

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: David A. Hulseberg, Village Manager *DH*

DATE: April 8, 2009 (B of T) Date: April 16, 2009

TITLE: Resolution of Objection to DuPage County Case T-1-09

SUBMITTED BY: Department of Community Development *MD*

BACKGROUND/POLICY IMPLICATIONS:

Please find attached a Resolution of Objection to a request for text amendments to the DuPage County Zoning Ordinance, Chapter 37, relative to Workforce Development Housing in unincorporated DuPage County.

Staff recommends that the Board of Trustees adopt the Resolution of Objection.

Please place this item on the April 16, 2009 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X

*[Signature]*

Date

4/8/09

Date

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:** David A. Hulseberg, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*

**DATE:** April 16, 2009

**SUBJECT:** DuPage County ZBA Case T-1-09 – Resolution of Objection

DuPage County is proposing text amendments to the County Zoning Ordinance related to Workforce Development Housing (proposed amendments are attached). The intent of the text amendments are to provide zoning incentives for developers to include a minimum of 20% workforce housing units, as defined by a household income at or below 80% of the area median income, into their development plans. All of the remaining unincorporated residential properties within Lombard's ultimate jurisdiction are zoned within the DuPage County R-3 and R-4 single family residential districts. The proposed amendments would allow by right higher densities, attached single family (townhome) housing in the County's R-3 and R-4 districts, reduced setbacks and the removal of the connection requirements to public utilities.

While staff does not have a concern with establishing workforce housing provisions, the practical application of the regulations is of concern. Staff previously submitted the attached letter to DuPage County in its public hearing process outlining a number of concerns and issues with the proposed amendments, as they have the potential to adversely impact existing neighborhoods and diminish the quality of the workforce housing. Those concerns include:

1. The proposed text amendments would permit the construction of workforce housing attached single-family residences (townhouses) within the unincorporated R-3 and R-4 Single-Family Residence Districts. Townhouses are not currently permitted within these zoning districts. There is concern that the physical characteristics of such development may not be compatible with the existing character of surrounding neighborhoods in our community and others.

2. Within the unincorporated R-3 and R-4 Single-Family Residence Districts, required lot sizes for detached single-family residences currently range from 40,000 to 10,000 square feet depending upon water and sewer services. The proposed amendments would permit reduced lot sizes as small as 6,000 square feet for detached single-family residences and 3,000 square feet for attached single-family residences without consideration of water and sewer services. Hypothetically, this would allow a series of townhouses in the R-4 District to be built on 3,000 square foot lots which are serviced by septic and well.

3. Within the R-3 and R-4 Single-Family Residence Districts, the proposed amendments would reduce the required front and corner side yard setbacks from 30' to 20' for both detached and attached single-family housing. Rear yard setbacks would be reduced from 25' to 15'. Staff

is concerned that this reduction in setback requirements could alter the character of established neighborhoods and the reduction in of itself would not advance the workforce housing component.

4. The proposed amendments permit the establishment of workforce housing within 500 feet of streets having more than 1,000 ADT. However, the proposed amendments do not provide any direction on how this information is to be established.

### **RECOMMENDATION**

Based upon the concerns noted above, staff recommends that the Village Board adopt a Resolution of Objection for DuPage County ZBA Case T-1-09.

Should the resolution be adopted by the Village Board, a copy of the resolution will be filed in the DuPage County Clerk's Office and a super-majority of the County Board (3/4ths of all County Board members) shall be required to approve the proposed amendments.

37-302: DEFINITIONS:

EXHIBIT #1

AREA MEDIAN INCOME (AMI): The median income level for the Chicago Primary Metropolitan Statistical area, as established and defined in the annual schedule published by the U.S. Department of Housing and Urban Development, and adjusted for household size.

BASE DENSITY: The number of Dwelling Units permitted to be constructed on a zoning lot pursuant to the applicable requirements of the Zoning District.

DWELLING, MULTIPLE-FAMILY: A building, or portion thereof, consisting of three (3) or more dwelling units of any type where access to each dwelling is gained through a common entrance, hallway, passageway or similar type entrance access.

DWELLING, SINGLE-FAMILY (Attached): A building, or portion thereof containing a single-family dwelling unit, which is attached to one or more other single-family dwelling units by party wall or linkage.

DWELLING, SINGLE-FAMILY (Detached): A building containing a single dwelling unit only, which is separated from all other dwellings by open space.

DWELLING, TWO-FAMILY: A building consisting of two (2) dwelling units either attached, side by side, or one above the other, with each dwelling unit having a separate entrance.

DWELLING UNIT: One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

DWELLING UNIT (NON-OWNER OCCUPIED): A dwelling where the person living in the unit has less than a 50% ownership interest in the dwelling unit.

DWELLING UNIT (OWNER OCCUPIED): A dwelling unit where the person living in the unit has a minimum of a 50% ownership interest in the dwelling unit.

MARKET RATE UNITS: All Dwelling Units that are not Workforce Development Housing Units as defined herein.

WORKFORCE DEVELOPMENT HOUSING: Housing that has a sales price or rental amount that is within the means of an "Eligible Household" as defined herein.

- Where a Dwelling Unit is for sale, housing that is for Workforce Development means housing in which mortgage, amortization, taxes, insurance, and/or condominium/association fees, constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit.

- Where a Dwelling Unit is for rent, housing that is for Workforce Development means housing for which the rent and utilities constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit.

**WORKFORCE DEVELOPMENT HOUSING AGREEMENT:** An agreement between the County of DuPage or its designee and an applicant for Workforce Development (pursuant to Appendix B of the DuPage County Zoning Ordinance.

**WORKFORCE DEVELOPMENT HOUSING APPLICANT:** Any person who applies to receive approval of a Workforce Development Housing development pursuant to this Chapter.

**WORKFORCE DEVELOPMENT HOUSING DEVELOPMENT (WFDHD):** A development that receives a certificate of compliance pursuant to Appendix B of the DuPage County Zoning Ordinance and complies with all of the requirements of this ordinance where at least twenty percent (20%) of the dwelling units are workforce development units and may include Market Rate Dwelling Units and where the development occurs in part or in whole on a zoning lot that is adjacent to a Collector or higher designated roadway as defined herein.

**WORKFORCE DEVELOPMENT HOUSING ELIGIBLE HOUSEHOLD:** A household with an income at or below eighty percent (80%) of the Area Median Income (AMI) for for-sale units and at or below sixty percent (60%) of the AMI for rental units, based on the size of the household.

**WORKFORCE DEVELOPMENT HOUSING PROVIDER:** An entity approved by DuPage County or its designee to develop, manage or own Workforce Development Housing Dwelling Units.

**WORKFORCE DEVELOPMENT HOUSING UNIT:** A dwelling unit that satisfies the requirements of this Chapter.

\* \* \*

**37-703: R-3 SINGLE-FAMILY RESIDENCE DISTRICT:**

The R-3 single-family residence district is established to preserve and maintain existing single-family areas of the county and encourage permit the continued the development of residential uses including reasonably affordable residential uses primarily in areas where public utilities are readily available: in the more urbanized areas of the County. (2005 Code)

**37-703.1: PERMITTED USES:**

The following uses are permitted:  
\* \* \*

Single-family detached dwellings.

Workforce Development Housing (requires workforce development certificate of compliance pursuant to Appendix B)

Workforce Development Housing Development (requires workforce development certificate of compliance pursuant to Appendix B)

\* \* \*

**37-703.3: LOT REQUIREMENTS: SIZE, WIDTH AND DEPTH:**

Except as otherwise provided herein, a separate minimum ground area herein called the zoning lot, shall be designated, provided and continuously maintained for each building containing a permitted or conditional use, as follows:

Use	Lot Size	Lot Width	Lot Depth	Location
	Interior	Corner		
Single-Family Detached Dwellings served with septic and well	40,000 square feet	125 feet	150'	100 feet
Single-Family Detached Dwellings served with sewer and well	20,000 square feet	100 feet	125 feet	100 feet
Single-Family Detached Dwellings served with sewer and water	15,000 square feet	100 feet	125 feet	100 feet
Reserve Lot	40,000 square feet exclusive of reserve	125 feet	NA	100 feet

	strip					
Reserve Strip	NA	20 feet- reserve strip	NA	NA		
Historic Lot of Record containing a Single Family Detached Dwelling	NA	66 feet when served with septic and well.	NA	50 feet when served with sewer and well 44 feet when served with sewer and water		
Cemeteries	2 acres	125 feet	150'	100 feet		
Planned Developments	NA	NA	NA	NA		
Private schools, boarding and/or nonboarding, whether or not such school is operated for profit	3 acres for the first 100 pupils, plus 1 additional acre for each additional 50 pupils or any portion thereof	125 feet	150'	100 feet		



Notwithstanding section 37-700.4 of this chapter, and except as otherwise provided herein, each

37-703.4: YARD, HEIGHT AND FLOOR AREA RATIO REQUIREMENTS:

A. Exception: Average Front Yard Less Than Minimum Setback: On streets where a front yard setback has heretofore been maintained by buildings situated on lots or tracts comprising not less than fifty percent (50%) of the total street frontage on one side of that portion of any street including: 1) Lying between two (2) intersecting streets, 2) Lying between one intersecting street and the centerline extended of the nearest street connecting with, but not intersecting such street, or 3) Lying between the centerlines extended or the nearest streets connecting with, but not intersecting such street, buildings shall maintain a front yard (building setback) as required in the zoning district in which such property is located, or may maintain a lesser front yard, as determined by the average front yard (building setback) provided by existing buildings.

Religious institutions,	40,000 square feet	125 feet	150'	100 feet
All Other Permitted Or Conditional Uses	40,000 square feet	125 feet	150'	100 feet
<u>Workforce</u> <u>Development: Single-</u> <u>Development: Single-</u> <u>Family Detached</u>	<u>8,000</u> <u>square</u> <u>feet</u>	<u>60 feet</u>		<u>On property</u> <u>adjacent to or</u> <u>within 500 feet of a</u> <u>Collector or higher</u> <u>designated roadway</u> <u>where there is no</u> <u>intersecting street</u> <u>between the</u> <u>property and the</u> <u>Collector or higher</u> <u>designated roadway.</u>
<u>Workforce</u> <u>Development: Single-</u> <u>Development: Single-</u> <u>Family Attached</u>	<u>5,000</u> <u>Square</u> <u>feet of</u> <u>land per</u> <u>unit</u>	<u>60 feet</u>		<u>On property</u> <u>adjacent to or</u> <u>within 500 feet of a</u> <u>Collector or higher</u> <u>designated roadway</u> <u>where there is no</u> <u>intersecting street</u> <u>between the</u> <u>property and the</u> <u>Collector or higher</u> <u>designated roadway</u>

principal building located in the R-3 district shall provide for one front yard, two (2) side yards or one interior side yard and one corner side yard, and one rear yard.

A. Minimum Yard, Height and FAR Required:

USE:	FRONT YARD	INTERIOR SIDE YARD	CORNER SIDE YARD	REAR YARD	HEIGHT	FAR
Single-family detached dwelling	30'	10% of lot width (does not need to exceed 10')	30'	25'	36'	.30
Historic Lot of Record containing a single family detached dwelling	30'	10% of lot width (does not need to exceed 10') Where the lot is less than 75' wide, 20'	30'; or	25'	36'	.30
Other permitted or conditional uses	30'	20'	30'	25'	36'	.30
<u>Workforce Development Housing Detached</u> <u>Development: Single-Family</u>	20'	10% of lot width (does not need to exceed 10')	20'	15'	36'	.5
<u>Workforce Development Housing Attached</u> <u>Development: Single-Family</u>	20'	10% of lot width (does not need to exceed 10')	20'	15'	36'	.5

37-703.5: BUILDING BULK REQUIREMENTS:

37-703.7: OFF STREET PARKING AND LOADING REQUIREMENTS:

In addition to the requirements of section 37-700.4 of this chapter, see section 37-1200 of this chapter. Any nonsingle-family detached use may utilize up to twenty percent (20%) of the interior portion of any required yard for accessory off street parking or on site circulation. Any nonsingle-family detached use which does utilize up to twenty percent (20%) of any required yard for parking or circulation shall be subject to the provisions of sections 37-415, "Site Plan Review", and 37-419, "Landscaping", of this chapter. (2005 Code)

37-703.8: REQUIRED CONDITIONS:

Reserved. (2005 Code)

37-703.9: ADDITIONAL CONDITIONS:

- A. Trash Containers: All outside trash containers for any nonsingle-family detached development located in the R-3 single-family residence district shall be enclosed with fences, masonry walls or landscaping which shall provide a full landscape screen according to the provisions of section 37-419, "Landscaping" of this chapter. (2005 Code)

- B. Workforce Development Housing Development Cost Offsets: A Workforce Development Housing Development that complies with the requirements of a Workforce Development Housing Development Agreement may, upon written request to the County Development Committee, receive a waiver or partial waiver of all building permit, demolition, and plan review fees required by the County Regulator Fee Schedule, and a reduction in cash contributions (when required in lieu of park and school land dedications) as required the DuPage County Subdivision Regulations relative to only those units that Affordable Units.

Use	Minimum Lot Size	Lot Width	Lot Depth
Single-Family Detached Dwellings served with septic and well	40,000 square feet	125 feet	150 feet
Single-Family Detached Dwellings served with sewer and well	20,000 square feet	100 feet	125 feet
Single-Family Detached Dwellings served with sewer and water	10,000 square feet	75 feet	100 feet
Reserve Lot	40,000 square feet exclusive of reserve strip	125 feet	NA

Except as otherwise provided herein, a separate minimum ground area herein called the zoning lot, shall be designated, provided and continuously maintained for each building containing a permitted or conditional use, as follows:

**37-704.3: LOT REQUIREMENTS: SIZE, WIDTH AND DEPTH:**

\*\*\*

Single-family detached dwellings.  
Workforce Development Housing (requires workforce development certificate of compliance pursuant to Appendix B)  
Workforce Development Housing Development (requires workforce development certificate of compliance pursuant to Appendix B)

\*\*\*

The following uses are permitted:

**37-704.1: PERMITTED USES:**

The R-4 single-family residence district is established to preserve and maintain existing single-family areas of the county and encourage ~~the development of~~ residential uses and reasonably affordable residential uses ~~primarily in areas where public utilities are readily available.~~ in the more urbanized areas of the County

**37-704: R-4 SINGLE-FAMILY RESIDENCE DISTRICT:**

Reserve Strip	NA	20 feet- reserve strip							
Historic Lot of Record containing a Single Family Detached Dwelling	NA	66 feet when served with septic and well. 50 feet when served with sewer and well 44 feet when served with sewer and water	NA	NA	NA	NA	NA	NA	NA
Cemeteries	2 acres	125 feet	150'	100 feet					
Planned Developments	NA	NA	NA	NA					
Private schools, boarding and/or nonboarding, whether or not such school is operated for profit	3 acres for the first 100 pupils, plus 1 additional acre for each additional 50 pupils or any portion thereof	125 feet	150'	100 feet					
Religious institutions.	40,000 square feet	125 feet	150'	100 feet					
All Other Permitted Or Conditional Uses	40,000+ square feet	125 feet	150'	100 feet					
Workforce Development: Single-Family Detached	6,000 square feet	60 feet	100 feet	100 feet					
On property adjacent to or within 500 feet of a Collector or higher designated roadway where there is no intersecting street									

Use	Front	Interior	Corner	Rear	Height	FAR
Single-family detached dwelling	30'	30'	10% of lot width (does not need to exceed 10')	30'	25'	36'
	Yard	Side Yard	Side Yard	Yard		.35

A. Minimum Yard, Height and FAR Required:

Notwithstanding section 37-700.4 of this chapter, and except as otherwise provided herein, each principal building located in the R-4 district shall provide for one front yard, two (2) side yards or one interior side yard and one corner side yard, and one rear yard.

37-704.4: YARD, HEIGHT AND FLOOR AREA RATIO REQUIREMENTS:

Exception: Average Front Yard Less Than Minimum Setback: On streets where a front yard setback has heretofore been maintained by buildings situated on lots or tracts comprising not less than fifty percent (50%) of the total street frontage on one side of that portion of any street including: 1) Lying between two (2) intersecting streets, 2) Lying between one intersecting street and the centerline extended of the nearest street connecting with, but not intersecting such street, or 3) Lying between the centerlines extended of the nearest streets connecting with, but not intersecting such street, buildings shall maintain a front yard (building setback) as required in the zoning district in which such property is located, or may maintain a lesser front yard, as determined by the average front yard (building setback) provided by existing buildings

						Workforce Development Housing Development: Single-Family Attached
			3,000 Square feet of land per unit	60 feet	100 feet	100 feet
						On property adjacent to or within 500 feet of a Collector or higher designated roadway where there is no intersecting street between the property and the Collector or higher designated roadway

37-1203: SCHEDULE OF OFF STREET PARKING REQUIREMENTS:

**B. Workforce Development Housing Development Cost Offsets: A Workforce Development Housing Development that complies with the requirements of a Workforce Development Housing Development Agreement may, upon written request to the County Development Committee, receive a waiver or partial waiver of all building permit, demolition, and plan review fees required by the County Regulator Fee Schedule, and a reduction in cash contributions (when required in lieu of park and school land dedications) as required the DuPage County Subdivision Regulations relative to only those units that Affordable Units.**

A. Trash Containers: All outside trash containers for any nonsingle-family detached development located in the R-4 single-family residence district shall be enclosed with fences, masonry walls or landscaping which shall provide a full landscape screen according to the provisions of section 37-419, "Landscaping", of this chapter. (2005 Code)

37-704.9: ADDITIONAL CONDITIONS:

In addition to the requirements of section 37-700.7 of this chapter, see section 37-1200 of this chapter. Any nonsingle-family detached use may utilize up to twenty percent (20%) of the interior portion of any required yard for accessory off street parking or on site circulation. Any nonsingle-family detached use which does utilize up to twenty percent (20%) of any required yard for parking or circulation shall be subject to the provisions of sections 37-415, "Site Plan Review", and 37-419, "Landscaping", of this chapter. (2005 Code)

37-704.7: OFF STREET PARKING AND LOADING REQUIREMENTS:

Historic Lot of Record containing a single family detached dwelling	30'	20'	30'	25'	36'	.35
Other permitted or conditional uses	30'	20'	30'	25'	36'	.35
Workforce Development Housing Development: Single-Family Detached	20'	10% of lot width (does not need to exceed 10')	20'	15'	36'	.5
Workforce Development Housing Development: Single-Family Attached	20'	10% of lot width (does not need to exceed 10')	20'	15'	36'	.5

DWELLINGS	
1-1	Dwelling, Single Family Detached Two (2) parking space per each dwelling unit Separate living quarters, domestic Servants
1-1a	Workforce Development Housing Development: Single-Family Detached One and one-half (1.5) parking spaces per dwelling
1-1b	Workforce Development Housing Development: Single-Family Attached One and three quarters (1.75) parking spaces per dwelling
1-2	Dwelling, Single Family Attached Dwelling, Two Units Dwelling, Three Units Duplexes Mobile Home Parks
1-3	Apartments (Multiple Family) except as shown above and except for elderly housing. Two Bedrooms - one and one and three quarters (1.75) parking spaces per dwelling unit; Three or more bedrooms-two (2) parking spaces per dwelling unit.
1-4	Elderly Housing One (1) parking space per each two (2) dwelling units; plus one (1) space per each employee on the premises; plus not less than ten (10) percent of all spaces to be reserved for the disabled.



GROUP QUARTERS		
1-5	Dormitory Fraternity Lodging House	Five (5) parking spaces per each 1,000 square feet of gross floor area.

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APPENDIX B

1. Certificate of Compliance:

- a. That all applicants for Workforce Development Housing shall require a certificate of Compliance from DuPage County or its designee that the provision of Appendix B herein has been met.
- b. That as part of any application for Building Permit, Zoning Relief or review by the County Plat Committee an applicant for Workforce Development Housing shall provide the County with a certificate of compliance as part of the application process.

2. Affordable Housing Agreement and Documents

- a. That prior to issuance of a building permit for any Workforce Development Housing unit, the Applicant shall have entered into a Workforce Development Housing Agreement with the County or its designee.
- b. That the agreement shall set forth the commitments and obligations of the Applicant, including but not limited to the number, timing and location of the required Workforce Development Housing Affordable Units.
- c. That the Applicant shall execute any and all documents deemed necessary by the County of DuPage or its designee, including without limitation, restrictive covenants and other related instruments, to ensure the continued affordability of the Workforce Development Affordable Units in accordance with Workforce Development Housing requirements.
- d. That the Workforce Development Affordable Units which qualify will be purchased by the buyers in an equity sharing arrangement. The underlying fee is to be owned by a not-for-profit "Housing Trust" or other legal entity qualified to participate in equity sharing programs and approved by the County of DuPage or its Designee.

3. Implementation

- a. That the Director or Director's designee of the Department of Economic Development and Planning of the County of DuPage shall promulgate regulations and forms as may be necessary for the implementation of this Appendix B.
- b. That the regulations shall be reported to the County of DuPage or its designee.

4. Enforcement

- a. That the provisions of this Chapter shall apply to all agents, successors and assignees of an Applicant for Workforce Development Housing.
- b. That the County of DuPage or its designee may institute injunction, mandamus, or any other appropriate legal actions or proceedings for the enforcement of this Chapter.
- c. That any person, firm, or entity, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this Chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable for each offense by the payment of a fine of not more than \$1,000.00 dollars per day. Such person, firm, or entity

shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this Chapter is commenced, continued, or permitted by such person, firm, or entity, and shall be punishable as herein provided

5. Workforce Development Housing Applicant Requirements: An applicant will agree, as a condition of obtaining plat approval and building permits to perform the following:

a. Set aside a given number but no less than twenty percent (20%) of units for Workforce Development Housing;

b. Sell the units to a Housing Trust and qualified buyers;

c. Enter into an agreement with a qualified Housing Trust Manager (HTM) to qualify the buyers and to manage the Housing Trust and property;

d. Where the Workforce Development Housing Units comprise more than fifty percent (50%) of the development, the developer will agree to have the HTM manage the Homeowners Association;

e. Establish and record in the DuPage County Recorder of Deeds Office covenants and restrictions on the development that allows the HTM and the Housing Trust to rent out units it controls on terms acceptable to the HTM;

f. Establish guidelines to allow review by the HTM all architectural, construction plan specifications and material for the Workforce Development Housing Units.

6. Workforce Development Housing Trust Requirements:

a. Establish mechanisms to own a portion of Workforce Development Housing Units through equity sharing agreement or land lease;

b. Establish mechanisms to and provide "guarantee" of first mortgage by having the right to "buy-back" the unit upon resale of the unit.

7. Workforce Development Housing Trust Manager Requirements:

a. Qualify potential buyers for Workforce Development Housing Units.

b. Establish mechanisms to and perform Credit Check;

c. Establish mechanisms to and perform criminal background check;

d. Establish mechanisms to and perform income verification (Criteria may change depending on development and location, but suggest income not to exceed 100% of median income);

e. Establish mechanisms to and negotiate Developer Agreement;

f. Approve Plans, Specifications and Materials for construction (or rehab) of Workforce Development Housing Units;

g. Establish mechanisms to and perform property management, including maintenance, for the Workforce Development Housing Units;

- h. Establish mechanisms to and perform, where required herein, management of the Homeowners Association;
- i. Establish mechanisms to and perform periodic inspections of the units to assure compliance with standards;
- j. Establish mechanisms to and rehabilitate and resell units when buyers want to sell;
- k. Establish mechanisms to and manage the Housing Trust.

**END**



**VILLAGE OF LOMBARD**

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Lombard, Illinois 60148-3931  
(630) 620-5700 Fax (630) 620-8222  
www.villageoflombard.org



March 31, 2009

Paul Lauricella  
DuPage County Dept. of Economic Development & Planning  
421 North County Farm Road  
Wheaton, Illinois 60187

**RE: DuPage County ZBA Case T-1-09 - Village of Lombard Comments**

Dear Mr. Lauricella:

The Village of Lombard is in receipt of the public notice regarding proposed text amendments to the DuPage County Zoning Ordinance pertaining to development regulations associated with proposed workforce housing. Village staff received a copy of the proposed regulations and offers the following preliminary comments and concerns regarding the proposed amendments.

In order to ensure that our comments are included as part of the public hearing proceedings, Village staff is transmitting these comments to your attention at this time. However, formal consideration and/or action regarding the proposed text amendments may be taken by the Lombard Village Board at its regularly scheduled April 16, 2009 meeting. In the meantime, the Village respectfully requests that the DuPage County Board hold off on any final consideration of this matter until after the April 16, 2009 date.

The Village would like to express our support of your initiative to encourage workforce housing within DuPage County. However, upon our initial review, the Village has identified several items that are of concern from a land-use perspective. These concerns include, but are not necessarily limited to, the following:

**Neighborhood Compatibility**

The proposed text amendments would permit the construction of workforce housing attached single-family residences (townhouses) within the R-3 and R-4 Single-Family Residence Districts. Townhouses are not currently permitted within these zoning districts and historically the DuPage County Zoning Ordinance established these districts to ensure that the character of these districts remain as detached single family in nature. There is concern that the physical characteristics of new development of this scope may not be compatible with the existing character of surrounding neighborhoods.

*"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."*

*"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."*

David A. Hulseberg  
Village Manager

Trustees  
Greg Alan Gron, Dist. 1  
Richard J. Tross, Dist. 2  
John "Jack" T. O'Brien, Dist. 3  
Dana L. Moreau, Dist. 4  
Laura A. Fitzpatrick, Dist. 5  
Rick Soderstrom, Dist. 6

William J. Mueller  
Village President  
Brigitte O'Brien  
Village Clerk

**Lot Sizes & Utilities**

Within the R-3 and R-4 Single-Family Residence Districts, required lot sizes for detached single-family residences currently range from 40,000 to 10,000 square feet depending upon water and sewer services. The proposed amendments would permit reduced lot sizes as small as 6,000 square feet for detached single-family residences and 3,000 square feet for attached single-family residences without the need to connect to public water and sewer services. Hypothetically, this could allow a series of townhouses in the County's R-4 Single Family District to be built on 3,000 square foot lots, serviced by septic and well. Careful consideration of this increase in density without public utility services would create both inconsistencies in neighborhood design and not enhance the character of the neighborhood. We also respectfully request that the DuPage County Health Department carefully review and provide comment on the functional feasibility of allowing townhouse units on residential lots of this size and design.

**Setbacks**

Within the R-3 and R-4 Single-Family Residence Districts, the proposed amendments would reduce the required front and corner side yard setbacks from 30' to 20' for both detached and attached single-family housing. Rear yard setbacks would be reduced from 25' to 15'. However, traditional single-family residences would need to be at the required 30 foot setback yard requirement. As a practical application, the setback reductions would create dwelling units that are inconsistent with the character of adjacent established residences and neighborhoods.

**Traffic Volumes**

The proposed amendments could permit the establishment of workforce housing within 500 feet of streets having more than 1,000 Average Daily Trips (ADT). However, the proposed amendments do not provide any direction on how this information is to be obtained. For instance, will a traffic study need to be conducted for each workforce housing development or would data provided by DuPage County or another traffic entity be sufficient to determine whether this threshold is met? Moreover, many local collector streets could easily exceed the 1,000 ADT threshold and such units would be permitted regardless of the neighborhood context. Lastly, the definition of ADT should be refined to reflect definitions commonly utilized by the Institute of Transportation Engineers (ITE), American Association of State Highway Traffic Officials (AASHTO) or another entity.

**Detacto and Inconsistent Rezoning**

With the inclusion of the possibility of denser housing and townhomes within established single family neighborhoods, the proposed text amendment could function as a de facto rezoning of the neighborhoods. If these projects were considered on an individual basis, careful consideration of these projects could be undertaken as part of a public hearing process. The County Board would be able to carefully review the merits of the respective proposal and can offer its support if the standards for map amendments or other variations are met. However, in this application, the County Board would not be able to withhold its approval of such an application on zoning grounds.



From the Village of Lombard's perspective, creation of these units under these development parameters can create non-conformities, as the denser housing product would not be consistent with many established zoning regulations within municipal jurisdictions upon annexation.

**Comprehensive Planning**

The adopted Village of Lombard Comprehensive Plan recognizes the unique nature of previously developed unincorporated areas. The Village's Plan recommends that upon annexation development or redevelopment of these residential areas that the Village should maintain a larger lot character and environment (p.22). The inclusion of selected smaller permissible lots would be inconsistent with the intent of the plan.

Moreover, the Village adopted further amendments to our Plan in 2007 to address concerns of unincorporated York Center neighborhood residents. This amendment was adopted to ensure that future development densities would be consistent with the existing densities now afforded to their neighborhood. The proposed County text amendment would therefore also be inconsistent with intent of past planning efforts for both the County and the Village as it could allow for higher density thresholds.

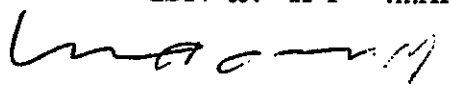
In closing, the Village of Lombard's Department of Community Development will forward these comments to its Board of Trustees for discussion at their April 16, 2009 meeting. Should the Board of Trustees choose to make a formal response to these amendments or otherwise comment on them, the appropriate documentation will be sent to you.

Once again, we appreciate DuPage County's efforts to promote workforce housing. However, we would like to encourage the County to carefully consider the issues we have identified in this correspondence, as we believe they have the potential to adversely impact existing neighborhoods and diminish the quality of the workforce housing in the County.

Respectfully,

**VILLAGE OF LOMBARD**

**Department of Community Development**



William J. Heniff, AICP

Director of Community Development



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF OBJECTION  
TO A REQUEST FOR TEXT AMENDMENTS TO THE DUPAGE COUNTY ZONING  
ORDINANCE, CHAPTER 37, RELATIVE TO WORKFORCE DEVELOPMENT  
HOUSING**

WHEREAS, the Corporate Authorities of the Village of Lombard have been advised that DuPage County is considering text amendments to the DuPage County Zoning Ordinance, Chapter 37, relative to Workforce Development Housing, Docket Number T-1-09; and, WHEREAS, the proposed amendments impact unincorporated properties within the Village of Lombard's planning jurisdiction and within its ultimate municipal boundaries; and,

WHEREAS, the following concerns have been raised regarding the request:

1. The proposed text amendments would permit the construction of workforce housing attached single-family residences (townhouses) within the DuPage County Zoning Districts of R-3 and R-4 Single-Family Residence Districts. Townhouses are not currently permitted within these zoning districts. The physical characteristics of such development is not compatible with the existing character of surrounding neighborhoods in the Village of Lombard.
2. Within the DuPage County Zoning Districts of R-3 and R-4 Single-Family Residence Districts, required lot sizes for detached single-family residences currently range from 40,000 to 10,000 square feet depending upon water and sewer services. The proposed amendments would permit reduced lot sizes as small as 6,000 square feet for detached single-family residences and 3,000 square feet for attached single-family residences without consideration of water and sewer services. The Village of Lombard is concerned because this would allow a series of townhouses in the R-4 District to be built on 3,000 square foot lots which are serviced by septic and well.
3. Within the DuPage County Zoning Districts of R-3 and R-4 Single-Family Residence Districts, the proposed amendments would reduce the required front and corner side yard setbacks from 30' to 20' for both detached and attached single-family housing. Rear yard setbacks would be reduced from 25' to 15'. The Village of Lombard is concerned that that reductions in setbacks could alter the character of established neighborhoods.
4. The proposed amendments permit the establishment of workforce housing within 500 feet of streets having more than 1,000 ADT. However, the proposed amendments do not provide any direction on how this information is to be obtained.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:  
SECTION 1: That the DuPage County Board be and hereby is notified of the opposition of the Corporate Authorities of the Village of Lombard to the granting of action requested in ZBA Case T-1-09.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

Nayes: \_\_\_\_\_

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Resolution No. \_\_\_\_\_  
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