

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

Resolution or Ordinance (Blue)  X  
Recommendations of Boards, Commissions & Committees (Green)   
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: July 25, 2007 (BOT) Date: August 9, 2007

TITLE: PC 07-25: Text Amendments to the Lombard Zoning Ordinance (Accessory Structures)

SUBMITTED BY: Department of Community Development *del*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The Village of Lombard is proposing text amendments to Section 155.210 of the Zoning Ordinance (and any other relevant sections for clarity) pertaining to accessory building and structure regulations, in the following respects:

1. Amending provisions for attached accessory structures; and
2. Amending provisions pertaining to the maximum lot area coverage for accessory buildings and structures.

The Plan Commission recommended approval of this petition.

Staff is requesting a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	_____
Finance Director X	_____
Village Manager X	_____

Date \_\_\_\_\_  
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:** William T. Lichter, Village Manager  
**FROM:** David A. Hulseberg, AICP, *dalh*  
Assistant Village Manager/Director of Community Development

**DATE:** August 9, 2007

**SUBJECT:** PC 07-25: Text Amendment to the Zoning Ordinance – Accessory Structures

Attached please find the following items for Village Board consideration as part of the August 9, 2007 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 07-25;
3. An Ordinance granting approval of text amendments amending and clarifying the existing accessory structure provisions.

The Plan Commission unanimously recommended approval of the petition.

As staff has two building permit applications on hold pending the outcome of this petition, staff recommends a waiver of first reading of the proposed Ordinance.



**VILLAGE OF LOMBARD**

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August 9, 2007

Mr. William J. Mueller,  
Village President, and  
Board of Trustees  
Village of Lombard

**Subject: PC 07-25: Text Amendments to the Lombard Zoning Ordinance**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. Village staff requests Zoning Ordinance text amendments to Section 15.210 establishing regulations pertaining to the removal of the four (4) foot building separation provision from the Zoning Ordinance in its entirety, as it is already addressed in the Village Building Code. Also, the amendment will no longer include 'structures' as part of the sum of all 'accessory building and structures' when summing the total in comparison to the principal residence. The definition of "Building" will be altered to clarify any misunderstanding that may assimilate a fence as a building.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on July 16, 2007. Michael Toth, Associate Planner, presented the petition. He provided a general description of the cause for concern regarding this issue.

Mr. Toth stated that staff recognizes that the intent of the regulation was to ensure that accessory buildings do not overwhelm the principal residence and become the de facto principal use on the property. He added that while the provision is intended to reduce structural bulk on residential properties, all accessory buildings and structures including pools, decks, patios, sidewalks, or even driveways would by definition be included in the calculation, thus resulting in insufficient allowable square footage for many residential properties. Mr. Toth then mentioned that these accessory structures are typically located at or slightly above grade, excessive bulk is usually not an issue. He noted that this amendment is intended to more closely reflect the practical application of this code and the maximum allowable area to accessory buildings only and not accessory structures.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business 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. Toth stated that the majority of above-grade decks are attached to the principal structure, thus (by definition) making it part of the principal residence (requiring a 35-foot rear yard setback). He noted that if decks were to be considered as accessory structures, a four (4) foot separation between the deck and principal structure would be required. For clarity purposes, Mr. Toth stated that the proposed text amendment would remove the four foot provision within the Zoning Ordinance. Mr. Toth then added that the setback provisions would still need to be followed as required in the Lombard Building Code.

Mr. Toth stated that this amendment alleviates any confusion as to whether a deck would be considered part of the principal residence or as an accessory structure by removing the provision in its entirety. He added that staff notes past cases in which the Building Code would allow the structures to be located closer than four feet, if they were protected by fire walls. He then mentioned that even if this provision was met, the petitioner would still need to apply for zoning relief. Mr. Toth noted that staff believes that as this provision is already outlined in the Building Code and is a life-safety issue, their regulation should take greater precedent over the provisions currently within the Zoning Ordinance, which attempt to address design/aesthetic issues. Mr. Toth stated that for clarity purposes, staff would prefer to have a zero-foot setback (between structures) to eliminate any ambiguity between the zoning and building code.

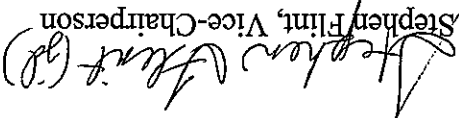
Vice Chairperson Flint opened the meeting for public comment. No one spoke in favor or against this petition. He then opened the meeting for comments from the Plan Commission members.

Commissioner Sweetser stated that the petition is very straight-forward and made a motion to recommend approval.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed text amendment complies with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 4 to 0, recommended to the Corporate Authorities, **approval** of the petition associated with PC 07-25.

Respectfully,

**VILLAGE OF LOMBARD**

  
Stephen Flint, Vice-Chairperson

Lombard Plan Commission

att-

c. Petitioner

Lombard Plan Commission

**VILLAGE OF LOMBARD  
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

**TO:** Lombard Plan Commission

**HEARING DATE:** July 16, 2007

**FROM:** Department of  
Community Development

**PREPARED BY:** Michael S. Toth  
Associate Planner

**TITLE**

**PC 07-25; Text Amendments to the Lombard Zoning Ordinance:** The Village of Lombard is proposing text amendments to Section 155.210 of the Zoning Ordinance (and any other relevant sections for clarity) pertaining to accessory building and structure regulations, in the following respects:

1. Amending provisions for attached accessory structures; and
2. Amending provisions pertaining to the maximum lot area coverage for accessory buildings and structures.

**GENERAL INFORMATION**

**Petitioner:**

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

**ANALYSIS**

**DESCRIPTION**

The Village of Lombard is proposing text amendments to Section 155.210 (A)(5) and Section 155.210(B)(1)(a) along with the pertinent definitions within the Zoning Ordinance. The proposed change will remove the four (4) foot building separation provision from the Zoning Ordinance in its entirety, as it is already addressed in the Village Building Code. Also, the amendment will no longer include 'structures' as part of the sum of all 'accessory building and structures' when summing the total in comparison to the principal residence. The definition of "Building" will be altered to clarify any misunderstanding that may assimilate a fence as a building.

**INTER-DEPARTMENTAL REVIEW COMMENTS**

**PUBLIC WORKS**

Public Works has reviewed the proposed text amendments and does not have any additional comments.

## PRIVATE ENGINEERING SERVICES

The Private Engineering Services Division has reviewed the proposed text amendments and does not have any additional comments.

## BUILDING & FIRE

Upon review of the initial proposed text amendment, the Fire Department/Bureau of Inspectional Services notes that the four (4) foot separation between structure provision is outlined in the Building Code and will continue to be enforced by the Fire Department/Bureau of Inspectional Services. The Building Division has also reviewed the other proposed text amendments and does not have any additional comments on the text amendments.

## PLANNING

Staff has identified a few issues with the existing strict interpretation of the Zoning Ordinance as it pertains to the issue of accessory buildings and structures and is proposing to remedy the situation through the proposed text amendment accordingly. Through an extensive review of the pertinent provisions of the Zoning Ordinance, staff feels that the aforementioned provisions within Section 155.210, including the pertinent definitions, should be changed for clarification purposes and for consistency with past applications of the Code.

### *Maximum Area of Accessory Buildings & Structures*

Within the Zoning Ordinance, the provisions within SECTION 155.210 'ACCESSORY USES, ACTIVITIES, BUILDINGS, AND STRUCTURES' were created to reduce the bulk accessory buildings and structures on residential properties. Section 155.210(B)(1)(a) states, "the combined area of all accessory buildings and structures shall not exceed the total ground floor area of the principal residence."

Staff recognizes that the intent of the regulation was to ensure that accessory buildings do not overwhelm the principal residence and become the de facto principal use on the property. While the provision is intended to reduce structural bulk on residential properties, all accessory buildings and structures including as pools, decks, patios, sidewalks, or even driveways would by definition be included in the calculation, thus resulting in insufficient allowable square footage for many residential properties. These accessory structures are typically located at or slightly above grade, excessive bulk is usually not an issue. This amendment is intended to more closely reflect the practical application of this code and tie the maximum allowable area to accessory buildings only and not accessory structures.

The Zoning Ordinance already sets a minimum required open space. The definition of open space is that portion of a lot or property maintained as lawn, garden, field, woods, wetland, or other natural landscape area and is free of buildings, structures and impervious surfaces. By this definition, the excessive coverage of accessory buildings and structures is already regulated in the

amount of open space required under each zoning district. Therefore, tying the regulation to accessory structures is more appropriate.

*Lot Coverage Provision*

As part of the proposed amendment, staff wishes to eliminate any unnecessary or inconsistent provisions. The last portion of Section 155.210(B)(1)(a) states that *no accessory use, except for surface parking spaces, shall cover more than 30% of the zoning lot.* Staff has deemed this provision unnecessary because the first portion of Section 155.210(B)(1)(a) already states that a single accessory building or structure in a residential district shall not occupy more than 10% of the zoning lot.

*Accessory Structure Separation Provisions*

Section 155.210 (A)(5) states that detached accessory buildings or structures shall not be located closer than four (4) feet to any other accessory or principal building, as contained in the Village of Lombard Building Code.

The majority of above-grade decks are attached to the principal structure, thus (by definition) making it part of the principal residence (requiring a 3.5-foot rear yard setback). If decks were to be considered as accessory structures, a four (4) foot separation between the deck and principal structure would be required. For clarity purposes, the proposed text amendment would remove the four foot provision within the Zoning Ordinance. However, the setback provisions would still need to be followed as required in the Lombard Building Code.

This amendment alleviates any confusion as to whether a deck would be considered part of the principal residence or as an accessory structure by removing the provision in its entirety. Staff notes past cases in which the Building Code would allow the structures to be located closer than four feet, if they were protected by fire walls. Even if this provision was met, the petitioner would still need to apply for zoning relief. Staff believes that as this provision is already outlined in the Building Code and is a life-safety issue, their regulation should take greater precedent over the provisions currently within the Zoning Ordinance, which attempt to address design/aesthetic issues.

