

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: Scott R. Niehaus, Village Manager

DATE: August 3, 2015 (B of T) Date: August 13, 2015

TITLE: PC 15-18; Text Amendment to the Zoning Ordinance

SUBMITTED BY: Department of Community Development *WJ*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village grant approval of a text amendment to Title 15, Chapter 155, Section 155.103 of the Lombard Zoning Ordinance.

The Plan Commission recommended approval of this petition by a vote of 4-0.

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:** Scott R. Niehaus, Village Manager

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

**DATE:** August 13, 2015

**SUBJECT:** **PC 15-18; Text Amendment to the Zoning Ordinance**

Please find the following items for Village Board consideration as part of the August 13, 2015 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 15-18; and
3. An Ordinance granting approval of a text amendment to the Zoning Ordinance.

The Plan Commission recommended approval of this petition by a vote of 4-0. Please place this petition on the August 13, 2015 Board of Trustees agenda with a waiver of first reading, as requested by the Village.

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## VILLAGE OF LOMBARD

255 E. Wilson Ave.  
Lombard, Illinois 60148-3926  
(630) 620-5700 Fax (630) 620-8222  
www.villageoflombard.org

August 13, 2015

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Sharon Kuderna

**Trustees**  
Dan Whittington, Dist. 1  
Michael A. Fugiel, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Bill T. Johnston, Dist. 4  
Robyn Pike, Dist. 5  
William "Bill" Ware, Dist. 6

**Village Manager**  
Scott R. Niehaus

*"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 15-18; Text Amendment to the Zoning Ordinance**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village grant approval of a text amendment to Title 15, Chapter 155, Section 155.103 of the Lombard Zoning Ordinance.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on July 20, 2015. Sworn in to present the petition was Jennifer Ganser, Assistant Director.

Chairperson Ryan read the Plan Commissions procedures and asked if anyone other than the petitioner intended to cross examine, and, hearing none, he proceeded with the petition. Chairperson Ryan asked for public comment, and, hearing none, he asked for the staff report.

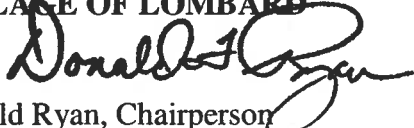
Ms. Ganser submitted the staff report to the public record in its entirety. Ms. Ganser said currently the Zoning Code has no provisions for what would occur if multiple petitions came forward for the same property at the same time. This could place staff, the Plan Commission, the Zoning Board of Appeals, and the Village Board in a difficult situation of being forced to consider competing petitions for approval. Village Counsel has suggested language be added to a new subsection (L). This language would allow the first petition received to go through, but the subsequent petition to not be processed until the first petition is withdrawn or receives final action from the Board. The IDRC had no comments and staff supports the petition.

Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

On a motion by Commissioner Cooper, and a second by Commissioner Mrofcza, the Plan Commission voted 4 to 0 to recommend that the Village Board approve the text amendment, associated with PC 15-18, subject to no conditions.

Respectfully,

**VILLAGE OF LOMBARD**

A handwritten signature in black ink, appearing to read "Donald Ryan", written over the printed name.

Donald Ryan, Chairperson  
Lombard Plan Commission

c. Lombard Plan Commission

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July 20, 2015

**Title**

PC 15-18

**Petitioner**

Village of Lombard

**Property Location**

Village-wide

**Approval Sought**

An amendment to Section 155.103 (and any other relevant sections for clarity) of the Lombard Zoning Ordinance adding a new subsection (L) establishing an order of applications for relief for multiple or competing zoning requests for the same property.

**Submittals**

1. Petition for a public hearing; and
2. Response to Standards for a Text Amendment.

**Prepared By**

Jennifer Ganser  
Assistant Director

**DESCRIPTION**

The petitioner, the Village of Lombard, is requesting the following text amendments to the Lombard Zoning Ordinance:

An amendment to Section 155.103 (and any other relevant sections for clarity) of the Lombard Zoning Ordinance adding a new subsection (L) establishing an order of applications for relief for multiple or competing zoning requests for the same property.

Currently our Code has no provisions for what would occur if multiple petitions came forward for the same property at the same time. This could place staff, the Plan Commission, the Zoning Board of Appeals, and the Village Board in a difficult situation of being forced to consider competing petitions for approval. Village Counsel has suggested language be added to a new subsection (L). This language would allow the first petition received to go through, but the subsequent petition to not be processed until the first petition is withdrawn or receives final action from the Board.

**INTER-DEPARTMENTAL REVIEW**

**Building Division:**

The Building Division has no comments.

**Fire Department:**

The Fire Department has no issues or concerns.

**Private Engineering Services:**

Private Engineering Services has no comments.

**Public Works:**

The Department of Public Works has no comments.

## PROPOSED REGULATIONS

### New Text

**“(L) Order of Applications for Relief. Where a petition for relief, which requires action by the Plan Commission or the Zoning Board of Appeals, is pending under this Chapter 155, relative to a particular property, a second petition for relief, relative to the same property, shall not be processed until either the first petition for relief is withdrawn or final action thereon has been taken by the President and Board of Trustees, unless the second petition for relief has been brought by the same applicant, relates to the same proposed use of the property as the first petition for relief, and the granting of said relief would not be in conflict with, or serve as an alternate to, the relief requested in the first petition.”**

## STANDARDS FOR TEXT AMENDMENTS

The petitioner has provided responses to the standards for a text amendment.

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*  
This text amendment would apply to all Village properties and not a specific property.
2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*  
This text amendment would be applied in every zoning district of the Village.
3. *The degree to which the proposed amendment would create nonconformity;*  
This text amendment would not create any nonconformity as it still would allow for development to occur.
4. *The degree to which the proposed amendment would make this ordinance more permissive;*  
This text amendment would not be more permissive, as it still would allow for development to occur.
5. *The consistency of the proposed amendment with the Comprehensive Plan; and*  
The Comprehensive Plan does not specifically mention competitive petitions. The Comprehensive Plan does support development in the Village, and the proposed text amendment is not meant to hinder development.
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 reviews its Codes and makes amendments, when necessary.

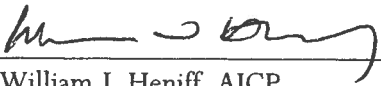
## FINDINGS & RECOMMENDATIONS

Staff finds the proposed amendments to be consistent with the objectives of the Lombard Zoning Ordinance. The proposed amendments are 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 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 15-18.

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 155.103,  
OF THE LOMBARD VILLAGE CODE**

PC 15-18: Text Amendment

WHEREAS, the Village of Lombard maintains a Zoning Ordinance which is found in Title 15, Chapter 155 of the Lombard Code; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Zoning Ordinance and make necessary changes; and,

WHEREAS, a public hearing to consider text amendments to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on July 20, 2015 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 155.103 of the Lombard Village Code is hereby amended as follows:

(L) Order of Applications for Relief. Where a petition for relief, which requires action by the Plan Commission or the Zoning Board of Appeals, is pending under this Chapter 155, relative to a particular property, a second petition for relief, relative to the same property, shall not be processed until either the first petition for relief is withdrawn or final action thereon has been taken by the President and Board of Trustees, unless the second petition for relief has been brought by the same applicant, relates to the same proposed use of the property as the first petition for relief, and the granting of said relief would not be in conflict with, or serve as an alternate to, the relief requested in the first petition.

**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.



Ordinance No. \_\_\_\_\_

Re: PC 14-18

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Passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2015.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Keith T. Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published in pamphlet from this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk