

ORDINANCE 6046

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

(PC 07-07: Above Ground Utility Cabinets)

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 March 19, 2007 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(3)(c), of the Code of Lombard, Illinois is hereby added to read in its entirety as follows:

155.210 “Accessory Uses, Activities, Buildings, and Structures”

(3) Height of Accessory Buildings and Structures

Unless otherwise provided for in this ordinance, the height of accessory buildings and structures shall meet the following requirements:

- (a) No detached accessory building or structure shall exceed the height of the principal structure or use, and
- (b) The vertical distance measured from the average grade to the highest point on the roof or Parapet for any detached accessory building or structure shall not exceed seventeen (17) feet.

- (c) The vertical distance of any above ground utility cabinet shall not exceed six (6) feet in height above grade.

SECTION 2: That Title 15, Chapter 155, Section 155.212, of the Code of Lombard, Illinois is hereby amended to read in part as follows:

155.212 “Permitted Obstructions In Required Yards”

Types of Structure or Use Obstruction X = Permitted Obstruction	Front & Corner Side Yard	Interior Side Yards	Rear Yard
<u>Above Ground Utility Cabinet, less than six (6) feet in height.</u>		X	X

SECTION 3: That Title 15, Chapter 155, Section 155.217(C), of the Code of Lombard, Illinois is hereby amended to read in part as follows:

155.217 “Exemptions of Essential Services”

Certain public and private activities intended and used to promote the public health, safety and welfare shall be exempt from the regulations of this ordinance. Provided, however, the equipment erected or installed for such uses shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and to those of other authorities having jurisdiction. Exempted activities are as follows:

(A) Municipal Uses and Facilities

All municipal uses and facilities, as defined in Section 155.800 of this ordinance, reasonably necessary for the furnishing of adequate municipal services for the public health, safety and welfare including sewer and water transmission lines and facilities, fire stations, governmental buildings, trash collection and disposal facilities, communication facilities, storage yards, and traffic signals and signs.

(B) Private Utilities

The erection, construction, alteration, or maintenance by private utilities of overhead, surface or underground gas, electrical, telephone, steam, or water distribution systems including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, and poles used to provide direct service to individual properties shall be exempted. However, larger distribution facilities such as electrical substations, gas regulator stations, pumping stations, satellite communications receiving and transmitting stations and other similar facilities used to relay services to individual customers shall be considered a conditional use in all zoning districts and shall conform to the provisions of Section 155.103 (F) of this ordinance. Private utilities are defined in Section 8 of this ordinance.

(C) Above Ground Utility Cabinets

Above ground utility cabinets on private property shall be permitted in all zoning districts and shall be considered as accessory structures, subject to the provisions of Section 155.210. Above ground utility cabinets shall have not exceed six feet (6') in height above grade. Any structure not meeting this provision shall be considered a conditional use and shall conform to the provisions of Section 155.103(F) of this ordinance. Above ground utility cabinets within the public right of way shall be subject to the provisions set forth in Section 97 of the Village Code.

SECTION 4: That Title 15, Chapter 155, Section 155.802, of the Code of Lombard, Illinois is hereby amended to read in part as follows:

155.802 Rules and Definitions

~~Private Utilities are facilities for the transmission of gas, electric, telephone, and private sewer and water service located either within public rights of ways, dedicated easements or on private property.~~

Above Ground Utility Cabinet - an above ground structure, used by a Service Entity to provide service to the public, which has an above ground volume of greater than twenty-four (24) cubic feet within ten (10) feet of ground level.

Private Utilities – utilities that are not subject to Village acceptance for operation or maintenance. For purposes of this code, private utilities include, but are not limited to, natural gas lines, electric lines, telecommunication lines, cable television lines, and other communication lines, their appurtenances and any component part(s) thereof.

Service Entity – a person, firm, or corporation owning or operating any Private Utilities and/or Above Ground Utility Cabinets, as defined in this Section.

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 17th day of May, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.

Passed on second reading this 7th day of June, 2007.

Ayes: Trustees Gron, Tross, O'Brien, Fitzpatrick, Moreau & Soderstrom

Nayes: None


Absent: None

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Re: PC 07-07

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Approved this 7th day of June, 2007


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this 13th day of June, 2007


Brigitte O'Brien, Village Clerk