

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO:	Lombard Plan Commission	HEARING DATE:	December 15, 2008
FROM:	Department of Community Development	PREPARED BY:	Michael S. Toth Planner I

TITLE

PC 08-33; Text Amendments to the Zoning Ordinance: The petitioner requests a text amendment to Section 155.420(C) of the Lombard Zoning Ordinance (and other sections where needed for clarity) allowing “Animal Day Care Facility” and “Kennels” to both be listed as a conditional use within the I - Limited Industrial District.

GENERAL INFORMATION

Petitioner:	Sue Aikman 710 Hill Ave. Lombard, IL 60148
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ANALYSIS

SUBMITTALS

This report is based on the following documents filed with the Department of Community Development on November 11, 2008:

1. Public Hearing Application.
2. Response to Standards for Text Amendments

DESCRIPTION

The petitioner is currently operating a canine training facility in the I – Limited Industrial District. There are currently no uses (permitted or conditional) that would allow such an activity in the I – Limited Industrial District; as such, the petitioner is requesting text amendments to the Zoning Ordinance to allow an “Animal Day Care Facility” as a conditional use in the I - Limited Industrial District. The petitioner has also filed for a companion conditional use approval for an Animal Day Care Facility to allow for such a use on the subject property.

As an adjunct to the aforementioned request, staff would also like to petition for approval to also list “Kennels” as a conditional use in the I - Limited Industrial District. Staff believes this use to be most appropriate within an industrial area.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

The Department of Public Works has no comments on the petition.

PRIVATE ENGINEERING SERVICES

The Private Engineering Services Division of Community Development has no comments.

BUILDING & FIRE

The Fire Department/Bureau of Inspectional Services has no comments at this time.

PLANNING

Table 1 illustrates how the different animal uses are *currently* being regulated in the Zoning Ordinance (note: there are no animal uses listed as either a permitted or conditional use within the O, CR or any residential districts).

Uses	B1	B2	B3	B4	B4A	B5	B5A	I
Animal Hospitals and Kennels	-	C	-	C	C	C	C	-
Animal Day Care Facilities	-	-	-	-	-	-	-	-
Pet Grooming Services (not including animal hospitals or overnight visits)	P	P	P	P	P	P	P	-
Pet Shops	-	-	P	P	P	P	P	-
"C" = Conditional Use, "P" = Permitted Use, "-" = Prohibited Use								

Table 1

The principal activity associated with the petitioner’s business is the training of animals, more specifically, canines. There are other canine training facilities located in Lombard; however, canine training facilities currently have no land use designation. Staff has not reviewed animal uses in the context of other zoning districts. If an Animal Day Care Facility (or any other similar use) were to be proposed in any zoning district other than the I - District, a full Code review would be conducted.

By definition, the Animal Day Care Facility is a broad use that contains a number of separate and distinct uses. Other uses that would fall under the newly-created Animal Day Care Facility land use would be the grooming, exercise and socialization of animals. A kennel is defined as *any business, premises, or portion thereof, in which more than three (3) dogs or other domestic animals over three (3) months of age are boarded for compensation, bred, cared for, or kept for sale.* Boarding, breeding, the care and sale of animals are uses that are classified under the existing Kennel use, which is also being proposed to be added as a conditional use within the I –Limited Industrial District. This amendment is being offered by staff to ensure consistency within the Zoning Ordinance. As there are many similarities between an Animal Day Care Facility and Kennel (notably the boarding of animals), staff believes that it is important to specifically distinguish any differences between both uses in order to clarify the intent of creating the Animal Day Care Facility use.

In staff's opinion, the proposed uses are more appropriate for the I- Limited Industrial District. The Zoning Ordinance describes the I – Limited Industrial District as *an area intended to provide an environment suitable for industrial activities that do not create appreciable nuisance or hazards, or that require a pleasant, hazard-and-nuisance-free environment*. According to the description of the I - Limited Industrial District, the appreciable noise and waste of the proposed animal uses would inherently classify those uses as being more appropriate for an industrial zoning district.

Standards for Text Amendments

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards and the petitioner's 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 would be uniformly applied to the I – Limited Industrial District as a conditional use. All similar use proposals in the I – Limited Industrial District would be subject to the conditional use process. From a land use perspective, there are uses in the I – Limited Industrial District that are similar to the proposed use as they generate waste and produce minimal noise disturbances.

2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*

The I Limited Industrial District is intended to provide an environment suitable for industrial activities that do not create appreciable nuisance or hazards, or that require a pleasant, hazard-and-nuisance-free environment.

While the I Limited Industrial District is intended as a major employment generating area and will create significant traffic and other impacts, the types of activities associated with the proposed use may be more suitable for the I – Limited Industrial District. There may be waste removal and minimal noise disturbances associated with the presence of animals, which would be better suited for an industrial area.

3. *The degree to which the proposed amendment would create nonconformity;*

The proposed text amendment would not create any non-conforming situations as the proposed use has previously not existed as a permitted or conditional use within the I – Limited Industrial District.

4. *The degree to which the proposed amendment would make this ordinance more permissive;*

The proposed amendment will make the ordinance more permissive by right, as it relates to animal care in the I – District. However, the amendments will allow any similar use proposals to petition for a conditional use without requiring the companion text amendment approval.

5. *The consistency of the proposed amendment with the Comprehensive Plan;*

As there will be waste removal and minimal noise disturbances associated with the presence of animals, the proposed uses could be considered light industrial by nature. The subject use could be applied to all light industrial properties throughout the Village; however, discretion as to whether a particular site is suitable for such a use would be determined by the conditional use process.

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 to clarify the intent of the Ordinance provisions. In 2007, text amendments to the Lombard Zoning Ordinance were adopted to allow athletic training facilities and/or learning centers to be listed as a conditional use within the I Limited Industrial District. This amendment is similar in scope as it demonstrates an evolving I – Limited Industrial District, which now includes quasi-industrial uses.

Proposed Text Amendments

The following are the proposed text amendments for the Zoning Ordinance and Code of Ordinances. Proposed changes to the Zoning Ordinance is denoted by underlining new text.

SECTION 155.418 I LIMITED INDUSTRIAL DISTRICT REQUIREMENTS

(B) Permitted Uses

The following uses shall be permitted in the I District:

- (1) Bedding manufacturing
- (2) Boot and shoe manufacturing
- (3) Cabinet Making
- (4) Carpet manufacturing
- (5) Cloth products manufacturing

- (6) Contractors, architects, and engineers offices and shops
- (7) Dry cleaning plants and operations primarily serving satellite drop-off dry cleaning establishments in other districts.
- (8) Electronic and scientific precision instruments manufacturing
- (9) Exterminating services
- (10) Film Processing; not including retail sales or commercial studios
- (11) Furniture upholstery & Refinishing
- (12) Fur processing
- (13) Laboratories, including research and testing laboratories
- (14) Laundries, including truck route laundries, linen supply, and diaper services
- (15) Light machinery production and repair e.g. household appliances & business machines etc. - appliances, business machines, etc.
- (16) Lithographing
- (17) Mail order houses
- (18) Mechanical Parts Reconditioning
- (19) Mini-Warehouses
- (20) Musical instruments manufacturing
- (21) Offices
- (22) Orthopedic and medical appliance manufacture
- (23) Packing Material Manufacturing
- (24) Parking lots, commercial and lots other than accessory, and subject to the provisions of Section 155.600 of this Ordinance
- (25) Pottery and ceramics manufacture
- (26) Printing and publishing establishments

- (27) Public utility and service uses
- (28) Radio and television stations and towers
- (29) Rope, cord, and twine manufacture
- (30) Sheet Metal Stamping and Fabrication
- (31) Sign Contractors
- (32) Sporting goods manufacture
- (33) Storage Centers
- (34) Tool & Die
- (35) Warehousing, storage, and distribution facilities
- (36) Wearing Apparel Manufacture
- (37) Woodworking and wood products manufacture
- (38) Automated Envelope Merging Process
- (39) Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with Section 155.210 of this Ordinance

(C) Conditional Uses

Subject to the provisions of Section 155.103 (F) in this Ordinance, the following conditional uses may be allowed:

- (1) Adult uses (including but not limited to adult book stores, adult cabarets, adult theaters, and adult video stores) subject to the adult use:
 - (a) not being located within 500 feet of a zoning district which permits (or allows as a conditional use) residential development, educational or religious institutions, parks, or playgrounds;
 - (b) not being located within 1,000 feet of another adult use (distances to be measured from property lines);

(c) being conducted in a manner that prohibits the observation of any material depicting, describing or relating to any specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way.

- (2) Animal Day Care Facility
- (3) Automobile repair
- (4) Automotive service
- (5) Banks
- (6) Building material sales and storage
- (7) Cartage and express facilities
- (8) Catering Services
- (9) Clubs and lodges, nonprofit and fraternal
- (10) Compost collection facility
- (11) Concrete and cast stone fabrication and molding
- (12) Contractors, architects, and engineers equipment and material storage yards
- (13) Cosmetics production
- (14) Dairy products processing or manufacture
- (15) Food manufacture, packaging, and processing
- (16) Gasoline sales
- (17) Glass products production
- (18) Heliports, private or commercial
- (19) Learning centers (no outdoor component)
- (20) Kennels
- (21) Metal Plating, Forging, or Casting

- (22) Mortuarial Services
- (23) Off-site parking, conforming to Section 155.602 (A) (3) (b) of this Ordinance
- (24) Outpatient medical and dental offices and clinics
- (25) Paper products manufacture
- (26) Parks and playgrounds
- (27) Planned developments in conformance with Section 155.500 of this Ordinance
- (28) Plastic extruding
- (29) Recreation buildings or community centers
- (30) Recycling collection centers
- (31) Restaurants
- (32) Schools: public and/or private elementary, middle and high
- (33) Soap manufacture
- (34) Stadiums, auditoriums, and arenas - open or enclosed
- (35) Outside Storage of Motor Vehicles
- (36) Trade school
- (37) 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 155.418(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.
- (38) Four (4) story buildings within one hundred feet (100') of residentially-zoned property or a minor or major arterial street and buildings which are forty feet (40') to forty-five feet (45') in height and which are within one hundred (100') of a residentially-zoned property or a minor or major arterial street.
- (39) Accessory uses and buildings incidental to and on the same zoning lot as the conditional use, which are constructed and operated in conformance with Section 155.210 of this Ordinance.

SECTION 155.802 RULES AND DEFINITIONS

ANIMAL DAY CARE FACILITY any premises where three or more animals, at any one time over three months of age, are accepted for grooming, training, exercise or socialization, provided that overnight boarding is not permitted.

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 08-33.

Inter-Departmental Review Group Report Approved By:

William Heniff, AICP
Director of Community Development