Standards for Text Amendments

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards and the petitioner's and staff comments 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 proposed amendment would be uniformly applied to all residential properties in 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 amendment is intended to allow greater flexibility for the use of accessory structures on residential properties throughout the Village. The amendment is primarily intended to clarify the methodology for determining the maximum amount of accessory buildings and structures that are permissible on a lot. The amendments are also intended to provide consistency with the provisions of the Village Building Code.

3. *The degree to which the proposed amendment would create nonconformity:*

The proposed amendment would not create any non-conformities. The amendment would actually cause the Zoning Ordinance to become less restrictive, potentially bringing some non-conforming properties into compliance. However, as a practical measure, the amendments are really intended to reflect a "common sense" approach to the accessory structure provisions.

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

The proposed amendment would make the Zoning Ordinance more permissive by discounting accessory structures from the sum of all 'accessory building and structures' when computing the total in comparison to the principal residence. By striking 'accessory structures' from the provision, residents would be afforded more square footage for structures such as pools and decks, which do not necessarily add the bulk to that of a accessory building. Also, by eliminating the four (4) foot separation provision within the Zoning Ordinance, the Code would become more permissive, so long as any proposals abide by the identical ordinance in the Village Building Code.

5. *The consistency of the proposed amendment with the Comprehensive Plan:*

Staff believes that the proposed amendment would be consistent with the Comprehensive Plan. A general goal of the Comprehensive plan is to *improve and maintain the attractive appearance of all areas of the Village*. This goal could be better attained if certain residential enhancing structures, such as pools, decks, and patios could be more readily obtainable.

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 its Zoning Ordinance to address evolving circumstances presented by petition or to clarify the intent of the Ordinance provisions. The proposed amendments are consistent with established Village policy in this regard.



Proposed Text Amendments

The following are the proposed text amendments for the Zoning Ordinance and Code of Ordinances. The proposed changes to the Zoning Ordinance are denoted by strikethrough.

**SECTION 155.210 ACCESSORY USES, ACTIVITIES, BUILDINGS, AND STRUCTURES**

**A. General Requirements**

~~5. Separation Between Buildings~~

~~Detached accessory buildings or structures shall not be located closer than four (4) feet to any other accessory or principal building, as contained in the Village of Lombard Building Code.~~

**B. Restrictions in Residential Districts**

**1. Maximum Area**

a. General Requirements

A single accessory building or structure in a residential district shall not occupy more than 10% of the zoning lot. The combined area of all accessory buildings and structures shall not exceed the total ground floor area of the principal residence. ~~No accessory use, except for surface parking spaces, shall cover more than 30% of the zoning lot.~~

**DEFINITIONS**

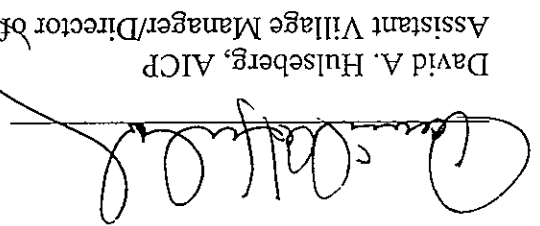
**BUILDING** is any structure built, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unperced fire or party walls extended continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.

**FINDINGS AND RECOMMENDATIONS**

Based on the above findings, the Inter-Departmental Review Committee recommends that the petition as presented does not meet the standards set forth in the Zoning Ordinance and recommends that 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 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 07-25.  
Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP  
Assistant Village Manager/Director of Community Development

ORDINANCE

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

(PC 07-25: Accessory Structures)

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 deem it reasonable to periodically review said Zoning Ordinance and make necessary changes; and,

WHEREAS, a public hearing to consider a text amendment to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on July 16, 2007 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 amendment 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 155, Section 155.210, of the Code of Lombard, Illinois is hereby added to read in its entirety as follows:

SECTION 155.210 ACCESSORY USES, ACTIVITIES, BUILDINGS, AND STRUCTURES

A. General Requirements

5. Separation Between Buildings

~~Detached accessory buildings or structures shall not be located closer than four (4) feet to any other accessory or principal building, as contained in the Village of Lombard Building Code.~~

**B. Restrictions in Residential Districts**

**1. Maximum Area**

**a. General Requirements**

A single accessory building or structure in a residential district shall not occupy more than 10% of the zoning lot. The combined area of all accessory buildings and structures shall not exceed the total ground floor area of the principal residence. ~~No accessory use, except for surface parking spaces, shall cover more than 30% of the zoning lot.~~

**SECTION 1:** That Title 15, Chapter 155, Section 155.803, of the Code of Lombard, Illinois is hereby amended to read in part as follows:

**Section 8 Rules and Definitions**

**BUILDING** is any structure built, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unperced fire or party walls extended continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.

**SECTION 3:** 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 \_\_\_\_\_, 2007.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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

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

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2007

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Brigitte O'Brien, Village Clerk