

**December 17, 2018**

**Title**

PC 18-37

**Petitioner**

Village of Lombard

**Property Location**

Village-wide

**Approval Sought**

The petitioner, the Village of Lombard, is requesting text amendments to: Section 155.209 – Minimum lot size; Section 155.220 – Development on lots of record; Section 155.306 – Lot sizes – Reconstruction; and any other relevant sections for clarity.

**Prepared By**

Anna Papke, AICP  
Senior Planner

**DESCRIPTION**

The petitioner, the Village of Lombard, is requesting text amendments to: Section 155.209 – Minimum lot size; Section 155.220 – Development on lots of record; Section 155.306 – Lot sizes – Reconstruction; and any other relevant sections for clarity.

**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:**

In order to encourage the orderly and efficient development of land, the Lombard Zoning Ordinance requires that the majority of new development occur on a lot of record. A lot of record is defined by the Zoning Ordinance as a single lot which has been created by a plat of subdivision, the plat of which has been recorded with the County Recorder. A lot created outside the official subdivision process, such as an assessment lot, is not considered to be a lot of record.

Older residential neighborhoods in the Village contain a significant number of properties that are assessment lots as opposed to lots of record. While new development requires a lot of record, the Zoning Ordinance provides for owners of existing assessment lots to make repairs and build small additions without needing to go through the subdivision platting process. Similarly, the Zoning Ordinance provides an administrative process for creating lots of record from assessment lots that do not meet current minimum lot sizes. In the course of reviewing permits and responding to questions from owners of assessment lots, staff has found that these portions of the Zoning Ordinance require clarification.

Staff has undertaken a review of the following sections of the code for purposes of ensuring clarity and consistency among them:

- 155.209 – Minimum lot size
- 155.220 – Development on lots of record
- 155.306 – Minimum lot size

Staff proposes amendments to Sections 155.209 and 155.220. Section 155.306 does not require amendments, but it is provided below for reference. Section 155.306 was created with a text amendment in 1998, and the proposed amendments to Section 155.209 mirror that language. Staff notes that the proposed amendments are intended to provide clarity to property owners and Village staff, and will not substantially change the circumstances under which assessment lots will require platting.

### **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 if a lot of record or a parcel of land created by an assessment division was established prior to November 19, 1998, 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.~~ **However, in the R0, R1 or R2 Single Family Residence Districts if a lot of record or parcel of land created by an assessment division was established prior to November 19, 1998, the owner may construct a single-family dwelling without need to appear before either the Plan Commission or the Zoning Board of Appeals, provided:**

- (A) **The lot size and lot width of the lot or parcel in question equals at least 80 percent of that required for lots in the applicable zoning district; and**
- (B) **The owner of the lot or parcel in question submits a plat of subdivision or consolidation, and request for approval of same, if said lot or parcel is not a single subdivided lot of record.**

**The provisions of this section shall be limited to lots that abut a dedicated right-of-way.**

#### **§ 155.220 - Development on lots of record.**

The following construction activity shall only occur on a lot of record:

- (A) The construction of a principal structure.
- (B) The construction of an addition to a principal structure which **increases the ground floor area of said structure by more than 350 square feet.** ~~includes a foundation, footers or piers, except where:~~
  - (1) ~~The foundation, footers or piers are replacing an existing foundation or existing footers or piers; and~~
  - (2) ~~The addition does not exceed 350 square feet.~~



- (C) The construction of an accessory structure greater than 800 square feet.

**§ 155.306 - Lot sizes—Reconstruction. [No changes proposed; provided for reference.]**

Notwithstanding the provisions of §§ 155.301—155.305, of this Code, for an existing lot or parcel in an R0, R-1 or R-2 Single-Family Residence District, which has been developed with a dwelling and does not meet the minimum lot size and/or lot width requirements, where the village has issued a demolition permit to raise the existing dwelling or where the existing dwelling has been destroyed to the extent of more than 50 percent of the fair market value of dwelling, the owner will be allowed to rebuild the dwelling without need to appear before either the Plan Commission or the Zoning Board of Appeals, so long as all the requirements of Chapter 155 of this Code, other than lot size and lot width, are met relative to the proposed rebuilding of the dwelling. The provisions of this section shall only apply, however, provided:

- (A) The owner of the lot or parcel in question submits a plat of subdivision or consolidation, and a request for approval of same, if said lot or parcel is not a single subdivided lot of record; and
- (B) The lot size and lot width of the lot or parcel in question equals at least 80 percent of that required by § 155.305 or § 155.406, of this Code, whichever is applicable.

**STANDARDS FOR TEXT AMENDMENTS**

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

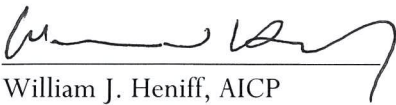
1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*  
The text amendments are generally applicable to all properties in the Village.
2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*  
The 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 the 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. Section 155.209 was amended in 2018 (PC 18-13). Section 155.220 has been amended twice in the past (PC 01-19 and PC 03-23). Section 155.306 was created in 1998 in response to concerns raised by staff. 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 18-37.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP  
Director of Community Development

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