

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager

DATE: May 29, 2012 (BOT) Date: June 7, 2012

TITLE: PC 12-12: Text Amendments to the Zoning and Sign Ordinances

SUBMITTED BY: Department of Community Development *idls*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The Village of Lombard is requesting the following text amendments to the Zoning and Sign Ordinances:

1. Section 155.205 of the Zoning Ordinance relative to fencing materials.
2. Section 155.212 of the Zoning Ordinance relative to permitted encroachments.
3. Chapter 153 (Sign Ordinance) relative to balloons. (DISTRICTS - ALL)

The Plan Commission recommended approval of this request.

Please place this item on the June 7, 2012 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X _____	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: David A. Hulseberg, Village Manager

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

DATE: June 7, 2012

SUBJECT: **PC 12-12; Text Amendments to the Zoning and Sign Ordinances**

Attached please find the following items for Village Board consideration as part of the June 7, 2012 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 12-12;
3. Continuance Memorandum for PC 12-12;
4. An Ordinance approving text amendments to the Lombard Zoning Ordinance Title 15, Chapter 155 of the Code of Lombard, Illinois; and
5. An Ordinance approving text amendments to the Lombard Sign Ordinance Title 15, Chapter 153 of the Code of Lombard, Illinois.

The Plan Commission recommended approval of the text amendments associated with the petition.



VILLAGE OF LOMBARD

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June 7, 2012

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees
Greg Alan Gron, Dist. 1
Keith T. Giagnorio, Dist. 2
Zachary C. Wilson, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

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."

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

Subject: PC 12-12; Text Amendments to the Zoning and Sign Ordinances

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard requests a text amendment to Section 155.205 of the Lombard Zoning Ordinance relative to fencing materials; Section 155.212 of the Zoning Ordinance relative to permitted encroachments; and, Chapter 153 (Sign Ordinance) relative to balloons.

Please note: At the April 16, 2012 Plan Commission meeting, Plan Commissioners continued the text amendments associated with PC 12-12 to the May 21, 2012 meeting to allow staff time to further research the topics relative to generator noise emission and the balloon provisions. As such, the information included in this referral letter will reflect both meetings.

April 16, 2012 Meeting

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on April 16, 2012.

Chairperson Ryan noted that the petition would be presented by the Village.

Michael Toth, Planner I, presented the staff report. The Village has a history of amending its Zoning and Sign Ordinances to address evolving circumstances presented by petition or otherwise. As a result, staff is proposing to amend the Zoning Ordinance requirement that fences or walls within fifteen feet of any multi-family, business, office and industrial buildings must be of a fire resistant type of construction. Staff is also requesting to add generators, and amend new central air-conditioning units, as permitted encroachments into rear yards. The Sign Ordinance provisions relative to balloons have been examined and are also being requested for amendment accordingly.

There are three text amendments being requested as part of this petition:

Section 155.205 of the Zoning Ordinance relative to fencing materials.

The Zoning Ordinance currently requires that fences or walls within fifteen (15) feet of any multi-family, business, office and industrial buildings be of a fire resistant type of construction. Typically, any requirement relative to the material of a structure (including fences) is specifically addressed in the Building Code. As the current Building Code no longer requires fire resistant type of construction for fencing adjacent to commercial structures, staff is proposing to eliminate this provision. The proposed amendment will also help create consistency in the style and design of the fencing.

Section 155.212 of the Zoning Ordinance relative to permitted encroachments.

Staff has witnessed an increased demand for emergency residential generators. As generators are not listed as a permitted encroachment, they are currently required to be placed in the buildable area of a property (must meet current setbacks). Unlike a structure, such as a fence or shed, there are more critical elements involved with the piping and electrical components of a home that make generator placement more complicated. As residential generators are similar to the size and operation to that of a central air-conditioning unit, staff believes that generators should be regulated in the same manner as a new central air-conditioning unit.

Staff believes that it would be in the public interest to allow both generators and new central air-conditioning units within the rear yard area. New central air-conditioning units are currently listed as a permitted encroachment in the rear yard only, as long as the unit does not encroach more than four (4') feet into the rear yard. Staff is proposing provisions that would allow both generators and new central air-conditioning units to encroach up to ten (10') feet into the required rear yard area. The revised setback would allow for greater opportunity for placing such structures away from the principal structures on neighboring properties. This amendment would also benefit non-conforming properties that do not meet the current rear yard setbacks. To ensure minimal impact onto adjacent properties, both new structures would still be prohibited in the side yard.

As previously stated, current code does not specifically make reference to generators and they are therefore regulated as accessory structures. As part of this amendment, staff is proposing to specifically identify generators within the "Permitted Obstructions" list of Section 155.212. To minimize impact on adjacent properties with noise, staff is proposing to provide a restriction to ensure that emergency generators are for standby electrical power only and not as a primary power source. It should be noted that through staff's research, we have found that emergency generators will turn on for a self-diagnostic check a few times per week for up to 20 minutes.

In 2009 (PC 09-19), the Village approved text amendments to the Lombard Zoning Ordinance to establish replacement central air-conditioning systems as permitted obstructions in certain side and rear yards as long as a) the unit does not further encroach into the requisite yard than the previous unit and b) the unit does not encroach more than four feet (4') into the requisite yard. Staff recognized the costs associated with the relocation of a central air conditioning unit. Therefore, staff found that allowing replacement air conditioning systems to be listed as a permitted encroachment in the interior side yard (with restrictions) would reduce the number of variation requests, encourage residents to obtain a permit, eliminate relocation costs and maintain the existing character of residential properties throughout the Village.

Chapter 153 (Sign Ordinance) relative to balloons.

There has been an increasing demand from the business community to have greater flexibility to effectively advertise their businesses. To address such need, the sign provisions were amended in 2011 (as part of PC 11-16) to allow balloons that are less than two feet when measured in any dimension on a lawfully-established sandwich board. Staff is now proposing further amendments to the signage provisions relative to balloons.

