

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

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

**TO :** PRESIDENT AND BOARD OF TRUSTEES

**FROM:** Scott R. Niehaus, Village Manager

**DATE :** Feburary 23, 2021 (BOT) Date: March 4, 2021

**SUBJECT:** PC 21-01, Text Amendment to the Chapter 155 of the Village Code:  
Collection Boxes

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

**BACKGROUND/POLICY IMPLICATIONS:**

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, is requesting the following:

1. A text amendment to delete “collection centers, attendant” from the following zoning districts: Sections 155.415(C) B3 Community Shopping District, 155.416(C) B4 Corridor Commercial District, 155.417(G)(2)(b) Roosevelt Road Corridor B4A District, and 155.420(C) I Limited Industrial District;
2. A text amendment to Sections 155.415(B) B3 Community Shopping District, 155.416(B) B4 Corridor Commercial District, 155.417(G)(1)(b) Roosevelt Road Corridor B4A District, and 155.420(B) I Limited Industrial District of the Lombard Village Code to allow for “collection boxes” to be listed as a permitted use;
3. Add a new definition for “collection boxes” in Section 155.802;
4. Remove the definition of “collection center, attendant” in Section 155.802; and
5. Any other relevant sections for clarity.

The Plan Commission recommended approval of this petition by a vote of 5-0. Please place this petition on the March 4, 2021 Board of Trustees consent agenda with a waiver of first reading.

Review (as necessary):


Finance Director \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager \_\_\_\_\_ Date \_\_\_\_\_

**NOTE:** All materials must be submitted to and approved by the Village



## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

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

**MEETING DATE:** March 4, 2021

**SUBJECT:** **PC 21-01, Text Amendment to Chapter 155 of the Village Code:  
Collection Boxes**

Please find the following items for Village Board consideration as part of the March 4, 2021 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 21-01; and
3. An Ordinance granting approval of the text amendments of the Lombard Zoning Ordinance.

The Plan Commission recommended approval of this petition by a vote of 5-0. Please place this petition on the March 4, 2021 Board of Trustees consent agenda with a waiver of first reading.





## VILLAGE OF LOMBARD

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March 4, 2021

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Sharon Kuderna

**Trustees**  
Dan Whittington, Dist. 1  
Anthony Puccio, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Andrew Honig, Dist. 4  
Daniel Militello, 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 21-01, Text Amendment to the Chapter 155 of the Village Code: Collection Boxes**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, is requesting the following:

1. A text amendment to delete "collection centers, attendant" from the following zoning districts: Sections 155.415(C) B3 Community Shopping District, 155.416(C) B4 Corridor Commercial District, 155.417(G)(2)(b) Roosevelt Road Corridor B4A District, and 155.420(C) I Limited Industrial District;
2. A text amendment to Sections 155.415(B) B3 Community Shopping District, 155.416(B) B4 Corridor Commercial District, 155.417(G)(1)(b) Roosevelt Road Corridor B4A District, and 155.420(B) I Limited Industrial District of the Lombard Village Code to allow for "collection boxes" to be listed as a permitted use;
3. Add a new definition for "collection boxes" in Section 155.802;
4. Remove the definition of "collection center, attendant" in Section 155.802; and
5. Any other relevant sections for clarity.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on January 25, 2021. Sworn in to present the petition was Jennifer Ganser, Assistant Director.

Vice Chairperson Flint asked for public comment.

Vice Chairperson Flint asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. Collection Boxes with an attendant are currently a conditional use in the following zoning districts: B3, B4, B4A, and I. Based on recent court cases and correspondence with Village Counsel, staff is requesting to make collection boxes a permitted use. Unattended charitable recycling bins (collection boxes) are protected under the first amendment as free speech (charitable solicitations) and therefore may not be banned or unreasonably regulated. Staff proposes to make collection boxes a permitted use in the following zoning districts: B3, B4, B4A, and I as an accessory use.

Vice Chairperson Flint opened the meeting for comments among the Commissioners.

On a motion by Commissioner Johnston, and a second by Commissioner Walker, the Plan Commission voted 5-0 to recommend that the Village Board approve the petition associated with PC 21-01.

Respectfully,

**VILLAGE OF LOMBARD**

Steve Flint, Vice Chairperson  
Lombard Plan Commission

ORDINANCE \_\_\_\_\_

AN ORDINANCE APPROVING A TEXT AMENDMENT  
TO THE LOMBARD ZONING ORDINANCE  
TITLE 15, CHAPTER 155  
OF THE LOMBARD VILLAGE CODE

PC 21-01: Text Amendments to the Zoning Ordinance: Collection Boxes

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 January 25, 2021, 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 155.415(C) of the Lombard Zoning Ordinance shall be amended to read as follows:

~~(4) Collection centers, attendant.~~

~~(5)~~ **(4)** Day care centers.

~~(6)~~ **(5)** Drive-through and drive-in establishments/services.

~~(7)~~ **(6)** Funeral homes.

~~(8)~~ **(7)** Furniture upholstery, as the principal use of the property.

~~(9)~~ **(8)** Gasoline sales (or any expansion of a principal, secondary or ancillary use on the same lot as a gasoline sales establishment).

~~(10)~~ **(9)** Hotel and convention halls.

~~(11)~~ **(10)** Hotels and motels.

~~(12)~~ **(11)** Learning centers, with outdoor component.

~~(13)~~ **(12)** Medical and dental laboratories.

~~(14)~~ **(13)** Meeting hall.



- (15) ~~(14)~~ Motor vehicle repair.
- (16) ~~(15)~~ Motor vehicle sales.
- (17) ~~(16)~~ Motor vehicle service.
- (18) ~~(17)~~ Off-site parking, in conformance with subsection 155.602(A)(3)(b) of this Chapter.
- (19) ~~(18)~~ Outside display and sales of products the sale of which is a permitted or conditional use in this district.
- (20) ~~(19)~~ Outside service areas for other permitted or conditional uses in this district.
- (21) ~~(20)~~ Parking lots, open, as the principal use of the property.
- (22) ~~(21)~~ Parking garages or structures, as the principal use of the property.
- (23) ~~(22)~~ Massage establishments (as defined and regulated by Title 11, Chapter 122 of the Code of Ordinances).
- (24) ~~(23)~~ Psychics, ESP readers, and fortune tellers.
- (25) ~~(24)~~ Public recreational and social facilities, as defined in the R1 District.
- (26) ~~(25)~~ Public utility and governmental service uses.
- (27) ~~(26)~~ Religious institutions.
- (28) ~~(27)~~ Restaurants including entertainment, dancing, and/or amusement devices when conducted as part of the restaurant operations and secondary to the principal use.
- (29) ~~(28)~~ Tattoo studio.
- (30) ~~(29)~~ Taverns and cocktail lounge.
- (31) ~~(30)~~ Cannabis dispensing facility operated in strict compliance with State law applicable thereto.
- (32) ~~(31)~~ Golf Driving Range and ancillary retail uses
- (33) ~~(32)~~ Accessory uses and buildings, incidental to and on the same zoning lot as the conditional use, which are constructed and operated in conformance with § 155.210 of this Chapter.
- (34) ~~(33)~~ Dwelling Units, located above the first floor, where all the requirements of subsection 155.413(B)(17) of this Code are not met.

**SECTION 2:** That Title 15, Chapter 155, Section 155.415(B) of the Lombard Zoning Ordinance shall be amended to read as follows:

**(37) Collection Boxes, as an accessory use on the property**

- (37) ~~(38)~~ Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with § 155.210.

**SECTION 3:** That Title 15, Chapter 155, Section 155.416(C) of the Lombard Zoning Ordinance shall be amended to read as follows:

~~(7) Collection centers, attendant.~~

- (8) ~~(7)~~ Contractor construction offices, shops, and yards.
- (9) ~~(8)~~ Day care center.
- (10) ~~(9)~~ Drive-through and drive-in establishments/services.
- (11) ~~(10)~~ Dwelling Units, located above the first floor, where all the requirements of subsection 155.413(B)(17) of this Code are not met.
- (12) ~~(11)~~ Gasoline sales (or any expansion of a principal, secondary or ancillary use on the same lot as a gasoline sales establishment.
- (13) ~~(12)~~ Learning Centers, with outdoor component.
- (14) ~~(13)~~ Machinery sales.

- (15) ~~(14)~~ Model homes and garage displays.
- (16) ~~(15)~~ Motor vehicle repair.
- (17) ~~(16)~~ Motor vehicle sales.
- (18) ~~(17)~~ Motor vehicle service.
- (19) ~~(18)~~ Off-site parking, in conformance with subsection 155.602(A)(3)(b) of this Chapter.
- (20) ~~(19)~~ Outside display and sales of products the sale of which is a permitted or conditional use in this district.
- (21) ~~(20)~~ Outside service areas for other permitted or conditional uses in this district.
- (22) ~~(21)~~ Photographic processing business.
- (23) ~~(22)~~ Massage establishments (as defined and regulated by Title 11, Chapter 122 of the Code of Ordinances).
- (24) ~~(23)~~ Planned developments in conformance with § 155.500 of this Chapter.
- (25) ~~(24)~~ Psychics, ESP readers, and fortune tellers.
- (26) ~~(25)~~ Public utility and governmental service uses.
- (27) ~~(26)~~ Religious institutions.
- (28) ~~(27)~~ Restaurants, which include entertainment, dancing, and/or amusement devices when conducted as part of the restaurant operations and secondary to the principal use.
- (29) ~~(28)~~ Stadiums, auditoriums, and arenas—Open or enclosed.
- (30) ~~(29)~~ Storage centers, provided that the use fronts along an arterial roadway with an average daily trip volume (ADTV) of less than 25,000.
- (31) ~~(30)~~ Tattoo studio.
- (32) ~~(31)~~ Theaters, drive-in.
- (33) ~~(32)~~ Trailer and camper trailer sales and rental for use with private passenger motor vehicles.
- (34) ~~(33)~~ Four-story buildings and buildings which are 40 feet to 45 feet in height.
- (35) ~~(34)~~ Cannabis dispensing facility operated in strict compliance with State law applicable thereto.
- (36) ~~(35)~~ Accessory uses and buildings, incidental to and on the same zoning lot as the conditional use, which are constructed and operated in conformance with § 155.210 of this Chapter.

**SECTION 4:** That Title 15, Chapter 155, Section 155.416(B) of the Lombard Zoning Ordinance shall be amended to read as follows:

**(12) Collection Boxes, as an accessory use on the property**

- (12) ~~(13)~~ Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with § 155.210 of this Chapter.

**SECTION 5:** That Title 15, Chapter 155, Section 155.417(G)(2)(b) of the Lombard Zoning Ordinance shall be amended to read as follows:

~~(iv) Collection center, attendant.~~

(v) ~~(iv)~~ Day care center.

(vi) ~~(v)~~ Drive-through and drive-in establishments/services.

(vii) ~~(vi)~~ Learning centers, with outdoor component.

(viii) ~~(vii)~~ Motor vehicle repair.

(ix) ~~(viii)~~ Motor vehicle service.

(x) ~~(ix)~~ Photographic processing business.



~~(xi)~~ **(x)** Massage establishments (as defined and regulated by Title 11, Chapter 122 of the Code of Ordinances).

~~(xii)~~ **(xi)** Religious institutions.

~~(xiii)~~ **(xii)** Smoking establishments (in conformance with Illinois Smoke Free Act, 410 ILCS 82/1 et seq).

~~(xiv)~~ **(xiii)** Tattoo studio.

~~(xv)~~ **(xiv)** Schools, private, full-time: Elementary, middle and high.

~~(xvi)~~ **(xv)** Storage centers, provided that the use fronts along an arterial roadway.

**SECTION 6:** That Title 15, Chapter 155, Section 155.417(G)(1)(b) of the Lombard Zoning Ordinance shall be amended to read as follows:

**(xxiv) Collection Boxes, as an accessory use on the property**

~~(xxiv)~~ **(xxv)** Travel bureaus and transportation ticket offices.

**SECTION 7:** That Title 15, Chapter 155, Section 155.420(C) of the Lombard Zoning Ordinance shall be amended to read as follows:

~~(7) Collection centers, attendant.~~

~~(8)~~ **(7)** 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 § 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)~~ **(8)** Compost collection facility.

~~(10)~~ **(9)** Concrete and cast stone fabrication and molding.

~~(11)~~ **(10)** Contractors, architects, and engineers equipment and material storage yards.

~~(12)~~ **(11)** Cosmetics production.

~~(13)~~ **(12)** Distribution center.

~~(14)~~ **(13)** Food and dairy manufacture, packaging, and processing.

~~(15)~~ **(14)** Gasoline sales (or any expansion of a principal, secondary, or ancillary use on the same lot as a gasoline sales establishment).

~~(16)~~ **(15)** Glass products production.

~~(17)~~ **(16)** Heliports, private or commercial.

~~(18)~~ **(17)** Learning centers (no outdoor component).

~~(19)~~ **(18)** Metal plating, forging, or casting.

~~(20)~~ **(19)** Mortuarial services.

~~(21)~~ **(20)** Motor vehicle repair.

~~(22)~~ **(21)** Motor vehicle Sales.

~~(23)~~ **(22)** Motor vehicle services.

~~(24)~~ **(23)** Off-site parking, conforming to Section 155.602(A)(3)(b) of this Chapter.

~~(25)~~ **(24)** Outpatient medical and dental offices and clinics.

~~(26)~~ **(25)** Paper products manufacture.



- (27) ~~(26)~~ Parks and playgrounds.
- (28) ~~(27)~~ Planned developments in conformance with § 155.500 of this Chapter.
- (29) ~~(28)~~ Plastic extruding.
- (30) ~~(29)~~ Recreation buildings or community centers.
- (31) ~~(30)~~ Religious institutions.
- (32) ~~(31)~~ Restaurants, including catering services.
- (33) ~~(32)~~ Schools: public and/or private elementary, middle and high.
- (34) ~~(33)~~ Shooting gallery and range, indoor (with ancillary retail sales of associated product).
- (35) ~~(34)~~ Soap manufacture.
- (36) ~~(35)~~ Stadiums, auditoriums, and arenas—Open or enclosed.
- (37) ~~(36)~~ Outside storage of motor vehicles.
- (38) ~~(37)~~ Trade school.
- (39) ~~(38)~~ Truck terminal.
- (40) ~~(39)~~ 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 155.420(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) ~~(40)~~ Craft alcohol production facility.
- (42) ~~(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 § 155.210 of this Chapter.

**SECTION 8:** That Title 15, Chapter 155, Section 155.420(B) of the Lombard Zoning Ordinance shall be amended to read as follows:

**(17) Collection Boxes, as an accessory use on the property**

(17) ~~(18)~~ Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with § 155.210 of this Chapter.

**SECTION 9:** That Title 15, Chapter 155, Section 155.802 of the Lombard Zoning Ordinance shall be amended to read as follows:

**Collection Box. Any container, receptacle or similar device located on private property used for the purpose of receiving donations of various types of items, including, but not limited to, clothing, household goods, and toys. This term excludes recycling collection centers.**

~~Collection center, attendant is a staffed drop-off donation facility for the collection of discarded household goods and clothing for the purpose of resale or donation by the facility operator. This term excludes recycling collection centers or any stand alone, unstaffed drop boxes or collection sites for discarded household goods or clothing.~~

**SECTION 10:** 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 21-01

Page 6

Passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2021.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

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

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

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2021.

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

ATTEST:

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

Published in pamphlet from this \_\_\_\_ day of \_\_\_\_\_, 2021.

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