

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 : February 26, 2019 **(BOT) Date:** March 7, 2019

SUBJECT: PC 19-01, Text Amendment to the Zoning Ordinance: Replacement Air Conditioner Units

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

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 Section 155.212 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend standards for replacement of air conditioner units in front and corner side yards, and to amend the title to Section 155.212.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the March 7, 2019, Board of Trustees agenda with a waiver of first reading requested by staff

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: March 7, 2019

SUBJECT: **PC 19-01, Text Amendment to the Zoning Ordinance: Replacement Air Conditioner Units**

Please find the following items for Village Board consideration as part of the March 7, 2019, Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 19-01; and
3. An Ordinance granting text amendments to Section 155.212 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 March 7, 2019, Board of Trustees agenda with a waiver of first reading requested by staff.



VILLAGE OF LOMBARD

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March 7, 2019

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 19-01, Text Amendment to the Zoning Ordinance: Replacement Air Conditioner Units

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 Section 155.212 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend standards for replacement of air conditioner units in front and corner side yards, and to amend the title to Section 155.212.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on February 18, 2019. Sworn in to present the petition was Anna Papke, Senior Planner.

Chairperson Flint 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 Flint 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. Papke 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 related to replacement of existing air conditioner units. Currently, the Zoning Ordinance allows new AC units to encroach into rear yards, but prohibits encroachment into front, corner side and side yards. Replacement AC units may encroach into rear yards and also side yards, but still cannot encroach into front or corner side yards, regardless of their current location.

During permit review, staff has encountered situations in which homeowners with existing AC units in front or corner side yards request permits to replace the condenser in the same location as the previous unit. The current regulations prohibit staff from issuing these permits. Staff recognizes that moving the condenser for an existing AC system presents practical and financial challenges to many homeowners. Staff proposes to amend the Zoning Ordinance to allow for replacement of existing AC units in front and corner side yards. The proposed regulations are similar in nature to the previous amendment to the Zoning Ordinance that provided for replacement of AC units in side yards. Standards for new AC units will not change; new units will continue to be prohibited in front, corner side, and side yards.

Staff also proposes amending the section title from “Front yard obstructions” to “Permitted obstructions in required yards.” The section title was inadvertently changed with a text amendment in 2018, and staff proposes to change it back to its original wording.

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

Commissioner Burke asked if permits are required to replace AC units or install new AC units. Ms. Papke said permits are required for both types of work.

Commissioner Burke asked for clarification on the permitted obstructions table, and whether if something is prohibited in the side yard, would that mean the item could not be on the side of the house at all. Ms. Papke stated that so long as the item in question remained outside the side yard setback, it could be along the side of the house.

On a motion by Commissioner Sweetser, and a second by Commissioner Mrofcza, the Plan Commission voted 6-0 to recommend that the Village Board approve the petition associated with PC 19-01.

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, SECTION 155.212,
OF THE LOMBARD ZONING CODE

PC 19-01: Text Amendments to the Zoning Ordinance: Replacement Air Conditioner Units

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 February 18, 2019, 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 155.212 of the Lombard Zoning Ordinance shall be amended to read in part as follows:

§ 155.212 – ~~Front Yard Obstructions.~~ **Permitted obstructions in required yards.**

Table 2.1
PERMITTED OBSTRUCTIONS

Type of Structure or Use Obstruction X = Permitted Obstruction	Front and Corner Side Yard	Side Yards	Rear Yard
Central air-conditioning systems, replacement	<u>Must meet footnote E and F</u>	Must meet footnote E and F	Must meet footnote F

Ordinance No. _____
Re: PC 19-01
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SECTION 3: 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 _____, 2019.

First reading waived by action of the Board of Trustees this ____ day of _____, 2019.

Passed on second reading this ____ day of _____, 2019.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2019.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this ____ day of _____, 2019.

Sharon Kuderna, Village Clerk