

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

TO: Lombard Plan Commission HEARING DATE: April 16, 2012
FROM: Department of PREPARED BY: Michael S. Toth
 Community Development 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 ~~strike through~~.

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.

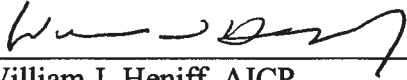
FINDINGS AND RECOMMENDATIONS

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
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Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP
Director of Community Development

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