

March 26, 2018

Title

PC 18-13

Petitioner

Village of Lombard

Property Location

Village-wide

Approval Sought

Text amendment to Section 155.209 of the Lombard Zoning Ordinance to amend the standards to recognize parcels of land created by an assessment division prior to 11/19/1998 for a single-family dwelling.

Prepared By

Tami Urish
Planner I

DESCRIPTION

The petitioner, the Village of Lombard, is requesting text amendments to Section 155.209 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to recognize parcels of land created by an assessment division prior to November 19, 1998 as a buildable lot for a single-family dwelling, provided that the assessment division is at least eighty percent (80%) of the lot width and lot area for lots in the underlying zoning district. The amendment would also be limited to lots that abut a dedicated right of way.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the proposed text amendment to the Zoning Ordinance.

Fire Department:

The Fire Department has no comments regarding the proposed text amendment to the Zoning Ordinance.

Private Engineering Services:

Private Engineering Services has no comments regarding the proposed text amendment to the Zoning Ordinance.

Public Works:

The Department of Public Works has no comments regarding the proposed text amendment to the Zoning Ordinance.

Planning Services Division:

The Plan Commission held a workshop on September 9, 1998 to discuss the methodology for creating lots in Illinois that had changed considerably in 1990 with the passage of the Plats Act. Staff then requested a text amendment (See Exhibit A) to establish an administrative platting process for creating legal lots-of-record from existing, developed, single-family tax assessment lots.

The subdivision process to create a lot-of-record from an assessment lot was deemed onerous for someone who simply wanted to build a small addition and was a particular hardship for rebuilding after a catastrophe. The administrative process was proposed with the limitation of the assessment lots needed to meet 80% or more of the required lot width and lot area otherwise a variance would be required.

The text amendment only went as far as correcting the Nonconforming Buildings, Structures and Uses Chapter by adding Section 155.306 *Lot sizes-reconstruction*. Including language to the General Provisions Chapter, Section 155.209, *Minimum lot size* of the zoning code may have been overlooked. The intent of PC 98-33 as noted by staff at the time was to simplify the process for creating legal lots-of-record from developed single-family assessment lots in order to reduce the burden on property owners. This text amendment is proposed to correct this oversight.

In addition, text amendments to Section 155.220 *Developments on lots of record* were approved in 2001 (PC 01-19) and 2003 (PC 03-23). Both text amendments dealt with the trigger (project size) that a new administrative plat is warranted when an owner is seeking to make permanent improvements to their property. Neither text amendment mentioned Section 155.209 *Minimum lot size* as the issue was specifically for construction activity on existing lots-of-record.

The proposed amendment could eliminate a future need for variances to assessment plats that were established prior to 1998 which happen to be vacant or occupied with accessory structures as the reconstruction of principal structures is addressed per Section 155.306. The owner of a parcel of land created by an assessment division many years ago and meets the minimum lot size of 80 percent of the applicable zoning district has a reasonable expectation that the lot is capable of being developed.

EXISTING & PROPOSED REGULATIONS

Staff proposes the following text amendments. Additions are denoted by **bold and underline**. Deletions are denoted by a ~~strikethrough~~.

§ 155.209 - Minimum lot size.

Every building hereafter erected shall provide a lot in accordance with the lot size requirement in the district within which it is located. However, in **R0, R1 or R2 Single Family Residence Districts** ~~any residence district~~, if a lot of record **or a parcel of land created by an assessment division** was established prior to **November 19, 1998** ~~the effective date of this Chapter~~, a single-family dwelling may be constructed on such lot if it consists of sufficient width and area to provide at least 80 percent of the width and area required for lots in the applicable zoning district. **The provisions of this section shall be limited to lots that abut a dedicated right of way.**

STANDARDS FOR TEXT AMENDMENTS

For any change to the Zoning Ordinance, 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 text amendment is generally applicable to all single-family dwelling properties within 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 amendment is consistent with the objectives of the Zoning Ordinance.
3. *The degree to which the proposed amendment would create nonconformity;*

Staff does not believe any nonconformity would be created.

4. *The degree to which the proposed amendment would make this ordinance more permissive;*

The proposed amendment will allow more flexibility for the development of single family homes on previously established assessment divisions, but will not otherwise impact standards for new resubdivision of lots.

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.*

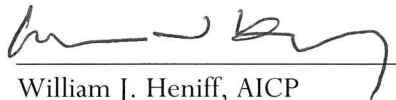
The Village has a history of amending the Zoning Ordinance to address edits for clarity. The proposed amendments are consistent with established Village policy in this regard.

FINDING & 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 Zoning Ordinance. 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 18-13.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

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catastrophe to happen). Staff believes that this process will help to bring a large number of nonconforming properties into compliance and will ease the burden on those homeowners who want to expand or who have to rebuild after a catastrophe. Tom Bayer, Village Attorney, prepared ordinances which would provide for the necessary Code amendments; these are attached for the Plan Commissioners' review.

ANALYSIS

As stated above, the proposed text amendment would reduce the impact on homeowners of catastrophic events, and would also simplify the process for building additions to single-family residences which are on nonconforming tax assessment lots. This will also benefit staff and the Plan Commission by changing the rather straightforward review of the platting of assessment lots from a public hearing process to an administrative one, thereby saving time for all parties involved. Staff believes that the amendment will provide substantial benefit with no negative consequences.

RECOMMENDATION

Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of the request as proposed:

Based on the information and testimony presented, the proposed text amendments comply with the standards required by the Lombard Zoning Ordinance, and, therefore, I move that the Plan Commission recommend to the Corporate Authorities approval of the text amendments described in PC 98-33.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DCS:jd

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