


**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:** June 15, 2023

**SUBJECT:** **PC 23-11: Text Amendments to Chapters 153, 154, and 155 – Dictionary References, Ramps and Steps**

Please find the following items for Village Board consideration as part of the June 15, 2023, Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 23-11; and
3. An Ordinance granting approval of text amendments to Title 15, Chapters 153, 154, and 155 of the Lombard Village Code.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the June 15, 2023, Board of Trustees agenda with a waiver of first reading requested by staff.



## VILLAGE OF LOMBARD

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June 15, 2023

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Liz Brezinski

**Trustees**  
Brian LaVaque, Dist. 1  
Anthony Puccio, Dist. 2  
Bernie Dudek, Dist. 3  
Andrew Honig, Dist. 4  
Dan Militello, Dist. 5  
Bob Bachner, 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 23-11: Text Amendments to Chapters 153, 154, and 155 – Dictionary References, Ramps and Steps**

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 text amendments to the following sections of the Village Code:

1. Section 153.601, Section 154.702(I), and Section 155.801(F) to amend references to an updated version of Merriam-Webster's Collegiate Dictionary;
2. Section 155.222(A) to amend provisions for front entry garages; **(advertised, but not being advanced at this time)**
3. Section 155.212 to amend provisions for accessible access ramps and steps encroaching into required yards; and
4. Any other relevant sections for clarity and consistency.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on May 15, 2023. Sworn in to present the petition was Anna Papke, Senior Planner, and Jennifer Ganser, Assistant Director of Community Development.

Chairperson Giuliano read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine and, hearing none, she proceeded with the petition.

Ms. Papke presented the petition and staff report. The IDRC report for PC 23-11 was entered into the public record in its entirety. Ms. Papke said staff is proposing text amendments to Village Code as it relates to dictionary references, and also to accessible access ramps and steps encroaching into required yards. The Code will be updated to reference the most recent version of the Merriam-Webster Collegiate Dictionary. Staff is also proposing to amend Code language to permit access ramps to encroach into all required yards. This amended provision will be consistent with related Code amendments recently considered by the Board of Building Appeals. The final amendment will clarify the language related to steps that encroach into required yards. The proposed text amendments are intended to clarify existing Code provisions or ensure consistency with other recent code amendments. No major changes to development regulations are proposed. Staff recommended approval of the proposed text amendments.

Ms. Papke noted that the petition was initially advertised as including text amendments to provisions for front entry garages. Staff subsequently determined that these amendments require additional research, so are not being advanced at this time.

Chairperson Giuliano asked if there were any questions or comments on the petition and staff report. Hearing none, she opened the meeting for comments among the Commissioners.

On a motion by Commissioner Verson, and a second by Commissioner Invergo, the Plan Commission voted 6-0 to recommend that the Village Board approve the petition associated with PC 23-11.

Respectfully,

**VILLAGE OF LOMBARD**

Leigh Giuliano, Chairperson  
Lombard Plan Commission



# PLAN COMMISSION

## INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

### TEXT AMENDMENTS – DICTIONARY REFERENCES, FRONT-ENTRY GARAGES, RAMPS & STEPS

**May 15, 2023**

#### **Title**

PC 23-11

#### **Petitioner**

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

#### **Property Location**

Village-wide

#### **Approval Sought**

The Village of Lombard is proposing text amendments to Village Code as it relates to dictionary references and accessible access ramps and steps encroaching into required yards.

#### **Prepared By**

Anna Papke, AICP  
Senior Planner

#### **DESCRIPTION**

The Village of Lombard is proposing text amendments to Village Code as it relates to dictionary references, front-entry garages, and accessible access ramps and steps encroaching into required yards. The proposed text amendments are intended to clarify existing Code provisions. No major changes to development regulations are proposed.

#### **APPROVAL(S) REQUIRED**

The petitioner, the Village of Lombard, is requesting text amendments to the following sections of the Village Code:

1. Section 153.601, Section 154.702(I), and Section 155.801(F) to amend references to an updated version of Merriam-Webster's Collegiate Dictionary;
2. Section 155.222(A) to amend provisions for front entry garages; (*advertised, but not being advanced at this time*)
3. Section 155.212 to amend provisions for accessible access ramps and steps encroaching into required yards; and
4. Any other relevant sections for clarity and consistency.

#### **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 following text amendments are proposed:

### *Dictionary references*

The Village Code includes definitions of terms used throughout Chapters 153 (Sign Ordinance), 154 (Subdivisions and Development Ordinance), and 155 (Zoning Ordinance). Each of the three chapters states that terms not specifically defined in the Code are defined as specified in the 2003 Eleventh Edition of Merriam-Webster's Collegiate Dictionary. Staff proposes to amend these statements to reference the most recent publication date of the Eleventh Edition (2020).

### *Accessible access ramps and steps encroaching into required yards*

Currently, Code permits access ramps to encroach into required front and corner side yards. Staff proposes to amend the regulations to permit them to encroach into side and rear yards as well. This amendment is intended to reduce barriers and promote equitable access to housing, consistent with provisions of the Fair Housing Act and DuPage County's Fair Housing Equity Plan initiatives. Related Code amendments will also be considered by the Village's Board of Building Appeals (BOBA) in May 2023.

Steps providing access to a permitted structure are permitted encroachments in all yards. The proposed amendment simplifies the language of the regulation. The nature of the regulation is unchanged.

## **EXISTING & PROPOSED REGULATIONS**

The proposed text amendments are as follows. Additions are denoted by **bold and underline**. Deletions are denoted by a ~~strike through~~.

### **§ 153.601 - Word usage.**

Words and phrases used in this Chapter shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in Title 15 of the Code of Ordinances of the Village of Lombard, also known as the zoning ordinance, shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meanings, as defined in Merriam-Webster's Collegiate Dictionary, Eleventh Edition (~~2003~~ **2020**), unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Chapter.

All references to the Comprehensive Plan shall pertain to the latest version of the Comprehensive Plan adopted by the Lombard Village Board.

### **§ 154.702 - Rules.**

- (I) Terms not herein defined shall be defined as specified in Merriam-Webster's Collegiate Dictionary, Eleventh Edition (~~2003~~ **2020**).

### **§ 155.801 - Word usage.**

- (F) Words contained in this ordinance and not defined hereinafter shall assume definitions as prescribed in Merriam-Webster's Collegiate Dictionary, Eleventh Edition (~~2003~~ **2020**).

## § 155.212 - Permitted obstructions in required yards.

Type of Structure or Use Obstruction X = Permitted Obstruction	Front and Corner Side Yard	Side Yards	Rear Yard
<del>Accessible</del> Handicap access ramp	X	<u>X</u>	<u>X</u>
Steps four (4) feet or less above grade which are necessary for provide access to a permitted building or for access to a zoning lot from a street or alley	X	X	X

### **STANDARDS FOR TEXT AMENDMENTS**

For any change to the Village Code, the standards for text amendments must be affirmed. The standards are noted below:

- 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.
- 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.
- 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.
- The degree to which the proposed amendment would make this ordinance more permissive;*  
The proposed amendments for ramps will make regulations for accessible access ramps more permissive. Other proposed amendments are neutral with respect to permissiveness.
- The consistency of the proposed amendment with the Comprehensive Plan; and*  
Staff finds that the proposed amendments would be consistent with the Comprehensive Plan.
- 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**

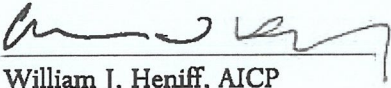
Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Village Code. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of this 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 23-11.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP  
Director of Community Development

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**ORDINANCE \_\_\_\_\_**

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

PC 23-11: Text Amendments to Chapters 153, 154, and 155 of Village Code – Dictionary  
References, Ramps and Steps

WHEREAS, the Village of Lombard maintains a Sign Ordinance which is found in Title 15, Chapter 153 of the Lombard Code; and,

WHEREAS, the Village of Lombard maintains a Subdivisions and Development Ordinance which is found in Title 15, Chapter 154 of the Lombard Code; and,

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 May 15, 2023, 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 153, Section 153.601 of the Lombard Zoning Ordinance shall be amended as follows:

Words and phrases used in this Chapter shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in Title 15 of the Code of Ordinances of the Village of Lombard, also known as the zoning

ordinance, shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meanings, as defined in Merriam-Webster's Collegiate Dictionary, Eleventh Edition (2003-~~2003~~ **2020**), unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Chapter.

All references to the Comprehensive Plan shall pertain to the latest version of the Comprehensive Plan adopted by the Lombard Village Board.

**SECTION 2:** That Title 15, Chapter 154, Section 154.702(I) of the Lombard Zoning Ordinance shall be amended as follows:

- (I) Terms not herein defined shall be defined as specified in Merriam-Webster's Collegiate *Dictionary*, Eleventh Edition (2003 ~~2003~~ **2020**).

**SECTION 3:** That Title 15, Chapter 155, Section 155.801(F) of the Lombard Zoning Ordinance shall be amended as follows:

- (F) Words contained in this ordinance and not defined hereinafter shall assume definitions as prescribed in Merriam-Webster's Collegiate *Dictionary*, Eleventh Edition (2003 ~~2003~~ **2020**).

**SECTION 4:** That Title 15, Chapter 155, Section 155.212 of the Lombard Zoning Ordinance shall be amended as follows:

Type of Structure or Use Obstruction X = Permitted Obstruction	Front and Corner Side Yard	Side Yards	Rear Yard
<del>Accessible Handicap</del> access ramp	X	<u>X</u>	<u>X</u>
Steps four (4) feet or less above grade which <del>are necessary for</del> <b>provide</b> access to a permitted building <del>or for access to a zoning lot from a street or alley</del>	X	X	X

**SECTION 5:** 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 \_\_\_\_\_, 2023.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2023.



Ordinance No. \_\_\_\_\_

Re: PC 23-11

Page 3

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

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

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

ATTEST:

\_\_\_\_\_  
Elizabeth Brezinski, Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Elizabeth Brezinski, Village Clerk