

**VILLAGE OF DOWNERS GROVE**  
**REPORT FOR THE VILLAGE COUNCIL WORKSHOP**  
**JANUARY 8, 2008 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Zoning Ordinance Amendment Recycling Collection Facility	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP, Community Development Director

**SYNOPSIS**

An ordinance has been prepared amending Chapter 28, Zoning Ordinance, Article II, Section 28.201 (Definitions) relative to the definition of Recycling Collection Facilities.

**STRATEGIC PLAN ALIGNMENT**

The Five Year Plan and Goals for 2007-2012 identified *Exceptional Municipal Government*. Supporting this goal is the objective *Top Quality Core Services Responsive to Current and Future Community and Citizen Needs*.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval on the January 15, 2008 active agenda.

**BACKGROUND**

Staff is requesting review of modifications to the Zoning Ordinance's definition of "Recycling Collection Facilities." The Village Council and Plan Commission have reviewed various amendments to the setback requirements for and definitions of recycling collection facilities throughout 2007. These discussions lead to the enactment of new separation requirements and a 90-day moratorium for recycling collection facilities on July 18, 2007; the moratorium was extended on October 2, 2007. The Village Council remanded the definition of recycling collection facilities to the Plan Commission at the October 2, 2007 meeting.

The public and the Village Council have specifically expressed concern about the regulation of construction and demolition debris collection facilities. Staff originally prepared an amended definition that included these types of uses with recycling collection facilities that collect household items. The Plan Commission recommended approval of this all-inclusive definition. The Village Council and public expressed concern about the all-inclusive definition and requested additional review by staff and the Plan Commission.

Based on the Village Council and public concern, staff presented a definition to the Plan Commission that specifically excludes construction and demolition debris facilities from recycling collection facilities. Under the proposed definition, recycling collection facilities would only include facilities that collect household recyclables (e.g., aluminum cans, plastic containers, glass jars, etc.). Construction and demolition debris facilities are those uses that collect clean construction materials (e.g., brick, lumber, drywall, etc.) as regulated by the Illinois Environmental Protection Act and would not be permitted in the Village of

Downers Grove. Recycling collection facilities are subject to the new setback regulations enacted by the Council in October 2007.

The Plan Commission considered the amendment at its December 3, 2007 meeting. After receiving input from residents, the Commission recommended unanimous approval of the text amendment as presented by staff. Staff concurs with the recommendation.

**ATTACHMENTS**

Ordinance

Updated Staff Report dated December 3, 2007

Draft Minutes of the Plan Commission Hearing dated December 3, 2007

Recycling Facility

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE ZONING CODE DEFINITION OF  
"RECYCLING COLLECTION FACILITY"**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by shading/underline; deletions by ~~strikeout~~):

**Section 1. That Section 28.201 is hereby amended to read as follows:**

**28.201 Definitions.**

For the purposes of this Zoning Ordinance, wherever any term is used in this Chapter, it shall have the same meaning as defined in Chapter 1 of the Downers Grove Municipal Code, unless otherwise defined in this Chapter. The following words and phrases shall have the meanings respectively ascribed to them as follows:

\* \* \*

Recycling collection facility. A facility or site, ~~limited to a building, trailer, vehicle or completely closed containers of wood, metal or masonry~~, designed for the purpose of receiving articles or materials, limited to non-hazardous, nonspecial, homogeneous, nonputresable materials such as dry paper, glass, cans or plastic, which are to be transported to another location for distribution or processing, which may or may not be the principal use on the zoning lot where located. ~~Provided, t~~The term "recycling collection facility" as used in this Zoning Ordinance shall not include general construction or demolition debris facilities as defined in 415 ILCS 5/3.160, and transfer stations as defined by 415 ILCS 5/3.500, facilities located within a structure principally devoted to another use, facilities temporarily located on a zoning lot under authority of a temporary uses, and facilities for collecting used motor oil which are necessary to an automobile service station.

\* \* \*

**Section 3.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 4.** That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

\_\_\_\_\_  
Mayor

Passed:  
Published:  
Attest: \_\_\_\_\_  
Village Clerk

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# Village of Downers Grove

## UPDATED STAFF REPORT

**TO:** Plan Commission

**REVIEW DATE:** December 3, 2007

**FROM:** Department of Community  
Development

**PREPARED BY:** Jeff O'Brien, AICP  
Senior Planner

### TITLE

**PC 32-07; Zoning Ordinance Text Amendment – Recycling Collection Facilities;** The Village is requesting an amendment to Chapter 28, Zoning Ordinance, Article II, Section 28.201 Definitions. The purpose of the proposed amendment is to consider modifications to the definition of “Recycling Collection Facilities.”

