

January 25, 2021

Title

PC 21-01

Petitioner

Village of Lombard

Property Location

B3, B4, B4A, I

Approval Sought

Text amendment

Prepared By

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Assistant Director

DESCRIPTION

The petitioner, the Village of Lombard, is requesting the following:

1. A text amendment to delete “collection centers, attendant” from the following zoning districts: Sections 155.415(C) B3 Community Shopping District, 155.416(C) B4 Corridor Commercial District, 155.417(G)(2)(b) Roosevelt Road Corridor B4A District, and 155.420(C) I Limited Industrial District;
2. A text amendment to Sections 155.415(B) B3 Community Shopping District, 155.416(B) B4 Corridor Commercial District, 155.417(G)(1)(b) Roosevelt Road Corridor B4A District, and 155.420(B) I Limited Industrial District of the Lombard Village Code to allow for “collection boxes” to be listed as a permitted use;
3. Add a new definition for “collection boxes” in Section 155.802;
4. Remove the definition of “collection center, attendant” in Section 155.802; and
5. Any other relevant sections for clarity.

INTER-DEPARTMENTAL REVIEW

Building Division:

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

Fire Department:

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

Public Works:

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

Private Engineering Services:

Private Engineering Services has no comments regarding the proposed text amendment to the Zoning Ordinance.

Planning Services Division:

Collection Boxes with an attendant are currently a conditional use in the following zoning districts: B3, B4, B4A, and I. Based on recent court cases and correspondence with Village Counsel, staff is requesting changes to how collection boxes are regulated in the Village.

Unattended charitable recycling bins (collection boxes) are protected under the first amendment as free speech (charitable solicitations) and therefore may not be banned or unreasonably regulated. Staff proposes to make collection boxes a permitted use in the following zoning districts: B3, B4, B4A, and I as an accessory use.

EXISTING & PROPOSED REGULATIONS

Staff proposes the following text amendments. Additions are denoted by **bold and underline**. Deletions are shown in ~~striketrough~~.

Section 155.415(C)

~~(4) Collection centers, attendant.~~

Section 155.415(B)

(37) Collection Boxes, as an accessory use on the property

~~(37)~~ (38) Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with § 155.210.

Section 155.416(C)

~~(7) Collection centers, attendant.~~

Section 155.416(B)

(12) Collection Boxes, as an accessory use on the property

~~(12)~~ **(13)** Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with § 155.210 of this Chapter.

Section 155.417(G)(2)(b)

~~(iv) Collection center, attendant.~~

Section 155.417(G)(1)(b)

(xxiv) Collection Boxes, as an accessory use on the property

~~(xxiv)~~ **(xxv)** Travel bureaus and transportation ticket offices.

Section 155.420(C)

~~(7) Collection centers, attendant.~~

Section 155.420(B)

(17) Collection Boxes, as an accessory use on the property

~~(17)~~ **(18)** Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with § 155.210 of this Chapter.

Section 155.802

Collection Box. Any container, receptacle or similar device located on private property used for the purpose of receiving donations of various types of items, including, but not limited to, clothing, household goods, and toys. This term excludes recycling collection centers.

~~Collection center, attendant is a staffed drop-off donation facility for the collection of discarded household goods and clothing for the purpose of resale or donation by the facility operator. This term excludes recycling collection centers or any stand alone, unstaffed drop boxes or collection sites for discarded household goods or clothing.~~

Staff also proposes a new section of Code (Chapter 129) with regulations on collection boxes. This is scheduled to be discussed and reviewed by the Economic and Community Development Committee (ECDC) on February 8, 2021 as business regulations do not fall under the purview of the Plan

Commission. A permit would be required for the collection boxes which would ensure that staff has correct contact information for the boxes. Boxes would be allowed in the buildable area of the lot, on a hard surface, and must be kept in good condition.

STANDARDS FOR TEXT AMENDMENTS

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed.

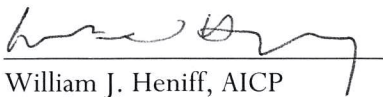
1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*
The text amendment is generally applicable to the same districts where collection boxes were allowed before.
2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*
The proposed text amendment is 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.
4. *The degree to which the proposed amendment would make this ordinance more permissive;*
The proposed amendment would correct the Code in reference to recent court cases.
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.

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 21-01.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development