

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: Scott R. Niehaus, Village Manager

DATE : October 11, 2021 **(BOT) Date:** October 21, 2021

SUBJECT: Text Amendments to Section 150 of Village Code (Building Code)
Accessory Structures

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Board of Building Appeals (BOBA) undertook a review of a series of code amendments for residential accessory structures based upon past observations and changes in the use of such structures on residential properties.

Attached is a staff report and draft Ordinance setting forth proposed amendments to Chapter 150 of the Village Code (the Building Code) that are being updated. At the August 4, 2021 meeting of the Board of Building Appeals (BOBA), the members considered the amendments pertaining to accessory structures.

Please place this item on the October 21, 2021 Village Board agenda for consideration and approval on first reading. BOBA unanimously recommends approval of the amendments to Chapter 150 pertaining to accessory structures.

Fiscal Impact/Funding Source:


Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ Date _____



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

MEETING DATE: October 21, 2021

SUBJECT: **Text Amendments to Section 150 of Village Code (Building Code) Accessory Structures**

Attached is a staff report and draft Ordinance setting forth proposed amendments to Chapter 150 of the Village Code (the Building Code) that are being updated. At the August 4, 2021 meeting of the Board of Building Appeals (BOBA), the members considered the amendments pertaining to accessory structures.

In order for staff to provide for a communications effort for the proposed changes and to ensure that pending permit applications are not affected by the new provisions, the draft Ordinance has an effective date of January 1, 2022.

ACTION REQUESTED

Please place this item on the October 21, 2021 Village Board agenda for consideration and approval on first reading. BOBA unanimously recommends approval of the amendments to Chapter 150 pertaining to accessory structures.



MEMORANDUM

TO: Board of Building Appeals (BOBA) Members

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

MEETING DATE: August 4, 2021

SUBJECT: **Text Amendments to Chapter 150 of the Village Code (Building Code) Amendments Pertaining to Accessory Structures**

Staff is in the process of undertaking a series of code amendments for residential accessory structures based upon past observations and changes in the use of such structures on residential properties. These code amendments have components that pertain to the Zoning Ordinance (those pertaining to bulk requirements) and those that pertaining to the Building Code (construction elements).

ACTION REQUESTED

Staff is introducing these proposed amendments to BOBA at the August 4, 2021 meeting. Staff will be seeking a recommendation of approval for those elements that are under BOBA's jurisdiction. Staff is also preparing a Workshop Session before the Plan Commission at its August 16, 2021 meeting with possible a public hearing in September. Should a recommendation be made, that recommendation would be shared with the Plan commission for informational purposes and will be forwarded to the Village Board for final consideration concurrent with the Plan Commission recommendation.

Code Amendments Pertaining to the Zoning Ordinance and the Building Code

Topic 1: Creating unified accessory structure definitions in the two codes

As staff begins to present the amendments, it became readily apparent that consistent definitional terms were needed by and between the existing codes for consistency purposes. To that end, the following definitions are proposed:

1. We already have a definition in the Zoning Ordinance for *Garage, Private*; but staff is proposing adding the following additional/modified language to the Zoning Ordinance, with the definition cross-referenced in the Building Code:

Garage, private: is a detached accessory building or portion of a main building housing the motor vehicles of the occupants of the premises, and accessory storage related to the use of the principal dwelling, and without living space.

2. Shed are deemed to be a type of accessory structure in the Zoning Ordinance, but it is not a defined term in either the Zoning Ordinance or Building Code, so a new definition will be offered.

Shed: A Detached Accessory Structure intended solely for the storage of yard tools and supplies, motorized yard equipment, household items, etc. but not for storing motor vehicles, nor for human occupancy.

The following existing definition is within the Zoning Ordinance, but would be added by reference in the Building Code:

Building, detached: is a building surrounded by open space on the same lot.

Topic 2: Bulk Requirements within the Zoning Ordinance

Within the Zoning Ordinance, staff is tentatively proposing following provisions to Sub-section 155.210 of the Village Code (supplemental wordsmithing may be needed). This would not be included within the Building Code as it does not pertain to general construction methods.

Sheds shall be subject to the following provisions:

- a. The gross floor area of a shed shall not exceed 200 square feet*
- b. Door openings for a shed shall not exceed six (6) feet in width, as measured from the interior of the door frame (otherwise it is deemed to be a garage)*
- c. No more than two unattached sheds shall be allowed on a lot*
- d. If the structure does not meet the provisions set forth within this subsection, it shall be deemed to be a detached building or a garage, and shall be subject to the conditions set forth within this section as well as Chapter 150.*

Topic 3: Location of Accessory Structures of a Residential Lot

Currently the Zoning Ordinance allows for detached garages to be 3 feet off of the rear and interior side property lines (with a few exceptions). We have had cases in which this has caused distance separation issues from rear property lines, in the following respects:

1. Some garages and structures have been placed in close proximity to existing overhead utility lines. In some cases, we have reviewed or issued permits for garages only to find that an existing primary line is located along the rear lot line and Commonwealth Edison separation requirements creates an inherent safety conflict.
2. The Subdivision & Development Ordinance has established a ten foot (10') public utility and drainage easement requirement for rear properties, which help address the issue noted above. Additionally, by memorializing the space at the rear of a property, it allows the opportunity to address past drainage concerns raised by property owners – a 10 foot “no-build area” allows for a greater opportunity to construct swales, collect rainwater off of detached garages and help meet the intent of general drainage flow.

To that end, staff will be proposing that the rear yard setback for all structures with foundations be at least 10 feet off of the rear property line. Indirectly, this may help address other Building Code matters.

Topic 4: Code Requirements for Detached Structures

Tying in with the definition items noted above, this Building Code provision would require any detached building of over 200 square feet to have a foundation. We are aware of many structures that are being developed for temporary occupancy like detached office units, pool houses, play rooms and the like which are intended to be occupied for periods of time and not for general storage purposes. Given a desired occupancy of such structures, it should be held to a standard similarly to other types of permanent structures. To that end staff, recommends that any detached residential building of greater than 200 square feet in area shall also have the following foundation requirements per the latest adopted version of the International Residential Code.

Topic 5: Driveway Requirement

Village Code has a series of code provisions and specifications for driveways. However, Village Code does not specifically state that a driveway is required associated with a garage. Staff could make an argument that access utilization would functionally create a gravel or dirt driveway, but that would result in the Village needing to take code enforcement action to require a driveway placement. We have such cases in the past and the requirement provision addresses the concern.

Topic 6: Utility Connections to Accessory Structures

Electrical utility connections to accessory structures like garages is generally universal and occasionally water services are also sought when a homeowner wants to add a working sink, commonly found in basements or laundry rooms. However, once electrical and water supplied are provided to an accessory room, such structures and also be creatively be converted into accessory dwelling (or rental) units. There can also be a Home Occupation limitation provision with such structures. While this type of dwelling unit is becoming in favor in some planning circles, existing Village Code does not provide for it at this time. Staff is raising the issue as it pertains to such detached building and staff proposed the following amendment to address the concern:

“only the primary structure on residential lot shall be allowed to have a plumbing for a bathroom or kitchen. A garage may have a floor drain and or a sink as long as the garage is attached to the house, detached with a complete frost protected foundation, the structure is insulated and heated, and the plumbing meets all provisions of the current Illinois Plumbing Code and Village Code”

Topic 7: Attached garage provisions

Per a 2008 code amendment, the Village Board approved requirements to soften the aesthetic impact of houses with “snout-nosed” garages that project in front of the front entrance to a single-family residence. Section 155.222 of Village Code placed caps on the amount of garage projection (500 square feet). However, a garage structure also has second story living quarters, that would result in the code provision not being applicable. This item will be further reviewed by the Plan Commission, considering aesthetics of the residence as well as any garage doors and overall bulk appearance to the front of the residence. This amendment may or may not have Building Code implications.

Topic 8: Attached/detached garage provisions

Staff has seen cases in which contractors sought to connect garages to existing residences and in response we offer a change to Section 150.035 as set forth below. The reason is that there has been a desire to build large garages taller than what a detached garage can be (17’ maximum), but making a connection that is simply a piece of roof, etc.. Without any code for this minimum attachment, we can see a garage much larger than a house (also a violation of the Zoning Ordinance), but attached with 20’ roof, etc..