**Application/Notice:** The application has been filed in conformance with applicable procedural and public notice requirements.

### GENERAL INFORMATION

**OWNER/ APPLICANT:** Village of Downers Grove  
801 Burlington Avenue  
Downers Grove, IL 60515

### ANALYSIS

#### SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Applications/Petitions for Public Hearing
2. Zoning Ordinance
3. Draft Amendments

#### DESCRIPTION

The Village is requesting review of a proposed amendment to the Zoning Ordinance. Specifically, the staff is proposing modifications to the definition of “Recycling Collection Facilities.” The modifications are being brought forward as part of the Village’s continuous review of the Zoning Ordinance.

The Village Council and Plan Commission reviewed amendments to the setback requirements for recycling collection facilities in May and July 2007. After several discussions, the Village Council enacted a 90-day moratorium for recycling collection facilities on July 18, 2007. In October 2007, the Council approved a separation distance between recycling facilities and residential property as recommended by the Plan Commission.

The Council requested additional review of the Village’s definition of these uses. The public and the Village Council have specifically expressed concern about the regulation of construction and demolition

debris collection facilities. Staff prepared modifications to the definition and presented them to the Plan Commission and Village Council in October 2007. The Plan Commission recommended approval of a modified definition that included construction and demolition debris collection uses as “recycling collection facilities.” The Village Council expressed concern about the all-inclusive definition and requested additional review by staff and the Plan Commission.

Based on the Council’s direction, staff is proposing a definition that specifically excludes construction and demolition debris facilities from recycling collection facilities. Under the proposed definition, recycling collection facilities would only include facilities that collect household recyclables (e.g., aluminum cans, plastic containers, glass jars, etc.). Construction and demolition debris facilities are those uses that collect clean construction materials (e.g., brick, lumber, drywall, etc.) as regulated by the Illinois Environmental Protection Act and would not be permitted in the Village of Downers Grove. Recycling collection facilities are subject to the new setback regulations enacted by the Council in October 2007.

### ***Proposed Amendments***

As noted above, staff is proposing to make an amendment to the definition of “Recycling Collection Facilities” in Section 28.201 of the Zoning Ordinance. The draft language for the amendment is provided below. Changes are indicated with ***bold italics***.

“Recycling collection facility. ***A facility or site designed for the purpose of receiving articles or materials limited to non-hazardous, nonspecial, homogeneous, nonputrescible materials such as dry paper, glass, cans or plastic***, which are to be transported to another location for distribution or processing, which may or may not be the principal use on the lot where located. ***The term "recycling collection facility" as used in this Zoning Ordinance shall not include general construction or demolition debris facilities as defined in 415 ILCS 5/3.160, and transfer stations as defined by 415 ILCS 5/3.500***, facilities located within a structure principally devoted to another use, facilities temporarily located on a lot under authority of a temporary uses, and facilities for collecting used motor oil which are necessary to an automobile service station.”

The modifications clarify that construction and demolition debris collection facilities and garbage transfer stations as defined by the Illinois Environmental Protection Act are not included as a permitted or special use in the Village.

## **RECOMMENDATIONS**

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Staff believes the proposed amendments clarify the intent of the Zoning Ordinance. As such, staff recommends that the Plan Commission forward a positive recommendation to the Village Council regarding the amendments to Sections 28.201 relative to the definition of recycling collection facilities associated with PC 32-07.

Staff Report Approved By:

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Tom Dabareiner, AICP  
Director of Community Development

TD:JWO  
-att

VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING, DECEMBER 3, 2007, 7:00 P.M.

Chairman Jirik called the December 3, 2007 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

**PRESENT:** Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah

**ABSENT:** Mrs. Hamernik, Mr. Waechtler, Mr. Webster

**STAFF PRESENT:** Jeff O'Brien, Senior Planner; Stan Popovich, Planner, Damir Latinovic, Planner, Tom Dabareiner, Director of Community Development

**VISITORS:** Mark Thoman, 1109 61<sup>st</sup> Street, Downers Grove; Tim & Donna Aikens, 4618 Cross Street, Downers Grove; Mark & Janell Heinstagot, 4420 Cross Street, Downers Grove; Alex J. Martel, 1733 W. Roscoe, Unit 2E, Chicago; Todd & Martha Richardson, 4416 Cross Street, Downers Grove; Bill Dwyer, 4507 Cross Street, Downers Grove; Mike Jackson, 4421 Cross Street, Downers Grove; Claire Roth, 4409 Cross Street, Downers Grove; Thad Gleason, 769 Heartland Drive, Sugar Grove

Chairman Jirik led the audience in the reciting of the Pledge of Allegiance.

**MINUTES OF THE NOVEMBER 5, 2007** - Minutes of November 5, 2007 Plan Commission meeting were approved on motion by Mr. Matejczyk, seconded by Mr. Cozzo. Motion carried. Vote: 6-0.

Chairman Jirik proceeded to explain the protocol for the meeting.

**FILE NO. PC-32-07** A petition seeking an Amendment to Chapter 28 of the Municipal Code-Zoning Ordinance, Article 28.201 Definition of "Recycling Collection Facility"; Village of Downers Grove, Petitioner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-32-07.

Mr. Jeff O'Brien, Senior Planner explained the petition. He indicated the proposal was part of the Village's efforts to modify the regulations surrounding recycling collection facilities. He provided some background on the previous amendments that had been reviewed by the Plan Commission and Village Council. He noted the Council enacted a separation distance requirement in October 2007.

Mr. O'Brien stated the Village Council gave staff direction to draft a modified definition for recycling collection facilities. He indicated staff originally presented a definition that

included construction and demolition debris facilities; however, the Council directed staff to propose separate definitions for facilities collecting household recyclables and construction material. He stated the proposed definition refers to the State's definition of construction and demolition debris facilities. The proposed amendments would exclude these types of facilities from locating within Downers Grove.

Mr. Matejczyk inquired if this definition was developed based on Council direction and if the Village Attorney had approved it. Mr. O'Brien confirmed it was on both counts. Mr. Beggs inquired if this would affect the Village's curbside recycling program. Mr. O'Brien noted this definition would not affect the curbside program but was intended to regulate construction debris in large dumpsters on construction sites. He noted small items with stickers would be collected and discarded in the same way.

Chairman Jirik suggested making some modifications to the proposed definition to better define the definition and close any potential loopholes. He made suggestions to add 'post consumer,' 'cardboard' and 'household hazardous waste.' He wanted to ensure household paint and motor oil could still be discarded in the same way it currently is discarded. He wondered if words within the definition should be further defined. Mr. O'Brien noted staff wanted to balance the stricter environmental regulations with a broader zoning definition. He noted the Village did not want to default to State regulations anymore than the Village has to.

Mr. Beggs asked what would happen if the State's regulations changed. Mr. O'Brien noted the regulations are referenced and if they changed, the Village's would change. He noted staff originally looked at separate definitions, but was not comfortable adding a definition to the Zoning Ordinance if the use was not permitted. Chairman Jirik opened up the meeting to public comment.

Mr. Mark Thoman, 1109 61<sup>st</sup> Street, urged a positive recommendation for this petition. He noted the first sentence mimics the State code and the definition has a rationale basis. This definition corrects previous deficiencies that were visible in past-proposed definitions. He believes this definition accomplishes the Council's goal.

Chairman Jirik declared public participation closed.

Mr. Matejczyk believes consistency in the definition is needed and did not want to create a hodgepodge of definitions. He believes staff's recommended definition should be forwarded with a positive recommendation.

Chairman Jirik clarified the difference between 'post-consumer' and 'post-industrial' noting he wished to close any loopholes that may arise based on this definition. He noted he was comfortable with the proposed language regardless of his earlier suggestions. Mrs. Rabatah inquired if staff was concerned with challenges. Mr. O'Brien noted this definition mirrors the State's definition, and the definition is clearly talking about household recyclables, not construction debris.

**WITH RESPECT TO FILE NO. PC-32-07, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE DEFINITION OF A 'RECYCLING COLLECTION FACILITY' AS NOTED ON PAGE 2 OF THE STAFF REPORT DATED DECEMBER 3, 2007.**

**MOTION WAS SECONDED BY MRS. RABATAH**

**ROLL CALL:**

**AYE: MR. MATEJCZYK, MRS. RABATAH, MR. BEGGS, MR. COZZO, MR. QUIRK, CHAIRMAN JIRIK**

**NAY: NONE**

**MOTION CARRIED. VOTE: 6-0**