

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

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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE : August 29, 2018 **(BOT) Date:** September 6, 2018

SUBJECT: PC 18-26; Text Amendment to the Zoning Ordinance

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, requests text amendments to Sections 155.103(B)(2), 155.205(2)(d), 155.205(6)(c), 155.211(A), 155.224(A)(8), 155.603(C)(2), 155.603(C)(3), 155.602 (A)(10), and 155.206 (B)(2)(d)(i) of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend discrepancies between the Zoning Ordinance and Chapter 150 (the Building Code). Specifically, the Zoning Ordinance amendments are primarily intended to remove language that conflicts with existing provisions established within the Building Code.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the September 6, 2018 Board of Trustees agenda for a first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

MEETING DATE: September 6, 2018

SUBJECT: **PC 18-26, Text Amendment to the Zoning Ordinance**

Please find the following items for Village Board consideration as part of the September 6, 2018, Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 18-26; and
3. An Ordinance granting text amendments to Sections 155.103(B)(2), 155.205(2)(d), 155.205(6)(c), 155.211(A), 155.224(A)(8), 155.603(C)(2), 155.603(C)(3), 155.602(A)(10), and, 155.206 (B)(2)(d)(i) of the Lombard Zoning Ordinance.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the September 6, 2018 Board of Trustees agenda for a first reading.



VILLAGE OF LOMBARD

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Lombard, Illinois 60148-3926
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September 6, 2018

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 18-26, 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 text amendments to Sections 155.103(B)(2), 155.205(2)(d), 155.205(6)(c), 155.211(A), 155.224(A)(8), 155.603(C)(2), 155.603(C)(3), 155.602 (A)(10), and 155.206 (B)(2)(d)(i) of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend discrepancies between the Zoning Ordinance and Chapter 150 (the Building Code). Specifically, the Zoning Ordinance amendments are primarily intended to remove language that conflicts with existing provisions established within the Building Code.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on August 20, 2018. 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. The Village is requesting a text amendment to the Zoning Ordinance to make edits to these sections of

the Zoning Ordinance for clarity and consistency. Planning Staff met with the Building Commissioner to review the Zone Code and Building Code. In doing so, they found instances where the Zoning Ordinance should be updated for clarity and also instances where the Building and Zoning are in conflict. Should the Building Code need to be updated, the Board of Building Appeals (BOBA) will review and make a recommendation to the Village Board. These edits are similar in nature to the text amendments to the Sign Code.

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

On a motion by Commissioner Mrofcza, and a second by Commissioner Flint, the Plan Commission voted 6-0 to recommend that the Village Board approve the petition associated with PC 18-26.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

ORDINANCE _____

**AN ORDINANCE APPROVING A TEXT AMENDMENT
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155, SECTIONS 155.103(B)(2),
155.205(2)(d), 155.205(6)(c), 155.211(A), 155.224(A)(8),
155.603(C)(2), 155.603(C)(3), 155.602 (A)(10), and 155.206
(B)(2)(d)(i) OF THE LOMBARD ZONING CODE**

PC 18-26: 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 August 20, 2018, 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 155.103(B)(2) of the Lombard Village Code are hereby deleted as follows:

~~Issuance of a zoning certificate. No zoning certificate for a building, or land or portion thereof, shall be issued until the premises inspected and certified by the Director of Community Development to be in conformity with all applicable provisions of this Code. Pending the issuance of a regular zoning certificate, a conditional zoning certificate may be issued, to be valid for a period not to exceed six months from its date, allowing for the partial occupancy of the premises. The term of this conditional zoning certificate may be extended by mutual consent of the applicant and the village. The conditional zoning certificate shall be issued, or written notice shall be given to the applicant stating the~~

~~reasons why a conditional zoning certificate cannot be issued not later than 14 days after the Director of Community Development receives the zoning certificate application.~~

SECTION 2: That Title 15, Chapter 155, Section 155.205(A)(2)(d) of the Lombard Village Code are hereby amended as follows:

Fence installation. When fences are located in the required front yard or corner side yard, the finished or decorative side of the fence shall face the adjacent property(ies) or street.

SECTION 3: That Title 15, Chapter 155, Section 155.205(A)(6)(c) of the Lombard Village Code are hereby deleted as follows:

~~Void if work not completed. A permit issued by the Director becomes null and void if work is not completed within 60 days of issuance.~~

SECTION 4: That Title 15, Chapter 155, Section 155.211(A)(5) of the Lombard Village Code are hereby deleted as follows:

~~(5) No toxic, explosive, flammable, radioactive, or other hazardous materials; as defined by the current Fire Code as adopted by the Village of Lombard Code, Title 15, Chapter 150 shall be used, sold, or stored on the site.~~

SECTION 5: That Title 15, Chapter 155, Section 155.211(A) of the Lombard Village Code are hereby amended as follows:

(5) There shall be no alteration of the residential appearance of the premises, including the creation of a separate or exclusive business entrance(s) or placement of a sign.

(6) No more than one vehicle shall be used in connection with a home occupation. The home occupation vehicle must be a type ordinarily used for private passenger transportation, i.e., passenger automobile, or vans and pickup trucks not exceeding a payload capacity of one ton. Further, the home occupation vehicle shall not, pursuant to the Illinois Vehicle Code, require more than a Class B license or be a vehicle included in the definition of a second division vehicle by said code ("Those vehicles which are designed for carrying more than ten persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight, or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division used and registered as school buses.")

(7) No visitors in conjunction with the home occupation (clients, patrons, pupils, sales persons, etc.) shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.

(8) No outdoor display or storage of materials, goods, supplies, or equipment shall be allowed.

(9) There shall be no advertising, signs, display, or other indications of a home occupation in the yard, on the exterior of the dwelling unit or visible from the exterior of the dwelling unit.

(10) Direct sales and/or rentals of products off display shelves or racks is not permitted, although a person may pick up an order previously made by telephone or at a sales meeting.

(11) The total area used for the home occupation shall not exceed 250 square feet of the dwelling area.

(12) No person may be employed on the site in connection with the home occupation who is not an actual resident of the dwelling unit.

(13) Deliveries from commercial suppliers shall not be made by any vehicle that exceeds a gross weight in pounds for vehicle and maximum load of 20,000 pounds. Deliveries shall not restrict traffic circulation and must occur between 9:00 a.m. and 5:00 p.m. Monday through Friday.

(14) Visitors in conjunction with the home occupation (clients, pupils, sales staff, etc.) shall not exceed four during any 24-hour period. No more than two visitors may visit at one time.

(15) No more than one home occupation shall be permitted within any individual dwelling unit.

SECTION 6: That Title 15, Chapter 155, Section 155.224(A)(8) of the Lombard Village Code are hereby deleted as follows:

~~Access. Access to small scale wind energy systems shall be controlled in a manner consistent with local building codes.~~

SECTION 7: That Title 15, Chapter 155, Section 155.603 (C)(2) of the Lombard Village Code are hereby amended as follows:

Sites under construction. For properties in which there is an active building permit issued by the village for a multiple family or non-residential development, cargo containers may be placed on the property provided that they are placed within the buildable area of the lot and are not placed on requisite parking spaces. Cargo containers used for construction purposes must be immediately removed upon completion of the construction project.

SECTION 8: That Title 15, Chapter 155, Section 155.603 (C)(3) of the Lombard Village Code are hereby deleted as follows:

~~Cargo container amortization schedule. Any cargo container lawfully existing on the effective date of this § 155.603 which does not conform to the provisions of Chapter 155 of the Village Code; shall be removed or made to conform within three years of the date of notification by the village that the cargo container no longer conforms with the requirements of Chapter 155 of the Village Code. Any cargo container lawfully existing on the effective date of this § 155.603 which does not conform to the provisions of Chapter 155 of the Village Code may request a variation as outlined in subsection 155.103(C) of this Code.~~

SECTION 9: That Title 15, Chapter 155, Section 155.602 (A)(10)(e) of the Lombard Village Code are hereby deleted as follows:

~~(e) Cleaning and maintenance: Except in the I Industrial District, no cleaning or maintenance of parking lots utilizing motorized equipment may be performed between 11:30 P.M. and 6:00 A.M. each day, except for the removal of snow.~~

SECTION 10: That Title 15, Chapter 155, Section 155.602 (A)(10) of the Lombard Village Code are hereby amended as follows:

(e) Curbing: All parking lots shall be provided with perimeter concrete curbing (six inch barrier curb). Such curbing shall be designed so that no part of any parked vehicle shall encroach into a required yard.

(f) Shelter building: No parking lot for accessory off-street parking shall have more than one attendant shelter building per entrance which shall conform to all setback requirements for accessory structures established by § 155.210 of this Chapter, and any other applicable requirements of this Chapter.

(g) Signs: Accessory signs shall be permitted on parking areas in accordance with the provisions specified in the Village of Lombard Sign Ordinance.

SECTION 11: That Title 15, Chapter 155, Section 155.206 (B)(2)(d)(i) of the Lombard Village Code are hereby amended as follows:

Personal wireless service facility towers shall be set back not less than 105 percent of the height of the tower from the nearest property line. Except where the applicant provides certification from a structural engineer that the tower is designed to limit the area of damage in the event of collapse to the requested setback.

Ordinance No. _____

Re: PC 18-26

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SECTION 12: 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 _____, 2018.

First reading waived by action of the Board of Trustees this ____ day of _____, 2018.

Passed on second reading this ____ day of _____, 2018.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2018.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this ____ day of _____, 2018.

Sharon Kuderna, Village Clerk