classified as conditional uses because

they may require additional review and scrutiny due to their primary function being transportation-oriented with the potential for significant traffic impact.


Staff recommended approval of the proposed text amendments.

Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

Commissioner Sweetser questioned the definition of a truck. Mr. Heniff replied it would be reviewed as to how it is operated and through the State of Illinois plating and licensing of the vehicle.

On a motion by Commissioner Sweetser and a second by Commissioner Flint, the Plan Commission voted 5 to 0 that the Village Board **approve** the proposed text amendments associated with PC 13-14.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

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AUGUST 19, 2013

Title

PC 13-14

Petitioner

Village of Lombard

Property Location

All I Limited Industrial Zoning Districts

Approval Sought

The Village requests a text amendment to Section 155.420 (B) and (C) and Section 155.802 (and any other relevant sections for clarity) of the Village of Lombard Zoning Ordinance.

Prepared By

William J. Heniff, AICP
Director of Community Development

DESCRIPTION

Aware of possible confusion due to the syntax and lack of definitions within the Zoning Ordinance for the above referenced uses, staff researched best practices from other communities and gave careful consideration to the context of the Village in order to create a clearly defined distinction between three (3) different types of use where the primary functions are;

- a. Storage of goods and materials for an undetermined amount of time and the transportation to and from the site is ancillary;
- b. Breaking down and sorting of shipments of goods and materials for further, near immediate, distribution; and
- c. Parking and/or storage of semi-trailers and other trucks as they wait for dispatch orders.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

Fire Department:

The Fire Department has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

Private Engineering Services:

Private Engineering Services has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

Public Works:

The Department of Public Works has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

EXISTING REGULATIONS

Section 155.420 (B) and (C) – Permitted and Conditional Uses within the I Limited Industrial Zoning District

Cartage and Express Facilities:	Conditional Use
Motor Freight Terminal:	Unlisted
Warehousing, Storage, & Distribution Facilities:	Permitted Use

Section 155.802 – Rules and Definitions

CARTAGE AND EXPRESS FACILITIES

No definition.

MOTOR FREIGHT TERMINAL

Is a building or area in which freight, shipped by motor truck or railroad is received, assembled, sorted, and/or rerouted for local intrastate, or interstate shipment by motor truck.

WAREHOUSING, STORAGE, AND DISTRIBUTION FACILITIES

No definition.

PROPOSED TEXT AMENDMENTS

Staff recommends the full deletion of the existing regulations in order to replace them with the following:

Section 155.420 (B) and (C) – Permitted and Conditional Uses within the I Limited Industrial Zoning District

Distribution Center:	Conditional Use
Truck Terminal:	Conditional Use
Warehouse:	Permitted Use

Section 155.802 – Rules and Definitions

DISTRIBUTION CENTER

An establishment engaged in the receipt, temporary storage and distribution of goods or materials, in which the storage of goods and materials is incidental to the primary function of the activity of freight shipment. Distribution centers are differentiated from warehouses in that operators usually store the goods or materials for a very short period of time (i.e., within a day). They can be further characterized by the use and/or presence of third-party logistics companies who are neither the manufacturer of the goods to be distributed nor the end user of the goods, but are the independent distributor of the goods.

TRUCK TERMINAL

An establishment in which semi-trailers, including tractor and/or trailer units, and other trucks are parked and stored awaiting dispatch for a delivery function. Truck terminals are not considered to be warehouse or distribution center uses.

WAREHOUSE

An establishment used principally for the indoor storage of manufactured goods and/or materials before their distribution to retail locations or other warehouses. They are characterized by a small employment count due to their automation and the majority of the interior space being utilized for storage of products, materials or equipment. Goods or materials stored in a warehouse establishment are typically intended to be held for an extended time period (i.e., more than a day). Trucks and trailers are primarily intended to be on the premises during periods in which they are being loaded or unloaded or are owned by the business entity performing the warehouse function.

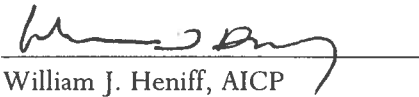
FINDINGS & RECOMMENDATIONS

Staff has prepared the requisite responses to standards for text amendments, which can be found as Attachment A. Staff finds that the proposed amendments are consistent with the objectives of the Zoning Ordinance. The 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 Zoning 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 Zoning 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 13-14.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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Attachment A
Response to 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;*

Should the text amendments be approved, it would apply to all properties within the I Limited Industrial Zoning District.

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

As the objective of this ordinance is to clarify existing terms and definitions, rather than bring forth new regulations, the proposed text amendment is consistent with the intent of the applicable zoning district regulations.

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

As the proposed text amendment is essentially a clarification of pre-existing regulations, no new nonconformities will be created. Properties that were previously identified as "cartage and express facilities" are now "distribution centers" and both the old and new terms require a conditional use permit. Properties that were previously identified as "warehousing, storage, and distribution facilities" are now "warehouses" and both the old and new terms are permitted uses. There being no "motor freight terminals" within the Village, the change in term to "truck terminal" has no impact on any existing uses.

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

The proposed amendments would make the Zoning Ordinance more permissive in one aspect. Adding "truck terminal" as a conditional use within the I Limited Industrial District can be interpreted as more permissive than the previous regulations in which "motor freight terminals" were defined, but not specifically listed as a permitted or conditional use in any of the zoning districts.

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

Staff believes that the proposed amendment would be consistent with the Comprehensive Plan. The amendment continues to allow industrial uses to operate in areas designated as "light industrial" per 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.*

The Village has a history of amending its Zoning Ordinance to address evolving circumstances presented by petitions or to clarify the intent of the Ordinance provisions. In 2008, text amendments to the Zoning Ordinance were adopted to allow both “Animal Day Care Facilities” and “Kennels” as conditional uses within the I Limited Industrial District. In 2009, text amendments to the Zoning Ordinance were adopted to allow both “Motor Vehicle Sales” and “Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product)” as conditional uses within the I Limited Industrial District. This amendment is similar in scope as it demonstrates an evolving I Limited Industrial District.

ORDINANCE _____

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155, SECTIONS 420 AND 802
OF THE CODE OF LOMBARD, ILLINOIS**

(PC 13-14: Warehouse, Distribution and Terminal Definitions and Regulations)

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 August 19, 2013 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 420 (B) and (C), of the Code of Lombard, Illinois is hereby amended to read as follows:

§155.420 I LIMITED INDUSTRIAL DISTRICT REQUIREMENTS

A. Permitted Uses

The following uses shall be permitted in the I District:

1. Bedding manufacturing
2. Boot and shoe manufacturing

3. Cabinet Making
4. Carpet manufacturing
5. Cloth products manufacturing
6. Contractors, architects, and engineers offices and shops
7. Dry cleaning plants and operations primarily serving satellite drop-off dry cleaning establishments in other districts.
8. Electronic and scientific precision instruments manufacturing
9. Exterminating services
10. Film Processing; not including retail sales or commercial studios
11. Furniture manufacturing
12. Furniture upholstery, as the principal use of the property
13. Fur processing
14. Laboratories, including medical, dental, research and testing
15. Laundries, including truck route laundries, linen supply, and diaper services
16. Light machinery production and repair e.g. household appliances & business machines etc. – appliances, business machines, etc.
17. Lithographing
18. Mail order houses
19. Mechanical Parts Reconditioning
20. Mini-Warehouses
21. Musical instruments manufacturing
22. Offices, including business, professional, non-profit, and governmental
23. Orthopedic and medical appliance manufacture

24. Packing Material Manufacturing
25. Parking lots, open, as the principal use of the property
26. Pottery and ceramics manufacture
27. Printing and publishing establishments
28. Public utility and governmental service uses
29. Radio and television stations and towers
30. Rope, cord, and twine manufacture
31. Sheet Metal Stamping and Fabrication
32. Sign Contractors
33. Sporting goods manufacture
34. Storage Centers
35. Tool & Die
36. ~~Warehousing, storage, and distribution facilities~~ Warehouse
37. Wearing Apparel Manufacture
38. Woodworking and wood products manufacture
39. Automated Envelope Merging Process
40. Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with Section 155.210 of this Ordinance

B. Conditional Uses

Subject to the provisions of Section 155.103 (F) in this Ordinance, the following conditional uses may be allowed:

1. Adult uses (including but not limited to adult book stores, adult cabarets, adult theaters, and adult video stores) subject to the adult use:

(a) Not being located within 500 feet of a zoning district which permits (or allows as a conditional use) residential development, educational or religious institutions, parks, or playgrounds;

(b) Not being located within 1,000 feet of another adult use (distances to be measured from property lines);

(c) Being conducted in a manner that prohibits the observation of any material depicting, describing or relating to any specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way

2. Animal day care facility

3. Animal hospitals and kennels

4. Banks and financial institutions

5. Building material and products sales and storage

6. Cartage and express facilities

7. Catering Services

8. Clubs and Lodges, non-profit and fraternal

9. Collection Centers, Attendant

10. Collection Centers, Recycling, provided that the following provisions are met:

(a) The recycling collection center is located in an area where there is an excess of parking beyond that required in Section 155.600 et. seq.

(b) Placement of any containers shall be on a hard surface parking area;

(c) The recycling collection center must be staffed full-time to monitor the use, and all collection is to be removed on a daily basis. Any area involved must be swept and cleaned at the end of the business day.

(d) Recycling collection centers shall not operate without the consent of the property owner stating approved days and hours of operation as part of the application for conditional use approval.

11. Compost collection facility

12. Concrete and cast stone fabrication and molding

13. Contractors, architects, and engineers equipment and material storage yards
14. Cosmetics production
15. Dairy products processing or manufacture
16. Distribution Center
17. Food manufacture, packaging, and processing
18. Gasoline sales (or any expansion of a principal, secondary, or ancillary use on the same lot as a gasoline sales establishment)
19. Glass products production
20. Heliports, private or commercial
21. Learning centers (no outdoor component)
22. Metal Plating, Forging, or Casting
23. Mortuarial Services
24. Motor vehicle repair
25. Motor Vehicle Sales
26. Motor vehicle services
27. Off-site parking, conforming to Section 155.602 (A) (3) (b) of this Ordinance
28. Outpatient medical and dental offices and clinics
29. Paper products manufacture
30. Parks and playgrounds
31. Planned developments in conformance with Section 155.500 of this Ordinance
32. Plastic extruding
33. Recreation buildings or community centers
34. Religious Institutions

35. Restaurants
36. Schools: public and/or private elementary, middle and high
37. Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product)
38. Soap manufacture
39. Stadiums, auditoriums, and arenas – open or enclosed
40. Outside Storage of Motor Vehicles
41. Trade school
42. Truck Terminal
43. Other manufacturing, processing, storage, or industrial uses as determined by the Director of Community Development to be of the same general character as the uses permitted in Subsection 155.418(C), above, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, toxic or noxious matter or glare or heat.
44. Four (4) story buildings within one hundred feet (100') of residentially-zoned property or a minor or major arterial street and buildings which are forty feet (40') to forty-five feet (45') in height and which are within one hundred (100') of a residentially-zoned property or a minor or major arterial street.
45. Accessory uses and buildings incidental to and on the same zoning lot as the conditional use, which are constructed and operated in conformance with Section 155.210 of this Ordinance.

SECTION 2: That the following definitions set forth within Title 15, Chapter 155, Section 802, of the Code of Lombard, Illinois, is hereby amended to read as follows:

155.802 RULES AND DEFINITIONS

DISTRIBUTION CENTER

An establishment engaged in the receipt, temporary storage and distribution of goods or materials, in which the storage of goods and materials is incidental to the primary function of the activity of freight shipment. Distribution centers are differentiated from warehouses in that operators usually store the goods or materials for a very short period of time (i.e., within a day). They can be further characterized by the use and/or presence of third-party

logistics companies who are neither the manufacturer of the goods to be distributed nor the end user of the goods, but are the independent distributor of the goods.

MOTOR FREIGHT TERMINAL

is a building or area in which freight, shipped by motor truck or railroad, is received, assembled, sorted, and/or rerouted for local intrastate, or interstate shipment by motor truck.

TRUCK TERMINAL

An establishment in which semi-trailers, including tractor and/or trailer units, and other trucks are parked and stored awaiting dispatch for a delivery function. Truck terminals are not considered to be warehouse or distribution center uses.

WAREHOUSE

An establishment used principally for the indoor storage of manufactured goods and/or materials before their distribution to retail locations or other warehouses. They are characterized by a small employment count due to their automation and the majority of the interior space being utilized for storage of products, materials or equipment. Goods or materials stored in a warehouse establishment are typically intended to be held for an extended time period (i.e., more than a day). Trucks and trailers are primarily intended to be on the premises during periods in which they are being loaded or unloaded or are owned by the business entity performing the warehouse function.

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 _____, 2013.

First reading waived by action of the Board of Trustees this ____ day of _____, 2013

Passed on second reading this ____ day of _____, 2013.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2013.

Ordinance No. _____
Re: PC 13-14
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Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk