

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission

HEARING DATE: June 19, 2006

FROM: Department of Community
Development

PREPARED BY: Michelle Kulikowski, AICP
Planner I

TITLE

PC 06-19; Text Amendments to the Lombard Zoning Ordinance: The Village of Lombard is proposing amendments to Table 2.1 within Section 155.212 and Section 155.802 of the Lombard Zoning Ordinance as it pertains to bay window and window well encroachments into required yards. The amendments also include alterations to Table 2.1 for clarity purposes.

DESCRIPTION:

The Planning Services Division of the Community Development Department is proposing an amendment to the Zoning Ordinance as it pertains to Table 2.1 Permitted Encroachments in Required Yards. The amendments will allow bay windows as permitted encroachments within interior side yard under certain conditions. Currently, the Zoning Ordinance only allows bay windows within front, rear and corner side yards. A definition of bay window is also added to Section 155.802 Rules and Definitions. The proposed amendments also add window wells as permitted encroachments within all required yards. Other minor changes to Table 2.1 are included to help provide clarity and consistency.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

The Private Engineering Services Division does not have any comments.

PUBLIC WORKS

Public Works has reviewed the petition and does not have any comments.

BUILDING AND FIRE

The Bureau of Inspectional Services has reviewed the petition and does not have any comments.

PLANNING

Bay Windows

The Zoning Ordinance currently allows bay windows as permitted encroachments in front, rear, and corner side yards but does not allow them within interior side yards. However, the Ordinance does allow other encroachments within interior side yards. Chimneys are permitted to encroach up to twenty four inches (24'') into an interior side yard. As far as overall bulk and intensity, staff finds no difference between a bay window and a chimney. Eaves and gutters are also permitted to project up to three feet (3') into an interior side yard. Eave overhangs generally serve as architectural enhancements. The intent of the bay window amendment is to provide the flexibility to incorporate bay windows as an architectural feature on side exterior walls.

Within front, rear, and corner side yards, the Zoning Ordinance already limits bay windows to a one story height and a projection of three feet (3') or less. The proposed amendments would only allow bay windows without foundations to encroach within side yards. The bay window also cannot be any wider than ten feet (10') and can project no more than two feet (2') into the side yard. Staff finds that limiting the bay window to two feet (2') rather than three feet (3') as permitted in front, rear, and corner side yards is more appropriate as it is consistent with provisions for chimney encroachments.

The amendments also include a definition for bay windows to be added to the Rules and Definitions section of the Zoning Ordinance (Section 155.802). The definition is general so that it encompasses other type of window projections such as box windows and bow windows.

Window Wells

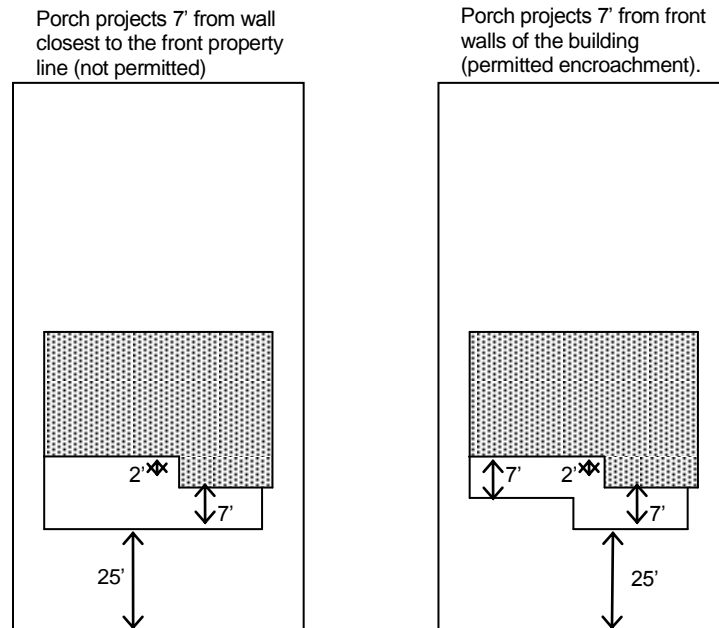
Window wells are typically used on single family homes to meet Building Code requirements for light and ventilation in basements and for means of egress from the basement level. Window wells must project at least three feet from the foundation wall, however, the Zoning Ordinance does not list window wells as a permitted encroachment within any yard. As such, buildings have to be setback farther in order to accommodate window wells and comply with both the Building Code and the Zoning Ordinance. Effectively, the minimum setbacks for exterior walls are three feet (3') more than what is outlined in the Zoning Ordinance. While staff policy has been to exclude window wells from setback measurements, the proposed text amendment will codify staff policy and provide consistency between the Building Code and the Zoning Ordinance.

Other Amendments to Table 2.1

Staff proposes to remove open porches from Table 2.1 as it is unclear what type of structure it refers to. Table 2.1 also references roofed-over porches as well as decks and terraces and provides specific conditions in which they are permitted encroachments. Staff considers the roof cover as one of the defining characteristics of a porch. Any structure that is similar to a porch, but does not have a roof cover, is considered either a deck or terrace (patio). As there are no definitions within the Zoning Ordinance for decks or porches, one may misconstrue a deck to be an open porch. Footnotes A and B in Table 2.1 provide limitations to deck and terraces encroaching within required yards while no limitations are placed on open porches. Removing

open porches from Table 2.1 will prevent people from circumventing the restrictions on deck and terraces by calling a structure an open porch.

