

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

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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE : February 12, 2019 **(BOT) Date:** February 21, 2019

SUBJECT: Cross-referencing Scrivener's Errors

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



BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration a Zoning ordinance, correcting a scrivener's error related to a few cross-referenced numerical inconsistencies. These inconsistencies originated approximately thirty years ago when in 1990 a comprehensive update to the entire zoning code was under taken with the result of Ordinance 3274 being adopted,

Please place this ordinance on the February 21, 2019 Board of Trustees agenda. Staff recommends approval of the attached Ordinance correcting 1990 and 2007 scrivener's errors as they pertain to various referenced code numbers. Staff also requests a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):


Finance Director _____ Date _____
Village Manager _____ 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 

MEETING DATE: February 21, 2019

SUBJECT: Cross-referencing Scrivener's Errors

Please find the following ordinance for Village Board consideration as part of the February 21, 2019, Board meeting.

In order to assist users of the zoning ordinance, correcting a few cross-referenced numerical inconsistencies are proposed. These inconsistencies originated approximately thirty years ago when in 1990 a comprehensive update to the entire zoning code was under taken with the result of Ordinance 3274 being adopted.

Another cross-referenced numerical inconsistency was discovered in the Industrial District Requirements regarding "other" conditional uses similar to permitted uses listed within the same section number. It was determined that this inconsistency originated when Ordinance 6091 was adopted on October 18, 2007.

All of the above inconsistencies were unintended and did not reflect the intent of the Plan Commission through its public hearing process and the Village Board in its approval of the above referenced ordinances.

ACTION REQUESTED

Please place this ordinance on the February 21, 2019 Board of Trustees agenda. Staff recommends approval of the attached Ordinance correcting 1990 and 2007 scrivener's errors as they pertain to various referenced code numbers. Staff also requests a waiver of first reading of the Ordinance.

ORDINANCE _____

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155
OF THE CODE OF LOMBARD, ILLINOIS**

(Correction of Cross-referencing Scrivener's Errors)

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

WHEREAS, the Board of Trustees adopted Ordinance 3274 on July 26, 1990 repealing Ordinance 2151 of said Zoning Ordinance; and

WHEREAS, in further review of the adopted Ordinance 3274, the Village finds that the Ordinance inadvertently failed to correctly reference Section 155.407, transitional yard landscaping, in most Business Districts, Office District and Industrial District Requirements; and

WHEREAS, in further review of the adopted Ordinance 3274, the Village finds that the Ordinance inadvertently failed to correctly reference Section 155.414(C)(7), Conditional Uses, Dwelling Units of the B2 General Neighborhood Shopping, B3 Community Shopping and B4A Roosevelt Road Corridor Requirements; and

WHEREAS, in further review of the adopted Ordinance 6091, the Village finds that the Ordinance inadvertently failed to correctly reference Section 155.420(C)(40) of the Industrial District Requirements; and

WHEREAS, the Village finds that these oversights were unintended and did not reflect the intent of the Plan Commission through its public hearing process and the Village Board in its approval; and

WHEREAS, the President and Board of Trustees find it appropriate and necessary to adopt an amended ordinance to reflect the intent of the Plan Commission and Village Board in its original approval of the text amendments.

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, Sections 155.412; 155.413; 155.414; 155.415; 155.416; 155.417; 155.418; 155.419 and 155.420, of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

§ 155.412 - O Office District requirements.

- (K) *Transitional landscape yards.* Wherever a rear yard or interior side yard lot in the O Office District abuts a lot in the CR or a residence district, a transitional landscape yard 30 feet in width shall be provided along the abutting lot line and improved in accordance with the provisions of § 155.70~~8~~7 of this Chapter.

§ 155.413 - B1 Limited Neighborhood Shopping District requirements.

- (J) *Transitional landscape yards.* Wherever a rear yard or interior side yard lot in the B1 District abuts a lot in the CR or a residence district, a transitional landscape yard 10 feet in width shall be provided along the abutting lot line and improved in accordance with the provisions of § 155.70~~8~~7 of this Chapter.

§ 155.414 - B2 General Neighborhood Shopping District requirements.

- (C) *Conditional uses.*
(7) Dwelling Units, located above the first floor, where all the requirements of subsection § 155.41~~2~~3 (B)(1~~7~~7) of this Code are not met.
- (J) *Transitional landscape yards.* Wherever a rear yard or interior side yard lot in the B2 District abuts a lot in the CR or a residence district, a transitional landscape yard ten feet in width shall be provided along the abutting lot line and improved in accordance with the provisions of § 155.70~~8~~7 of this Chapter.

§ 155.415 - B3 Community Shopping District requirements.

- (C) *Conditional uses.*
(32) Dwelling Units, located above the first floor, where all the requirements of subsection § 155.41~~2~~3 (B)(1~~7~~7) of this Code are not met.
- (K) *Transitional landscape yards.* Wherever a rear yard or interior side yard lot in the B3 District abuts a lot line in the CR or a residence district, a transitional landscape yard 30 feet in width shall be provided along the abutting lot line and improved in accordance with the provisions of § 155.70~~8~~7 of this Chapter.

§ 155.416 - B4 Corridor Commercial District requirements.

- (J) *Transitional landscape yards.* Wherever a rear yard or interior side yard lot in the B4 District abuts a lot in the CR or a residence district, a transitional landscape yard 30 feet in width shall be provided along the abutting lot line and improved in accordance with the provisions of § 155.70~~8~~7 of this Chapter.

§ 155.417 - Roosevelt Road Corridor B4A District requirements.

- (G) *Use regulations.*
(2) *Conditional uses.*

- (c) *Other uses and activities.*
 - (i) Dwelling units, located above the first floor, where all the requirements of subsection § 155.41~~23~~ (B)(1~~7~~) of this Code are not met.

§ 155.418 - B5 Central Business District requirements.

- (K) *Transitional landscape yards.* Wherever a rear yard or interior side yard lot in the B5 District abuts a lot in the CR or a residence district, a transitional landscape yard 10 feet in depth shall be provided along the abutting lot line and improved in accordance with the provisions of § 155.70~~87~~ of this Chapter.

§ 155.419 - B5A Downtown Perimeter District requirements.

- (K) *Transitional landscape yards.* Wherever a rear yard or interior side yard lot in the B5A District abuts a lot in the CR or a residence district, a transitional landscape yard 10 feet in depth shall be provided along the abutting lot line and improved in accordance with the provisions of § 155.70~~87~~ of this Chapter.

§ 155.420 - I Limited Industrial District requirements.

- (C) *Conditional uses.*
 - (40) 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 § 155.41~~820~~ (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.
- (K) *Transitional landscape yard.* Wherever a rear yard or interior side yard lot in the I District abuts a lot in the CR or residence district, a transitional landscape yard 30 feet in width shall be provided along the abutting lot line and improved in accordance with the provisions of § 155.70~~87~~ of this Chapter.

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.

Passed on first reading this ____ day of _____, 2019.

First reading waived by action of the Board of Trustees this ____ day of _____, 2019

Passed on second reading this ____ day of _____, 2019.

Ordinance No. _____
Re: Correction of Scrivener's Errors
Page 4

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2019.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2019.

Sharon Kuderna, Village Clerk