

May 18, 2006

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

**Subject: PC 06-12: Text Amendments to the Lombard Zoning Ordinance
(Repair/Service Activities)**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition.

The Village of Lombard is proposing amendments to Section 155.602 (A)(1)(i) of the Zoning Ordinance amending and/or moving the repair and service provisions set forth within this subsection from the Zoning Ordinance to Nuisance Section (Section 94.05) of the Code of Ordinances.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on April 17, 2006.

William Heniff, Senior Planner, presented the petition. He noted that the Department of Community Development is in the process of conducting a review of selected sections of the Village Code pertaining to various code enforcement regulations. Most of these regulations are located with the Nuisance Section of the Village Code (Section 94 of the Village's Code of Ordinances). However, one commonly referenced and utilized regulation pertains to the repair and maintenance of motor vehicles, which is currently located within the Zoning Ordinance (Section 155 of the Village Code). This petition is intended to relocate the regulation from the Zoning Ordinance and into the Nuisance Section of the Code of Ordinances.

As a Zoning Ordinance regulation, this amendment must be addressed through the public hearing process. The proposed amendments are not intended to modify the intent of the regulations. This amendment would not affect any existing businesses or residential properties nor does it create any legal non-conforming (grandfathered) situations – its intent is to relocate the vehicle maintenance provisions from the Zoning Ordinance to the Nuisance Section of the Village Code and to remove an inconsistency within the Zoning Ordinance.

This amendment would relocate this provision the nuisance section (Section 94.05(K)) of the Village Code. As it is currently written, this regulation is more closely associated with what a vehicle operator is doing to a vehicle on a property as opposed to the property's designated land use. Moreover, it really does not relate to the intent of the design and maintenance sub-section within the Zoning Ordinance. Lastly, as this provision is most commonly applied when code enforcement staff sees vehicles under repair in residential driveways, the Village enforces this regulation as a nuisance provision rather than a land use restriction.

Once change to the code pertains to the I District regulations. The off-street parking provisions for the I District state that outdoor repair activities are permissible. However, automobile and/or motor vehicle repair activities are listed as conditional uses in the I District. This amendment will strike the repair text in the Zoning Ordinance to remove any ambiguity with the use listing. The amendment will still allow for the washing of vehicles provided that they are tied to the principal use of the property.

Chairperson Ryan opened the meeting for public comment. No spoke in favor of or in opposition to the petition. He then opened the meeting for comments among the Plan Commission members.

Commissioner Sweester mentioned that many fundraisers consist of washing vehicles – how would this amendment affect this activity? Mr. Heniff noted that this activity can be permitted though a special event permit. Commissioner Sweetser asked if the permit would be at a cost. Mr. Heniff noted that the fees for non-profit organizations are waived. But it is important to tie washing vehicles with the use on the property in order to not allow for private car washing activities to occur on a given property – that activity is a conditional use in many business districts.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed text amendments do comply with the standards of the Lombard Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 5 to 0, recommended to the Corporate Authorities, approval of PC 06-12.

Respectfully,

VILLAGE OF LOMBARD

Donald F. Ryan
Chairperson
Lombard Plan Commission

att-