

December 15, 1998

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

Subject: PC 98-43: Text Amendments

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. This petition requests amendments to the Lombard Zoning Ordinance to prohibit or restrict the placement of fences in required front yards; to allow religious institutions as a Conditional Use in the B5 Central Business District; to reduce the required side yard setback for detached garages; to change health services, gymnasiums, and weight reduction services from Conditional Uses to Permitted Uses in the B3 Community Shopping District and the B4 Corridor Commercial Shopping District; and requests amendments to the Lombard Sign Ordinance to establish new standards and definitions for attention getting devices and balloons.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on December 14, 1998.

Nancy Hill, Planner II, presented the petition on behalf of the Village of Lombard. She stated that since there were numerous text amendments to be discussed and in order to eliminate confusion, she would present each amendment individually, get the Commissioners input and then move on to the next amendment.

Fences

Ms. Hill stated at the October Plan Commission meeting, the Commission discussed fences during the workshop portion of the meeting. Ms. Hill stated that staff has had many problems with fences in the front yard and in the clear line of sight area. At that workshop, the Commission agreed that fence regulations should be stricter and considered eliminating fences in front yard altogether. In preparing for the text amendment, staff decided there were more issues that needed to be discussed by the Plan Commission. These issues

included hedges and other landscaping in the front yard and fences in the corner side yard. Ms. Hill stated that staff researched other communities' ordinances to discover whether or not they allow fences in the front yard or require fence permits and found that Lombard was one of the few communities which does not require a permit for a fence. Ms. Hill stated that staff wanted to get some feedback on these issues and recommended that the Commission take no action at this time in regard to fences.

Commissioner Olbrysh stated that safety is his main concern. He also stated that anything impeding the clear line of sight should be regulated, and this may include landscaping and hedges.

Commissioner Zorn stated hedges should be regulated as she has witnessed firsthand how hedges can block views. She then stated she knows of an area along Maple Street where the view is blocked by hedges and there have been several accidents at this location.

Commissioner Olbrysh asked if the Village has regulations regarding trailer or other large vehicles overhanging the sidewalk. Ms. Hill stated she believed large vehicles overhanging the sidewalk is a Code violation.

Commissioner Kramer stated she agreed with staff that decorative fencing and hedges could also impede the clear line of sight.

Commissioner Sweetser asked if the staff planned to amortize the existing code violations in regard to fences. She stated many people invest a lot of money into their property, now only to have to take a fence down. Ms. Hill stated that a permit would help avoid situations where a property owner spends money before knowing if the fence is appropriate.

Ms. Hill then stated the staff initially thought the text amendment would be rather straight forward. Staff believed they could simply add language to the Zoning Ordinance to restrict fences in the front yard. But in looking at the way the current language is written, staff found that fences should be looked at more comprehensively.

Ms. Petsche then added that staff could propose an amortization schedule for nonconforming fences if the Commission wanted that.

Mr. Sundland stated that the staff also wanted some clarification in regarding to aesthetics. Does the Commission want to allow fences in the front yard with a certain amount of opacity, Mr. Sundland asked. This may encourage chain link fences but would allow a fence in the front yard.

Commissioner Kramer stated she did not want to encourage chain link fences. She also added if a property owner wanted a fence, he could request a variation to the standards. Ms. Hill confirmed that property owners could request a variation to any fence standards.

Commissioner Olbrysh stated he likes the Village of Addison's regulation in regard to fences in the front yard. He stated that the Village of Addison does not allow fences forward of the principal building. He then stated although it may seem to be a harsh rule, it is very easy to enforce.

Because there were many issues to discuss, the Plan Commission directed staff to continue to work on amending the Zoning Ordinance in regard to fences and in the near future suggest possible text amendments.

Side Yard Setbacks

Ms. Hill continued to present the staff report in regard to side yard setbacks for detached garages and reviewed the current regulations for accessory structures. She stated that current regulations encourage people to push their garages toward the back of the lot which results in many residents complaining that this makes their driveway longer and more difficult to shovel in the winter. Ms. Hill also stated that residents also have stated that the six foot side yard setback also makes it difficult for people to back out of the driveway and maneuver around their house. Ms. Hill stated that in the past two years, the Zoning Board of Appeals has heard six cases for variations to the side yard setback standard for a detached garage and has approved all of these cases. She also stated more people would probably petition the ZBA for a variation but decide against it due to the public hearing fees and the time it takes for the variation to be approved.

