

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

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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager

DATE : November 10, 2011 **(BOT) Date:** December 1, 2011 *g*

SUBJECT: Ordinance Amending Section 51.02 of the Lombard Village Code

SUBMITTED BY: Carl S. Goldsmith, Director of Public Works

BACKGROUND/POLICY IMPLICATIONS:

Staff recommends an amendment to Section 51.02 of the Lombard Code to allow for the use of irrigation wells for the purpose of landscape irrigation on properties zoned CR Conservation Recreation in excess of 25 acres. This amendment will afford taxing bodies the opportunity to reduce operating expenses; thereby saving taxpayers money. Strict guidelines have been developed to manage and monitor the irrigation wells.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ 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.



November 8, 2011

TO: Village President and Board of Trustees

THROUGH: David A. Hulseberg, Village Manager

FROM: Carl S. Goldsmith, Director of Public Works 

SUBJECT: Ordinance Amending Section 51.02 of the Lombard Village Code

Over the past several months, the Village of Lombard has been reviewing a request from the Lombard Park District to amend Section 51.02 of the Lombard Village Code. The proposed amendment is designed to eliminate the requirement of Section 51.02 (D)(3), which states that well water must be pumped into retention ponds and subsequently pumped to the irrigation system for the express purpose of watering landscape areas on the property. The regulation further requires that properties are ineligible to construct a well if a public water supply is located within two hundred-fifty (250) feet of the property line. The attached map identifies parcels in Lombard that would be eligible to construct wells for the purpose of landscape irrigation.

The Park District has requested consideration of a waiver of the requirement to pump into a pond and would request the ability to pump directly from the well into the irrigation system. As this section is not part of the Zoning Code or Subdivision Code, the text amendment would not fall under the purview of the Zoning Board or Plan Commission and a variance cannot be granted to permit the request. As such, the staff has prepared the attached Ordinance amending Section 51.02 to allow for the construction of wells directly connected to irrigation systems when the following conditions are met:

- The property is designated for zoning purposes as Conservation Recreation (CR) pursuant to the Lombard Village Code.
- The property is at least twenty five (25) acres or more and served by a stormwater retention pond.
- The pond(s) are in single or unified ownership, or owned by a taxing body organized under 105 ILCS 5/1 - et seq. (School District Code) or 70 ILCS 1205/1-et seq. (Park District Code) of the Illinois Compiled Statutes.
- No public water supply is located within two hundred fifty (250) feet of the pond.

- The Village has approved an irrigation system for the property
- All necessary DuPage County and State of Illinois approvals and permits for a well have been issued, or will be issued subject to Village approval.

The conditions placed on the construction and use of irrigation wells are such that they only permit taxing bodies to comply. Through the limiting of authority to public agencies, the Village will help minimize the cost for services to other agencies, thereby affecting the taxes imposed on the residents and businesses in Lombard. The collaboration with other agencies demonstrates the Village's commitment to "good government" and community partnerships that result in reduced costs to the taxpayers.

I respectfully request that this matter be placed on the Village Board agenda for the December 1, 2011 meeting for consideration.

Recommendation

Staff recommends that the Village President and Board of Trustees approve the Ordinance Amending Section 51.02 of the Lombard Village Code.

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 5, CHAPTER 51, SECTION 51.02 OF THE LOMBARD CODE IN REGARD TO WELLS

WHEREAS, the Village of Lombard has established and maintains regulations on the construction and maintenance of wells, which are found in Title 5, Chapter 51, Section 51.02 of the Lombard Village Code; and,

WHEREAS, the Village finds that Section 51.02 of the Lombard Village Code should be amended to address wells on properties within the Village's CR Conservation Recreation Zoning District; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review the Lombard Village Code to ensure that the regulations adequately meet the health, safety and welfare needs of the Village, and make necessary changes when warranted;

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 5, Chapter 51, Section 51.02 is hereby amended in its entirety as follows:

A. That subsection (C) is amended by revising the reference therein to, "subsection (D)," to read, "subsections (D) and (E)."

B. That subsections (D)(2)(b), (D)(2)(c), (D)(2)(d), (D)(3)(d), (D)(4)(a) and (D)(4)(c) are amended by revising the references therein to, "Director of Community Development," or to "Director," to read, "Director of Public Works."

C. That current subsection (E) is relabeled as subsection (F).

D. That a new subsection (E) shall be added, to read in its entirety as follows:

"(E) Notwithstanding the foregoing, a well may be constructed or installed within the Village provided there is strict compliance with the following:

(1) Eligibility:

(a) Properties designated for zoning purposes as Conservation Recreation (CR) pursuant to Section 155.401 of this Code.

(b) Improved properties of twenty five (25) acres or more served by stormwater retention ponds.

- (c) The ponds are in single or unified ownership, or owned by a taxing body organized under 105 ILCS 5/1 - et seq. or 70 ILCS 1205/1- et seq. of the Illinois Compiled Statutes.
- (d) No public water supply is located within two hundred fifty (250) feet of the pond.
- (e) The Village has approved an irrigation system for property in question, which will receive water from the well.
- (f) All necessary DuPage County and State of Illinois approvals and permits for a well have been issued, or will be issued subject to Village approval.

(2) Conditions:

- (a) The well and irrigation system are not directly or indirectly connected to the Village's water system (or, upon approval of a well, the irrigation system is disconnected from the Village's water system).
- (b) The Director of Public Works has received a professionally prepared hydrology study and report demonstrating that the proposed well will not cause any undue adverse effects on other properties utilizing well water from the same aquifer.
- (c) The well-head is metered and the permittee provides to the Director of Public Works a report of water consumption from the well annually or at such other times as the Director of Public Works may request.

(3) Restrictions on Use:

- (a) Water from the well may be used solely for landscape irrigation and the watering of adjacent right-of-way landscaping within the development for which a well is permitted.
- (b) If at any time it is determined by the Village that the hydrology study that was submitted was incorrect in its conclusions, or if the Village determines that public health, safety and/or welfare reasons require a temporary suspension of the use of said well, the Director of Public Works may order the temporary suspension of the use of the well.

(4) Administration:

- (a) The applicant for a well approval under this subsection (E) shall submit a professional hydrology study, and plans for the irrigation system and well, to the Director of Public Works.
- (b) Upon approval of the submitted plans, and the issuance of permits for construction of the well and irrigation system by the County and/or State, as the case may be, the Village shall allow construction of the well to commence.
- (c) Upon final construction of the completed well and irrigation improvements, the Director of Public Works shall, provided that all the requirements of this subsection (E) have been complied with, issue a certificate of authorization for the use of the irrigation well to the owner of the land upon which the well is located. The certificate shall incorporate by reference all of the ordinances of the Village regulating the use of such well and shall include any other conditions or restrictions which the Director of Public Works reasonably determines are necessary for the protection of the public health, safety and welfare. The certificate shall constitute a covenant running with the land and shall be recorded with the DuPage County Recorder of Deeds."

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 _____, 2011.

First reading waived by action of the Board of Trustees this ____ day of _____, 2011.

Passed on second reading this ____ day of _____, 2011.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2011.

William J, Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

Published by me in pamphlet form this ____ day of _____, 2011.

VILLAGE OF LOMBARD
Feb 2010

- Village Boundary
- Water Main
- 250' Buffer around Water Main
- CR Zoned Parcels > 25 Acres

