

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

Resolution or Ordinance (Blue) \_\_\_\_\_ *Waiver of First Requested*  
X Recommendations of Boards, Commissions & Committees (Green)  
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager *dah*

DATE: February 7, 2011 (BOT) Date: February 17, 2011

TITLE: PC 11-02: Text Amendments to the Lombard Subdivision and  
Development Ordinance

SUBMITTED BY: Department of Community Development *tdj*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The petition requests an amendment to Section 154.703 (and any other relevant sections for clarity) of the Subdivision and Development Ordinance relative to plats of subdivision.

The Plan Commission recommended approval of this petition with the amendments suggested by Village Counsel.

Please place this item on the February 17, 2011 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X *dah* \_\_\_\_\_ Date 2/16/11

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 Heniff, AICP  
Director of Community Development *WH*

**DATE:** February 17, 2011

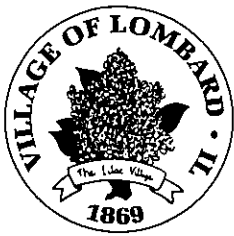
**SUBJECT:** **PC 11-02: Text Amendments to the Lombard Subdivision and Development Ordinance**

Attached please find the following items for Village Board consideration as part of the February 17, 2011 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 11-02; and
3. An Ordinance approving text amendments to the Lombard Subdivision and Development Ordinance Title 15, Chapter 154 of the Code of Lombard, Illinois;

The Plan Commission recommended approval of the text amendments associated with the petition.





## VILLAGE OF LOMBARD

255 E. Wilson Ave.  
Lombard, Illinois 60148-3926  
(630) 620-5700 Fax (630) 620-8222  
www.villageoflombard.org

February 17, 2011

Village President  
William J. Mueller

Village Clerk  
Brigitte O'Brien

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

### Subject: PC 11-02: Text Amendments to the Zoning Ordinance

#### Trustees

Greg Alan Gron, Dist. 1  
Keith T. Giagnorio, Dist. 2  
Zachary C. Wilson, Dist. 3  
Dana L. Moreau, Dist. 4  
Laura A. Fitzpatrick, Dist. 5  
William "Bill" Ware, Dist. 6

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village requests an amendment to Section 154.703 (and any other relevant sections for clarity) of the Subdivision and Development Ordinance relative to plats of subdivision.

Village Manager  
David A. Hulseberg

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on January 24, 2011. Chris Stilling, Assistant Community Development Director, presented the petition. In order to provide clarity between the definition of Administrative Plat of Subdivision and the consolidation of land, the Planning Services Division has conducted a review of the plat regulations set forth in the Subdivision and Development Ordinance. As a result, staff is proposing to amend the definition of 'Administrative Plat' and any other relevant sections for clarity.

*"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."*

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

The administrative plat procedure affords staff the ability to approve plats of subdivision and consolidation without requiring Board approval. Administrative plats of subdivision are primarily associated with single-family residential development and are often needed to redraw legal boundaries to convert assessment divisions into legal lots-of-record. Any division of land into five or more lots could not be done administratively. Administrative plats of consolidation are more broadly used to create an assemblage of land involving two or more lots. Currently, if the area of land being consolidated is greater than one (1) acre, the plat of consolidation could not be done administratively. The intent of the proposed text amendment is to allow the consolidation of land to be done administratively, regardless of the size of land.

Staff believes that the consolidation of land (of any size) should be done administratively as the consolidation process and subdivision process are separate procedures and have different impacts on land use. Through the subdivision process, it is possible to create additional density on an area of

February 17, 2011

PC 11-02

Page 2

land. Any division of land into five or more lots could not be done administratively because the Board should have the ability to review larger subdivisions of land to confirm adherence to all Village Codes and governing documents, such as the Comprehensive Plan. Conversely, the consolidation of land may actually create a situation where density is potentially being decreased.

It is important to note that while an administrative plat may not require the need for public improvements, the Subdivision and Development Ordinance requires certain public improvements for projects classified as Major and/or Minor Developments. For example, a water distribution system and sanitary sewer distribution system is required for both Major and Minor Developments. Staff notes that such public improvements would still be required, regardless of whether or not the property was assembled through a consolidation (of any size). More specifically, the development (major or minor) itself would trigger the need for such public improvements, not the actual consolidation.

Mr. Stilling stated that the amendments were further revised based upon counsel's comments. Staff is recommending approval, but will forward the information to the Board after counsel has reviewed the information. The intent of the case will remain the same; however, the language will have to be tweaked.

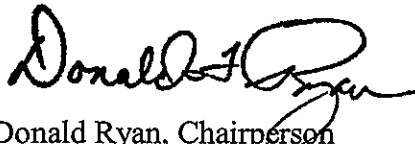
Attorney Wagner referred to language that needed to be amended and then read the amended language. The language was amended for consistency and to adhere to the Plat Act.

Chairperson Ryan opened the meeting to the Commissioners.

On a motion by Commissioner Sweetser and a second by Commissioner Burke, the Plan Commission voted 4 to 0 that the Village Board **approve** the text amendments associated with PC 11-02.

Respectfully,

**VILLAGE OF LOMBARD**



Donald Ryan, Chairperson  
Lombard Plan Commission

c. Lombard Plan Commission



## **PLANNING**

The administrative plat procedure affords staff the ability to approve plats of subdivision and consolidation without requiring Board approval. Administrative plats of subdivision are primarily associated with single-family residential development and are often needed to redraw legal boundaries to convert assessment divisions into legal lots-of-record. Any division of land into five or more lots could not be done administratively. Administrative plats of consolidation are more broadly used to create an assemblage of land of involving two or more lots. Currently, if the area of land being consolidated is greater than one (1) acre, the plat of consolidation could not be done administratively. The intent of the proposed text amendment is to allow the consolidation of land to be done administratively, regardless of the size of land.

Staff believes that the consolidation of land (of any size) should be done administratively as the consolidation process and subdivision process are separate procedures and have different impacts on land use. Through the subdivision process, it is possible to create additional density on an area of land. Any division of land into five or more lots could not be done administratively because the Board should have the ability to review larger subdivisions of land to confirm adherence to all Village Codes and governing documents, such as the Comprehensive Plan. Conversely, the consolidation of land may actually create a situation where density is potentially being decreased.

It is important to note that while an administrative plat may not require the need for public improvements, the Subdivision and Development Ordinance requires certain public improvements for projects classified as Major and/or Minor Developments. For example, a water distribution system and sanitary sewer distribution system is required for both Major and Minor Developments. Staff notes that such public improvements would still be required, regardless of whether or not the property was assembled through a consolidation (of any size). More specifically, the development (major or minor) itself would trigger the need for such public improvements, not the actual consolidation.

### **Proposed Text Amendments**

The following are the proposed text amendments for the Subdivision and Development Ordinance and Code of Ordinances. Proposed changes to the Subdivision and Development Ordinance are denoted by **underlining** new text.

## **SECTION 154.203 – PROCEDURES FOR ADMINISTRATIVE FUNCTIONS**

### **(C) Procedures for Administrative Plats of Subdivision**

An administrative plat ~~consists of a~~ is the division of a lot or block of less than one acre, or the consolidation of lots of any size into a single lot-of-record, in any recorded subdivision and which does not involve any new streets, extensions of existing streets, or easements of access; which consists of the division of land into four or less lots; and which complies with all provisions of ~~this~~



the Zoning Ordinance, Subdivision and Development Ordinance, and all other applicable ordinances, ~~; or the combination of two or more entire lots of record into a single lot.~~

### SECTION 154.703 - DEFINITIONS

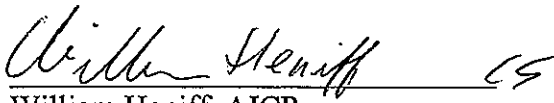
**Administrative Plat.** The division (~~or consolidation~~) of a lot ~~or block~~ of less than one acre, or the consolidation of lots of any size into a single lot-of-record, in any recorded subdivision and which does not involve any new streets, extensions of existing streets, or easements of access; which consists of the division of land into four or less lots; and which complies with all provisions of ~~this~~ the Zoning Ordinance, Subdivision and Development Ordinance, and all other applicable ordinances.

