



MEMORANDUM

TO: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP
Director of Community Development *WH*

DATE: January 21, 2010

SUBJECT: PC 09-30: Text Amendments to the Lombard Zoning Ordinance

Attached please find the following items for Village Board consideration as part of the January 21, 2010 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 09-30;
3. An ordinance amending Title 15, Chapter 155 of the Lombard Village Code related to I Limited Industrial District Performance Standards.

The Plan Commission recommended approval of the actions associated with this petition.

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January 21, 2010

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

Village President
William J. Mueller
Village Clerk
Brigitte O'Brien

**Subject: PC 09-30: Text Amendments to the Lombard Zoning Ordinance
pertaining to I Limited Industrial District Performance
Standards**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests approval of text amendments to the Lombard Zoning Ordinance pertaining to I Limited Industrial District Performance Standards. After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on December 21, 2009.

Village Manager
David A. Hulseberg

"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."

Christopher Stilling, Assistant Director of Community Development, presented the petition. He stated that the Village of Lombard is proposing text amendments to Section 155.421 of the Lombard Zoning Ordinance amending the performance standards within the I Limited Industrial District. These amendments are intended to address conflicts between the Zoning Ordinance and Fire Department requirements and to remove references within the Zoning Ordinance which are incorrect or out of date. The Department of Community Development and the Fire Department have conducted a review of the I Limited Industrial District performance standards to ensure the proper application and enforcement of these codes.

There were no inter-departmental comments other than that of the Lombard Fire Department Bureau of Fire Inspections who suggested eliminating the current language in "Section D" in its entirety and revising the language to make a single reference for Fire and Explosion Hazard Limitations to the International Fire Code, current edition.

Section 155.421(D) of the Lombard Zoning Ordinance provides fire and explosion hazard regulations which are separate and independent of the adopted International Fire Code and other established Village codes. These circumstances present the possibility that there may be conflicts between these separate sets of regulations. Following a review of Section 155.421(D), the Department of Community Development and Fire Department share the opinion that the Fire and Explosion Hazard Limitations should be amended and the new Section 155.421(D) should direct the reader to reference the adopted International Fire Code and other applicable Village ordinances.

The Fire Department has stated that the adopted Fire Code covers the Fire and Explosion Hazard Limitations listed in Section 155.421(D). By amending this section of the Industrial Performance Standards, the Village can reduce potential conflicts between the Zoning Ordinance, International Fire Code, International Building Code, and other Village Ordinances. As proposed, the new requirements will be updated each time a new version of the applicable codes are adopted, without having to process a text amendment.

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. Reciting the standards for text amendments as well as staff's responses to each, he noted that staff has addressed the required standards and recommends that the Plan Commission approve the changes as proposed.


Chairperson Ryan then opened the meeting for public comment. No one spoke for or against the petition.

Chairperson Ryan opened the meeting for comments from the Plan Commission.

Commissioner Sweetser referenced the staff report, specifically, the fourth text amendment standard. She indicated that she heard staff use the word "current" instead of "permissive" and commented that if that is the case then there is potentially, but probably not, a situation where we would have to be more conservative. She asked if permissive is the actual case or if that was changed because it would not make a difference. Mr. Stilling responded that the intent was to make the codes more current.

After due consideration of the petition and the testimony presented, the Plan Commission found that the petition complies with the standards required by the Lombard Zoning Ordinance; and, therefore, moved that the Plan Commission find that the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and therefore, by a roll call vote of 6-0, recommended to the Corporate Authorities approval of the petition associated with PC 09-30.

Respectfully,

VILLAGE OF LOMBARD

Donald F. Ryan
Chairperson
Lombard Plan Commission

att-
c. Petitioner
Lombard Plan Commission

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

TO: Lombard Plan Commission
FROM: Department of Community Development
PREPARED BY: Stuart Moynihan
Associate Planner

HEARING DATE: December 21, 2009

TITLE

PC 09-30; Text Amendments to the Lombard Zoning Ordinance: The Village of Lombard requests text amendments to Section 155.421 of the Lombard Zoning Ordinance amending the performance standards within the I Limited Industrial District.