In order for a garage to be considered “attached” and therefore part of the primary structure (the house), the following requirements shall be met:

1. Any structure attached to the primary structure must have a frost protected type foundation (at least 42” deep), and meet the minimum foundation standards per the International Residential Code
2. Must have at least 10 feet of shared wall between the garage and the house
3. Must have the drywall installed in the interior of the attached garage per the International Residential Code and Village of Lombard ordinances

Topic 9: Attached garage design aesthetics

The Building Code generally address how a structure should be safely constructed rather than the nature of the construction. The Zoning Ordinance can address aesthetic issues. This issue is being raised so that a discussion can occur to otherwise limit or restrict pole-barn garages, Quonset huts or other types of detached structures on single-family residential properties. Staff will be introducing the question as to whether design components should be incorporated into the Zoning Ordinance general design requirements.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING APPROVAL OF TEXT AMENDMENTS
TO TITLE 15, CHAPTER 150 OF THE LOMBARD VILLAGE CODE
RELATIVE TO THE BUILDING CODE**

WHEREAS, the Village of Lombard maintains a Building Code which is found in Title 15, Chapter 150 of the Lombard Code; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Building Code and make necessary changes to reflect locate and state amendments as well as trends in construction; and,

WHEREAS, a review of the Building Code has been conducted by the Village of Lombard Board of Building Appeals on August 4, 2021; and,

WHEREAS, the Board of Building Appeals has filed its recommendations with the President and Board of Trustees recommending approval of the text amendments described 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 150, Section 150.010 through 150.040 of the Lombard Village Code is hereby amended as follows with text amendments in **bold and underline** and deletions denoted by ~~strikethrough~~:

CHAPTER 150: - BUILDING CODE

ARTICLE III. - INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION

§ 150.035 - Adoption by reference.

All provisions as listed in the International Residential Code, 2018 edition, are hereby adopted and incorporated by reference with the following changes:

Section R101.1 Title: Insert "Village of Lombard"

Section R105.2 Work exempt from permit; Delete the following exemptions: 1, 2, 3, 4, 5, 7 and 10.

Residing a single family home or accessory structure.

Sheds less than 80 square feet and less than 8 feet in height: **without permanent foundation.**

Patios less than 100 square feet.

Section R105.5 Expiration: Delete this section entirely and refer to Section 150.042, paragraphs A, B, C, and D.

Chapter 2. Definitions. Add:

STRUCTURE, ATTACHED. A structure or portion of a structure that shares at least one (1), ten (10) feet long wall assembly with a dwelling unit (principal structure) and has a frost protected foundation as the dwelling unit (principal structure).

Table R301.2(1) Ground Snow Load: The following information shall be inserted in the table:

Ground snow load	25
Wind Ultimate Speed	105
Seismic Design Category	B
Weathering	severe
Frost Depth	42
Termite	Yes
Winter Design Temp	-4
Radon	Zone 2

Delete note "f" at the bottom of Table R301.2(1)

R302.2 Townhouses-Exception shall be amended to read

"A common 2-hour fire-resistance wall constructed of masonry is permitted for townhouses".

R302.3 Two family dwellings shall be amended to read

"Dwelling units in two-family dwellings shall be separated from each other by a 2-hour masonry wall or a 2-hour floor meeting ASTM E 119 or UL 263".

R302.3 Two family dwellings Exception 1 shall be amended to read "A fire-resistance rating of 1 hour shall be permitted in buildings equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13".

R302.3 Two family dwellings—Delete exception 2

Section R312.1 Delete "more than 30 inches" and insert "more than 24 inches".

Delete Section R313

Delete Table R302.6 and replace with "The Minimum distance between a residence and accessory structures shall be 10 feet unless a 1-hour fire resistance wall is installed at the accessory structure". Two (2) feet shall be the minimum separation.

Section R309 Delete section title entirely and insert: Garages, Carports and Sheds

Add Section R309.1.1 Foundation.

1. **Any structure attached to a dwelling unit (principal structure) shall have a frost protected foundation (at least 42 inches deep), and meet the minimum foundation standards per the *International Residential Code* chapter 4.**
2. **Accessory structures 200 square feet in gross area or larger shall have a permanent foundation.**
3. **Detached accessory structures with more than 18 inches (457 mm) of grade difference shall not use a thickened edge slab type foundation.**

Change section R309.2 Separation required.

