

February 18, 2019

Title

PC 19-08

Petitioner

Village of Lombard

Property Location

Districts 1, 4 and 5

Approval Sought

The petitioner, the Village of Lombard, is requesting text amendments to Section 155.402 of the Lombard Village Code (and any other relevant sections for clarity) to the following:

1. Remove the date of the Map and replace with “the latest approved version” and
2. Include Illinois Prairie Path and Great Western Trail and other descriptions of boundaries for clarity.

Prepared By

Tami Urish
Planner I



DESCRIPTION

The petitioner, the Village of Lombard, is requesting text amendments to Section 155.402(B) of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to include the Great Western Trail and the Illinois Prairie Path. Both are recreational trails owned by DuPage County for pedestrian or biking use. The trails that run the width of the Village are part of an overall trail system interconnecting throughout the region.

INTER-DEPARTMENTAL REVIEW

Building Division:

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

Fire Department:

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

Private Engineering Services:

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

Public Works:

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

Planning Services Division:

The proposed text amendment addresses transitional yard and setback requirements for properties that abut the Illinois Prairie Path and the Great Western Trail. The respective trails may be under a lower density or single-family residential zoning district designation than the abutting properties. This can result in the code requiring transitional building setbacks and transitional landscape

yards being required in some cases where properties are zoned commercial or high density residential. These regulations are not warranted as the trails themselves are by design landscape corridors and there will be no development activity on the tracts ever that would warrant such a requirement. Both trails are approximately fifty feet in width with some areas that are wider. As the trails essentially function as a buffer, requiring additional transitional areas or variances from the current regulations can unintentionally create a hardship. It is recognized that assigning a strip of recreationally used property as residential has practical and financial challenges to some abutting properties owners. Staff proposes not to assign the trails any zoning classification as they should be observed the same as streets or railroads which are not assigned a zoning classification.

EXISTING & PROPOSED REGULATIONS

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

§ 155.402 - Maps.

- (A) The location and boundaries of the districts established by this Chapter are set forth on the zoning map entitled, "Village of Lombard Zoning Map," ~~dated January 1998~~ **the latest approved version** which is incorporated herein, and hereby made a part of this Chapter. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Chapter as though fully set forth and described herein.
- (B) The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map:
 - (1) District boundary lines shall be either, **unless otherwise indicated:**
 - a) the center lines of highway streets, alleys, and easements, the right-of-way lines of railroads, toll roads, and expressways, dedicated roadway rights-of-way;**
 - b) the boundaries of any railroads, right-of-way; toll roads, and expressways;**
 - c) the boundaries of any public utility right-of-way;**
 - d) the boundaries of the Illinois Prairie Path and Great Western Trail;**
 - e) or the section, division of section, tract or lot lines: or such lines extended, unless otherwise indicated.**
 - (2) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strip shall be in accordance with the map measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or divisions lines, or center lines of streets and highways, or railroad right-of-ways, unless otherwise indicated.
 - (3) Where a district boundary line divides a lot in single ownership on the effective date of this ordinance, the Plan Commission, after date of hearing, may extend the regulations for either portion of such lot.
- (C) The current zoning map shall be available in the Village Hall.

STANDARDS FOR TEXT AMENDMENTS

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

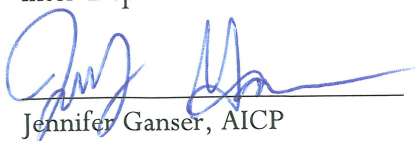
1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*
The text amendments are applicable to all properties abutting the Illinois Prairie Path and the Great Western Trail within in the Village.
2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*
The proposed text amendments are 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 amendments will clarify existing regulations. The amended code will be neither more nor less permissive than existing code.
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, and are consistent with the intention of Section 155.402.

FINDING & RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards for text amendments 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 19-08.

Inter-Departmental Review Committee Report approved by:



Jennifer Ganser, AICP
Assistant Director of Community Development