

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: Timothy Sexton, Acting Village Manager
DATE: January 7, 2014 (B of T) Date: January 16, 2014
TITLE: PC 13-20; Text Amendment to the Zoning Ordinance – Permitted and Conditional Uses in the I Limited Industrial District
SUBMITTED BY: Department of Community Development *WLB*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard is proposing text amendments to Sections 155.420 (B) and (C) permitted and conditional uses within the I Limited Industrial District. (DISTRICTS - ALL)

The Plan Commission unanimously recommended approval of the proposed text amendments.
Staff requests a waiver of first reading of the Ordinance.

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: Timothy Sexton, Acting Village Manager

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

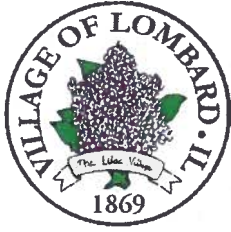
DATE: January 16, 2014

SUBJECT: **PC 13-20; Text Amendment to the Zoning Ordinance – Permitted and Conditional Uses in the I Limited Industrial District**

Please find the following items for Village Board consideration as part of the January 16, 2014 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 13-20; and
3. An Ordinance granting approval of the proposed text amendments to the permitted and conditional use sections for the I Limited Industrial District.

The Plan Commission unanimously recommended approval of the proposed text amendments. Staff requests a waiver of first reading of the Ordinance.



VILLAGE OF LOMBARD

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January 16, 2013

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Acting Village Manager
Timothy Sexton

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Mr. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 13-20; Text Amendments to the Zoning Ordinance – I District
Regulations

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard is proposing text amendments to Sections 155.420 (B) and (C) permitted and conditional uses within the I Limited Industrial District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on December 16, 2013. Sworn in to present the petition was Matt Panfil, AICP, Senior Planner. The staff report was submitted to the public record in its entirety.

Mr. Panfil stated that the proposed amendments were discussed as a workshop item last month at the November Plan Commission meeting. The proposed text amendments for the permitted and conditional uses within the I Limited Industrial District have three purposes. The main purpose is to reduce the long, but not exhaustive, list of specific permitted uses to simplified, broader terminology that allows for staff discretion to determine if a use is conditional or permitted. Second, staff reclassified some of the existing uses. Finally, staff also added terminology allowing for the repair or servicing of items sold or manufactured within the I Limited Industrial District.

Mr. Panfil then noted that one of the main topics of discussion at the previous workshop was the permissibility of rental uses. Staff's recommendation is the term rental not be included and any proposed rental use would fall under accessory uses and buildings. Mr. Panfil referred to item sixteen (16) under the new permitted uses.

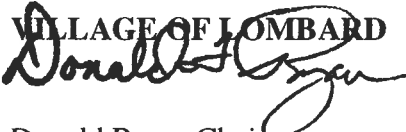
Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners. Commissioner Sweetser referred to proposed conditional use item forty-one (41) in the staff report which says, "four (4) story buildings within one hundred feet (100') of a residentially-zoned property or a minor or major arterial street and buildings which are forty feet (40') to forty-five

Feet (45') in height and which are within one hundred feet (100') of a residentially-zoned property or a minor or major arterial street." Commissioner Sweetser stated that this item is out of character in that it does not state a specific use. Commissioner Sweetser noted this information also appears in the height regulations and asked to delete item forty-one (41.)

Mr. Panfil agreed this item does appear again in section 155.420 (G) which is intended to regulate the height of buildings within the I Limited Industrial District. He also agreed the item was not use specific. Mr. Panfil said staff would not object to striking this item.

On a motion by Commissioner Burke, including the removal of proposed conditional use item forty-one (41), and a second by Commissioner Flint, the Plan Commission voted 6 to 0 that the Village Board **approve** the proposed text amendments associated with PC 13-20.

Respectfully,

VILLAGE OF LOMBARD


Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

DECEMBER 16, 2013

Title

PC 13-20

Petitioner

Village of Lombard

Property Location

Village-wide

Approval Sought

The Village requests a text amendment to Section 155.420 (B) and (C), and any other relevant sections for clarity, of the Village of Lombard Zoning Ordinance.

Prepared By

Matt Panfil, AICP
Senior Planner

DESCRIPTION

Prompted by occasional confusion by business owners as to which land use their business may or may not be characterized as and staff's awareness that the list of permitted uses within the I Limited Industrial District takes a "list-all possible uses" approach to land use regulation, staff is proposing text amendments to further clarify the list of permitted uses.

Before drafting the proposed changes, staff reviewed and compared the various approaches to industrial land use regulation among seven (7) other regional municipalities with substantially sized industrial zoning districts; Addison, Aurora, Bartlett, Bensenville, Carol Stream, Elk Grove Village, and North Aurora. Also, staff reviewed a sample of Certificates of Occupancy issued over the last twenty (20) years for various multi-tenant I Limited Industrial zoned properties. Reviewing these certificates helped staff determine if there were industrial uses that may be outdated or require revised or new definitions.

As a result of multiple discussions among staff and the Plan Commission workshop on November 18, 2013, three (3) types of changes are proposed for Section 155.420, the full text of which follows:

1. Broader terminology, with staff discretion;
2. Reclassification of existing uses; and
3. The addition of terminology allowing for the repair or servicing of items sold or manufactured within the I Limited Industrial District.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

Fire Department:

The Fire Department has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

Private Engineering Services:

Private Engineering Services has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

Public Works:

The Department of Public Works has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

EXISTING REGULATIONS

§155.420 I LIMITED INDUSTRIAL DISTRICT REQUIREMENTS

B. Permitted Uses

The following uses shall be permitted in the I District:

1. Bedding manufacturing
2. Boot and shoe manufacturing
3. Cabinet Making
4. Carpet manufacturing
5. Cloth products manufacturing
6. Contractors, architects, and engineers offices and shops
7. Dry cleaning plants and operations primarily serving satellite drop-off dry cleaning establishments in other districts.
8. Electronic and scientific precision instruments manufacturing
9. Exterminating services
10. Film Processing; not including retail sales or commercial studios
11. Furniture manufacturing
12. Furniture upholstery, as the principal use of the property
13. Fur processing
14. Laboratories, including mental, dental, research and testing
15. Laundries, including truck route laundries, linen supply, and diaper services
16. Light machinery production and repair e.g. household appliances & business machines etc. – appliances, business machines, etc.
17. Lithographing
18. Mail order houses
19. Mechanical Parts Reconditioning
20. Mini-Warehouses
21. Musical instruments manufacturing
22. Offices, including business, professional, non-profit, and governmental
23. Orthopedic and medical appliance manufacture
24. Packing Material Manufacturing
25. Parking lots, open, as the principal use of the property
26. Pottery and ceramics manufacture
27. Printing and publishing establishments
28. Public utility and governmental service uses
29. Radio and television stations and towers
30. Rope, cord, and twine manufacture
31. Sheet Metal Stamping and Fabrication
32. Sign Contractors
33. Sporting goods manufacture

34. Storage Centers
35. Tool & Die
36. Warehousing, storage, and distribution facilities
37. Wearing Apparel Manufacture
38. Woodworking and wood products manufacture
39. Automated Envelope Merging Process
40. Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with Section 155.210 of this Ordinance

C. Conditional Uses

Subject to the provisions of Section 155.103 (F) in this Ordinance, the following conditional uses may be allowed:

1. Adult uses (including but not limited to adult book stores, adult cabarets, adult theaters, and adult video stores) subject to the adult use:
 - a. Not being located within 500 feet of a zoning district which permits (or allows as a conditional use) residential development, educational or religious institutions, parks, or playgrounds;
 - b. Not being located within 1,000 feet of another adult use (distances to be measured from property lines);
 - c. Being conducted in a manner that prohibits the observation of any material depicting, describing or relating to any specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way
2. Animal Day Care Facility
3. Animal hospitals and kennels
4. Banks and financial institutions
5. Building material and products sales and storage
6. Cartage and express facilities
7. Catering Services
8. Clubs and Lodges, non-profit and fraternal
9. Collection Centers, Attendant
10. Collection Centers, Recycling, provided that the following provisions are met:
 - a. The recycling collection center is located in an area where there is an excess of parking beyond that required in Section 155.600 et. seq.
 - b. Placement of any containers shall be on a hard surface parking area;
 - c. The recycling collection center must be staffed full-time to monitor the use, and all collection is to be removed on a daily basis. Any area involved must be swept and cleaned at the end of the business day.
 - d. Recycling collection centers shall not operate without the consent of the property owner stating approved days and hours of operation as part of the application for conditional use approval.
11. Compost collection facility
12. Concrete and cast stone fabrication and molding
13. Contractors, architects, and engineers equipment and material storage yards
14. Cosmetics production
15. Dairy products processing or manufacture

16. Food manufacture, packaging, and processing
17. Gasoline sales (or any expansion of a principal, secondary, or ancillary use on the same lot as a gasoline sales establishment)
18. Glass products production
19. Heliports, private or commercial
20. Learning centers (no outdoor component)
21. Metal Plating, Forging, or Casting
22. Mortuarial Services
23. Motor vehicle repair
24. Motor Vehicle Sales
25. Motor vehicle service
26. Off-site parking, conforming to Section 155.602 (A) (3) (b) of this Ordinance
27. Outpatient medical and dental offices and clinics
28. Paper products manufacture
29. Parks and playgrounds
30. Planned developments in conformance with Section 155.500 of this Ordinance
31. Plastic extruding
32. Recreation buildings or community centers
33. Religious Institutions
34. Restaurants
35. Schools: public and/or private elementary, middle and high
36. Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product)
37. Soap manufacture
38. Stadiums, auditoriums, and arenas – open or enclosed
39. Outside Storage of Motor Vehicles
40. Trade school
41. Other manufacturing, processing, storage, or industrial uses as determined by the Director of Community Development to be of the same general character as the uses permitted in Subsection 155.418(C), above, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, toxic or noxious matter or glare or heat
42. Four (4) story buildings within one hundred feet (100') of residentially-zoned property or a minor or major arterial street and buildings which are forty feet (40') to forty-five feet (45') in height and which are within one hundred (100') of a residentially-zoned property or a minor or major arterial street.
43. Accessory uses and buildings incidental to and on the same zoning lot as the conditional use, which are constructed and operated in conformance with Section 155.210 of this Ordinance.

PROPOSED TEXT AMENDMENTS

§155.420 I LIMITED INDUSTRIAL DISTRICT REQUIREMENTS

B. Permitted Uses

The following uses shall be permitted in the I District:

1. Contractors, architects, and engineers offices and shops
2. Exterminating services

3. Laboratories, including medical, dental, research, and testing
4. Laundry and dry cleaning plants and operations, primarily serving more than one establishment in other districts.
5. Mail order houses
6. Offices, including business, professional, nonprofit, and governmental
7. Parking lots, open, as the principal use of the property
8. Printing, publishing, and lithography establishments, including automated envelope merging process.
9. Public utility and governmental service uses
10. Radio and television stations and towers
11. Sheet Metal Stamping and Fabrication
12. Sign Contractors
13. Tool & Die
14. Warehouse, storage centers, and mini-warehouses
15. Manufacturing, processing, repairing, servicing, storage, or industrial uses as determined by the Director of Community Development to be of the same general character as the uses permitted in Subsection 155.420 (B) above, and not listed as a conditional use in Subsection 155.420 (C) of this article, and further provided that sufficient information is provided to the Director of Community Development, prior to issuing a Certificate of Occupancy, in order to determine that the use shall be found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, toxic, or noxious matter or glare or heat.
16. Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with Section 155.210 of this Ordinance

C. Conditional Uses

Subject to the provisions of Section 155.103 (F) in this Ordinance, the following conditional uses may be allowed:

1. Adult uses (including but not limited to adult book stores, adult cabarets, adult theaters, and adult video stores) subject to the adult use:
 - d. Not being located within 500 feet of a zoning district which permits (or allows as a conditional use) residential development, educational or religious institutions, parks, or playgrounds;
 - e. Not being located within 1,000 feet of another adult use (distances to be measured from property lines);
 - f. Being conducted in a manner that prohibits the observation of any material depicting, describing or relating to any specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way
2. Animal day care facility, hospitals, and kennels
3. Banks and financial institutions
4. Building material and products sales and storage
5. Cartage and express facilities
6. Clubs and Lodges, non-profit and fraternal
7. Collection Centers, Attendant

8. Collection Centers, Recycling, provided that the following provisions are met:
 - a. The recycling collection center is located in an area where there is an excess of parking beyond that required in Section 155.600 et. seq.
 - b. Placement of any containers shall be on a hard surface parking area;
 - c. The recycling collection center must be staffed full-time to monitor the use, and all collection is to be removed on a daily basis. Any area involved must be swept and cleaned at the end of the business day.
 - d. Recycling collection centers shall not operate without the consent of the property owner stating approved days and hours of operation as part of the application for conditional use approval.
9. Compost collection facility
10. Concrete and cast stone fabrication and molding
11. Contractors, architects, and engineers equipment and material storage yards
12. Cosmetics production
13. Distribution Center
14. Food and dairy manufacture, packaging, and processing
15. Gasoline sales (or any expansion of a principal, secondary, or ancillary use on the same lot as a gasoline sales establishment)
16. Glass products production
17. Heliports, private or commercial
18. Learning centers (no outdoor component)
19. Metal Plating, Forging, or Casting
20. Mortuarial Services
21. Motor vehicle repair
22. Motor Vehicle Sales
23. Motor vehicle services
24. Off-site parking, conforming to Section 155.602 (A) (3) (b) of this Ordinance
25. Outpatient medical and dental offices and clinics
26. Paper products manufacture
27. Parks and playgrounds
28. Planned developments in conformance with Section 155.500 of this Ordinance
29. Plastic extruding
30. Recreation buildings or community centers
31. Religious Institutions
32. Restaurants, including catering services
33. Schools: public and/or private elementary, middle and high
34. Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product)
35. Soap manufacture
36. Stadiums, auditoriums, and arenas – open or enclosed
37. Outside Storage of Motor Vehicles
38. Trade school
39. Truck Terminal
40. Other manufacturing, processing, storage, or industrial uses as determined by the Director of Community Development to be of the same general character as the uses permitted in Subsection 155.418(C), above, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, toxic or noxious matter or glare or heat

41. Four (4) story buildings within one hundred feet (100') of residentially-zoned property or a minor or major arterial street and buildings which are forty feet (40') to forty-five feet (45') in height and which are within one hundred (100') of a residentially-zoned property or a minor or major arterial street.
42. Accessory uses and buildings incidental to and on the same zoning lot as the conditional use, which are constructed and operated in conformance with Section 155.210 of this Ordinance

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;*

Should the text amendments be approved, it would apply to all properties within the I Limited Industrial Zoning District.

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

As the objective of this ordinance is to clarify existing terms and definitions rather than bring forth wholly new regulations and policies, the proposed text amendment is consistent with the intent of the applicable zoning district regulations.

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

As the proposed text amendment is essentially a clarification of pre-existing regulations, no new nonconformities will be created. In fact, the proposed text amendment gives broader authority to the Director of Community Development to determine if a use conforms to the standards established within the Ordinance.

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

The proposed text amendment is more permissive in that the list of permitted uses is more broadly defined most any traditional industrial uses such as manufacturing, processing, repairing, servicing, or storage. The proposed text amendment also allows for the Director of Community Development to use their discretion as to whether a unique or emerging land use conforms to the standards established within the Ordinance.

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

Staff believes that the proposed amendment would be consistent with the Comprehensive Plan. The amendment continues to allow industrial uses to operate in areas designated as "light industrial" per 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 petitions or to clarify the intent of the Ordinance provisions. In 2008, text amendments to the Zoning Ordinance were adopted to allow both "Animal Day Care Facilities" and "Kennels" as conditional uses within the I Limited Industrial District. In 2009, text amendments to the Zoning Ordinance were adopted to allow both "Motor Vehicle Sales" and "Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product)" as conditional uses within the I Limited Industrial District. In August 2013, text amendments to the Zoning Ordinance were adopted to regarding "distribution centers," truck terminals," and "warehouse." This amendment is similar in scope as it demonstrates an evolving I Limited Industrial District.

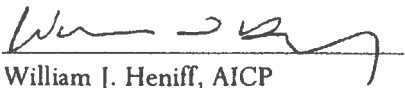
FINDINGS & RECOMMENDATIONS

Staff has prepared the requisite responses to standards for text amendments (above). Staff finds that the proposed amendment is consistent with the objectives of the Zoning Ordinance. The proposed amendment is also consistent with the intent of the Comprehensive Plan in general.

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested text amendment **complies** with the standards required by the Village of 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 13-20.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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ORDINANCE _____

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155, SECTIONS 420
OF THE CODE OF LOMBARD, ILLINOIS**

(PC 13-20: I Limited Industrial District Permitted and Conditional Uses)

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 a text amendment to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on December 16, 2013 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 420 (B) and (C), of the Code of Lombard, Illinois is hereby amended to read as follows:

§155.420 I LIMITED INDUSTRIAL DISTRICT REQUIREMENTS

B. Permitted Uses

The following uses shall be permitted in the I District:

- ~~1. Bedding manufacturing~~
- ~~2. Boot and shoe manufacturing~~
- ~~3. Cabinet Making~~
- ~~4. Carpet manufacturing~~
- ~~5. Cloth products manufacturing~~
6. 1. Contractors, architects, and engineers offices and shops
- ~~7. Dry cleaning plants and operations primarily serving satellite drop off dry cleaning establishments in other districts.~~
- ~~8. Electronic and scientific precision instruments manufacturing~~
9. 2. Exterminating services
- ~~10. Film Processing; not including retail sales or commercial studios~~
- ~~11. Furniture manufacturing~~
- ~~12. Furniture upholstery, as the principal use of the property~~
- ~~13. Fur processing~~
14. 3. Laboratories, including medical, dental, research and testing
- ~~15. Laundries, including truck route laundries, linen supply, and diaper services~~
 4. Laundry and dry cleaning plants and operations, primarily serving more than one establishment in other districts
- ~~16. Light machinery production and repair e.g. household appliances & business machines etc. appliances, business machines, etc.~~
- ~~17. Lithographing~~
18. 5. Mail order houses
- ~~19. Mechanical Parts Reconditioning~~
- ~~20. Mini Warehouses~~

~~21. Musical instruments manufacturing~~

~~22. 6. Offices, including business, professional, non-profit, and governmental~~

~~23. Orthopedic and medical appliance manufacture~~

~~24. Packing Material Manufacturing~~

~~25. 7. Parking lots, open, as the principal use of the property~~

~~26. Pottery and ceramics manufacture~~

~~27. 8. Printing, and publishing, **and lithography** establishments, **including automated envelope merging process**~~

~~28. 9. Public utility and governmental service uses~~

~~29. 10. Radio and television stations and towers~~

~~30. Rope, cord, and twine manufacture~~

~~31. 11. Sheet Metal Stamping and Fabrication~~

~~32. 12. Sign Contractors~~

~~33. Sporting goods manufacture~~

~~34. Storage Centers~~

~~35. 13. Tool & Die~~

~~36. 14. Warehouse, **storage centers, and mini-warehouses**~~

~~37. Wearing Apparel Manufacture~~

~~38. Woodworking and wood products manufacture~~

~~39. Automated Envelope Merging Process~~

15. Manufacturing, processing, repairing, servicing, storage, or industrial uses as determined by the Director of Community Development to be of the same general character as the uses permitted in Subsection 155.420 (B) above, and not listed as a conditional use in Subsection 155.420 (C) of this article, and further provided that sufficient information is provided to the Director of Community Development, prior to issuing a Certificate of Occupancy, in order

to determine that the use shall be found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, toxic, or noxious matter or glare or heat.