When the Village approved the text amendments as part of PC 09-26, relative to the regulation of temporary signage, the definition of attention-getting devices was amended to include balloons (less than two feet in diameter) as attention-getting devices. Under the attention-getting device regulations such devices (including balloons (less than two feet in diameter)) require a permit and can only be displayed for a certain time period. The permits are restricted to 14 days each with four permits being allowed for the calendar year. As there has been a growing desire by the business community to effectively draw attention to their establishment, staff is proposing to remove reference to 'balloons (less than two feet in diameter)' as an attention-getting device and relocate 'balloons (less than two feet in diameter)' to Section 153.206 'Signs Not Subject to a Permit'. With this amendment, businesses would be able to have balloons, 2' or less in diameter, year round and without needing a permit. Provisions related to property maintenance and removing deflated balloons would still be applicable.

Staff finds that the proposed amendments will not be detrimental to public safety or neighborhood aesthetics, but rather will provide businesses with another tool to effectively draw attention to their establishments and recommends approval of the petition.

Chairperson Ryan asked if there was anyone present who would like to speak in favor or against the petition or who had questions of the staff report.

Neil Konrardy, 101 E. Prairie, Lombard, spoke regarding generators and the noise they create. He mentioned his previous discussions with Mr. Heniff about the noise levels coming from the generator located next door which is permanently installed and a nuisance. He mentioned that he has researched the topic of sound associated with generators and found that when measuring noise levels you should not only take into consideration decibel levels but also hertz levels. He noted there is a State standard that deals with noise and he asked the following questions:

1. Has the Village reviewed the State standard and if so, will these amendments comply with it?
2. Has the Village looked at the operating circumstances associated with this proposed change? He asked what a 10' requisite yard is and if it takes into account noise levels, vibrations, etc. and other issues associated with the permanent generators. He wanted to make sure that staff has taken these things into account.
3. What will happen to the generators that currently exist - will they be grandfathered?
4. Aside from the location of these units, has the Village considered noise containment and to what standard it ought to apply?

Lastly, he hoped that this text amendment would bring him relief from the existing condition.

Christopher Stilling, Assistant Director of Community Development, answered:

1. In response to the definition of a requisite yard. A current rear yard setback of a single family lot is 35 feet. Air conditioner units and generators can only be located on a buildable lot and can be no closer than 6' in a corner side yard so for your situation, there would be no code change. This amendment focuses on units being able to encroach into the rear yard setback and be allowed as far as 25' from the rear yard setback line. Mr. Stilling stated he is familiar with the home he is referring to and in most cases it is best to locate a generator in the rear yard. This code change will only affect where generators can be located in the rear yard and encourages that they be located there.
2. Relative to your situation and the generator being grandfathered, this particular generator is currently located within a side yard that meets the 6' setback and is legal by code. The important thing to note is that the Village is currently trying to alleviate future concerns as the Zoning Ordinance is silent on how generators are currently regulated. This amendment limits operating a generator in emergency situations only and not using it as a power source.
3. As far as a noise nuisance, the State does have requirements with regard to decibel levels. The challenge is that there has to be an ongoing problem. Exemplifying lawnmowers, he explained how it is difficult to enforce a statute when it's a sporadic action. Further, when the action of running a generator is due to a major storm event and people are without electricity, one of the main attractions of having a generator is that it can run a sump pump or a backup.
4. Noise containment - Staff looked at other communities and how they regulated this. Fencing could be an option but it can also make matters worse and actually increase noise levels. From staff's perspective this amendment is making the code more restrictive by limiting the use of generators for emergency purposes only and forcing their placement into the rear yard rather than in the side yard which is closer to neighbors.

Chairperson Ryan opened the meeting for comments among the Commissioners.

Commissioner Sweetser stated she wanted to summarize staff's responses to ensure she understood the amendment correctly:

1. A permanent generator can be either located in the rear yard or possibly in the side yard but only if it is located up to the 6' setback.
2. It will only be allowed to run either for a 20 minute, self-diagnostic check a few times per week or in an emergency situation in which case it is exempt.
3. Other than that, the action would be open to some type of monitoring and if someone were to complain about the noise level, it would be checked out.

Mr. Stilling answered yes because with this amendment there would be provisions in place.

Commissioner Sweetser asked if appropriate measures would be taken to provide relief. Mr. Stilling answered yes. If the generator is running constantly and we can determine through ComEd that there is a pattern as to the generator being used as a primary power source and not an emergency source, we have measures to notify them and correct it.

Commissioner Sweetser asked if there was anything additional that could be used to determine if there was a misuse to ensure that appropriate measures need to be taken. Mr. Stilling answered that staff has looked at noise provisions and tried to minimize reference to those because it is very difficult to enforce. The Village does not have the equipment or the expertise to conduct a noise analysis.

Commissioner Sweetser asked if the Village could subcontract that out or would it be cost prohibitive due to the number of times it might be used. Mr. Stilling answered that the State does have a noise statute which regulates nuisances.

Chairperson Ryan asked if the State governs generator noise. Mr. Stilling answered that it governs any noise coming off a property.

Chairperson Ryan asked if State statutes govern the allowable amount of emitted noise of generators during the manufacturing process so that when the unit is being purchased and placed on a property it passes State regulations. Mr. Stilling answered that he wasn't sure.

Commissioner Cooper asked if using a generator 20 minutes in a week falls into the emergency category. Mr. Stilling answered that a happy medium needs to be reached in order for self-diagnostics to be done.

Commissioner Cooper confirmed that this amendment is focusing on generators being located in the rear yard. Mr. Stilling answered, yes, and in addition they are only to be used for emergency purposes.

Commissioner Cooper asked if the example presented today qualifies as a nuisance and if the proposed amendment would help him in any way to alleviate the problem. Mr. Stilling answered that this amendment will be primarily for future users as we are proposing a level of restriction.

Commissioner Cooper asked how many times a week the Village issues permits on this matter. Mr. Stilling answered there are a few outstanding permits awaiting the outcome of this text amendment.

Mr. Toth added that most people do not have the option of putting an air conditioning unit or generator in their side yard as they will not meet the criteria for putting it there. We have had a few cases presented before the ZBA requesting this be allowed so this amendment will promote putting them in the rear yard by allowing additional space in order to keep them out of the side yard.

Commissioner Flint asked if it is more advantageous to put them in the rear yard relative to noise and sound.

Commissioner Sweetser added that it is reasonable to check and see if the units need to meet State requirements before they are bought in order to eliminate the potential for the types of problems previously described.

Mr. Stilling stated that this item could be tabled so staff can conduct the appropriate research to see what decibel levels are allowable as they relate to State requirements. Mr. Stilling asked Village Counsel if the other amendments can be considered tonight or if the whole petition needs to be continued. Village Counsel Wagner suggested the whole petition be continued.

Commissioner Mrofcza stated that the proposed amendment indicates that we want to ensure minimal impact on adjacent properties and asked if there is new construction, would they automatically have to be located in the rear yard. Mr. Stilling answered that they can still be located in the side yard if it meets the 6' setback.

Commissioner Cooper referenced the proposed balloon amendment. She recalled how they previously discussed this issue and how she was reluctant to allow it. Now they are being asked to reconsider allowing balloons to go everywhere. She thought this amendment goes too far, the issue could get out of control if a permit is not required and wondered how flexible we need to be to allow people to get attention.

Mr. Stilling answered that since the last balloon code amendment; we found that we have less of a problem than we thought we would have. Most businesses take it upon themselves to ensure that the balloons are where they should be and retain an aesthetic appearance, but it is becoming an ongoing code enforcement activity.

Commissioner Cooper suggested that we restrict balloons entirely. Mr. Stilling stated that you will still see people put balloons up. Our recommendation is to give them the ability to do this and allow them to do a good job regulating themselves. They have been diligent so far and we are trying to be as business friendly as possible. We are trying to provide a balance, and if it becomes a problem in the future, we can revisit the issue. Balloons are still prohibited in a clear line of sight area and cannot be an obstruction for ingress/egress.

Commissioner Cooper asked if this would permit businesses along Roosevelt Road to have balloons every 10'. Mr. Stilling answered they would not likely be found on Roosevelt Road as balloons are usually located off the entrance of a building and attached to something like an entrance sign or a nearby drive through sign.

May 21, 2012 Meeting

Chairperson Ryan noted that the petition would be presented by the Village.

Michael Toth, Planner I, presented the continuance memorandum. At the April 16, 2012 Plan Commission meeting, staff presented text amendments to the Zoning and Sign Ordinances related to the following:

- The Zoning Ordinance requirement that fences or walls within fifteen (15) feet of any multi-family, business, office and industrial buildings must be of a fire resistant type of construction was proposed for removal.
- Add generators and amend new central air-conditioning units, as permitted encroachments into rear yards.

- The Sign Ordinance provisions relative to balloons have been examined and are also being requested for amendment accordingly.

At the April 16, 2012 Plan Commission meeting, Plan Commissioners continued the text amendments associated with PC 12-12 to the May 21, 2012 meeting to allow staff time to further research the topics relative to generator noise emission and the balloon provisions. The following is a summary of staff findings:

Generators

Emergency standby generators are currently not listed as a permitted encroachment within any required yards. As residential generators are similar to the size and operation to that of a central air-conditioning unit, staff believes that generators should be regulated in the same manner as a new central air-conditioning unit. Staff believes that it would be in the public interest to allow both generators and new central air-conditioning units within a portion of the rear yard area, as opposed to a side yard encroachment, to minimize impacts and encourage a location with minimal impact. Staff has witnessed an increased demand for emergency residential generators. To fulfill the demand to allow these units while minimizing the potential impact onto adjacent properties, staff is proposing to also provide a restriction to ensure that emergency generators are for standby electrical power only and not as a primary power source.

For clarification, staff notes that the proposed text amendments would allow emergency generators and new central air conditioning condensers to be placed ten (10) feet into the required rear yard only; however, both items would still be prohibited in the required side yard setback. A majority of the discussion centered on the State noise emission requirements and the Village's ability to enforce certain noise requirements. As noted at the meeting, staff has concerns about adding additional restriction pertaining to noise requirements due to the lack of training and equipment needed to enforce such requirements. Furthermore, the costs of hiring an outside consultant to review issues as they arise is also very costly.

Staff's Findings Pertaining to Generator Noise

In order to verify that the residential emergency generator units that have been approved by the Village have been operating per the State's Sound Emission Standards and Limitations For Property Line-Noise-Sources, staff reviewed generator permits approved over the last two years and compared them to the State requirements. Staff found that highest capacity residential unit (20 kW) (that received a permit) operates at 60Hz and had a sound output of 66 dB(A), when measured at 23 feet at normal operating conditions. Moreover, the unit has a sound output of 60 dB(A) during its exercise period, which is 12 minutes per week. The following is the State of Illinois requirements pertaining to noise pollution:

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE H: NOISE

CHAPTER I: POLLUTION CONTROL BOARD

PART 901

SOUND EMISSION STANDARDS AND LIMITATIONS FOR PROPERTY LINE-NOISE-SOURCES

Section 901.102 *Sound Emitted to Class A Land*

- a) *Except as elsewhere in this Part provided, no person shall cause or allow the emission of sound during daytime hours from any property-line-noise-source located on any Class A, B or C land to any receiving Class A land which exceeds any allowable octave band sound pressure level specified in the following table, when measured at any point within such receiving Class A land, provided, however, that no measurement of sound pressure levels shall be made less than 25 feet from such property-line-noise-source.*

*Octave Band Center Allowable Octave Band Sound Pressure Levels (dB) of Sound
 Frequency (Hertz) Emitted to any Receiving Class A Land from*

*Class A Land
 (Residential)*

<i>31.5</i>	<i>72</i>
<i>63</i>	<i>71</i>
<i>125</i>	<i>65</i>
<i>250</i>	<i>57</i>
<i>500</i>	<i>51</i>
<i>1000</i>	<i>45</i>
<i>2000</i>	<i>39</i>
<i>4000</i>	<i>34</i>
<i>8000</i>	<i>32</i>

As the table above illustrates, a unit operating at the 63Hz level would be have a maximum allowable sound emission to a Class A land (residential) of 71 dB(A). As previously mentioned, staff found that highest capacity residential unit (20 kW) permitted by the Village operates at 60Hz and had a sound output of 66 dB(A), which meets the State’s sound emission requirements. To put this in perspective, a typical lawnmower has 60dB(A) when measured from 30 feet.

Surrounding Communities Generator Provisions

In order to provide additional information on the topic, staff also reviewed regulations of surrounding communities that were also experiencing similar issues pertaining to emergency generator location. Staff found that in 2011, the Village of Burr Ridge amended their zoning regulations to permit standby generators in side yards, which were previously permitted in rear yards only. Upon speaking with Burr Ridge staff, they indicated that their research indicated that most, if not all, generators create equal or less noise than central air conditioning units, which they also permit in side yards. Village of Burr Ridge staff also indicated that the amendments have not caused any issues relative to noise complaints caused by standby generators being located in the side yard. It should be noted that Burr Ridge’s noise requirements are “75 decibels measured 23 feet from the generator”. Burr Ridge also has some landscaping screening requirements as well; however, staff notes that the proposed Village of Lombard amendments would allow emergency generators to be located in a portion of the rear yard only. While additional screening and size provisions could be beneficial, staff believes that allowing emergency generators in the rear yard only will keep them a far enough distance to be within the

State guidelines and not create a nuisance to surrounding properties. It is not staff's intent to create additional provisions for the side yard as new generators would have to meet the respective zoning district's setback requirements.

Balloons

There has been an increasing demand from the business community to have greater flexibility to be able effectively advertise their businesses. To address such need, the sign provisions were amended in 2011 (as part of PC 11-16) to allow balloons that are less than two feet when measured in any dimension on a lawfully-established sandwich board. Staff is now proposing further amendments to the signage provisions relative to balloons. As there has been a growing desire by the business community to effectively draw attention to their establishment, staff is proposing to remove reference to 'balloons (less than two feet in diameter)' as an attention-getting device and relocate 'balloons (less than two feet in diameter)' to Section 153.206 'Signs Not Subject to a Permit'. With this amendment, businesses would be able to have balloons, 2' or less in diameter, year round and without needing a permit.

Staff's Findings regarding Balloons

Staff reevaluated the proposed balloon amendments in consideration of the over-advertising and hazard concerns raised by the Plan Commission. While staff believes that the proposed amendments will provide businesses with another tool to effectively draw attention to their establishment, it is important to ensure that the Village remains aesthetically-pleasing. Most businesses do take it upon themselves to actively monitor their own property, as to avoid becoming unsightly, but the balloon issue has become an ongoing code enforcement activity. Even with a full prohibition, businesses will continue to display balloons. Staff believes that it would be more productive to have regulations in place and allow balloons as opposed to a prohibition with negative results.

There are certain prohibitions in place that prevent certain structures, including signs, in clear line of sight areas. The Plan Commission raised concern relative to the placement of balloons in areas that could also pose a line of sight hazard. While balloons would not be able to be placed on structures within clear line of sights areas, staff would like to revise the proposed amendments to ensure that balloons remain clear of clear line of sight areas. As such, staff is proposing to further amend the definition of 'Balloons' to include language that prohibits balloons from being more than two (2) feet from the structure by which it is attached to. The balloons would still be required to be two (2) feet or less measured in any dimension, but the revision would require that the balloons be located a required distance (two feet) from the structure to ensure that the balloons do not end up in clear line of sight areas or become obstructions.

Staff is proposing the same amendments to balloons with the following revisions being made to the definition of 'balloon':

SIGN, BALLOONS

A type of inflatable sign which retains its shape from inflating with air, helium, or other gaseous elements, ~~and~~ is two (2) feet or less measured in any dimension: which is affixed to a structure by means of attachment less than two (2) feet in length.

Summary

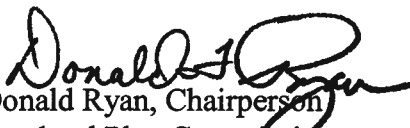
Staff recommends that the Plan Commission proceed with the fence and generator amendments as previously proposed, and attached to the IDRC report as Exhibit A. Staff also stressed that the intent of such amendments is to make it easier to install emergency generator units in rear yards only in order to minimize impacts on adjacent properties. Lastly, staff recommends that the Plan Commission also adopt the revised amendments relative to balloons.

Chairperson Ryan opened the meeting to the Commissioners. The Commissioners had no questions or comments.

On a motion by Commissioner Burke and a second by Commissioner Sweetser, the Plan Commission voted 6 to 0 that the Village Board **approve** the text amendments associated with PC 12-12.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission



MEMORANDUM

TO: LOMBARD PLAN COMMISSION
Donald Ryan, Chairperson

FROM: Chris Stilling, Assistant Director of Community Development 

DATE: May 21, 2012

SUBJECT: PC 12-12; Text Amendments to the Zoning and Sign Ordinances

At the April 16, 2012 Plan Commission meeting, staff presented text amendments to the Zoning and Sign Ordinances related to the following:

- The Zoning Ordinance requirement that fences or walls within fifteen (15) feet of any multi-family, business, office and industrial buildings must be of a fire resistant type of construction was proposed for removal.
- Add generators and amend new central air-conditioning units, as permitted encroachments into rear yards.
- The Sign Ordinance provisions relative to balloons have been examined and are also being requested for amendment accordingly.

At the April 16, 2012 Plan Commission meeting, Plan Commissioners continued the text amendments associated with PC 12-12 to the May 21, 2012 meeting to allow staff time to further research the topics relative to generator noise emission and the balloon provisions. The following is a summary of staff findings:

Generators

Emergency standby generators are currently not listed as a permitted encroachment within any required yards. As residential generators are similar to the size and operation to that of a central air-conditioning unit, staff believes that generators should be regulated in the same manner as a new central air-conditioning unit. Staff believes that it would be in the public interest to allow both generators and new central air-conditioning units within a portion of the rear yard area, as opposed to a side yard encroachment, to minimize impacts and encourage a location with minimal impact. Staff has witnessed an increased demand for emergency residential generators. To fulfill the demand to allow these units while minimizing the potential impact onto adjacent properties, staff is proposing to also provide a restriction to ensure that emergency generators are for standby electrical power only and not as a primary power source.

For clarification, staff notes that the proposed text amendments would allow emergency generators and new central air conditioning condensers to be placed ten (10) feet into the required rear yard only; however, both items would still be prohibited in the required side yard

setback. A majority of the discussion centered on the State noise emission requirements and the Village's ability to enforce certain noise requirements. As noted at the meeting, staff has concerns about adding additional restriction pertaining to noise requirements due to the lack of training and equipment needed to enforce such requirements. Furthermore, the costs of hiring an outside consultant to review issues as they arise is also very costly.

