

August 17, 2020

Title

PC 20-19

Petitioner

Village of Lombard

Property Location

Village-wide

Approval Sought

The petitioner, the Village of Lombard, is requesting a text amendment establish a new section of Code, Section 155.226 relative to schools and day care centers.

Prepared By

Jennifer Ganser, AICP
Assistant Director

DESCRIPTION

The petitioner, the Village of Lombard, is requesting approval of a text amendment to the Lombard Zoning Ordinance to establish a new Section 155.226 within the Lombard Village Code, and amend other relevant sections if necessary for clarity. The proposed amendment will establish temporary permitted land uses for day care centers and public and parochial elementary, middle and high schools within the Zoning Ordinance during periods that a Gubernatorial Disaster Proclamation is in effect, relative to a viral pandemic.

INTER-DEPARTMENTAL REVIEW

Building Division:

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

Fire Department:

The Fire Department has no comments regarding the proposed text amendments to the Zoning Ordinance.

Public Works:

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

Planning Services Division:

The Village proposes to add a Section of Code during times of a Gubernatorial Disaster Proclamation to assist schools and day care centers. The Village has received questions from schools and day care centers asking if they can open additional locations to assist the community. At time of this report, Elementary District 44 and 45 are starting the 2020-2021 school year with remote learning as the only option. Staff anticipates additional day care centers may be needed to accommodate children not physically in school and to accommodate social distancing and other health protocols.

Currently, schools and day care centers are a conditional use in many zoning districts, which can take approximately 60-90 days to be reviewed.

EXISTING & PROPOSED REGULATIONS

Staff proposes the following text amendments. Additions are below.

Section 155.226: Temporary Permitted Land Uses During Gubernatorial Disaster Proclamation

During periods in which a Gubernatorial Disaster Proclamation is in effect, relative to a viral pandemic, the Village recognizes that special considerations may be required to ensure that the public health, safety and welfare is maintained to the greatest extent possible. As part of that effort, and in order to maximize social distancing measures necessary to address said viral pandemic, the Village has deemed that Day Care Centers and Public and Parochial Elementary, Middle and High Schools shall be classified as temporary permitted land uses in the following zoning districts:

CR – Conservation Recreation District
O – Office District
B1 – Limited Neighborhood Shopping District
B2 – General Neighborhood Shopping District
B3 – Community Shopping District
B4 – Corridor Commercial District
B4A – Roosevelt Road Commercial District
B5 – Central Business District
B5A – Downtown Perimeter District

For purposes of this Section, the term “temporary” shall be deemed to be for a period of not to exceed one year from the issuance of the Certificate of Occupancy/Zoning Certificate, by the Village, relative to any such use. Should the entity conducting such use seek to maintain the use at the premise beyond the designated temporary period, said entity shall be required to seek the zoning entitlement approvals, normally required for such use at the premises so used, to establish the use as a permanent use at the premises so used. The provisions set forth within this Section do not supersede any other federal, state, county or Village requirements applicable to any such use.

STANDARDS FOR TEXT AMENDMENTS

For any change to the Zoning 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 amendments are generally applicable to all commercial 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 amendments are consistent with the objectives of the Zoning Ordinance.
- 3. The degree to which the proposed amendment would create nonconformity;*
Staff does not believe any nonconformity would be created. This would help schools and day care centers during times of a Gubernatorial Disaster Proclamation.
- 4. The degree to which the proposed amendment would make this ordinance more permissive;*

The proposed amendments will clarify the existing regulations. This amendment is for a temporary time period only.

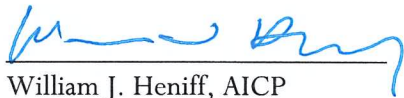
5. *The consistency of the proposed amendment with the Comprehensive Plan; and*
Staff finds that the proposed amendments would be consistent with the Comprehensive Plan.
6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving 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 20-19.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

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