Ms. Hill also stated the staff was proposing two different text amendments. The first text amendment in the staff report allows all detached garages to be located as close as three feet (3') from the interior side property line. The second option allows the detached garage to be located three feet (3') from the interior side property line, if the garage is at least twelve feet (12') away from the principal structure on the adjoining lot. The staff believes the original intention

of the Ordinance as it is presently written is to keep garages from being too close to the adjoining property owner's house. Ms. Hill stated the second option still keeps the garage away from the adjoining house.

Commissioner Kramer stated she does not have a problem with a garage being three feet (3') from the side property lines, as long as it was twelve feet (12') from the adjoining house. Ms. Hill confirmed Commissioner Kramer was in favor of the second option.

The other Commissioners agreed the second option was the best text amendment.

Religious Institutions

Ms. Hill continued to present the staff report concerning religious institutions in the B5 District. She stated that religious institutions are currently allowed outright in the Office District and are Conditional Uses in all residential districts. She then stated that religious institutions are not currently allowed in the B5 District. Ms. Hill said that there is a church in the downtown area whose parking lot is located in the B5 District. In addition, the Plan Commission will be hearing a petition for this church (PC 98-40). However, Ms. Hill stated the staff had discussed allowing religious institutions in the B5 District previous to this request. Ms. Hill said staff is recommending religious institutions be allowed as Conditional Uses in the B5 District instead of Permitted Uses because staff does not want religious institutions locating in first floor store front and parking is a concern in the downtown area.

Commissioner Kramer, Commissioner Olbrysh and Commissioner Sweetser stated they concurred with the staff recommendation.

Attention-Getting Devices

Ms. Hill then presented the staff report concerning health services, gymnasiums, and weight reduction services in the B3 and B4 Districts. Ms. Hill stated that staff believed health services, gymnasiums, and weight reduction services should be separated from physical culture establishments and massage establishments, as the two groups are not closely related. Once separated, there is no reason for health services, gymnasiums, and weight reduction services to be Conditional Uses, instead of Permitted Uses. These uses have no unique characteristics which merit a special review by the Plan Commission. Ms. Hill

stated, therefore the staff is recommending these uses be removed from the list of Conditional Uses in the B3 and B4 Districts and added to the list of Permitted Uses in both zoning districts.

The Plan Commission concurred with the staff recommendation.

Ms. Hill presented the staff report concerning attention-getting devices and balloons. Ms. Hill referred to a workshop discussion held at the October Plan Commission meeting where the Commission talked about attention-getting devices. At that meeting, the Plan Commission stated they would like to separate balloons from attention getting devices and provide better standards for the oversized balloons. Ms. Hill then said the proposed text amendments were written to provide a definition of a balloon, regulate their location and size, and increase the safety around the balloons.

Commissioner Sweetser asked staff about the time limits of balloons. Ms. Hill stated staff was suggesting that by the proposed text, balloons would be only allowed twice a year.

Commissioner Kramer stated she has seen another type of balloon besides just the character type. She said she has seen a large balloon on a string, floating into the sky. She stated she would like to restrict the height of that type of balloon as well.

Ms. Hill suggested staff could add language to the text amendment which could restrict the height of that type of balloon as well. The Commission then recommended a statement be added to state that the height be measured from the ground to the top of the balloon. Ms. Hill stated staff would include this language in the text amendment ordinance.

There was no one to speak in favor of or against any portion of this petition.

After due consideration of the petition and the testimony presented, the Plan Commission found that the text amendments, excluding any text amendments pertaining to fences, including the second proposed text amendment for detached garages in residential districts, with the recommended revisions to attention-getting devices, complies with the standards required by the Lombard Zoning Ordinance and the Lombard Sign Ordinance. Therefore, the Plan Commission, by a roll call vote of 5 to 0, recommended to the Corporate Authorities approval of the text amendments associated with PC 98-43.

Re: PC 98-43
December 15, 1998
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Respectfully,

VILLAGE OF LOMBARD

Donald F. Ryan
Chairperson
Lombard Plan Commission

NMH:jd
att-

c. Petitioner
Lombard Plan Commission

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