


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
DATE: August 22, 2011 (BOT) Date: September 1, 2011
TITLE: PC 11-19: Text Amendments to the Lombard Zoning Ordinance
SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The Village of Lombard is proposing text amendments to Section 155.405 through Section 155.411 of the Zoning Ordinance relative to front yard setback requirements for single-family residences.

The Plan Commission recommended approval of this petition.

Please place this item on the September 1, 2011 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: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP
Director of Community Development *WH*

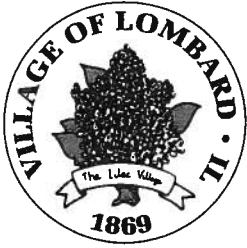
DATE: September 1, 2011

SUBJECT: PC 11-19: Text Amendments to the Lombard Zoning Ordinance

Attached please find the following items for Village Board consideration as part of the September 1, 2011 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 11-19; and
3. An Ordinance approving text amendments to the Lombard Zoning Ordinance Title 15, Chapter 155 of the Code of Lombard, Illinois.

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



VILLAGE OF LOMBARD

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September 1, 2011

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees

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

Village Manager
David A. Hulseberg

"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."

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

Subject: PC 11-19: Text Amendments to the Lombard Zoning Ordinance

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard is requesting text amendments to Section 155.405 through Section 155.411 of the Zoning Ordinance relative to front yard setback requirements for single family residences.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on August 15, 2011.

Presenting the petition on behalf of the Village was Michael Toth, Planner I. Mr. Toth stated that staff has prepared the IDRC report to submit to the public record in its entirety. In October 2008, the Village Board formally adopted the text amendments associated with residential development (PC 08-21), which included the residential front yard setbacks. As a result of said amendments, setbacks for all detached single-family homes are now required to consider the average front setback of adjacent properties to determine the required front setback for a given property. Since adoption in 2008, property owners and the development community faced a number of challenges with regard to the average front yard setback provisions. Such issues included: data interpretation, non-conforming scenarios and complications resulting from the maximum building line. As a result of said issues, staff is requesting text amendments to the average front yard setback provisions.

Staff conducted two Plan Commission workshops on this item – the first on March 21, 2011 and then July 18, 2011. During the March 21, 2011 Plan Commission meeting, staff presented the aforementioned issues with the existing provisions and solicited feedback on the existing Zoning Ordinance provisions.

September 1, 2011

PC 11-19

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As recommended by the Plan Commission, staff drafted amended provisions based upon their recommendations and brought the proposed language back to the Plan Commission during the last workshop session on July 18, 2011 meeting. The Plan Commission was supportive of the proposed language; as such, staff is now bringing the proposed language forward for formal adoption.

Concluding, Mr. Toth noted that the proposed amendments apply to all detached single family residences in all residential districts and meets the standards set forth in the Zoning Ordinance and is recommending approval of PC 11-19.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition. There was no one who spoke in favor or against the petition.

Chairperson Ryan then opened the meeting for comments among the Commissioners. The Commissioners had no comments.

On a motion by Commissioner Olbrysh and a second by Commissioner Sweetser, the Plan Commission voted 6 to 0 that the Village Board approve the requested text amendments associated with PC 11-19.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

BUILDING DIVISION

The Building Division has no comments.

PLANNING

Staff conducted two Plan Commission workshops on this item – the first on March 21, 2011 and then July 18, 2011. During the March 21, 2011 Plan Commission meeting, staff presented the aforementioned issues with the existing provisions and solicited feedback on the existing Zoning Ordinance provisions.

Plan Commission Recommendations

At the March 21, 2011 meeting, the Plan Commission made the following recommendations based upon the average front yard setback issues:

1. Simplify the language.
2. Remove the maximum building line.
3. Consider average setback provisions only for new single family residences.
4. Allow for administrative variations.
5. Bring any proposed language back to the Plan Commission during a workshop session.

Following the Plan Commission's recommendations, staff then proposed the following changes:

Removal of the maximum building line

By requiring a fifty (50) foot building line, we have actually created an *absolute setback* for properties located in neighborhoods consisting of properties of greater depth. As an example, a variation was approved on May 19, 2011 (ZBA 11-04) for the property located at 1155 S. Fairfield Ave. A variation was required because the proposed single-family residence was to be built seventy-two (72) feet from the front lot line and therefore failed to meet the required fifty (50) foot maximum building line. In summation, the property to the north of the subject property had a front yard setback approximately sixty-seven (67) feet and the property to the south had a front yard setback of approximately one hundred and twenty (120) feet, which meant that the proposed residence had to be built at exactly fifty (50) feet. As the required fifty (50) foot building line would require that the subject residence be developed in front of both neighboring properties, a *diminished viewshed* is inevitable and the desired homogeneity of setbacks is not achieved.

To address this issue, the maximum build-to line provision would be removed. A default fifty (50) foot setback is provided for abutting lots that have single-family dwellings located more than fifty (50) feet from the front lot line.

New Single Family Provisions

Under the strict interpretation of the average front yard setback provisions, if a residence is considered legal nonconforming, a building addition would be required to meet the required minimum setback. In addition, the average front yard setback provisions have made many existing homes legal nonconforming. Furthermore, homes that are legal non-conforming with regard to the required front yard setback have also had issues when constructing second story additions. To

address this issue and keep with the theme of issue #3, staff also added provisions, which only applies the average front setback to new single-family homes.

Administrative Variations

Staff has looked into administrative variations in the past; however, it did not receive approval from the Village Board. As such, allowing for administrative variations for front yard setbacks is not included in the proposed text amendments. More specifically, the Planning Services Division of the Community Development Department proposed several changes to the Zoning Ordinance that pertain to the approval process for “minor” variation requests (as part of PC 07-11). Essentially staff proposed an administrative variation process, whereby the authority to grant approval of variations, in selected limited cases, would be given to the Zoning Board of Appeals. The intent of the amendment was to provide for a streamlined approval process for those variation requests that are deemed to be minor in nature and have traditionally been supported by the Zoning Board of Appeals and the Village Board. While the Plan Commission and Zoning Board of Appeals recommended in favor of allowing for administrative variations, the Village Board ultimately denied the request as they felt that it was their duty to decide on such variations. As such, the proposed amendments do not include provisions for administrative variations.

As recommended by the Plan Commission, staff drafted amended provisions (based upon their recommendations) and brought the proposed language back to the Plan Commission during the last workshop session on July 18, 2011 meeting. The Plan Commission was supportive of the proposed language; as such, staff is now bringing the proposed language forward for formal adoption.

Proposed Amendments

The proposed text amendments are noted below. **Proposed additions to the Zoning Ordinance are underlined and portions that will be extracted are shown with strikethrough.** The Standards for Text Amendments are also included below.

1. Front Yards —~~30 feet~~

a. New detached single family dwellings shall meet the following requirements in addition to the required minimum 30 foot front yard setback: (constructed after (insert approval date here):

i. ~~When the subject lot abuts, on both sides, lots that have already been developed with detached single family dwellings, The front yard applicable to the subject lot shall be determined by taking the mean of the setbacks of the two abutting dwellings.~~ existing front yard setbacks of the single-family dwellings on the abutting lots.

ii. When the subject lot abuts a reverse corner lot or any lot or property other than a lot developed as a use other than a detached single family dwelling (including, but not limited to, multi-family housing, religious institutions, undeveloped lots, and/or public rights of way), the abutting lot shall be considered to have a default thirty (30) foot setback for the purpose of determining the front yard setback requirement on the subject lot.

~~3. When the subject lot abuts a lot that has already been developed as a detached single family dwelling on one side and a publicly dedicated right of way on the other side, the front yard setback shall not be less than the setback of the building on the abutting developed lot.~~

~~4. If the subject lot abuts a lot developed with a detached single family dwelling on one side and a vacant lot on the other side, the front yard applicable to the subject lot shall be determined by taking the mean of the setback of the dwelling on the abutting developed lot and the setback of the dwelling on the opposite side of the vacant lot.~~

iii. 5. For purpose of determining setback on abutting lots, lots having single family dwellings located more than fifty (50) feet from the front lot line shall be considered to have a default fifty (50) foot setback.

iv. In no case shall the minimum required setback for a new detached single-family dwelling be less than 30 feet.

~~6. No detached single family dwelling shall be constructed more than fifty (50) feet from the front lot line.~~

b. Existing detached single-family dwellings (constructed before (insert approval date here)) and additions to existing detached single-family dwellings (constructed before (insert approval date here)): 30 feet.

Standards for Text Amendments

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards 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;*

The proposed amendments will be applicable in all residential districts throughout 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 amendments are consistent with the objectives of the ordinance and intent of the applicable zoning districts in that they do not change the intent of any current regulations. Rather, they are meant to clarify the language currently within the Village Code.

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

The proposed amendments create will not create any additional nonconformities as they are specifically being proposed to address nonconformities that were created by the original amendments in 2008.

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

The proposed amendments will make the ordinance more permissive with respect to the original average front yard setbacks. By removing the fifty (50) foot build-to line and limiting the provisions to new single-family residences, such provisions would inherently become more permissive.

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

Staff believes that the proposed text amendments would be consistent with the Comprehensive Plan. A general goal of the Comprehensive plan is to *Improve and maintain the attractive appearance of all areas of the Village*. As the proposed text amendments maintain the original goal of the average front yard setback provisions by promoting enhanced aesthetics and improved neighborhood uniformity, the 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.*

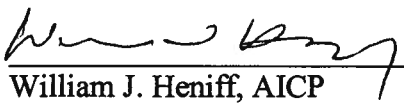
The Village has a history of amending its Zoning Ordinance to address evolving circumstances presented by petition or otherwise. The proposed amendments are consistent with established Village policy in this regard.

FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee recommends that the petition as presented does meet the standards set forth in the Zoning Ordinance and recommends that 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, 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 11-19.

Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP
Director of Community Development

WJH:MT

ORDINANCE _____

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 11-19; Text Amendments to the Zoning Ordinance)

WHEREAS, the Village of Lombard maintains a Zoning Ordinance which is found in Title 15, Chapter 155 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 Zoning Ordinance as set forth herein; and

WHEREAS, a public hearing to consider text amendments to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on August 15, 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 155, Section 155.405(F) through Section 155.411(F), of the Code of Lombard, Illinois is hereby amended to read in whole, as follows:

1. Front Yards —~~30 feet~~

- a. New detached single family dwellings ~~shall meet the following requirements in addition to the required minimum 30 foot front yard setback:~~ (constructed after (insert approval date here):

~~i. When the subject lot abuts, on both sides, lots that have already been developed with detached single family dwellings, The front yard applicable to the subject lot shall be determined by taking the mean of the setbacks of the two abutting dwellings.~~ existing front yard setbacks of the single-family dwellings on the abutting lots.

ii. When the subject lot abuts a reverse corner lot or any lot or property other than a lot developed as a use other than a detached single family dwelling (including, but not limited to, multi-family housing, religious institutions, undeveloped lots, and/or public rights of way), the abutting lot shall be considered to have a default thirty (30) foot setback for the purpose of determining the front yard setback requirement on the subject lot.

~~3. When the subject lot abuts a lot that has already been developed as a detached single family dwelling on one side and a publicly dedicated right of way on the other side, the front yard setback shall not be less than the setback of the building on the abutting developed lot.~~

~~4. If the subject lot abuts a lot developed with a detached single family dwelling on one side and a vacant lot on the other side, the front yard applicable to the subject lot shall be determined by taking the mean of the setback of the dwelling on the abutting developed lot and the setback of the dwelling on the opposite side of the vacant lot.~~

~~iii. 5.~~ For purpose of determining setback on abutting lots, lots having single family dwellings located more than fifty (50) feet from the front lot line shall be considered to have a default fifty (50) foot setback.

iv. In no case shall the minimum required setback for a new detached single-family dwelling be less than 30 feet.

~~6. No detached single family dwelling shall be constructed more than fifty (50) feet from the front lot line.~~

b. Existing detached single-family dwellings (constructed before (insert approval date here)) and additions to existing detached single-family dwellings (constructed before (insert approval date here)): 30 feet.

SECTION 15: 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.

Ordinance No. _____

Re: PC 11-19

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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: _____

Nays: _____

Absent: _____

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