



MEMORANDUM

TO: Board of Building Appeals (BOBA) Members

FROM: William Heniff, AICP, Director of Community Development

MEETING DATE: February 27, 2017

SUBJECT: Village Detention Policy for Selected Lots with Less than 25,000 sq.ft. of Net New Impervious Area

BACKGROUND

The Village is currently more restrictive than the DuPage Countywide Stormwater and Flood Plain Ordinance in regards to when detention is required.

Based on the DuPage County Ordinance, a “development site” is the contiguous parcels of land under the Ownership or Control of the land owner or developer who is making Application for a Stormwater Management Certification. When the development includes subdivision of a parcel, the development site includes all land prior to subdivision. When the owner or developer controls only a portion of a larger development which has already been constructed, the Administrator may consider the larger, previously developed site as the “development site” if it was developed under a Stormwater Management Permit issued after February 15, 1992.

As the DuPage County regulations does not require detention until a net new impervious reaches 25,000 square-feet, and the Village is more restrictive at 5,000 square-feet, when a development site is under the DuPage County threshold, staff suggests the policy for single family development will be that the “development site” be determined to be the individually subdivided lot and not the total, as long as the “development site” under the DuPage County stormwater ordinance definition meets or exceeds the 25,000 square-feet of net new impervious, which then would require the DuPage County stormwater ordinance to be met.

The intent of this policy allows the individual lots to separately hit the Village’s 5,000 square-foot net new impervious threshold on their own merit and not being required to be negatively affected by the other lot(s) in a small subdivision for the impervious improvements that may have been previously installed or permitted.

Staff is proposing the recommended policy change to make it easier for smaller single family lot splits to not be required to provide detention. Based on past smaller subdivisions of an existing lot, it would take a 4 or 5 lot subdivision to meet the DuPage County’s 25,000 square-foot requirement, which would also generally fall under a “major development” which would require an outlot for detention based on other sections of the Village Code.

ACTION REQUESTED

Staff recommends concurrence of the policy in regards to redefining “development site” for single family residential developments, until the DuPage County Stormwater Ordinance thresholds are met.

WJH:JB:jb

BOBA memo - village detention policy.doc

Summary of Stormwater Regulation Requirements

Note: DPC is DuPage County

	DuPage County (DPC) Requirement	Lombard Requirement (Existing)	Lombard Requirement (Proposed)
Lot/development w/ less than 500 SF net new impervious, meets 1% minimum slope	No requirement	No requirement	No requirement
Lot/development w/ more than 500 SF, but less than 2,500 SF net new impervious, meet 1% minimum slope	No requirement	No requirement	No requirement
Lot/development w/ more than 500 SF, but less than 2,500 SF net new impervious, does not meet 1% minimum slope	No requirement	Detention per 151.54 required	Detention per 151.54 required
Lot/development w/ between 2,500 SF & 5,000 SF net new impervious	Requires DPC BMPs be met	Requires DPC BMPs be met, if 1% min. slope not met, must meet 151.54	Requires DPC BMPs be met, if 1% min. slope not met, must meet 151.54
Lot/development w/ more than 5,000 SF, but less than 25,000 SF net new impervious	No detention, but BMPs be met	Detention & BMPs required, based on DPC 'development site' definition	Detention & BMPs required. Detention based on per proposed lot
Lot/development w/ more than 25,000 SF net new impervious	Detention required, per DPC	Detention required, per DPC	Detention required, per DPC
Development of more than one-acre/more than 4 lot subdivision		Stormwater outlot required	

Based on DPC, net new impervious calculations are based on both lots cumulatively.

Village proposed policy, when we are more restrictive than DPC requires, allow for detention to be based on individual lot and not the cumulative total. Although we cannot do this for the BMP requirement, for detention it keeps lot 1 from affecting the development requirement for lot 2, and essentially 'sticking it' to the developer/homeowner who is last in.

Real Life Example:

Existing lot: 0.9 acres, not previously developed, existing impervious 0 square-feet

Subdivided after 4/23/2013 into 2 lots: 1- 0.43 acres, 2-0.47 acres

DPC regulations:	Previous	Proposed
Lot 1: proposed net new impervious: 2,499 SF	No BMP required 151.54 detention, if 1% min. slope not met, Otherwise, no detention	No BMP required 151.54 detention, if 1% min. slope not met, Otherwise, no detention
Lot 2: proposed net new impervious: 2,505 SF	BMP required 5,004 SF net new, detention is required	BMP required 2,505 SF net new, no detention is required, unless 1% slope not met, then 151.54 detention is required
