

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: William T. Lichter, Village Manager

DATE: May 10, 2006 (BOT) Date: May 18, 2006

TITLE: PC 06-12: Text Amendments to the Lombard Zoning Ordinance  
Repair/Service Activities

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission and Economic & Community Development Committee transmit for your consideration its recommendation relative to the above-mentioned petition. The Village of Lombard is proposing amendments to Section 155.602 (A)(1)(i) of the Zoning Ordinance amending and/or moving the repair and service provisions set forth within this subsection from the Zoning Ordinance to Nuisance Section (Section 94.05) of the Code of Ordinances. (ALL DISTRICTS)

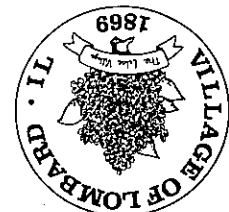
The Plan Commission and the Economic and Community Development Committee recommended approval of this request.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager X	<i>W. T. Lichter</i>	Date	<i>5/10/06</i>

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:** William T. Lichter, Village Manager  
**FROM:** David A. Huliseberg, AICP, Director of Community Development *DAL*

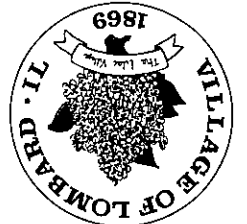
**DATE:** May 18, 2006

**SUBJECT:** PC 06-12: Text Amendment to the Zoning Ordinance -- Repair/Service Activities

Attached please find the following items for Village Board consideration as part of the May 18, 2006 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC reports for PC 06-12;
3. An Ordinance granting approval of text amendments pertaining to outdoor parking and service activities.

The Plan Commission recommended approval of the amendments at its April 17, 2006 meeting. The Economic and Community Development Committee also considered the amendments at its May 2, 2006 meeting and recommends approval of the petition as well.



**VILLAGE OF LOMBARD**  
 255 E. Wilson Avenue  
 Lombard, IL 60148-3926  
 (630) 620-5700 FAX: (630) 620-8222  
 TDD: (630) 620-5812  
 www.villageoflombard.org

Village President  
 William J. Mueller

Village Clerk  
 Brigitte O'Brien

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

**Subject: PC 06-12: Text Amendments to the Lombard Zoning Ordinance (Repair/Service Activities)**

**Trustees**  
 Greg Alan Gron, Dist. 1  
 Richard J. Tross, Dist. 2  
 John "Jack" T. O'Brien, Dist. 3  
 Steven D. Seby, Dist. 4  
 Kenneth M. Florey, Dist. 5  
 Rick Soderstrom, Dist. 6

Village Manager  
 William T. Lichter

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition.

The Village of Lombard is proposing amendments to Section 155.602 (A)(1)(i) of the Zoning Ordinance amending and/or moving the repair and service provisions set forth within this subsection from the Zoning Ordinance to Nuisance Section (Section 94.05) of the Code of Ordinances.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on April 17, 2006.

William Heniff, Senior Planner, presented the petition. He noted that the Department of Community Development is in the process of conducting a review of selected sections of the Village Code pertaining to various code enforcement regulations. Most of these regulations are located with the Nuisance Section of the Village Code (Section 94 of the Village's Code of Ordinances). However, one commonly referenced and utilized regulation pertains to the repair and maintenance of motor vehicles, which is currently located within the Zoning Ordinance (Section 155 of the Village Code). This petition is intended to relocate the regulation from the Zoning Ordinance and into the Nuisance Section of the Code of Ordinances.

As a Zoning Ordinance regulation, this amendment must be addressed through the public hearing process. The proposed amendments are not intended to modify the intent of the regulations. This amendment would not affect any existing businesses or residential properties nor does it create any legal non-conforming (grandfathered) situations – its intent is to relocate the vehicle maintenance provisions from the Zoning Ordinance to the Nuisance Section of the Village Code and to remove an inconsistency within the Zoning Ordinance.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business 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."

This amendment would relocate this provision the nuisance section (Section 94.05(K)) of the Village Code. As it is currently written, this regulation is more closely associated with what a vehicle operator is doing to a vehicle on a property as opposed to the property's designated land use. Moreover, it really does not relate to the intent of the design and maintenance sub-section within the Zoning Ordinance. Lastly, as this provision is most commonly applied when code enforcement staff sees vehicles under repair in residential driveways, the Village enforces this regulation as a nuisance provision rather than a land use restriction.