To read as follows: The garage shall be separated from the residence and its attic by means of minimum 5 / 8 " type X Fire Code gypsum board applied to the garage side of the wall and/or ceiling.

Add Section R309.57 ~~Service Doors~~: ~~All detached garages shall have a service door. The door shall be side-hinged, not less than 2 feet 8 inches in width, and not less than 6 feet 8 inches in height and designed for exterior use. Side hinged door to open to house for attached garage and open to outside for detached garage. A switched electric light and a 3-foot by 3-foot landing are required at all service doors. One switched light, one ceiling mounted receptacle, and one wall mounted receptacle shall be required on the inside of each garage.~~

1. **All garages shall have a service door. The door shall be side-hinged, not less than 2 feet 8 inches in width, and not less than 6 feet 8 inches in height. Side hinged door to open to house for attached garage and open to outside for detached garage. A 3-foot by 3-foot landing is required at all exterior service doors.**
2. **All storage sheds shall have a door not more than 6 feet in clear width. Structures with door openings wider than 6 feet shall meet the minimum garage standards per Village Code. Exterior landing shall not be required at shed service doors.**

Add Section R309.9 Utility requirements and restrictions.

1. **Electrical:**

- a. A switched electric light is required at the exterior of all garage service doors.
- b. One switched light, one ceiling mounted receptacle, and one wall mounted receptacle per vehicle bay shall be required on the inside of each garage.

2. Plumbing:

- a. Only dwelling units (principal structures) shall be allowed to have a plumbing system for a bathroom or kitchen. A garage may have a floor drain and or a sink as long as the garage is attached to the house, detached with a complete frost protected foundation, the structure is insulated and heated, and the plumbing system meets all provisions of the current *Illinois Plumbing Code and Village Codes*.

Add Section R309.69

All garages built after May 1, 2013 shall have gutters installed, or equal as approved by the Community Development Director or his/her designee.

~~Detached garages with more than 18 inches of grade difference shall not use a thickened edge slab type foundation.~~

Add to Section R315 Carbon Monoxide Detectors

R315.4 Provide a minimum of one Carbon Monoxide detector in every dwelling unit. Provide a minimum of one carbon monoxide detector on each story including basements in a multiple story dwelling. All carbon monoxide detectors shall be approved and listed and shall be installed in accordance with the manufacturer's installation instructions.

R315.5 Alterations, repairs and additions. When alterations, repairs or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the entire building shall be provided with carbon monoxide detectors located as required for new dwellings.

R315.6 Power source; Required carbon monoxide detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring shall be permanent and without a disconnecting source other than those required for over-current protection.

Section R325.1 Site Address; Add to end of sentence the following: The minimum size of numbers for addresses shall be 4" high and of a contrasting color to mounting surface.

Section R502.1.4 Prefabricated Wood I-Joists: Change to read as follows: Lightweight wood truss assemblies and "I" joists are not permitted unless installed in accessory structure or in any structure with 5/8 " type-x drywall covering all "open web joists" or "I-Joists", and a complete NFPA 13 sprinkler system is installed in the entire building.

Add 802.11.2-Wood roof trusses must have metal gusset plates covered with ½" plywood, glued and screwed. Plywood must extend 6" beyond each side of the metal gusset plate (3 sides if 4th side is obstructed by roof sheathing or drywall ceiling).

Delete the plumbing and electric sections of this code, except Chapter 25, Plumbing Administration and Chapter 26, General Plumbing Requirements.

Appendix E: Delete all sections and replace with the following: Manufactured housing units shall comply with all sections of this code and all other applicable Village Ordinances denoted in Title XV as they apply to the construction for all single family detached dwellings.

(Ord. 5481, passed 5/6/04; Ord. 6217, passed 8/21/08; Ord. 6602, passed 4/7/11) (Ord. 6832, passed 5/16/13; Ord. No. 7061, Exh. A, passed 4-2-15)

SECTION 2: That this ordinance shall be in full force and effect on January 1, 2022 after its passage, approval and publication as provided by law.

Passed on first reading this _____ day of _____, 2021.

First reading waived by action of the Board of Trustees this _____ day of _____, 2021.

Passed on second reading this _____ day of _____, 2021, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved this _____, day of _____, 2021.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2021.

Sharon Kuderna, Village Clerk