Staff also proposes a small change to clarify the conditions in which a porch can encroach into the front yard. One condition states that the porch can project no more than seven feet (7') from the front wall of the principal structure. The amendment includes the term "front wall(s)" to clarify that there may be more than one front wall and that it is not necessarily refer to the wall closest to the front property line. Staff has interpreted that the front wall to consist of any walls that would be shown in a front elevation drawing. Staff finds that if the ordinance intended for the seven foot projection to be measured from the wall closest to the front property line, it would be worded as such. The wording makes a difference particularly when one portion of the house is closer to the front property line resulting in more than one front wall. As porches encroaching into the front yard can only project seven feet from the front walls, the porch must follow the contour of the front elevation if it is to extend the entire width of the building. *See illustration below.*



Proposed Text Amendments

The proposed text amendments are noted below. **Proposed changes to the ordinances are denoted by striking out old text and underlining new text.** The Standards for Text Amendments is also included below.

§155.212 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

Yard obstructions of principle and accessory structures and uses shall be allowed as set forth below. However, such obstructions shall not, in the aggregate, occupy more than 30 percent of any required yard.

Table 2.1
PERMITTED OBSTRUCTIONS

Type of Structure or Use Obstruction X = Permitted Obstruction	Front & Corner Side Yard	Interior Side Yards	Rear Yard
Accessory structures in residential districts subject to the setbacks and other requirements of Section 155.210, above		X	X
Air conditioners which are window units projecting not more than 18 inches into the required yard	X	X	X
Arbors and trellises	X	X	X
Awnings and canopies, in non-residential districts	X	X	X
Awnings and canopies, in residential districts, projecting three (3) feet or less into the yard	X	X	X
Balconies			X
Basketball poles, nets	X	X	X
Bay windows which are one story high and project three (3) feet or less into the yards	<u>Must meet footnote C</u>	<u>Must meet footnote D</u>	<u>Must meet footnote C</u>
Breezeways and open porches			X
Central air-conditioning systems, the outside elements of which extend not more than four feet into the yard			X
Chimneys projecting 24 inches or less into the yard	X	X	X
Decks and Terraces	Must meet footnote A	Must meet footnote A	Must meet footnote A or B
Eaves and gutters projecting three (3) feet or less into the yard	X	X	X
Fallout shelters (completely underground)			X
Fences or walls subject to applicable height restrictions of Section 155.207, above	X	X	X
Flagpole	X	X	X
Handicap access ramp	X		
Laundry drying equipment			X
Parking, open off-street spaces	X	X	X
Recreational equipment			X
Roofed-over porches which are unenclosed, constructed on footings or piers, and projecting not more than seven (7) feet from the front wall(s) of the principal structure, provided that a minimum twenty-five (25) foot front yard setback is maintained.	Permitted in front yard only		
Satellite Dishes			X
Signs, subject to the Lombard Sign Ordinance	X	X	X
Steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley	X	X	X
<u>Window wells projecting no more than three (3) feet into the yard, provided that the window well does not encroach into any easement area.</u>	<u>X</u>	<u>X</u>	<u>X</u>

- A. Open terraces and decks not over three (3) feet above the average level of the adjoining ground, provided that a minimum two (2) foot side yard setback is maintained.
- B. Open terraces and decks attached to single family residences not more than one (1) foot above the established top of the foundation height at the front of the residence, provided that a minimum twenty-five (25) foot rear yard setback is maintained.

- C. Bay windows which are one story high and project three (3) feet or less into the yards.
- D. Bay windows, which are not supported by a foundation, are no more than ten (10) feet wide, and project no more than two (2) feet into the yard, provided that the bay window does not encroach into any easement area.

§155.802 RULES AND DEFINITIONS

BAY WINDOW is a large window or series of windows projecting from the outer wall of a building and forming an interior recess or alcove.

Standards for Text Amendments

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property.*

Should the proposed amendments be approved, it would apply to all properties within the R1 and R2 Districts.

2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations.*

The Zoning Ordinance establishes setbacks to ensure that the yards remain open and free from visual obstructions. Table 2.1 is intended to supplement the Zoning Ordinance by providing exceptions to the setback provisions that are acceptable for practical and aesthetic purposes. The window well amendment is intended to provide consistency between the Zoning Ordinance and the building code. The bay window amendment is intended to provide additional flexibility to property owners for architectural enhancements and is consistent with other permitted encroachments in interior side yards such as chimneys and eaves.

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

The Ordinance would not create any nonconformities.

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

The amendments would make the code more permissive as it would allow additional encroachments within required yards. However, the bay window and window amendments include restrictions to ensure that they do not interfere with any utility easements. Restrictions on the size of bay windows ensure that the encroachments are not excessive and generally serve as an architectural element. Restrictions on the size of window wells ensure that they project no more than what is required to meet building code requirements.

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

Staff believes that the proposed amendment would be consistent with the Comprehensive Plan.

The amendments will enhance the character of residential neighborhoods by providing additional flexibility. Provisions in the amendments limiting the encroachments ensure that the encroachments are not excessive and the intent of the setback provisions are not contradicted.

6. *The degree to which the proposed amendment is consistent with Village policy as established in previous rulings on petitions involving similar circumstances.*

The proposed amendments are intended to mirror the actions and directions set forth by the Corporate Authorities. The Village has a history of amending its Zoning Ordinance to address newly evolving circumstances presented by petition or otherwise. As larger homes are being constructed in the Village as a result of tear downs, there is an increasing concern with the appearance of the new homes. Bay windows are an architectural feature that helps to break up the box like appearance of larger homes. The proposed amendments are consistent with the Village Policy of maintaining and enhancing the character of residential neighborhoods.

RECOMMENDATION:

Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of the request as proposed:

Based on the submitted petition and the testimony presented, the proposed text amendments comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-department Review Report be the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of the text amendments described in PC 06-19.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH: MK