Staff's Findings Pertaining to Generator Noise

In order to verify that the residential emergency generator units that have been approved by the Village have been operating per the State's Sound Emission Standards and Limitations For Property Line-Noise-Sources, staff reviewed generator permits approved over the last two years and compared them to the State requirements. Staff found that highest capacity residential unit (20 kW) (that received a permit) operates at 60Hz and had a sound output of 66 dB(A), when measured at 23 feet at normal operating conditions. Moreover, the unit has a sound output of 60 dB(A) during its exercise period, which is 12 minutes per week. The following is the State of Illinois requirements pertaining to noise pollution:

*TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE H: NOISE
 CHAPTER I: POLLUTION CONTROL BOARD*

*PART 901
 SOUND EMISSION STANDARDS AND LIMITATIONS FOR PROPERTY LINE-NOISE-SOURCES*

Section 901.102 Sound Emitted to Class A Land

- a) *Except as elsewhere in this Part provided, no person shall cause or allow the emission of sound during daytime hours from any property-line-noise-source located on any Class A, B or C land to any receiving Class A land which exceeds any allowable octave band sound pressure level specified in the following table, when measured at any point within such receiving Class A land, provided, however, that no measurement of sound pressure levels shall be made less than 25 feet from such property-line-noise-source.*

Octave Band Center Frequency (Hertz) Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted to any Receiving Class A Land from

*Class A Land
 (Residential)*

<i>31.5</i>	<i>72</i>
<i>63</i>	<i>71</i>
<i>125</i>	<i>65</i>
<i>250</i>	<i>57</i>

500	51
1000	45
2000	39
4000	34
8000	32

As the table above illustrates, a unit operating at the 63Hz level would be have a maximum allowable sound emission to a Class A land (residential) of 71 dB(A). As previously mentioned, staff found that highest capacity residential unit (20 kW) permitted by the Village operates at 60Hz and had a sound output of 66 dB(A), which meets the State’s sound emission requirements. To put this in perspective, a typical lawnmower has 60dB(A) when measured from 30 feet.

Surrounding Communities Generator Provisions

In order to provide additional information on the topic, staff also reviewed regulations of surrounding communities that were also experiencing similar issues pertaining to emergency generator location. Staff found that in 2011, the Village of Burr Ridge amended their zoning regulations to permit standby generators in side yards, which were previously permitted in rear yards only. Upon speaking with Burr Ridge staff, they indicated that their research indicated that most, if not all, generators create equal or less noise than central air conditioning units, which they also permit in side yards. Village of Burr Ridge staff also indicated that the amendments have not caused any issues relative to noise complaints caused by standby generators being located in the side yard. It should be noted that Burr Ridge’s noise requirements are “75 decibels measured 23 feet from the generator”. Burr Ridge also has some landscaping screening requirements as well; however, staff notes that the proposed Village of Lombard amendments would allow emergency generators to be located in a portion of the rear yard only. While additional screening and size provisions could be beneficial, staff believes that allowing emergency generators in the rear yard only will keep them a far enough distance to be within the State guidelines and not create a nuisance to surrounding properties. It is not staff’s intent to create additional provisions for the side yard as new generators would have to meet the respective zoning district’s setback requirements.

Balloons

There has been an increasing demand from the business community to have greater flexibility to be able effectively advertise their businesses. To address such need, the sign provisions were amended in 2011 (as part of PC 11-16) to allow balloons that are less than two feet when measured in any dimension on a lawfully-established sandwich board. Staff is now proposing further amendments to the signage provisions relative to balloons. As there has been a growing desire by the business community to effectively draw attention to their establishment, staff is proposing to remove reference to ‘balloons (less than two feet in diameter)’ as an attention-getting device and relocate ‘balloons (less than two feet in diameter)’ to Section 153.206 ‘Signs Not Subject to a Permit’. With this amendment, businesses would be able to have balloons, 2’ or less in diameter, year round and without needing a permit.

Staff's Findings regarding Balloons

Staff reevaluated the proposed balloon amendments in consideration of the over-advertising and hazard concerns raised by the Plan Commission. While staff believes that the proposed amendments will provide businesses with another tool to effectively draw attention to their establishment, it is important to ensure that the Village remains aesthetically-pleasing. Most businesses do take it upon themselves to actively monitor their own property, as to avoid becoming unsightly, but the balloon issue has become an ongoing code enforcement activity. Even with a full prohibition, businesses will continue to display balloons. Staff believes that it would be more productive to have regulations in place and allow balloons as opposed to a prohibition with negative results.

There are certain prohibitions in place that prevent certain structures, including signs, in clear line of sight areas. The Plan Commission raised concern relative to the placement of balloons in areas that could also pose a line of sight hazard. While balloons would not be able to be placed on structures within clear line of sights areas, staff would like to revise the proposed amendments to ensure that balloons remain clear of clear line of sight areas. As such, staff is proposing to further amend the definition of 'Balloons' to include language that prohibits balloons from being more than two (2) feet from the structure by which it is attached to. The balloons would still be required to be two (2) feet or less measured in any dimension, but the revision would require that the balloons be located a required distance (two feet) from the structure to ensure that the balloons do not end up in clear line of sight areas or become obstructions.

Staff is proposing the same amendments to balloons with the following revisions being made to the definition of 'balloon':

SIGN, BALLOONS

A type of inflatable ~~sign~~ which retains its shape from inflating with air, helium, or other gaseous elements, ~~and~~ is two (2) feet or less measured in any dimension- which is affixed to a structure by means of attachment less than two (2) feet in length.

Summary

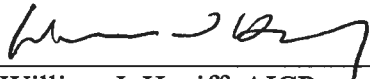
Staff recommends that the Plan Commission proceed with the fence and generator amendments as previously proposed, and attached hereto as Exhibit A. Staff also stresses that the intent of such amendments is to make it easier to install emergency generator units in rear yards only in order to minimize impacts on adjacent properties. Lastly, staff recommends that the Plan Commission also adopt the revised amendments relative to balloons.

FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee recommends that the petition as presented does meet the standards set forth in the Zoning Ordinance and recommends that 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 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 12-12.

Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP
Director of Community Development

Exhibit A

CHAPTER 155: ZONING CODE

SECTION 2: GENERAL PROVISIONS

155.205 “Fences, Wall and Hedges”

(1) Fences or walls in Residential Districts.

(a) Fence or Wall Materials Fences or walls in residential districts shall not include the use of barbed wire or other material intended to maintain security by means of bodily injury. Electrified fences shall not be permitted in residential districts. ~~Fences or walls within fifteen feet (15’) of any multi-family building must be of fire resistant type of construction, as approved by the Building Division.~~ Materials for fences or walls in the clear line of sight area shall meet the requirements of Section 155.205(A)(1)(e) of this Chapter.

(2) Fences or Walls in Business and Office Districts

(a) Fence or Wall Materials The use of barbed wire shall be permitted only around approved outside storage areas and only at a height greater than six feet (6’) and less than eight feet (8’) above the ground. No electrified fences shall be permitted. ~~Fences or walls within fifteen feet (15’) of any building must be of fire resistant type construction, as approved by the Building Division.~~ Materials for fences or walls in the clear line of sight area shall meet the requirements of Section 155.205(A)(2)(e) of this Chapter.

(3) Fences or Walls in Industrial Districts

(a) Fence or Wall Materials. The use of barbed wire shall be permitted only around approved outside storage areas and only at a height greater than eight feet (8’) and less than ten feet (10’) above the ground. No electrified fences or walls shall be permitted. ~~All fences within fifteen feet (15’) of any building must be of fire resistant type of construction, as approved by the Bureau of Inspectional Services.~~ Materials for fences or walls in the clear line of sight area shall meet the requirements of Section 155.205(A)(3)(e) of the Chapter.

155.212 “Permitted Obstructions In Required Yards”

Types of Structure or Use Obstruction X = Permitted Obstruction	Front & Corner Side Yard	Interior Side Yards	Rear Yard
Central air-conditioning systems, new			Must meet footnote F
Emergency Generators, provided for standby			Must meet footnote F

<u>electrical power but not as a primary power source</u>			
---	--	--	--

F. The unit shall not encroach more than ~~four~~ ten feet (410') into the requisite yard.

CHAPTER 153: SIGNS

153.206 SIGNS NOT SUBJECT TO A PERMIT

The following named signs will not require a permit unless the sign is illuminated. They shall meet any requirements incorporated in this ordinance.

- (A) Residential Directional Signs
- (B) Political Campaign Signs, which are sixteen (16) square feet or less in area
- (C) Window Displays
- (D) Rummage or Garage Sale Signs
- (E) Nameplates
- (F) Real Estate Signs for Single Family Residences
- (G) Flags
- (H) Holiday Decorations
- (I) Motor Fuel Promotional Signs
- (J) Traffic Control Signs
- (K) Sponsor Signage
- (L) Balloons

153.602 DEFINITIONS

ATTENTION GETTING DEVICE

Any flag festoon, valance, propeller, pole covers, spinner, streamer, searchlights, ~~balloons two (2) feet or less measured in any dimension,~~ and any similar device or ornamentation designated for the purposes of attracting attention, promoting or advertising, without conveying a specific message or copy.

SIGN, BALLOONS

A type of inflatable ~~sign~~ which retains its shape from inflating with air, helium, or other gaseous elements, ~~and is two (2) feet or less measured in any dimension-~~ which is affixed to a structure by means of attachment less than two (2) feet in length.

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 amendments will be applicable throughout the entire Village.

2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*

The proposed amendments are consistent with the objectives of the ordinance and intent of the applicable zoning districts in that they do not change the intent of any current regulations. Rather, they are meant to clarify the language currently within the Village Code.

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

The proposed amendments would create no nonconformities as they actually make the Zoning Ordinance more permissive.

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

The proposed amendments will make the ordinance more permissive by allowing a greater variety of fences materials within fifteen (15) feet of any multi-family, business, office and industrial buildings; generators as permitted encroachments into certain required yards; and, balloons less than two (2) feet in any dimension without a permit.

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

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

COPY

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

TO: Lombard Plan Commission

HEARING DATE: April 16, 2012

FROM: Department of
Community Development

PREPARED BY: Michael S. Toth
Planner I

TITLE

PC 12-12; Text Amendments to the Zoning and Sign Ordinances:

The Village of Lombard is requesting the following text amendments to the Zoning and Sign Ordinances:

1. Section 155.205 of the Zoning Ordinance relative to fencing materials.
2. Section 155.212 of the Zoning Ordinance relative to permitted encroachments.
3. Chapter 153 (Sign Ordinance) relative to balloons.

GENERAL INFORMATION

Petitioner: Village of Lombard

ANALYSIS

DESCRIPTION

The Village has a history of amending its Zoning and Sign Ordinances to address evolving circumstances presented by petition or otherwise. As a result, staff is proposing to amend the Zoning Ordinance requirement that fences or walls within fifteen (15) feet of any multi-family, business, office and industrial buildings must be of a fire resistant type of construction. Staff is also requesting to add generators, and amend new central air-conditioning units, as permitted encroachments into rear yards. The Sign Ordinance provisions relative to balloons have been examined and are also being requested for amendment accordingly.

INTER-DEPARTMENTAL REVIEW COMMENTS

PRIVATE ENGINEERING SERVICES

Private Engineering Services has no comments.

PUBLIC WORKS

Public Works Engineering has no comments.

FIRE DEPARTMENT

The Fire Department has no issues or concerns with the proposed amendments.

BUILDING DIVISION

The Building Division has no comments.

PLANNING

Proposed Amendments

There are three text amendments being requested as part of this petition:

Section 155.205 of the Zoning Ordinance relative to fencing materials.

The Zoning Ordinance currently requires that fences or walls within fifteen (15) feet of any multi-family, business, office and industrial buildings be of a fire resistant type of construction. Typically, any requirement relative to the material of a structure (including fences) is specifically addressed in the Building Code. As the current Building Code no longer requires fire resistant type of construction for fencing adjacent to commercial structures, staff is proposing to eliminate this provision. The proposed amendment will also help create consistency in the style and design of the fencing.

Section 155.212 of the Zoning Ordinance relative to permitted encroachments.

Staff has witnessed an increased demand for emergency residential generators. As generators are not listed as a permitted encroachment, they are currently required to be placed in the buildable area of a property (must meet current setbacks). Unlike a structure, such as a fence or shed, there are more critical elements involved with the piping and electrical components of a home that make generator placement more complicated. As residential generators are similar to the size and operation to that of a central air-conditioning unit, staff believes that generators should be regulated in the same manner as a new central air-conditioning unit.

Staff believes that it would be in the public interest to allow both generators and new central air-conditioning units within the rear yard area. New central air-conditioning units are currently listed as a permitted encroachment in the rear yard only, as long as the unit does not encroach more than four (4') feet into the rear yard. Staff is proposing provisions that would allow both generators and new central air-conditioning units to encroach up to ten (10') feet into the required rear yard area. The revised setback would allow for greater opportunity for placing such structures away from the principal structures on neighboring properties. This amendment would also benefit non-conforming properties that do not meet the current rear yard setbacks. To ensure minimal impact onto adjacent properties, both new structures would still be prohibited in the side yard.

As previously stated, current code does not specifically make reference to generators and they are therefore regulated as accessory structures. As part of this amendment, staff is proposing to specifically identify generators within the "Permitted Obstructions" list of Section 155.212. To minimize impact on adjacent properties with noise, staff is proposing to provide a restriction to ensure that emergency generators are for standby electrical power only and not as a primary power source. It should be noted that through staff's research, we have found that emergency generators will turn on for a self-diagnostic check a few times per week for up to 20 minutes.

In 2009 (PC 09-19), the Village approved text amendments to the Lombard Zoning Ordinance to establish replacement central air-conditioning systems as permitted obstructions in certain side and rear yards as long as a) the unit does not further encroach into the requisite yard than the previous unit and b) the unit does not encroach more than four feet (4') into the requisite yard. Staff recognized that the costs associated with the relocation of a central air conditioning unit. Therefore, staff found that allowing replacement air conditioning systems to be listing as a permitted encroachment in the interior side yard (with provisions) would reduce the number of variation requests, encourage residents to obtain a permit, eliminate relocation costs and maintain the existing character of residential properties throughout the Village.

Chapter 153 (Sign Ordinance) relative to balloons.

There has been an increasing demand from the business community to have greater flexibility to be able effectively advertise their businesses. To address such need, the sign provisions were amended in 2011 (as part of PC 11-16) to allow balloons that are less than two feet when measured in any dimension on a lawfully-established sandwich board. Staff is now proposing further amendments to the signage provisions relative to balloons.

When the Village approved the text amendments as part of PC 09-26, relative to the regulation of temporary signage, the definition of attention-getting devices was amended to include balloons (less than two feet in diameter) as attention-getting devices. Under the attention-getting device regulations such devices (including balloons (less than two feet in diameter)) require a permit and can only be displayed for a certain time period. The permits are restricted to 14 days each with four permits being allowed for the calendar year. As there has been a growing desire by the business community to effectively draw attention to their establishment, staff is proposing to remove reference to 'balloons (less than two feet in diameter)' as an attention-getting device and relocate 'balloons (less than two feet in diameter)' to Section 153.206 'Signs Not Subject to a Permit'. With this amendment, businesses would be able to have balloons, 2' or less in diameter, year round and without needing a permit. Provisions related to property maintenance and removing deflated balloons would still be applicable.

Staff finds that the proposed amendments will not be detrimental to public safety or neighborhood aesthetics, but rather will provide businesses with another tool to effectively draw attention to their establishment.

The following are the proposed text amendments for the Sign Ordinance. Proposed changes are denoted by underlining new text with text to be removed denoted by a ~~strikethrough~~.

CHAPTER 155: ZONING CODE

SECTION 2: GENERAL PROVISIONS

155.205 “Fences, Wall and Hedges”

(1) Fences or walls in Residential Districts.

(a) Fence or Wall Materials Fences or walls in residential districts shall not include the use of barbed wire or other material intended to maintain security by means of bodily injury. Electrified fences shall not be permitted in residential districts. ~~Fences or walls within fifteen feet (15’) of any multi-family building must be of fire resistant type of construction, as approved by the Building Division.~~ Materials for fences or walls in the clear line of sight area shall meet the requirements of Section 155.205(A)(1)(e) of this Chapter.

(2) Fences or Walls in Business and Office Districts

(a) Fence or Wall Materials The use of barbed wire shall be permitted only around approved outside storage areas and only at a height greater than six feet (6’) and less than eight feet (8’) above the ground. No electrified fences shall be permitted. ~~Fences or walls within fifteen feet (15’) of any building must be of fire resistant type construction, as approved by the Building Division.~~ Materials for fences or walls in the clear line of sight area shall meet the requirements of Section 155.205(A)(2)(e) of this Chapter.

(3) Fences or Walls in Industrial Districts

(a) Fence or Wall Materials. The use of barbed wire shall be permitted only around approved outside storage areas and only at a height greater than eight feet (8’) and less than ten feet (10’) above the ground. No electrified fences or walls shall be permitted. ~~All fences within fifteen feet (15’) of any building must be of fire resistant type of construction, as approved by the Bureau of Inspectional Services.~~ Materials for fences or walls in the clear line of sight area shall meet the requirements of Section 155.205(A)(3)(e) of the Chapter.

155.212 “Permitted Obstructions In Required Yards”

Types of Structure or Use Obstruction X = Permitted Obstruction	Front & Corner Side Yard	Interior Side Yards	Rear Yard
Central air-conditioning systems, new			Must meet footnote F
<u>Emergency Generators, provided for standby electrical power but not as a primary power source</u>			<u>Must meet footnote F</u>

F. The unit shall not encroach more than ~~four~~ ten feet (410') into the requisite yard.

CHAPTER 153: SIGNS

153.206 SIGNS NOT SUBJECT TO A PERMIT

The following named signs will not require a permit unless the sign is illuminated. They shall meet any requirements incorporated in this ordinance.