### FINDINGS AND 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 Lombard Zoning Ordinance and Subdivision and Development 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 Lombard Zoning Ordinance and Subdivision and Development 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 11-02.

Inter-Departmental Review Group Report Approved By:

  
\_\_\_\_\_  
William Heniff, AICP  
Director of Community Development



**Attachment A**  
**Response to 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;*

Should the proposed amendments be approved, the ability to do a consolidation plat administratively would apply to all properties within the Village and not benefit any specific properties.

2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*

Should the proposed amendments be approved, the ability to do a consolidation plat administratively would apply to all properties within the Village, regardless of the zoning district.

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

The proposed amendment will not create non-conformities as it only affects plat procedure.

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

The intent of the proposed text amendment is to allow the consolidation of land to be done administratively, regardless of the size of land. Allowing this procedure to be done administratively allows staff to approve such plats, thus not requiring Village Board approval.

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

Staff believes that the proposed amendment would be consistent with the Comprehensive Plan. The amendments are intended to encourage compatible, well designed development in the community.

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 does have a history of amending its Ordinances to address trends in development. In 2000, the Village Board approved amendments to the Subdivision and Development Ordinance as it relates to the submittal of Engineer's Cost Estimate and the definition of Public Improvement.



**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE APPROVING TEXT AMENDMENTS  
TO THE LOMBARD SUBDIVISION AND DEVELOPMENT ORDINANCE  
TITLE 15, CHAPTER 154 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 11-02; Text Amendments to the Subdivision and Development Ordinance)

WHEREAS, the Village of Lombard maintains a Subdivision and Development Ordinance which is found in Title 15, Chapter 154 of the Code of Lombard, Illinois; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Ordinance and make necessary changes; and

WHEREAS, as the Director has identified and recommends text amendments to the Subdivision and Development Ordinance as set forth herein; and

WHEREAS, a public hearing to consider text amendments to the Subdivision and Development Ordinance has been conducted by the Village of Lombard Plan Commission on January 24, 2011 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 amendments 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 154, Section 200 & 700, of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

**SECTION 154.203 – PROCEDURES FOR ADMINISTRATIVE FUNCTIONS**

(C) Procedures for Administrative Plats of Subdivision

An administrative plat ~~consists~~ is the division of a lot or block of less than one acre in any recorded subdivision into four or less lots, or the consolidation of lots of any size into a single lot of record, which subdivision or consolidation does not involve any new streets, extensions of existing streets, or easements of access, ~~which consists of the division of land into four or less lots,~~ and ~~which~~ complies with all provisions of this and all other applicable ordinances; ~~or the combination of two or more entire lots of record into a single lot.~~

Notwithstanding the foregoing in light of Section 155.306 of this Code, an administrative plat may involve a lot in an 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, provided the lot size and lot width of the lot in question equals at least eighty percent (80%) of that required by Section 155.305 or Section 155.406 of this Code, whichever is applicable, and further provided that the lot, and the location of the dwelling and accessory structures thereon, if any, otherwise complies with the provisions of Chapters 154 and 155 of this Code.

**SECTION 154.703 – DEFINITIONS**

**Plats of Subdivision (see also Subdivisions).** The designation of land as subdivided lots in compliance with 765 ILCS 205. Plats of Subdivision include the following types and categories of plats:

**Administrative Plat.** The division ~~(or consolidation)~~ of a lot or block of less than one acre in any recorded subdivision into four or less lots, or the consolidation of lots of any size into a single lot of record, which subdivision or consolidation does not involve any new streets, extensions of existing streets, or easements of access; ~~which consists of the division of land into four or less lots;~~ and ~~which~~ complies with all provisions of this and all other applicable ordinances.

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 \_\_\_\_\_, 2011.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2011.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2011.

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

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

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

Ordinance No. \_\_\_\_\_  
Re: PC 11-02  
Page 3

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk