

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission

HEARING DATE: December 21, 2009

FROM: Department of
Community Development

PREPARED BY: Stuart Moynihan
Associate Planner

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Ordinance and Fire Department requirements and to remove references within the Zoning Ordinance which are incorrect or out of date.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 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 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 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 Protective 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) (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

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