

**VILLAGE OF LOMBARD**  
**INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission

HEARING DATE: December 14, 1998

FROM: Department of  
Community Development

PREPARED BY: Nancy Hill, AICP  
Planner II

**TITLE**

**PC 98-43: Text Amendments:** 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.

**INTRODUCTION**

The Plan Commission has previously discussed at the workshop portion of the October 19, 1998 meeting to restrict the placement of fences in front yards due to safety and aesthetic concerns. Staff would like the Plan Commission to consider changing the required sideyard setbacks of detached garages to three feet (3'). Staff has received a petition regarding allowing a religious institution to expand in the B5 Central Business District as a Conditional Use (PC 98-40). Staff would also like to change health services, gymnasiums, and weight reduction services from Conditional Uses to Permitted Uses in the B3 and B4 Districts, as we have received an inquiry regarding a boxing and karate studio. Staff would like to clarify these uses because a karate studio is allowed outright in both districts.

The Plan Commission has also previously discussed at the workshop portion of a meeting amending the Sign Ordinance to allow oversized balloons to be placed on the roof of buildings. In addition, the staff would like to clarify some of the standards for attention-getting devices, and further define balloons.

## **ANALYSIS**

### Fences

Currently, the Zoning Ordinance allows fences, walls, and hedges, up to a height of four feet (4'), in the front and corner side yards. There have been numerous code enforcement issues as well as a workshop at a Plan Commission meeting regarding this matter. At the October 19, 1998 Plan Commission meeting, the Commission discussed fences and the clear line of sight area. During this discussion, the Commission generally agreed that our fence regulations should be much stricter, and the Zoning Ordinance should especially restrict fences in the clear line of site area and possibly the front yard entirely.

In preparing for the public hearing, the staff did much research and found that before we could recommend any text amendments, there were still several items the Plan Commission should discuss.

Initially, staff was prepared to recommend prohibiting fences in the front yard altogether. There are three main reasons for restricting fences in the front yard. The primary issue is safety. By permitting fences in the front yard, even if only four feet (4') in height, the driver of an automobile backing out from a driveway adjacent to a fence may not see pedestrian or automobile traffic on the sidewalk or on the street. The second reason is aesthetics. When fence locations and heights vary from one residential lot to another, the appearance and character of the neighborhood can be adversely affected. Finally, prohibiting fences in the front yard would clarify many of the complaints handled by the Code Enforcement officers.

Many other communities in DuPage County allow fences in the required front yard, but restrict the height of that portion of the fence to three feet (3'). Naperville, Glen Ellyn, Darien, Oak Brook Terrace, and Villa Park are examples of communities which restrict the height of fences in the required front yard to only three feet (3'). Basically, these communities allow only decorative fencing in the front yard. The staff believes even allowing only decorative fencing may impede a driver's view of children. Only one community, the Village of Addison, does not allow fences forward of the principal building, and staff believes this is the example Lombard should follow.

However, staff had difficulties preparing language for the text amendment, as other issues were also brought to our attention. The section of the Zoning Ordinance regarding fences also sets standards for landscaping, such as hedge rows. Because hedges may obstruct the clear line of site as much as a fence, should landscaping also be restricted in the front yard? If so, how should it be restricted? If fencing is restricted in the front yard, should it also be eliminated in the corner side yard, as many corner lots have driveways in the corner side yard?

Additionally, from discussion with other Departments and Divisions, the staff believes many administrative policies regarding fences need to be changed. Most significantly, staff believes a permit for installing a fence is necessary to ensure that any fencing standards are being met. With this, staff will also have to look at how the permits will be issued, the fees charged for the

permit, the submittal requirements for a permit, and the procedure for inspecting the fence once installed.

Because there are many issues to discuss and many administrative policies to implement which may even include amending the Code of Ordinances as well as the Zoning Ordinance, staff suggests the Plan Commission discuss these issues at the December 14, 1998 public hearing. The staff will continue to work on amending the Zoning Ordinance regarding fences and form administrative policies for implementing fence permits, update the Plan Commission regularly on the status, and in the near future suggest possible text amendments.

#### Sideyard Setbacks for Detached Garages in Residential Districts

Recently, there has been much discussion amongst staff with regards to the required sideyard setbacks for detached garages. Currently, the Zoning Ordinance allows accessory structures which are entirely within the rear 25% of the lot to be as close as three feet (3') to the side property line. But if any portion of the structure is not in the rear 25% of the lot, the entire structure must be set six feet (6') from the side property line (See Figure 1).

Staff believes the standards in the Zoning Ordinance are too restrictive. Staff receives many complaints from residents regarding this standard and some request variations from the Zoning Board of Appeals (ZBA). In 1997, the ZBA heard one petition for sideyard setback variations for detached garages. In 1998, the ZBA heard five petitions for sideyard setback variations for detached garages. The ZBA members must also feel this requirement is too restrictive and causes a hardship, as the ZBA recommended approval of all the above mentioned petitions. Staff believes more people would petition the ZBA for side yard setback variations for detached garages but decide against it due to the public hearing fees and the time it takes for the variation to be approved.

To further complicate the issue, the Code of Ordinance requires the distance from the end of a driveway curb cut to the nearest lateral property line not be less than five feet (5') (See Figure 2). This standard, in conjunction with the accessory building setback standard, creates a situation, when all setback standards are met and all standards are enforced, where a private driveway may curve around the house, making it difficult for the homeowner to negotiate the driveway.

The staff had discussed creating a standard which would allow all detached garages to be located three feet (3') from the side property line. However, the staff believes the intention of the Ordinance as it is presently written is to keep garages from being too close to the adjoining property owner's house. The Zoning Ordinance requires a six foot (6') side setback for principal structures and for accessory structures which are not within the rear 25% of the lot, which ensures a separation of at least twelve feet (12') between a house and any structure on the adjacent property. To maintain this standard, staff discussed allowing detached garages to be three feet (3') from the side property line only if the principal structure on the adjoining house is twelve feet (12') or more from the proposed garage.

With some discussion from other Departments and Divisions, staff found some administrative issues with this proposed standard. First, when issuing a building permit for a detached garage, determining whether or not the adjoining house is twelve feet or more away from the proposed garage would prove difficult. Requiring an applicant to bring in a copy of their neighbor's plat of survey, in addition to their own, seems almost impossible. Secondly, assuming a garage was built three feet (3') from the side property line and the house was more than twelve feet away, would the adjoining property owner be penalized for adding onto his house if it would create a situation where the addition was within twelve feet (12') of the garage.

In preparing the public hearing, the staff found that before we could recommend any text amendments, there were still several items the Plan Commission should discuss. First, should all detached garages be allowed to locate three feet (3') from the side property line? If there is a general consensus, the following language could be approved:

**155.210 ACCESSORY USES, ACTIVITIES, BUILDINGS, AND STRUCTURES**

**B. Restrictions in Residential Districts**

**2. Yard Requirements**

**a. General Requirements**

In all residential districts (R1 through R6), accessory structures shall be set back a minimum of three feet (3') from the rear property line and, if the entire structure is located in the rear 25 percent of the lot, accessory structures shall be set back a minimum of three feet (3') from an interior side property line. If any portion of the accessory structure is not located within the rear 25 percent, then a minimum of six foot (6') setback from the interior side property line must be maintained.

**b. Detached Garages**

In all residential districts (R1 through R6), detached garages shall be set back a minimum of three feet (3') from the rear property line and three feet (3') from the interior side property line.

If the Plan Commission believes that allowing detached garages to be three feet (3') from the side lot line could at times too close to the adjoining house, the language on the following page could be approved:

155.210 ACCESSORY USES, ACTIVITIES, BUILDINGS, AND STRUCTURES

B. Restrictions in Residential Districts

2. Yard Requirements

a. General Requirements

In all residential districts (R1 through R6), accessory structures shall be set back a minimum of three (3) feet from the rear property line and, if the entire structure is located in the rear 25 percent of the lot, accessory structures shall be set back a minimum of three (3) feet from an interior side property line. If any portion of the accessory structure is not located within the rear 25 percent, then a minimum of six (6) foot setback from the interior side property line must be maintained.

b. Detached Garages

In all residential districts (R1 through R6), detached garages shall be set back a minimum of three (3) feet from the rear property line. Detached garages shall be set back a minimum of three (3) feet from the interior side property line and a minimum of twelve (12) feet from the principal structure on any adjoining lot.

Religious Institutions in the B5 District

Currently, religious institutions are Conditional Uses in all the residential districts and Permitted in the O Office District. They are not allowed in the B5 Central Business District, or any other business district. Staff has received a request for an existing church to expand its use in the B5 Central Business District (PC 98-40). This is the reason for initiating the text amendment at this time.

However staff has discussed allowing churches in the B5 District as Conditional Uses previously. Staff believes religious institutions are characteristic of the traditional central area and should be allowed in the downtown area. These facilities would further the mix of uses in the downtown and create additional trips bound for the area. Religious institutions typically generate traffic at off-peak times and would create pedestrian traffic.

Staff believes that it is more appropriate to establish religious institutions uses as conditional uses, rather than permitted uses for two reasons. One concern is religious institutions locating in the first floor store fronts. Care should be taken to not encourage religious institutions to replace retail uses. The B5 District should be maintained as having retail uses as the primary use.

