

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

TEXT AMENDMENTS TO CHAPTER 155 PERTAINING TO PERMITTED AND CONDITIONAL USES

September 26, 2022

Title

PC 22-23

Petitioner

Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148

Property Location

Village-wide

Approval Sought

The petitioner is requesting text amendments to Chapter 155 of Village Code as it pertains to permitted and conditional uses in the Office District, the Business Districts, and the Industrial District; and to Section 155.802 to amend/add definitions for select terms.

Prepared By

Anna Papke, AICP
Senior Planner

DESCRIPTION

Planning staff has reviewed the permitted and conditional uses described in Chapter 155 of the Village Code (the Zoning Ordinance). This review was one of several initiatives identified by the Village Board in the 2020-2025 Strategic Plan that the Community Development Department is undertaking. The goal of the review was to streamline the list of uses into fewer categories, remove obsolete uses, consolidate redundant uses, and add new or emerging land uses to Chapter 155. This review focused on the Office, Business, and Industrial Districts. No changes to the permitted and conditional uses in the Residential Districts are proposed at this time.

Staff completed an initial review of Chapter 155 in Summer 2022. The Plan Commission held a workshop on June 6, 2022, to discuss staff findings and review draft changes to the list of permitted and conditional uses. The Plan Commission offered feedback on the potential changes identified by staff.

Staff has incorporated Plan Commission feedback and finalized the proposed amendments to Chapter 155 as it pertains to permitted and conditional uses in the O, B1, B2, B3, B4, B4A, B5, B5A, and I Districts. Staff now brings this matter forward as a formal petition for a text amendment.

APPROVAL(S) REQUIRED

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 and consistency. Said section and subsection amendments include the following:

1. Amending Chapter 155 of Village Code as it pertains to permitted and conditional uses in the following Districts: O Office District; B1 Limited Neighborhood Shopping District; B2 General Neighborhood Shopping District; B3 Community Shopping District; B4 Corridor Commercial District; Roosevelt Road Corridor B4A District; B5 Central Business District; B5A Downtown Perimeter District; and I Limited Industrial District. Proposed changes affect uses related to retail uses, personal care services, banquet halls, banks and financial institutions, tattoo studios, clubs and lodges, animal care services, laboratories, and recategorization and removal of obsolete uses.

2. Amending Section 155.802 as it pertains to definitions for the following terms: “Amusement devices;” “Laboratories: medical, dental, and support;” and “Laboratories: research and testing.”

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the proposed text amendments to the Village Code.

Fire Department:

The Fire Department has no comments regarding the proposed text amendments to the Village Code.

Private Engineering Services:

Private Engineering Services has no comments regarding the proposed text amendments to the Village Code.

Public Works:

The Department of Public Works has no comments regarding the proposed amendments to the Village Code.

Planning Services Division:

The proposed amendments are summarized as follows:

1. New listed use: general retail

Chapter 155 presently includes a list of highly specific retail uses, most of which are currently permitted uses in the seven business districts. In practice, staff finds the number and differentiation among retail uses to be unnecessarily cumbersome. Staff also notes that with few exceptions, retail uses are similar to one another with respect to the issues that the regulation of permitted and conditional uses is intended to address. Most retail businesses have similar impacts on adjacent properties, similar parking demands, and similar building and fire code requirements.

Staff recommends consolidating most retail businesses into a new “general retail” use. This consolidation of uses will provide clarity for purposes of processing certificate of occupancy applications and fielding zoning inquiries from businesses.

Staff proposes to add the following as a permitted use to the seven business districts. This description is similar to the proposed use description considered by the Plan Commission at the June 6, 2022, workshop. It has been updated to include references to neighborhood-scale businesses and provision of good to an end user (to differentiate from wholesale):

General retail uses serving the needs of the neighborhood, including art and school supply stores, book and stationary stores, clothing stores, computer and software sales, drug stores, gift shops, hardware stores, office supply stores, shoe stores, sporting goods stores, toy shops, variety shops, and other similar uses. Retail uses are those that provide goods or products to the end user.

The following uses will be deleted from the Code, with such businesses classified as general retail in the future:

- *Antique shops*
- *Art and school supply stores*
- *Art shops or galleries, not including auction rooms*
- *Book and stationary stores*
- *Camera and photographic supply stores*
- *China and glassware stores*
- *Clothing and wearing apparel establishments*
- *Coin and philatelic stores*
- *Compact disc, record and sheet music stores*
- *Computer hardware/software sales & service*
- *Drug stores*
- *Dry goods stores*
- *Electrical and household appliance stores, including radio & television sales*
- *Furrier shops*
- *Garden supply, tool, and seed stores*
- *Gift shops*
- *Hardware stores*
- *Hobby shops, retail*
- *Jewelry stores, including watch repair*
- *Leather goods and luggage stores*
- *Mail order, catalog store*
- *Medical supply stores*
- *Office supply stores*
- *Picture framing, retail*
- *Sewing machine sales and service – household appliances only*
- *Shoe stores*
- *Sporting goods stores*
- *Ticket agencies, amusement*
- *Toy shops*
- *Variety shops*
- *Video tapes, electronic game cartridges, and similar items sales*

2. *New listed use: personal care services*

Staff proposes to consolidate several personal services into one use category. As discussed for general retail above, these businesses are similar to one another in terms of business operations, impact on neighboring properties, parking requirements, and building and fire regulations.

Staff proposes to add the following use as a permitted use to the seven business districts and the Office District:

Personal care services, including hair salons, nail salons, spas, tanning studios, tattoo studios, med spas, and other similar uses. For purposes of this ordinance, personal care services do not include massage establishments.

The following uses will be deleted from the Code, with such businesses classified as personal care services in the future:

- Barber shops
- Beauty shops
- Tanning salons

Personal care services will also include med spas, an emerging land use not currently in the zoning ordinance.

3. *New listed use: banquet halls*

Banquet halls are not a listed use in Chapter 155. Currently, staff considers banquet halls to be the same as restaurants, which are permitted uses in all the business districts. However, staff has found that banquet hall operations can differ from that of a typical restaurant in terms of number of patrons served, the length of time patrons stay at the banquet hall, limited patron turnover throughout the night, and travel patterns (banquet hall patrons tend to arrive in larger groups/fewer vehicles compared to restaurant patrons). The parking standards in Section 155.602 already reflect these differences, with separate parking standards for restaurants and banquet halls.

In recognition of the differences between restaurants and banquet halls, staff proposes to add banquet halls as a separate use to Chapter 155. The proposed amendments would make banquet halls permitted uses in the B3, B4, B4A, B5 and B5A Districts.

4. *Tattoo studios – permitted use*

Tattoo studios are currently conditional uses in B3, B4, and B4A. Tattoo studios were added to the Village Code in 2014. Since then, the Village has approved three conditional use requests for tattoo studios in commercial strip centers. None of these requests elicited significant public comment or concerns from staff.

Staff notes that a tattoo studio is similar in nature to other personal care service businesses, with limited impacts on adjacent properties and businesses, and standard business operations. At the Plan Commissioners workshop in June 2022, the Plan Commission agreed with the assessment, and suggested that tattoo studios be permitted in all zoning districts that permit personal care services. Accordingly, the proposed text amendment includes tattoo studios in the personal care services category, making tattoo studios permitted in the seven business districts and the Office District.

5. *Banks and financial institutions – permitted use in the B4A and Office Districts*

Banks and financial institutions are conditional uses in the B4A and Office Districts. They are permitted uses in all the other B Districts. Staff recommends making them permitted in the B4A and O Districts for purposes of consistency. Drive-throughs associated with banks will remain conditional uses.

6. *Animal hospitals, animal kennels, animal day cares, and animal training*

The Code currently differentiates between different types of animal-related uses, with each use a conditional use in some of the business districts. Currently, not all animal-related uses are conditional uses in all the business districts, but most of the business districts allow at least one type of animal-related use as a conditional use.

Staff finds there is significant overlap in the types of services provided by animal hospitals, animal kennels, animal day care businesses, and animal training businesses. All have similar concerns related to traffic circulation (drop-off/pick-up), noise, and management of animals. For clarity purposes, staff recommends making the following use conditional in the B2, B3, B4, B5, B5A and I Districts:

Animal hospitals, animal kennels, animal day care, and animal training.

7. *Laboratories*

Staff seeks to provide clarity on the types of laboratory uses permitted in the Business, Office and Industrial Districts. Currently, laboratories are listed as follows:

- *Medical and dental laboratories* are conditional uses in B3.
- *Laboratories; medical, dental, research, and testing* are permitted uses in B4 and I.

Staff has received inquiries in recent months about labs processing medical test samples locating in the higher intensity B Districts, or in the Office District. Currently, laboratories are not allowed in any form in B4A or the Office District. Staff recognizes that small laboratories processing medical test results are compatible with other uses in the higher intensity commercial districts. Further, medical offices, which are located in these districts, often include a small laboratory component as part of their overall business operations. Therefore, staff finds it reasonable to allow for medical labs and other similar service-based labs to locate in these districts as a permitted use.

Staff recognizes that larger research laboratories and testing facilities have different impacts and space requirements than many medical and dental labs. Staff suggests that larger testing and research laboratories remain confined to the Industrial District.

Proposed uses:

- *Laboratories, medical, dental, and support*
Permitted use in the O, B3, B4, B4A, B5, B5A and I Districts

- *Laboratories, research and testing*
Permitted use in the Industrial District

The proposed text amendments include new definitions for the two types of laboratories. These are discussed below.

8. *Parking Lots*

Chapter 155 contains the following two uses: parking lots, open, as the principal use on the property; and parking garages and structures, as the principal use of the property.

Currently both types of parking uses are conditional uses in the B1, B3, and B4A Districts. They are permitted uses in the B2 and B4 Districts. The proposed amendments makes them conditional uses in the B2 and B4 Districts for purposes of consistency.

9. *Clubs and lodges*

Currently, Chapter 155 differentiates between clubs and lodges that are nonprofit/fraternal, and those that are private. In some zoning districts, permitted or conditional status of the use is based on the ownership or organizational nature of the club. Staff believes that the planning and zoning issues for these clubs are similar regardless of the ownership. Therefore, staff is proposing to amend Chapter 155 so that “clubs and lodges, private, nonprofit, and fraternal” will be conditional uses in O, B2, B4, B4A, and I, and permitted in B5 and B5A.

10. *Uses deleted*

Staff has identified the following uses to be deleted from the Village Code:

- *Boat showroom and sales*
Included in motor vehicle sales

- *Electrical showrooms and shops*
Included in home improvement stores

- *Mail order houses*
Currently a permitted use in the I District, but can be included in the warehousing category, which is also permitted in the I District.

- *Plumbing showrooms and shops*
Included in home improvement stores

- *Paint, glass and wallpaper stores*
Included in home improvement stores
- *Recreational vehicle sales and trailer sales*
Included in motor vehicle sales
- *Silk screening*
Included in either general retail or manufacturing, depending on scale of operation
- *Travel bureaus and transportation ticket offices*
Included in general office uses
- *Shopping centers, consisting of more than one principal business on a zoning lot*
Currently a conditional use in B4A. To be deleted, as this would require any single-tenant building that split into multiple tenant spaces to request a conditional use. Similarly, a shopping center that consolidated multiple small tenant spaces into a larger space may need to request a conditional use if the new tenant in the larger space was deemed a “principal business.” Staff does not think either scenario warrants a request for additional zoning entitlements in the absence of wholesale redevelopment.

11. Amended definitions

Staff proposes the following definitions to Section 155.802.

- Definitions for “amusement devices” will be updated to clarify that amusement devices do not include video gaming terminals, which are regulated in Chapter 112 rather than Chapter 155.

Amusement devices shall mean any machine or device which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally by manipulating special equipment whereby a score is established, the object of which is to secure a special number or numbers or a total score, whether a prize is offered or not. For the purpose of this Chapter, restaurants with amusement devices shall be restaurants serving family units with more than eight amusement devices, but not more than 65 devices. **For the purpose of this Chapter, amusement devices do not include video gaming terminals, as defined and regulated in Chapter 112.**

- The following definitions for laboratories will be deleted and added.

~~*Laboratory* is a place devoted to experimental study such as testing and analyzing. Manufacturing of produce or products is not to be permitted within this definition.~~

Laboratories: medical, dental, and support are facilities used for the routine study or scientific analysis of medical resources, natural resources, and manufactured

materials. Such laboratories typically serve the needs of an outside customer, to support the work of that customer. Examples include medical and veterinary laboratories for the analysis of blood, tissue, and other human or animal medical products; dental laboratories for the creation of crowns, bridges, and other dental appliances; and environmental laboratories for the analysis of air, water, and soil.

Laboratories: research and testing are facilities used for scientific research, investigation, testing, or experimentation. Examples include laboratories engaged in research in the fields of biotechnology, pharmaceuticals, genetics, plastics, polymers, fibers, fabrics, and heat transfer. Research and testing laboratories do not include facilities for the manufacture of products for sale.

EXISTING & PROPOSED REGULATIONS

The proposed text amendments are attached to this report. Additions are denoted by **bold and underline**. Deletions are denoted by a ~~strike through~~.

STANDARDS FOR TEXT AMENDMENTS

For any change to the Village Code, 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 proposed text amendments are applicable to all properties in 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 amendments are consistent with the objectives of the Village Code.
3. *The degree to which the proposed amendment would create nonconformity;*
Staff does not believe any nonconformity would be created as a result of the proposed amendments.
4. *The degree to which the proposed amendment would make this ordinance more permissive;*
In limited circumstances, the proposed amendments will make some uses that are presently conditional uses permitted uses. However, the amendments as a whole will not make Chapter 155 more permissive.
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 Village Code to address changing circumstances or to provide clarity. The proposed amendments are consistent with established Village policy in this regard.

FINDINGS & 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 Village Code. 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 22-23.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

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