

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: March 28, 2017 (B of T) Date: April 6, 2017

TITLE: PC 17-12; Text Amendments to the Zoning Ordinance

SUBMITTED BY: Department of Community Development *HL*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, is requesting text amendments to Section 155.602 Table 6.3, Section 155.603 Table 6-4, and Section 155.802 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend the parking requirements and definitions for “convalescent, nursing or rest home” and similar uses.

The Plan Commission recommended approval of this petition by a vote of 5-0.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____


Finance Director X _____ Date _____

Village Manager X _____ Date _____



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: April 6, 2017

SUBJECT: **PC 17-12, Text Amendment to the Zoning Ordinance**

Please find the following items for Village Board consideration as part of the April 6, 2017 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 17-12; and
3. An Ordinance granting a text amendment to Section 155.602, 155.603 and 155.802 of the Lombard Zoning Ordinance.

The Plan Commission recommended approval of this petition by a vote of 5-0. Please place this petition on the April 6, 2017 Board of Trustees agenda.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

April 6, 2017

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees

Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Bill T. Johnston, Dist. 4
Robyn Pike, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

"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 17-12, Text Amendment to the Zoning Ordinance

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, requests a text amendment to Section 155.602 Table 6.3, Section 155.603 Table 6-4, and Section 155.802 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend the parking requirements and definitions for "convalescent, nursing or rest home" and similar uses of the Village of Lombard Zoning Ordinance.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on March 20, 2017. Sworn in to present the petition was Jennifer Ganser, Assistant Director.

Chairperson Ryan read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine and, hearing none, he proceeded with the petition.

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, he asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. Staff is proposing to update the parking section of the zoning ordinance for clarity. Proposed changes are as follows:

1. Amend the definition of a convalescent, nursing or rest home to provide for clarity.
2. The parking requirements for a convalescent, nursing, or rest home would stay the same at one space per guest room, plus one space per employee on peak shift. Staff feels this provides for adequate parking.
3. Delete the parking requirement for elderly housing. This term is not defined in the zoning ordinance nor is it listed as a permitted or conditional use anywhere in the zoning ordinance.
4. Delete the loading requirement for elderly housing. This term is not defined in the zoning ordinance nor is it listed as a permitted or conditional use anywhere in the zoning ordinance.
5. For purposes of discussion, staff views age-targeted independent living developments (such as 55+) as an apartment or townhome, etc. Staff notes that a building that targets those of a certain age may change over time and that independent living shall be parked as the zoning code requires for multi-family dwellings.

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

On a motion by Commissioner Sweetser, and a second by Commissioner Olbrysh, the Plan Commission voted 5-0 to recommend that the Village Board approve the petition associated with PC 17-12.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

March 20, 2017

Title

PC 17-12

Petitioner

Village of Lombard

Property Location

Village-wide

Approval Sought

The petitioner, the Village of Lombard, is requesting text amendments to Section 155.602 Table 6.3, Section 155.603 Table 6-4, and Section 155.802 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend the parking requirements and definitions for “convalescent, nursing or rest home” and similar uses.

Prepared By

Jennifer Ganser, AICP
Assistant Director

DESCRIPTION

The petitioner, the Village of Lombard, is requesting text amendments to Section 155.602 Table 6.3, Section 155.603 Table 6-4, and Section 155.802 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend the parking requirements and definitions for “convalescent, nursing or rest home” and similar uses.

The text amendments are for clarity and clean-up purposes.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the proposed text amendments to the Sign Ordinance.

Fire Department:

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

Private Engineering Services:

Private Engineering Services has no comments regarding the proposed text amendments to the Sign Ordinance.

Public Works:

The Department of Public Works has no comments regarding the proposed amendments to the Sign Ordinance.

Planning Services Division:

Staff is proposing to update these sections of the zoning ordinance for clarity. Proposed changes are as follows:

1. Amend the definition of a convalescent, nursing or rest home to provide for clarity.
2. The parking requirements for a convalescent, nursing, or rest home would stay the same at one space per guest room, plus one space per employee on peak shift. Staff feels this provides for adequate parking and has been used with our existing senior living facilities, such as Lombard Place by Spectrum.
3. Delete the parking requirement for elderly housing. This term is not defined in the zoning ordinance nor is it listed as a permitted or conditional use anywhere in the zoning ordinance.

4. Delete the loading requirement for elderly housing. This term is not defined in the zoning ordinance nor is it listed as a permitted or conditional use anywhere in the zoning ordinance.
5. For purposes of discussion, staff views age-targeted independent living developments (such as 55+) as an apartment or townhome, etc. Staff notes that a building that targets those of a certain age may change over time and that independent living shall be parked as the zoning code requires for multi-family dwellings.

EXISTING & PROPOSED REGULATIONS

Staff proposes the following text amendments in **bold and underline**. Deletions are denoted by a ~~strikethrough~~.

Section 155.602 Table 6.3

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

~~Elderly Housing: One space per four units, plus one space per employee~~

Convalescent Home/Nursing Home: One space per guest room, plus one space per employee on peak shift

Multiple-Family Dwellings:

One and two bedrooms – One and one-half spaces per dwelling unit,

Three or more bedrooms – Two parking spaces per dwelling unit,

For multiple family dwellings that are utilizing assigned parking spaces for dwelling residents, unassigned parking spaces must be provided based upon the following formula: 0.2 spaces must be provided for each unit of the first 20 units plus 0.05 spaces for each unit above the first 20 units. These requisite spaces are not required to be in addition to the parking requirements noted above.

Section 155.603 Table 6-4

USE	GROSS FLOOR AREA	No. of Berths	Size*
Hotel, Motel, Dormitory, Fraternity, Convalescent or Nursing Home, and Elderly Housing	10,000— 100,000 each additional 100,000	One	Short

Section 155.802

Convalescent, nursing or rest home is an establishment for the care of the aged or infirm, or a place of rest for those suffering bodily disorders. ~~Such home does not contain equipment for surgical care or for the treatment of disease or injury.~~ **Convalescent, nursing or rest homes do not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. Convalescent, nursing or rest homes typically provide ongoing, on site medical care to their residents.**

STANDARDS FOR TEXT AMENDMENTS

For any change to the Sign Ordinance, the standards for text amendments must be affirmed. The standards are noted below:

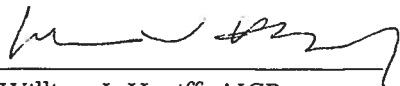
1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*
The text amendment is generally applicable to all properties in the Village.
2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*
The proposed text amendment will eliminate an inconsistency in the parking chapter.
3. *The degree to which the proposed amendment would create nonconformity;*
Staff does not believe any nonconformity would be created.
4. *The degree to which the proposed amendment would make this ordinance more permissive;*
The proposed amendment will eliminate an inconsistency and are will not be more permissive.
5. *The consistency of the proposed amendment with the Comprehensive Plan; and*
Staff finds that the proposed amendments would be consistent 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.*
The Village has a history of amending the Zoning Ordinance to address edits for clarity. The proposed amendments are consistent with established Village policy in this regard.

FINDING & RECOMMENDATIONS

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 17-12.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

H:\CD\WORDUSER\PCCASES\2017\PC 17-12\PC 17-12_IDRC Report.docx

ORDINANCE _____

**AN ORDINANCE APPROVING A TEXT AMENDMENT
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155, SECTION 155.602, 155.603 AND 155.802
OF THE LOMBARD ZONING CODE**

PC 17-12: Text Amendments to the Zoning Ordinance

WHEREAS, the Village of Lombard maintains a Zoning Ordinance which is found in Title 15, Chapter 155 of the Lombard Code; 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 text amendments to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on March 20, 2017, 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 amendments 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 155.602, 155.603 and 155.802 of the Lombard Village Code is hereby amended as follows:

Section 155.602 Table 6.3

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Elderly Housing: ~~One space per four units, plus one space per employee~~

Convalescent Home/Nursing Home: One space per guest room, plus one space per employee on peak shift

Multiple-Family Dwellings:

One and two bedrooms – One and one-half spaces per dwelling unit,

Three or more bedrooms – Two parking spaces per dwelling unit,

For multiple family dwellings that are utilizing assigned parking spaces for dwelling residents, unassigned parking spaces must be provided based upon the following formula: 0.2 spaces must be provided for each unit of the first 20 units plus 0.05 spaces for each unit above the first 20 units. These requisite spaces are not required to be in addition to the parking requirements noted above.

Section 155.603 Table 6-4

USE	GROSS FLOOR AREA	No. of Berths	Size*
Hotel, Motel, Dormitory, Fraternity, Convalescent or Nursing Home, and Elderly Housing	10,000— 100,000 each additional 100,000	One	Short

Section 155.802

Convalescent, nursing or rest home is an establishment for the care of the aged or infirm, or a place of rest for those suffering bodily disorders. ~~Such home does not contain equipment for surgical care or for the treatment of disease or injury.~~

Convalescent, nursing or rest homes do not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. Convalescent, nursing or rest homes typically provide ongoing, on site medical care to their residents.

SECTION 2: 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 _____, 2017.

First reading waived by action of the Board of Trustees this ____ day of _____, 2017.

Passed on second reading this ____ day of _____, 2017.

Ayes: _____

Nays: _____

Ordinance No. _____

Re: PC 17-12

Page 3

Absent: _____

Approved this _____ day of _____, 2017.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2017.

Sharon Kuderna, Village Clerk