40. **16.** Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with Section 155.210 of this Ordinance

C. Conditional Uses

Subject to the provisions of Section 155.103 (F) in this Ordinance, the following conditional uses may be allowed:

1. Adult uses (including but not limited to adult book stores, adult cabarets, adult theaters, and adult video stores) subject to the adult use:
 - (a) Not being located within 500 feet of a zoning district which permits (or allows as a conditional use) residential development, educational or religious institutions, parks, or playgrounds;
 - (b) Not being located within 1,000 feet of another adult use (distances to be measured from property lines);
 - (c) Being conducted in a manner that prohibits the observation of any material depicting, describing or relating to any specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way
2. Animal day care facility, **hospitals, and kennels**
3. ~~Animal hospitals and kennels~~
4. **3.** Banks and financial institutions
5. **4.** Building material and products sales and storage
6. **5.** Cartage and express facilities
7. ~~Catering Services~~
8. **6.** Clubs and Lodges, non-profit and fraternal
9. **7.** Collection Centers, Attendant
10. **8.** Collection Centers, Recycling, provided that the following provisions are met:

- (a) The recycling collection center is located in an area where there is an excess of parking beyond that required in Section 155.600 et. seq.
- (b) Placement of any containers shall be on a hard surface parking area;
- (c) The recycling collection center must be staffed full-time to monitor the use, and all collection is to be removed on a daily basis. Any area involved must be swept and cleaned at the end of the business day.
- (d) Recycling collection centers shall not operate without the consent of the property owner stating approved days and hours of operation as part of the application for conditional use approval.

~~11.~~ **9.** Compost collection facility

~~12.~~ **10.** Concrete and cast stone fabrication and molding

~~13.~~ **11.** Contractors, architects, and engineers equipment and material storage yards

~~14.~~ **12.** Cosmetics production

~~15.~~ ~~Dairy products processing or manufacture~~

~~16.~~ **13.** Distribution Center

~~17.~~ **14.** Food **and dairy** manufacture, packaging, and processing

~~18.~~ **15.** Gasoline sales (or any expansion of a principal, secondary, or ancillary use on the same lot as a gasoline sales establishment)

~~19.~~ **16.** Glass products production

~~20.~~ **17.** Heliports, private or commercial

~~21.~~ **18.** Learning centers (no outdoor component)

~~22.~~ **19.** Metal Plating, Forging, or Casting

~~23.~~ **20.** Mortuarial Services

~~24.~~ **21.** Motor vehicle repair

~~25.~~ **22.** Motor Vehicle Sales

~~26.~~ **23.** Motor vehicle services

~~27.~~ **24.** Off-site parking, conforming to Section 155.602 (A) (3) (b) of this Ordinance

28. **25.** Outpatient medical and dental offices and clinics
29. **26.** Paper products manufacture
30. **27.** Parks and playgrounds
31. **28.** Planned developments in conformance with Section 155.500 of this Ordinance
32. **29.** Plastic extruding
33. **30.** Recreation buildings or community centers
34. **31.** Religious Institutions
35. **32.** Restaurants, **including catering services**
36. **33.** Schools: public and/or private elementary, middle and high
37. **34.** Shooting Gallery & Range, Indoor (with ancillary retail sales of associated product)
38. **35.** Soap manufacture
39. **36.** Stadiums, auditoriums, and arenas – open or enclosed
40. **37.** Outside Storage of Motor Vehicles
41. **38.** Trade school
42. **39.** Truck Terminal
43. **40.** Other manufacturing, processing, storage, or industrial uses as determined by the Director of Community Development to be of the same general character as the uses permitted in Subsection 155.418(C), above, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, toxic or noxious matter or glare or heat.
- ~~44. Four (4) story buildings within one hundred feet (100') of residentially zoned property or a minor or major arterial street and buildings which are forty feet (40') to forty five feet (45') in height and which are within one hundred (100') of a residentially zoned property or a minor or major arterial street.~~
45. **41.** Accessory uses and buildings incidental to and on the same zoning lot as the conditional use, which are constructed and operated in conformance with Section 155.210 of this Ordinance.

Ordinance No. _____

Re: PC 13-20

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SECTION 2: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2014.

First reading waived by action of the Board of Trustees this ____ day of _____, 2014

Passed on second reading this ____ day of _____, 2014.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2014.

Keith T. Giagnorio, Village President

ATTEST:

Janet Downer, Deputy Village Clerk

Published by me in pamphlet form this ____ day of _____, 2014.

Janet Downer, Deputy Village Clerk