- (A) Residential Directional Signs
- (B) Political Campaign Signs, which are sixteen (16) square feet or less in area
- (C) Window Displays
- (D) Rummage or Garage Sale Signs
- (E) Nameplates
- (F) Real Estate Signs for Single Family Residences
- (G) Flags
- (H) Holiday Decorations
- (I) Motor Fuel Promotional Signs
- (J) Traffic Control Signs
- (K) Sponsor Signage
- (L) Balloons

153.602 DEFINITIONS

ATTENTION GETTING DEVICE

Any flag festoon, valance, propeller, pole covers, spinner, streamer, searchlights, ~~balloons two (2) feet or less measured in any dimension~~, and any similar device or ornamentation designated for the purposes of attracting attention, promoting or advertising, without conveying a specific message or copy.

SIGN, BALLOONS

A type of inflatable ~~sign~~ which retains its shape from inflating with air, helium, or other gaseous elements and is two (2) feet or less measured in any dimension.

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 amendments will be applicable throughout the entire Village.

2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*

The proposed amendments are consistent with the objectives of the ordinance and intent of the applicable zoning districts in that they do not change the intent of any current regulations. Rather, they are meant to clarify the language currently within the Village Code.

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

The proposed amendments would create no nonconformities as they actually make the Zoning Ordinance more permissive.

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

The proposed amendments will make the ordinance more permissive by allowing a greater variety of fences materials within fifteen (15) feet of any multi-family, business, office and industrial buildings; generators as permitted encroachments into certain required yards; and, balloons less than two (2) feet in any dimension without a permit.

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

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

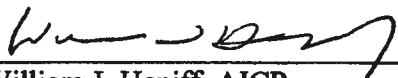
FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee recommends that the petition as presented does meet the standards set forth in the Zoning Ordinance and recommends that 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 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 12-12.

Lombard Plan Commission
Re: PC 12-12
Page 7

Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP
Director of Community Development

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ORDINANCE _____

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 12-12; 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 May 21, 2012 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 200, of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

SECTION 2: GENERAL PROVISIONS

155.205 “Fences, Wall and Hedges”

(1) Fences or walls in Residential Districts.

(a) Fence or Wall Materials Fences or walls in residential districts shall not include the use of barbed wire or other material intended to maintain security by means of bodily injury. Electrified fences shall not be permitted in residential districts. ~~Fences or walls within fifteen feet (15’) of any multi-family building must be of fire resistant type of construction, as approved by the Building Division.~~ Materials for fences or walls in the clear line of sight area shall meet the requirements of Section 155.205(A)(1)(e) of this Chapter.

(2) Fences or Walls in Business and Office Districts

(a) Fence or Wall Materials The use of barbed wire shall be permitted only around approved outside storage areas and only at a height greater than six feet (6’) and less than eight feet (8’) above the ground. No electrified fences shall be permitted. ~~Fences or walls within fifteen feet (15’) of any building must be of fire resistant type construction, as approved by the Building Division.~~ Materials for fences or walls in the clear line of sight area shall meet the requirements of Section 155.205(A)(2)(e) of this Chapter.

(3) Fences or Walls in Industrial Districts

(a) Fence or Wall Materials. The use of barbed wire shall be permitted only around approved outside storage areas and only at a height greater than eight feet (8’) and less than ten feet (10’) above the ground. No electrified fences or walls shall be permitted. ~~All fences within fifteen feet (15’) of any building must be of fire resistant type of construction, as approved by the Bureau of Inspectional Services.~~ Materials for fences or walls in the clear line of sight area shall meet the requirements of Section 155.205(A)(3)(e) of the Chapter.

155.212 “Permitted Obstructions In Required Yards”

Types of Structure or Use Obstruction X = Permitted Obstruction	Front & Corner Side Yard	Interior Side Yards	Rear Yard
Central air-conditioning systems, new			Must meet footnote F
<u>Emergency Generators, provided for standby electrical power but not as a primary power source</u>			<u>Must meet footnote F</u>

F. The unit shall not encroach more than ~~four~~ ten feet (410’) into the requisite yard.

Ordinance No. _____

Re: PC 12-12

Page 3

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 _____, 2012.

First reading waived by action of the Board of Trustees this ____ day of _____, 2012.

Passed on second reading this ____ day of _____, 2012.

Ayes: _____

Nayes: _____

Absent: _____

Approved this ____ day of _____, 2012.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2012.

Brigitte O'Brien, Village Clerk

ORDINANCE _____

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD SIGN ORDINANCE
TITLE 15, CHAPTER 153 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 12-12; Text Amendments to the Sign Ordinance)

WHEREAS, the Village of Lombard maintains a Sign Ordinance which is found in Title 15, Chapter 153 of the Code of Lombard, Illinois; and,

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

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

WHEREAS, a public hearing to consider text amendments to the Sign Ordinance has been conducted by the Village of Lombard Plan Commission on May 21, 2012 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 153, Section 200, of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

153.206 SIGNS NOT SUBJECT TO A PERMIT

The following named signs will not require a permit unless the sign is illuminated. They shall meet any requirements incorporated in this ordinance.

- (A) Residential Directional Signs
- (B) Political Campaign Signs, which are sixteen (16) square feet or less in area
- (C) Window Displays
- (D) Rummage or Garage Sale Signs
- (E) Nameplates
- (F) Real Estate Signs for Single Family Residences
- (G) Flags
- (H) Holiday Decorations
- (I) Motor Fuel Promotional Signs
- (J) Traffic Control Signs
- (K) Sponsor Signage
- (L) Balloon Signs

SECTION 2: That Title 15, Chapter 153, Section 600, of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

153.602 DEFINITIONS

ATTENTION GETTING DEVICE

Any flag festoon, valance, propeller, pole covers, spinner, streamer, searchlights, balloons ~~two (2) feet or less measured in any dimension,~~ and any similar device or ornamentation designated for the purposes of attracting attention, promoting or advertising, without conveying a specific message or copy.

SIGN, BALLOONS

A type of inflatable sign which retains its shape from inflating with air, helium, or other gaseous elements, ~~and is two (2) feet or less measured in any dimension-~~ which is affixed to a structure by means of attachment less than two (2) feet in length.

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 _____, 2012.

First reading waived by action of the Board of Trustees this ____ day of _____, 2012.

Passed on second reading this ____ day of _____, 2012.

Ayes: _____

Nayes: _____

Ordinance No. _____

Re: PC 12-12

Page 3

Absent: _____

Approved this _____ day of _____, 2012.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2012.

Brigitte O'Brien, Village Clerk