Once change to the code pertains to the I District regulations. The off-street parking provisions for the I District state that outdoor repair activities are permissible. However, automobile and/or motor vehicle repair activities are listed as conditional uses in the I District. This amendment will strike the repair text in the Zoning Ordinance to remove any ambiguity with the use listing. The amendment will still allow for the washing of vehicles provided that they are tied to the principal use of the property.

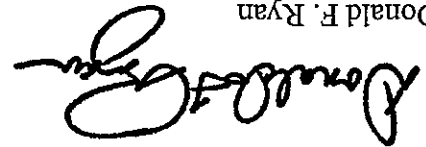
Chairperson Ryan opened the meeting for public comment. No spoke in favor of or in opposition to the petition. He then opened the meeting for comments among the Plan Commission members.

Commissioner Sweester mentioned that many fundraisers consist of washing vehicles – how would this amendment affect this activity? Mr. Heniff noted that this activity can be permitted though a special event permit. Commissioner Sweetser asked if the permit would be at a cost. Mr. Heniff noted that the fees for non-profit organizations are waived. But it is important to the washing vehicles with the use on the property in order to not allow for private car washing activities to occur on a given property – that activity is a conditional use in many business districts.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed text amendments do comply with the standards of the Lombard Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 5 to 0, recommended to the Corporate Authorities, approval of PC 06-12.

Respectfully,

VILLAGE OF LOMBARD



Donald F. Ryan

Chairperson

Lombard Plan Commission

att-



**MEMORANDUM**

**TO:** Trustee Rick Soderstrom, Chairperson  
Economic and Community Development Committee

**FROM:** David A. Hulseberg, AICP, Director of Community Development *DH/vst*

**DATE:** May 2, 2006

**SUBJECT:** PC 06-12: Text Amendments to the Zoning Ordinance – Vehicle Service/Repair Regulations

Village staff has been working with the Plan Commission and the Lombard Town Centre organization to address outdoor motor vehicle service and repair activities. The proposed amendments are intended to relocate the existing code regulations associated with such activities from the Zoning Ordinance into the Nuisance Section of the Code of Ordinances. It is also intended to address an internal discrepancy within the I Limited Industrial District regulations. This amendment would not affect any existing businesses or residential properties nor does it create any legal non-conforming (grandfathered) situations.

Before these amendments are considered by the Village Board, staff would also like to make a presentation regarding these amendments to the Economic and Community Development Committee (ECDC) at the May 2, 2006 meeting to inform the members of the proposed amendments and solicit any comments the ECDC may have regarding the amendment.

Attached for your reference is a copy of the addendum staff report for PC 06-12. At the April 17, 2006 Plan Commission meeting, the Plan Commission voted 5-0 to recommend approval of the text amendments.

**ACTION REQUESTED:**

This item is scheduled to be placed on the May 18, 2006 Village Board agenda. Staff will seek a recommendation from the ECDC to concur with the recommendation of the Plan Commission to approve the proposed text amendments associated with PC 06-12.

VILLAGE OF LOMBARD  
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission  
FROM: Department of Community Development  
PREPARED BY: William Heniff, AICP Senior Planner  
HEARING DATE: April 17, 2006

TITLE

PC 06-12: Text Amendments to the Lombard Zoning Ordinance: The Village of Lombard is proposing amendments to Section 155.602 (A)(1)(i) of the Zoning Ordinance amending and/or moving the repair and service provisions set forth within this subsection from the Zoning Ordinance to Nuisance Section (Section 94.05) of the Code of Ordinances.

DESCRIPTION:

The Department of Community Development is in the process of conducting a review of selected sections of the Village Code pertaining to various code enforcement regulations. Most of these regulations are located with the Nuisance Section of the Village Code (Section 94 of the Village's Code of Ordinances). However, one commonly referenced and utilized regulation pertains to the repair and maintenance of motor vehicles, which is currently located within the Zoning Ordinance (Section 155 of the Village Code). This petition is intended to relocate the regulation from the Zoning Ordinance and into the Nuisance Section of the Code of Ordinances.

As a Zoning Ordinance regulation, this amendment must be addressed through the public hearing process. The proposed amendments are not intended to modify the intent of the regulations. This amendment would not affect any existing businesses or residential properties nor does it create any legal non-conforming (grandfathered) situations – its intent is to relocate the vehicle maintenance provisions from the Zoning Ordinance to the Nuisance Section of the Village Code and to remove an inconsistency within the Zoning Ordinance.

Proposed Text Amendments

This amendment would relocate this provision out of the Zoning Ordinance and placed within the nuisance provisions (Section 94.05(K)) of the Village Code. As it is currently written, this regulation is more closely associated with what a vehicle operator is doing to a vehicle on a property as opposed to the property's designated land use. Moreover, it really does not relate to the intent of the design and maintenance sub-section within the Zoning Ordinance. Lastly, as this provision is most commonly applied when code enforcement staff sees vehicles under repair in residential driveways, the Village enforces this regulation as a nuisance provision rather than a land use restriction.

Once change to the code pertains to the I District regulations. The off-street parking provisions for the I District state that outdoor repair activities are permissible. However, automobile and/or motor vehicle repair activities are listed as conditional uses in the I District. This amendment will strike the repair text in the Zoning Ordinance to remove any ambiguity with the use listing.

The proposed text amendments are noted below. Proposed changes to the ordinances are denoted by striking out old text and underlining new text. The Standards for Text Amendments is also included below.

## SECTION 6: OFF-STREET PARKING AND LOADING REQUIREMENTS

### 155.601 OFF-STREET PARKING

#### A. General Requirements

##### 10. Design and Maintenance

All off-street parking lots shall be designed and maintained in conformance with the specific requirements established below.

(a) Plan: The design of parking lots shall be subject to the approval of the Director of Community Development in accordance with standards established by this ordinance, and those established by the Plan Commission and the Board of Trustees in the case of variations, conditional uses and planned developments.

(b) Character: Accessory parking spaces may be opened to the sky, or enclosed in a building or structure.

(c) Surfacing: All open off-street parking areas and maneuvering areas shall be surfaced with dustless, all weather material of asphalt or concrete. Parking is not permitted within any open space, on grass, or in a landscape area. Proper drainage of parking lots shall be required.

##### (d) Lighting:

1) Parking lots shall be illuminated according to the standards listed below at all times that the parking lot is open for general use.

2) Parking lot lighting shall be provided at a minimum intensity of 0.5 foot-candles at all points within the parking lot, and at an average intensity of no less than 2.0 foot-candles.

3) Any lighting used to illuminate off-street parking areas shall be directed away from adjacent properties and streets in such a way as not to create a nuisance. In no case shall such lighting exceed 0.5 foot-candles at any property line which is shared by a residentially-zoned property, a property which has residential uses on the first floor, or a residential street. In no case shall such lighting exceed 3.0 foot-candles at any property line.

4) Light poles which are used for parking lot lighting shall not exceed forty (40) feet in height, except that light poles which are used for parking lot lighting for shared pedestrian access shopping centers (i.e. regional shopping malls), parking lot light poles shall not exceed forty-five feet (45') in height.

(e) Cleaning and Maintenance: Except in the Industrial District, no cleaning or maintenance of parking lots utilizing motorized equipment may be performed between 11:30 P.M. and 6:00 A.M. each day, except for the removal of snow.

(f) Curbing: All parking lots shall be provided with perimeter concrete curbing (6 inch barrier curb). Such curbing shall be designed so that no part of any parked vehicle shall encroach into a required yard.

(g) Shelter Building: No parking lot for accessory off-street parking shall have more than one (1) attendant shelter building per entrance which shall conform to all setback requirements for accessory structures established by Section 155.210 of this Ordinance, and any other applicable requirements of this ordinance.

(h) Signs: Accessory signs shall be permitted on parking areas in accordance with the provisions specified in the Village of Lombard Sign Ordinance.

(i) Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in conjunction with parking or loading facilities provided in any district, except that:

1) Emergency repair service necessary to start vehicles shall be permitted in all districts, and

2) In the I District, repair work or service shall be allowed if such work is not done within 200 feet of a Residence District. Washing of accessory vehicles shall also be permitted.

### Amendments to Section 94.05 of the Village Code

### § 94.05 SCHEDULE B: NOTICE NOT REQUIRED; NUISANCES DEFINED.

(K) The repair work or service of motor vehicles of any kind in conjunction with parking or loading facilities, except for emergency repair service necessary to start vehicles or the washing of accessory vehicles.

### Standards for Text Amendments

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 amendment would be uniformly applied to all properties in the Village.

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

The amendment is intended to relocate the parking regulations to reflect the intent of the relevant sections of the Village Code.

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

The Ordinance would not create any nonconformities. The regulation in the Zoning Ordinance is intended to be a nuisance provision rather than a land use restriction. Therefore, such activities should not be subject to non-conforming provisions.

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



The amendments would not make the code more permissive.

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

The Comprehensive Plan offers a number of recommendations pertaining to property maintenance. This amendment is intended to meet this provision.

6. *The degree to which the proposed amendment is consistent with Village policy as established in previous rulings on petitions involving similar circumstances.*

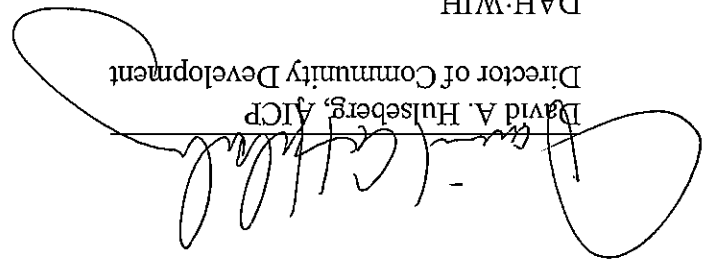
This amendment would be consistent with staff and Board policies.

**RECOMMENDATION:**

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

Based on the submitted petition and the testimony presented, the proposed text amendments 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 06-12.

Inter-Departmental Review Report Approved By:



David A. Hulseberg, AICP  
Director of Community Development

DAH:WJH

ORDINANCE

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

(PC 06-12: Repair/Service Functions)

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 March 20 and April 17, 2006 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 Village Economic and Community Development Committee also considered the proposed text amendment set forth herein and recommended 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 601 (A)(10), of the Code of Lombard, Illinois is hereby amended to read in its entirety as follows:

**SECTION 6: OFF-STREET PARKING AND LOADING REQUIREMENTS**  
**155.601 OFF-STREET PARKING**

**A. General Requirements**

**10. Design and Maintenance**

All off-street parking lots shall be designed and maintained in conformance with the specific requirements established below.

(a) Plan: The design of parking lots shall be subject to the approval of the Director of Community Development in accordance with standards established by this ordinance, and those established by the Plan Commission and the Board of Trustees in the case of variations, conditional uses and planned developments.

(b) Character: Accessory parking spaces may be opened to the sky, or enclosed in a building or structure.

(c) Surfacing: All open off-street parking areas and maneuvering areas shall be surfaced with dustless, all weather material of asphalt or concrete. Parking is not permitted within any open space, on grass, or in a landscape area. Proper drainage of parking lots shall be required.

**(d) Lighting:**

1) Parking lots shall be illuminated according to the standards listed below at all times that the parking lot is open for general use.

2) Parking lot lighting shall be provided at a minimum intensity of 0.5 foot-candles at all points within the parking lot, and at an average intensity of no less than 2.0 foot-candles.

3) Any lighting used to illuminate off-street parking areas shall be directed away from adjacent properties and streets in such a way as not to create a nuisance. In no case shall such lighting exceed 0.5 foot-candles at any property line which is shared by a residentially-zoned property, a property which has residential uses on the first floor, or a residential street. In no case shall such lighting exceed 3.0 foot-candles at any property line.

4) Light poles which are used for parking lot lighting shall not exceed forty (40) feet in height, except that light poles which are used for parking lot lighting for shared pedestrian access shopping centers (i.e. regional shopping malls), parking lot light poles shall not exceed forty-five feet (45') in height.

(e) Cleaning and Maintenance: Except in the I Industrial District, no cleaning or maintenance of parking lots utilizing motorized equipment may be performed between 11:30 P.M. and 6:00 A.M. each day, except for the removal of snow.

(f) Curbing: All parking lots shall be provided with perimeter concrete curbing (6 inch barrier curb). Such curbing shall be designed so that no part of any parked vehicle shall encroach into a required yard.

(g) Shelter Building: No parking lot for accessory off-street parking shall have more than one (1) attendant shelter building per entrance which shall conform to all setback requirements for accessory structures established by Section 15.5.210 of this Ordinance, and any other applicable requirements of this ordinance.

(h) Signs: Accessory signs shall be permitted on parking areas in accordance with the provisions specified in the Village of Lombard Sign Ordinance.

(i) Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in conjunction with parking or loading facilities provided in any district, except that:

1) Emergency repair service necessary to start vehicles shall be permitted in all districts, and

2) In the I District, repair or service shall be allowed if such work is not done within 200 feet of a Residence District. Washing of accessory vehicles shall also be permitted.

SECTION 2: That Title 9, Chapter 94, Section 94.05, of the Code of Lombard, Illinois is hereby amended to add a new subsection (K) to read in its entirety as follows:

94.05 SCHEDULE B: NOTICE NOT REQUIRED; NUISANCES DEFINED.

(K) The repair work or service of motor vehicles of any kind in conjunction with parking or loading facilities, except for emergency repair service necessary to start vehicles or the washing of accessory vehicles.

**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 \_\_\_\_\_, 2006.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2006.  
Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Brigitte O'Brien, Village Clerk