

August 20, 2018

Title

PC 18-26

Petitioner

Village of Lombard

Property Location

Village-wide

Approval Sought

The petitioner, the Village of Lombard, is requesting comprehensive text amendments to Chapter 155 of the Village Code (the Zoning Ordinance), and any other relevant sections for clarity, to remove discrepancies between the Zoning Ordinance and Chapter 150 (the Building Code). Specifically, the Zoning Ordinance amendments are primarily intended to remove language that conflicts with existing provisions established within the Building Code.

Prepared By

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Assistant Director, and
Mario Ledesma, Community
Development Intern

DESCRIPTION

The petitioner, the Village of Lombard, is requesting comprehensive text amendments to Chapter 155 of the Village Code (the Zoning Ordinance), and any other relevant sections for clarity, to remove discrepancies between the Zoning Ordinance and Chapter 150 (the Building Code). Specifically, the Zoning Ordinance amendments are primarily intended to remove language that conflicts with existing provisions established within the Building Code.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the proposed text amendments to the Zoning Ordinance.

Fire Department:

The Fire Department has no comments regarding the proposed text amendments to the Zoning Ordinance.

Private Engineering Services:

Private Engineering Services has no comments regarding the proposed text amendments to the Zoning Ordinance.

Public Works:

The Department of Public Works has no comments regarding the proposed amendments to the Zoning Ordinance.

Planning Services: Planning Staff met with the Building Commissioner to review the Zoning Ordinance and Building Code. In doing so, they found instances where the Zoning Code should be updated for clarity and also instances where the Building and Sign are in conflict. These proposed text amendments reconcile issues to the Zoning Ordinance. Building Code updates are not needed, as many of these items are already covered in the Building Code. Should the Building Code need to be updated, the Board of Building Appeals (BOBA) will review and make a recommendation to the Village Board.

EXISTING & PROPOSED REGULATIONS

Staff supports text amendments to Chapter 155 of the Lombard Zoning Ordinance to amend the text for consistency and to remove discrepancies between the Zoning Ordinance and Chapter 150 of the Building Code. The proposed text amendments will allow for modification to Chapter 155 of the Village Code (the Zoning Ordinance) and are intended to remove language that conflicts with existing provisions established within the Building Code. The amendments to Sections 155.103(B)(2), 155.205(2)(d), 155.205(6)(c), 155.211(A), 155.224(A)(8), and 155.603 (C)(2) include edits for consistency, with additions underlined and deletions in strike out below. Proposed changes are as follows:

Section 155.103(B)(2) Procedure for Admin Functions

Issuance of a zoning certificate. No zoning certificate for a building, or land or portion thereof, shall be issued until the premises inspected and certified by the Director of Community Development to be in conformity with all applicable provisions of this Code. ~~Pending the issuance of a regular zoning certificate, a conditional zoning certificate may be issued, to be valid for a period not to exceed six months from its date, allowing for the partial occupancy of the premises. The term of this conditional zoning certificate may be extended by mutual consent of the applicant and the village. The conditional zoning certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a conditional zoning certificate cannot be issued not later than 14 days after the Director of Community Development receives the zoning certificate application.~~

Reasoning: As the Plan Commission is aware, if a property needs zoning entitlements the petitioner would need to go through the Plan Commission and Village Board. The Village does not issue Conditional Zoning Certificates. We do issue Certificates of Occupancy, however it does not take 14 days to be issued.

Section 155.205(2)(d) Fence Regulations

When fences are located in the required front yard or corner side yard, the finished or decorative side of the fence shall face the adjacent property(ies) or street. ~~Additionally, all fences at commercial businesses for the purpose of surrounding seating areas shall be in compliance with the Illinois Accessibility Code and the applicable Federal Americans with Disabilities Act (ADA) Standards.~~

Reasoning: ADA/IAC Standards are covered under the purview of the Building Code.

Section 155.205(6)(c) Fence Regulations

~~Void if work not completed. A permit issued by the Director becomes null and void if work is not completed within 60 days of issuance.~~

Reasoning: Permits issued become null and void after one year. Per section 150.140 of the Building Code.

Section 155.224(A)(8) Small Scale Wind Energy Systems

~~Access. Access to small scale wind energy systems shall be controlled in a manner consistent with local building codes.~~

Reasoning: Text amendment is covered under the purview of the Building Code.

Section 155.603 (C)(2) Cargo Containers

Sites under construction. For properties in which there is an active building permit issued by the village for a multiple family or non-residential development, ~~up to two~~ cargo containers may be placed on ~~the a~~ property provided that they are placed within the buildable area of the lot and are not placed on requisite parking

spaces. Cargo containers used for construction purposes must be immediately removed upon completion of the construction project.

Reasoning: Text amendment reviewed for clarity and past precedent indicates that more than two (2) cargo containers may be required in conjunction with an active building permit for storage and staging.

Section 155.603 (C)(3) Cargo Containers

~~Cargo container amortization schedule. Any cargo container lawfully existing on the effective date of this § 155.603 which does not conform to the provisions of Chapter 155 of the Village Code, shall be removed or made to conform within three years of the date of notification by the village that the cargo container no longer conforms with the requirements of Chapter 155 of the Village Code. Any cargo container lawfully existing on the effective date of this § 155.603 which does not conform to the provisions of Chapter 155 of the Village Code may request a variation as outlined in subsection 155.103(C) of this Code.~~

Reasoning: Text amendment is no longer valid. The initial date was 2002 (PC 02-32) and the expiration date for the amortization period ended.

Section 155.602 (A)(10) Off Street Parking

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

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

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

Reasoning: Nuisances are covered in Chapter 94 of the Building Code. Provisions in the Zoning Code are able to be varied whereas nuisances cannot be varied.

Section 155.206 (B)(2)(d)(i) Regulations for Radio, Satellite and Antennas, Towers and Dishes

Personal wireless service facility towers shall be set back not less ~~that~~ than 105 percent of the height of the tower from the nearest property line. ~~except~~ Except where the applicant provides certification from a structural engineer that the tower is designed to limit the area of damage in the event of collapse to the requested setback. ~~or that the tower has been designed to withstand winds to 100 mph.~~

Reasoning: Text amendment reviewed for clarity and staff notes specs on antennas are in the Building Code.

STANDARDS FOR TEXT AMENDMENTS

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards 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 text amendment is generally applicable to all properties within the Village.

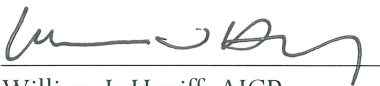
2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*
The proposed text amendment is consistent with the objectives of the Zoning Ordinance.
3. *The degree to which the proposed amendment would create nonconformity;*
Staff does not believe any nonconformity would be created.
4. *The degree to which the proposed amendment would make this ordinance more permissive;*
The proposed amendment will modify the wording of the Zoning Ordinance to remove language that conflicts with existing provisions established within the Building Code.
5. *The consistency of the proposed amendment with the Comprehensive Plan; and*
Staff finds 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 the Zoning Ordinance to address edits for clarity. The proposed amendments are consistent with established Village policy in this regard.

FINDING & RECOMMENDATIONS

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 amendments **comply** 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 18-26.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

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