

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: Scott R. Niehaus, Village Manager

DATE: March 5, 2014 (B of T) Date: April 3, 2014

TITLE: Text Amendments to the Building Code - Patios

SUBMITTED BY: Department of Community Development *NS*

BACKGROUND/POLICY IMPLICATIONS:

The Board of Building Appeals (BOBA) through the Department of Community Development transmits for your consideration an ordinance approving text amendments to the Lombard Building Code Title 15, Chapter 150, Section 141 and 310.

BOBA recommended approval of the proposed amendments.

Please place this item on the April 3, 2014 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X _____ Date _____

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: Scott R. Niehaus, Village Manager

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

DATE: April 3, 2014

SUBJECT: BOBA Recommendation – Text Amendments to the Building Code; Patios

At the February 24, 2014 meeting of the Lombard Board of Building Appeals, the Board considered amendments to the local building code regulations (Chapter 150 of the Village Code) regarding regulations pertaining to the establishment of a permit process for patios.

Jana Bryant P.E., Private Development Engineer, presented the attached staff report and draft ordinance for BOBA consideration. She stated that the Village does not currently require building permits for the construction of residential patios, which has been a cause of many subsequent drainage complaints. Referencing a past case, the intent of the proposed changes is to identify drainage issues for patios before they are installed. She noted the Lombard is the exception in not requiring such permits. Lack of a permit process also prevents staff from addressing the open space provisions in the Zoning Ordinance as well as runoff provisions in the adopted County and local codes. The primary purpose of the permit is to address flooding. She then stated that the Village is proposing to create a permit process, which staff would review as express permits (over the counter in most cases), similarly to driveway permits. She then mentioned the proposed construction standards in the code. The BOBA members supported the standards.

ACTION REQUESTED

Please place this item on the April 3, 2014 Village Board agenda for consideration and approval. BOBA unanimously (5-0) recommends approval of the attached text amendments to Section 150: The Lombard Building Code to establish permit requirements for patios.



MEMORANDUM

TO: Board of Building Appeals (BOBA) Members

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

DATE: February 24, 2014

SUBJECT: Changes to Section 150 of the Village Code - Patio Permits

The Village of Lombard does not currently require building permits for the construction of residential patios. Installation of such patios without permits has been a cause of many subsequent drainage complaints over time. Allowing patios to be installed without requiring a permit has caused unintentional installation within drainage swales and potentially blocking the underlying drainage patterns through properties. Such patios can and have also created standing water issues for abutting properties. Lastly, as patios are considered a part of the lot area requirements, staff is aware of cases in which an unsuspecting property owner installs a patio larger than the established lot area coverage requirements.

Staff is introducing amendments to Chapter 150 of the Village Code to set forth provisions for the requirement of a patio permit process to provide for a pro-active means of assisting property owners in ensuring that such patios are constructed in a manner consistent with other established provisions of Village Code.

BACKGROUND

The concept of requiring patio permits is not a new matter, as many property owners seek to construct patios to provide a greater opportunity for residents to enjoy their property. However, property drainage issues are a continuing concern. The Village currently has previously adopted regulations that need to be considered when properties are being improved:

- The Zoning Ordinance has a long standing limitation of the maximum lot area coverage areas for properties. In the R2 District (the most common district for single family residential properties) properties are required to maintain 50% open space.
- Section 151.54 of the Lombard Code requires any single family residential development that increases the impervious areas on a lot by more than 500 square feet, cumulatively, shall meet a 1% slope requirement or provide drain tiles, storm drains and/or a drywell to convey or store the 100 year runoff.

Without a permit requirement for patios, this type of work is not being reviewed for compliance with existing Lombard codes, (such as the 5,000 square foot cumulative impervious increase requiring detention. It also would not address the DuPage County Countywide Stormwater and Flood Plain Ordinance for the 2,500 square feet cumulative impervious increase for Best Management Practices (BMPs).

Recent Case Study: A property owner installed a very large patio around the entire house, which exceeded the maximum allowed 50% lot area coverage set forth within the Zoning Ordinance (Section 155.407 (H)). It also was constructed in close proximity to abutting property lines, which raised concerns by the adjacent property owners, as the subject property and the patio was at a distinctly higher elevation and would likely increase storm water runoff onto neighboring properties. Staff is currently working with the homeowner to remove some of the patio in order to bring the lot back into zoning compliance. However, this has raised concerns by the property owner as the correction will cause him to incur additional expenses to address the matter. Had a permit been required, staff would have had a means to catch this deficiency before the patio was constructed.

COMPARABLE COMMUNITIES

The idea of requiring a building permit for patios is not unique. As the attached table shows, Lombard is only one of only three municipalities within DuPage County that does not currently require a permit for patios. Of the municipalities that require permits, 33 of the 35 municipalities require permits for any size patio. Comparatively, Glen Ellyn requires permits over one hundred square feet and Naperville requires permits for patios over five hundred square feet or in case where utilities are being included (i.e., gas or electrical service lines). St. Charles does not require patio permits, unless a gas line or utilities are involved.

The Village Board has had a long standing approach to development in that the fees associated with the development should be borne by the entity seeking to construct the improvements versus having the Village taxpayers as a whole pay for the improvements that benefit one entity. In review of other communities, staff found a wide variety of rates for patios. However, generally the following patterns for establishing the fees were found:

- Straight fee (ranging from \$30 to \$120)
- Permit fee + application fee + inspection fee
- Fee based on square footage, some with a set minimum
- Fee based on construction cost estimate, using a sliding scale

DESIGN REGULATIONS

Existing codes have limited provisions for the proper design and installation of patios. As a controlling measure, staff is proposing including a few minimum parameters that would be commonly followed for proper patio construction. These include:

- For concrete patios, two-inches (2") compacted aggregate sub-base (CA-6 gradation) plus five-inches (5") concrete, six bag-air entrained mixture with 6" x 6" wire mesh.

- For concrete patios, a pre-pour inspection requirement.
- For asphalt patios, six-inches (6") compacted aggregate sub-base (CA-6 gradation) plus 3-inches (3") binder/surface course.
- For all other materials, the construction shall follow the manufacturer's standard specifications.
- Patios shall have a minimum slope of 1% and a maximum of 8%.
- Drainage not to adversely affect adjoining properties. (Patios within five-feet of a property line may be required to include a three-inch (3") curb.)

STAFF RECOMMENDATIONS

The rationale for building permits is to ensure that a property owner is constructing an improvement on their property that does not adversely affect their own property or abutting properties. Applying this same rationale for patios is a natural extension.

Attached is a draft ordinance that sets forth the code changes for patios. A permit would be required for any patio of 100 square foot in area or larger. This dimension would allow property owners to undertake smaller improvements (such as extended stoops, some sidewalks and the like) without the need for a permit. The permit will allow for patios to be reviewed for possible drainage impacts and staff to better enforce Section 151.54, which deals with drainage issues due to flat graded properties. It will allow for more accurate tracking of the cumulative new impervious coverage that is required by the DuPage County Countywide Stormwater and Flood Plain Ordinance for enforcement of the BMP and detention requirements.

Staff is also proposing a permit fee that allows the Village to enforce existing ordinances and select a fee to cover the cost of staff time directly associated with the permit itself. As such, staff is recommending a permit cost of \$55, which is consistent with the existing driveway permit fee and which has similar amount of staff review time, and is really intended to be a cost recovery item only. The proposed fee is also low enough that should not deter residents/contractors from obtaining the required permit.

ACTION REQUESTED

Staff recommends approval of the attached draft amendments to Chapter 150 of the Lombard Code as it pertains to the establishment of permits for patios.

ORDINANCE _____

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE TITLE 15, CHAPTER 150, SECTIONS 141 AND 310
OF THE CODE OF LOMBARD, ILLINOIS**

(Board of Building Appeals: Patios)

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

WHEREAS, the Village deems it reasonable to periodically review said Building Code and make necessary changes to protect life, safety health and welfare and maintenance of all buildings and structures in the Village; and

WHEREAS, as the Director has identified and recommends text amendments to the Building Code as set forth herein pertaining to the construction of patios; and

WHEREAS, a public meeting to consider text amendments to the Building Code has been conducted by the Village of Lombard Board of Building Appeals (BOBA) on February 24, 2014; and

WHEREAS, BOBA 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 recommendations of the Board of Building Appeals and incorporate such 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 150, Section 140(A), of the Code of Lombard, Illinois is hereby amended to read, as follows:

§ 150.140 PERMIT REQUIRED FOR ERECTION, REPAIR, OR DEMOLITION OF ANY BUILDING OR STRUCTURE; EXCEPTIONS.

(A) It shall be unlawful to proceed with the erection, enlargement, alteration, repair, removal, or demolition of any building, structure and associated electrical, plumbing and HVAC systems including fire suppression or detection work or any structural part thereof, installation of new or new or replacement of exterior windows or to construct, add onto or replace a ~~or~~ hard surface ~~a~~ driveway or patio (100 square feet or greater) or parking lot within the village unless a permit therefor shall have first been obtained from the Community Development Director or

his/her designee. Such permit shall be posted in a conspicuous place upon the exterior of the premises for which it is issued, and shall remain so posted at all times until the work is completed and approved. Starting any work prior to the issuance of a required permit shall be cause to double the permit fee that is pertinent to the work that was started. Roof repair or replacement constituting less than 25% of the total roof area shall not require a village building permit.

SECTION 2: That Title 15, Chapter 150, Section 141(F), of the Code of Lombard, Illinois is hereby amended to read, in part as follows:

§ 150.141 PERMIT FEES.

(F) PATIO PERMITS.

(1) Any size \$55.00

SECTION 3: That Title 15, Chapter 150, Section 310 is hereby established to read in its entirety as follows:

PATIOS.

§ 150.310 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PATIO. An open surface area, usually constructed of concrete, asphalt, brick, block or other like surface, located on the ground and intended to be utilized as an ancillary function to a principal use and utilized for sitting or other passive recreational activities.

§ 150.311 PATIOS; PERMIT REQUIRED.

- (A) Patios less than 100 square feet in size will not require a permit, but must not be located within a drainage or public utility and drainage easement. Additionally, if said patio includes any electrical, plumbing, or gas fixtures, a permit and inspections will be required.
- (B) Applications for a permit for patios shall be made to the Department of Community Development. The application shall include a minimum of 3 copies of a plat of survey, to scale, showing the following items:

- a. Dimensions from property lines to all corners of the patio.
- b. Dimensions of the patio.
- c. Additional topographic information may be requested during the review process to verify drainage impacts.

§ 150.312 DESIGN SPECIFICATIONS.

(A) Patios shall be designed in accordance with the following specifications:

(1) For concrete patios, Two-inches (2") compacted aggregate subbase (CA-6 gradation) plus five-inches (5") concrete, six bag-air entrained mixture with 6" x 6" wire mesh.

(2) For concrete patios, a pre-pour inspection will be required.

(3) For asphalt patios, six-inches (6") compacted aggregate subbase (CA-6 gradation) plus three-inches (3") binder/surface course.

(4) For all other materials, the construction shall follow the manufacturer's standard specifications.

(5) Patios shall have a minimum slope of 1% and a maximum of 8%.

(6) Drainage not to adversely affect adjoining properties. (Patio within five-feet (5') of a property line may be required to include a three-inch (3") curb.)

§ 150.313 OBSTRUCTION OF STORM WATER DRAINAGE COURSE PROHIBITED.

It is unlawful for the owner or occupants of any subdivision or parcel of land to obstruct any storm water drainage course. Penalty, see § 150.999.

SECTION 4: That Title 15, Chapter 150, Section 999(D) is hereby established to read as amended as follows:

§ 150.999 PENALTY.

(D) Any person who shall violate any of the provisions of the code hereby adopted in § 150.105 through § 150.111, §150.284, § 150.310 through § 150.314 or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with an order as affirmed or modified by the Village President and Board of Trustees, or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$750. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, not to exceed

30 days, or as agreed upon by all parties concerned; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of this penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 5: 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 _____, 2014.

First reading waived by action of the Board of Trustees this ____ day of _____, 2014

Passed on second reading this ____ day of _____, 2014.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2014.

Keith T. Giagnorio, Village President

ATTEST:

Janet Downer, Deputy Village Clerk

Published by me in pamphlet form this ____ day of _____, 2014.

Janet Downer, Deputy Village Clerk