GENERAL INFORMATION

Petitioner: Village of Lombard

ANALYSIS

DESCRIPTION

The Village of Lombard is proposing text amendments to Section 155.421 of the Lombard Zoning Ordinance amending the performance standards within the I Limited Industrial District. These amendments are intended to address conflicts between the Zoning Ordinance and Fire Department requirements and to remove references within the Zoning Ordinance which are incorrect or out of date. The Department of Community Development and the Fire Department have conducted a review of the I Limited Industrial District performance standards to ensure the proper application and enforcement of these codes.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

The Department of Public Works has no comments on the petition.

PRIVATE ENGINEERING SERVICES

The Private Engineering Services Division of Community Development has no comments on the petition.

BUILDING DIVISION

The Building Division of Community Development has no comments on the petition.

FIRE DEPARTMENT

The Lombard Fire Department, Bureau of Fire Prevention has reviewed the following text amendment proposals to the Village of Lombard Code of Ordinances and provides the following responses:

PC-09-31; §155.421, Eliminate current language in "Section D" in its entirety. Revise the language to make a single reference for Fire and Explosion Hazard Limitations to the International Fire Code, current edition.

PLANNING

Background

Section 155.421(D) of the Lombard Zoning Ordinance provides fire and explosion hazard regulations which are separate and independent of the adopted International Fire Code and other established Village codes. These circumstances present the possibility that there may be conflicts between these separate sets of regulations. Following a review of Section 155.421(D), the Department of Community Development and Fire Department share the opinion that the Fire and Explosion Hazard Limitations should be amended and the new Section 155.421(D) should direct the reader to reference the adopted International Fire Code and other applicable Village ordinances.

The Fire Department has stated that the adopted Fire Code covers the Fire and Explosion Hazard Limitations listed in Section 155.421(D). By amending this section of the Industrial Performance Standards, the Village can reduce potential conflicts between the Zoning Ordinance, International Fire Code, International Building Code, and other Village Ordinances. As proposed, the new requirements will be updated each time a new version of the applicable codes are adopted, without having to process a text amendment.

Standards for Text Amendments

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards and staff comments 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 proposed text amendments would be applicable to all I Limited Industrial District properties and are not intended to benefit any specific property.
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 and the I Limited Industrial District Performance Standards. Fire and Explosion Hazard Limitations will continue to be enforced as provided for in the adopted fire code.

3. *The degree to which the proposed amendment would create nonconformity:*

The proposed amendment creates no nonconformities and is likely to reduce nonconformities in the Village as conflicts between Village codes will be reduced.

4. *The degree to which the proposed amendment would make this ordinance more permissive;*

The proposed amendment would make the Zoning Ordinance more permissive. However, these limitations would be covered by the adopted Fire Code, Building Code, and other applicable Village Codes.

5. *The consistency of the proposed amendment with the Comprehensive Plan;*

The proposed amendments do not conflict with the Comprehensive Plan. The amendments will provide for a more effective protection of the public welfare and safety.

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 its Zoning Ordinance to address evolving circumstances presented by petition or otherwise. The proposed amendments are consistent with established Village policy in this regard.

Proposed Text Amendments

The proposed text amendments are noted below. Proposed additions to the Zoning Ordinance are underlined and portions that will be extracted are shown with strikethrough.

§155.421 I LIMITED INDUSTRIAL DISTRICT PERFORMANCE STANDARDS

D. Fire and Explosion Hazard Limitations

Fire and explosion hazards within the I Limited Industrial District shall comply with the limitations proscribed by the adopted International Fire Code, the adopted International Building Code, and all other applicable Village Codes.

~~The following regulations supplement those pertinent requirements contained in the Lombard Fire Prevention Code and all other applicable fire and explosion ordinances:~~

~~(1) The storage, utilization, or manufacture of materials or products ranging from incombustible to moderate burning as determined for liquids by a closed cup flash point of not less than 187 F is permitted subject to compliance with all other performance standards for the Limited Industrial District.~~

~~(2) The storage, utilization, or manufacture of materials or products ranging from free or active burning to intense burning as determined for liquids by a closed flash point of less than 187 F but not less than 105 F is permitted subject to compliance with all other performance standards for the Limited Industrial Districts, and provided the following conditions are met:~~

~~(a) Said materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having exterior walls of fire resistive construction in accordance with other ordinances in the Village Code of Lombard.~~

~~(b) Unless otherwise provided in this ordinance all such buildings or structures shall be set back at least 10 feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association; or if the materials, goods, or products are liquids, the protection thereof shall be in conformity with standards prescribed by the National Fire Protection Association.~~

~~(3) The utilization in manufacturing processes of materials which produce flammable or explosive vapors or gases as determined for liquids by a closed cup flash point of less than 105 F shall be permitted in the Limited Industrial Districts provided:~~

~~(a) that the final manufactured product does not itself have a closed cup flash point of less than 187 F;~~

~~(b) that the use and storage of such materials shall be in conformity with standards prescribed by the National Fire Protection Association and with the requirements of other ordinances in the Village Code of Lombard; and~~

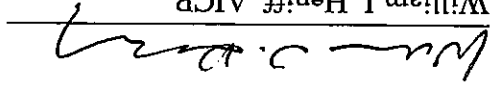
~~(c) that the storage of said materials shall be prohibited above ground.~~

FINDINGS AND RECOMMENDATIONS

Based on the above considerations, the Inter-Departmental Review Committee finds that the proposed text amendments meet the standards for text amendments as set forth within the Zoning Ordinance. Therefore, the IDRC recommends that the Plan Commission make the following motion recommending **approval** of the request as proposed:

Based on the submitted petition and the testimony presented, the proposed text amendments **do comply** with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-department Review Report be the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of the text amendments described in PC 09-30.

Inter-Departmental Review Group Report Approved By:


William J. Heniff, AICP

Director of Community Development

WJH

ORDINANCE

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS
(PC 09-30; 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 Code of Lombard, Illinois; and,

WHEREAS, Section 155.102 (E)(13) of the Zoning Ordinance directs the Director of Community Development to initiate a review of the provisions established within the Zoning Ordinance; and

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Zoning Ordinance and make necessary changes; and

WHEREAS, as the Director has identified and recommends text amendments to the Zoning Ordinance as set forth herein; and

WHEREAS, a public hearing to consider text amendments to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on December 21, 2009 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 400, of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

§155.421 I LIMITED INDUSTRIAL DISTRICT PERFORMANCE STANDARDS

D. Fire and Explosion Hazard Limitations

Fire and explosion hazards within the I Limited Industrial District shall comply with the limitations proscribed by the adopted International Fire Code, the adopted International Building Code, and all other applicable Village Codes.

The following regulations supplement those pertinent requirements contained in the Lombard Fire Prevention Code and all other applicable fire and explosion ordinances:

(1) The storage, utilization, or manufacture of materials or products ranging from combustible to moderate burning as determined for fluids by a closed cup flash point of not less than 187 F is permitted subject to compliance with all other performance standards for the Limited Industrial District.

(2) The storage, utilization, or manufacture of materials or products ranging from free or active burning to intense burning as determined for liquids by a closed flash point of less than 187 F but not less than 105 F is permitted subject to compliance with all other performance standards for the Limited Industrial District, and provided the following conditions are met:

(a) Said materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having exterior walls of fire resistive construction in accordance with other ordinances in the Village Code of Lombard.

(b) Unless otherwise provided in this ordinance all such buildings or structures shall be set back at least 40 feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association; or if the materials, goods, or products are liquids, the protection thereof shall be in conformity with standards prescribed by the National Fire Protection Association.

(3) The utilization in manufacturing processes of materials which produce flammable or explosive vapors or gases as determined for liquids by a closed cup flash point of less than 105 F shall be permitted in the Limited Industrial Districts provided:

(a) that the final manufactured product does not itself have a closed cup flash point of less than 187 F;

- (b) ~~that the use and storage of such materials shall be in conformity with standards prescribed by the National Fire Protection Association and with the requirements of other ordinances in the Village Code of Lombard; and~~
- (c) ~~that the storage of said materials shall be prohibited above ground.~~

SECTION 2: 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 _____, 2010.

First reading waived by action of the Board of Trustees this _____ day of _____, 2010.

Passed on second reading this _____ day of _____, 2010.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2010.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2010.

Brigitte O'Brien, Village Clerk