

February 18, 2019

Title

PC 19-01

Petitioner

Village of Lombard

Property Location

Village-wide

Approval Sought

The petitioner, the Village of Lombard, is requesting text amendments to Section 155.212 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend the Section title; and to amend Table 2.1, Permitted Obstructions, as it relates to replacement of central air conditioning systems in front and corner side yards.

Prepared By

Anna Papke, AICP
Senior Planner

DESCRIPTION

The petitioner, the Village of Lombard, is requesting text amendments to Section 155.212 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend the Section title; and to amend Table 2.1, Permitted Obstructions, as it relates to replacement of central air conditioning systems in front and corner side yards.

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:

AC Units

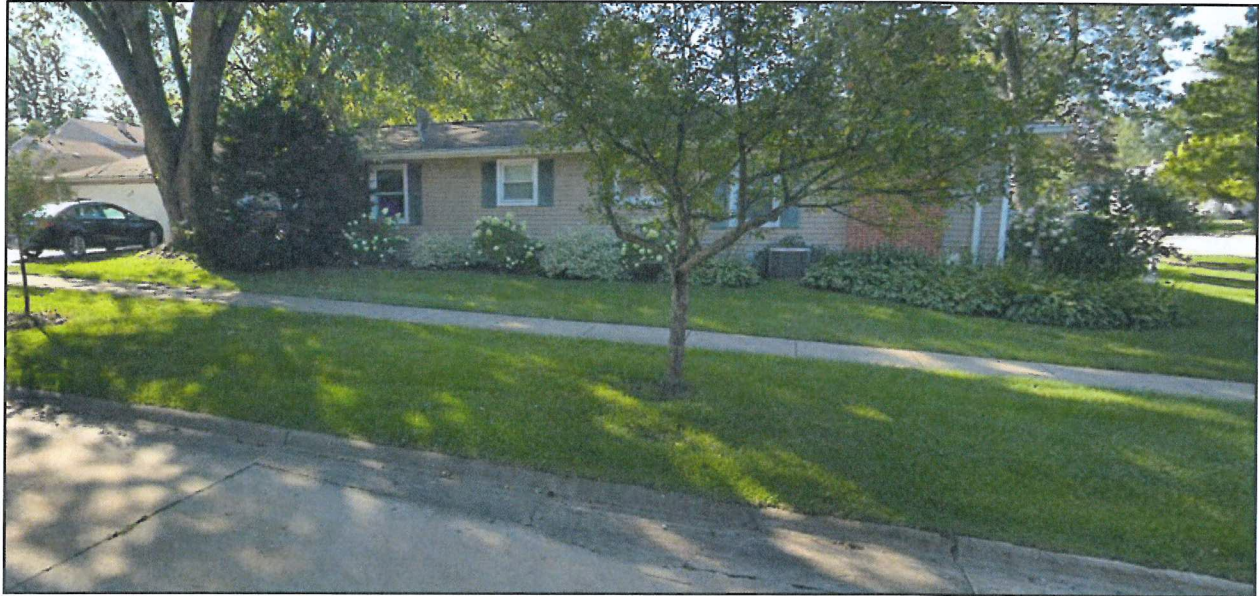
Table 2.1 of the Lombard Zoning Ordinance contains standards for allowable locations for central air conditioning units. Currently, central AC units may encroach into required yards as follows:

- New ACs: May encroach minimally into rear yards. May not encroach into front, corner side, or side yards.
- Replacement ACs: May encroach minimally into rear yards. May encroach into side yards provided replacement unit does not encroach more than previous unit. May not encroach into front and corner side yards, regardless of location of previous unit.

Staff has encountered situations during permit review in which a homeowner with an existing AC unit in the front or corner side yard requests a permit to replace the condenser in the same location as the previous unit. Under the current regulations, these permits

cannot be approved. Staff recognizes that moving the condenser for an existing AC system presents both practical and financial challenges to many homeowners.

Staff proposes amending the Zoning Ordinance to allow for replacement of these units in the same location as the previous condenser unit. Staff notes that in most instances, existing AC units in the corner side and front yard setback areas have been in place for decades. Replacement of these units will not negatively impact adjoining property owners. As the example below illustrates, in many cases the existing unit is already well-integrated with its surroundings.



The Village has previously amended Section 155.212 as it relates to air conditioners. In 2009, a text amendment established standards to allow replacement air conditioning systems as permitted obstructions in interior side yards subject to the provisions of Footnotes E and F to Table 2.1 (PC 09-19). In 2012, Footnote F was amended to its present form, to expand the permitted encroachment of an AC unit into a yard from four feet to ten feet (PC 12-12). Footnotes E and F would not change with the proposed text amendment, and they would both apply to replacement AC units in front and corner side yards.

The standards for new AC units would not change. New AC units will continue to be prohibited in front, corner side, and interior side yards.

Section Title

Staff has found that during a previous text amendment to Section 155.212 (PC 18-21), the title of the section was inadvertently changed from “Permitted obstructions in required yards” to “Front yard obstructions.” For purposes of clarity, staff recommends the Section title be changed back to “Permitted obstructions in required yards.”

EXISTING & PROPOSED REGULATIONS

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

§ 155.212 - ~~Front yard obstructions.~~ **Permitted obstructions in required yards.**

Table 2.1
PERMITTED OBSTRUCTIONS

Type of Structure or Use Obstruction X = Permitted Obstruction	Front and Corner Side Yard	Side Yards	Rear Yard
Central air-conditioning systems, new			Must meet footnote F
Central air-conditioning systems, replacement	<u>Must meet footnote E and F</u>	Must meet footnote E and F	Must meet footnote F

E. The unit shall not further encroach into the requisite yard than the previous unit.

F. The unit shall not encroach more than ten feet into the requisite yard.

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 within planned developments 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.*

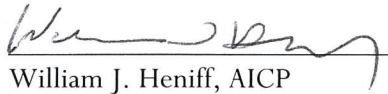
The Village has a history of amending the Zoning Ordinance to address edits for clarity. The proposed amendments are consistent with established Village policy in this regard, and are consistent with previous amendments to Section 155.212.

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 19-01.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

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