Another concern is parking. In the B5 District, no parking is required for non-residential uses. While religious institutions would utilize downtown parking lots at off-peak times, the Plan

Commission should carefully examine the parking needs of a religious institution to determine if the amount of parking spaces in the general vicinity of a proposed church is satisfactory.

Staff, therefore, recommends Section 155.416 B5 Central Business District Requirements be amended as follows:

155.416 B5 CENTRAL BUSINESS DISTRICT REQUIREMENTS

C. Conditional Uses

12. Religious Institutions, as defined in the R1 District

Additionally, the Conditional Uses will be renumbered in order to maintain alphabetic order.

Health Services, Gymnasiums, and Weight Reduction Services in the B3 and B4 Districts

Currently, health services, gymnasiums, and weight reduction services are listed as Conditional Uses in the B3 and B4 Districts, along with physical culture and massage establishments. Staff believes 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. Additionally, staff believes health services, gymnasiums, and weight reduction services should be permitted uses in the B3 and B4 Districts.

To illustrate, while there is no definition of a physical culture establishment in the Zoning Ordinance, staff has interpreted physical culture establishments to be similar in use to tattoo parlors and body piercing establishments. Massage establishments, on the other hand, are clearly defined in the Code of Ordinances Section 122.01 as *any establishment having a fixed place of business where any person, firm, or association, or corporation engages in, or carries on, or permits to be engaged in or carried on any of the activities mentioned in (this section)*. In addition, massage is defined as *any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice*. Massage establishments are strictly regulated by the Code of Ordinances and must be licensed by the Village.

Again, the Zoning Ordinance does not specifically define health services, gymnasiums or weight reduction services. Staff interprets health services and gymnasiums to be facilities such as athletic clubs, health clubs, workout facilities, and sport facilities. They usually include exercise equipment, locker rooms, indoor and indoor game courts. Weight reduction services include businesses similar to Weight Watchers and Jenny Craig. These uses are for the special purpose of maintaining a certain physical condition and a level of wellness. Tattoo parlors and massage establishment, on the other hand, have to do with the manipulation of the skin and may resemble more adult businesses. Therefore, the uses are not similar, and staff believes the two groups of uses should be separated.

If separate from massage parlors and physical culture uses, health services, gymnasiums, and weight reduction services could be permitted uses. Staff believes there is little reason for the Plan Commission to review these uses, as these uses have no unique characteristics which merit special review. Parking is generally not a concern for health services and gymnasiums as they have a specific parking requirement listed in the Schedule of Off-Street Parking Requirements. Weight reduction services often locate in existing shopping center tenant space where the amount of parking is ample. A concern should be outdoor recreation facilities in conjunction with the health club, such as a pool or tennis courts. These would be outdoor service areas, which are Conditional Uses in both the B3 and B4 Districts. Therefore the Plan Commission would have some oversight if outdoor recreation facilities were to be provided.

We have also had a request for a boxing, karate, and exercise studio to open in the Northgate Shopping Center, which is zoned B3. A karate studio is allowed in the B3 District, but the exercise facilities are currently conditional uses. To allow this business to locate in the shopping center, staff initiated this text amendment. The text amendment will help clarify some uses. In the future, staff would suggest comprehensively examining the health service and recreational facilities listed in the zoning districts to ensure the listings correspond with one another and further defining those uses in the Definition section of the Zoning Ordinance.

Staff, therefore, recommends the Zoning Ordinance be amended as follows:

155.414 B3 COMMUNITY SHOPPING DISTRICT REQUIREMENTS

B. Permitted Uses

18. Health services, gymnasiums, and weight reduction services

C. Conditional Uses

17. Physical culture, ~~health services, gymnasiums, weight reduction services,~~ and massage establishments (as defined and regulated by Chapter 12, Section 122 of the Code of Ordinances)

155.415 B4 CORRIDOR COMMERCIAL DISTRICT REQUIREMENTS

B. Permitted Uses

7. Health services, gymnasiums, and weight reduction services

C. Conditional Uses

18. Physical culture, ~~health services, gymnasiums, weight reduction services,~~ and massage establishments (as defined and regulated by Chapter 12, Section 122 of the Code of Ordinances)

Additionally, the Permitted Uses in each district will be renumbered in order to maintain alphabetic order.

Attention-Getting Devices and Balloons

Currently, the Sign Ordinance allows local business to install attention-getting devices and balloons with a required permit. However, there have been numerous code enforcement issues regarding these devices. Often times, a business owner will not obtain the permit for the attention-getting device. When he does, the Sign Ordinance has very few standards regarding the location of the balloons, their size, or the number allowed.

At the October 19, 1998, Plan Commission meeting, the Commission discussed attention-getting devices and balloons. During this discussion, the Commission generally agreed that attention-getting devices should be allowed for promoting special community activities, but their location should not impede safety. It was also generally agreed, oversized balloons, as attention-getting devices, should be regulated specifically as far as their location.

Staff has two main concerns regarding the balloons. Safety is a major issue. As discussed at the workshop, balloons are often placed within the clear line of site area or placed too close to overhead lines and buildings. Another concerns is aesthetics. While staff finds the balloons to be tacky, it is even tackier when the oversized balloon has other attention-getting devices or commercial signage attached to it.

Therefore, in proposing text amendments staff attempted to accomplish many things. First a definition of a balloon was necessary. Based upon the comments of the Plan Commission, staff specifically regulated the balloons, more so then other attention-getting devices, as far as their location and size, in order to increase safety. Also based upon Plan Commission comments, roof mounted balloons are encouraged. Staff also wanted to further restrict the number of balloons allowed per business in a calendar year.

Language regarding attention-getting devices is found in three sections of the Sign Ordinance: Administration; General Provisions; and Definitions. Staff recommends amending these sections as follows:

SECTION 2: ADMINISTRATION AND ENFORCEMENT

153.103 ADMINISTRATIVE PROCEDURES

B. Permit Issuance

5. Attention-Getting Devices: Permits for attention-getting devices, as defined in this Ordinance, promoting community activities, special events such as grand openings, or activities of non-profit organizations, may be issued subject to the following provisions:

A. General Requirements

1. Time Limits: Permits for attention-getting devices shall be limited to fourteen days or less.



2. Removal Required: Such devices shall be removed within twenty-four (24) hours after the expiration of the permit unless a new permit is obtained.
3. Number of Permits Issued: No more than four (4) permits for any attention-getting devices shall be issued for any one business in any calendar year.

B. Balloons

Requirements for Balloons:

1. Time Limits: Permits for balloons shall be limited to seven (7) consecutive days or less.
2. Removal Required: Such devices shall be removed within twenty-four (24) hours after the expiration of the permit unless a new permit is obtained.
3. Number of Permits Issued: No more than two (2) permits for a balloon shall be issued for any one business in any calendar year.

SECTION 3: GENERAL PROVISIONS

SPECIFICATIONS BY SIGN

153.207 SIGNS SPECIFICALLY PROHIBITED

- E. Roof Signs, except balloons as defined in this Ordinance

153.209 Attention-Getting Devices

Attention-Getting Devices as defined in this Ordinance, may be permitted for promoting special community activities, special events, such as grand openings, or activities or non-profit organizations, subject to the following provisions:

A. General Requirements

1. A special permit must be obtained from the Director as per Section 153.103.B.5.
2. No advertising copy shall be displayed on any surface of an attention-getting devices.
3. Location of devices on lot must be approved by the Director.

B. Balloons

1. A special permit must be obtained from the Director as per Section 153.103.B.5.
2. No advertising copy shall be displayed on any surface of a balloon. No other attention-getting devices shall be displayed or attached to the balloon or its supports.
3. Number: No more than one balloon permitted on premises.
4. Location: Balloons may be placed on the ground or on the roof of a building no more than two (2) stories in height. When placed on the ground, balloons and their supports shall have the minimum setbacks required by the zoning district in which the balloon is located. Balloons located on the ground and their supports shall not be located within the clear line of site area, as defined in the Lombard Zoning Ordinance. Balloons located on the ground and their supports shall not shall not interfere with required parking spaces.
5. Size: When placed on the ground balloons may not exceed twenty-five feet (25') in height above the ground level. When place on a building roof, balloons may not exceed twenty-five (25') feet in height above the roof of the building.
6. Separation Between Buildings, Signs, and Other Structures: Balloons shall not be located closer than ten feet (10') from any overhead utility line. When placed on the ground, balloons shall not be located closer than four feet (4') to any other building or sign.

SECTION 11: DEFINITIONS

153.602 DEFINITIONS

**BALLOONS** a type of attention-getting device which retains its shape from inflating with air, helium, or other gaseous elements. Such balloons may be of various shapes, sizes, and characters.

Lombard Plan Commission

Re: PC 98-43

Page 11

## **RECOMMENDATION**

Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of the request as proposed:

Based on the information and testimony presented, the proposed text amendments comply with the standards required by the Lombard Zoning Ordinance, and, therefore, I move that the Plan Commission recommend to the Corporate Authorities approval of the text amendments described in PC 98-43.

Inter-Departmental Review Group Report Approved By:

---

David A. Hulseberg, AICP  
Director of Community Development

DAH:NMH:jd

m:\worduser\pccases\98\98-43\report.doc