

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
OCTOBER 20, 2009 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Zoning Ordinance Text Amendment	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance has been prepared amending Chapter 28, Zoning Ordinance, Article XII, Nonconforming Structures, Lots and Uses. The proposed amendment corrects a previous omission with regard to lot splits legally created prior to May 16, 2006.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2008-2013 identified *Exceptional Municipal Government*. Supporting this goal is the objective *Top Quality Core Services Responsive to Current and Future Community and Citizen Needs*.

FISCAL IMPACT

N/A.

UPDATE & RECOMMENDATION

This item was discussed at the October 13, 2009 workshop. Staff recommends approval on the October 20, 2009 active agenda.

BACKGROUND

Staff is proposing to modify the nonconforming lot provisions of the Zoning Ordinance as they relate to legally created lot splits granted prior to May 16, 2006. The amendment is a clean-up due to a drafting oversight that was made during the amendment of the Village's residential zoning provisions. The original residential zoning amendment was approved by the Village Council on May 16, 2006 and went into effect in September 2006.

The amendment of the residential zoning regulations included a provision that all new development only occurs on a "lot of record." The text of the Zoning Ordinance goes on to define a lot of record as a parcel of land created through the recording of a plat of subdivision. Throughout the past 30 years the Village has approved numerous residential and commercial lot splits. The 2006 zoning amendments essentially rendered these lots unbuildable because they are not technically "lots of record." The lots and existing improvements could remain, but if new buildings are proposed for these properties they cannot be completed without re-subdividing the property through a plat of subdivision. It was not the Village's intention to render parcels created through the lot split process unbuildable. Rather, the Village was attempting to prevent developments that spanned all or portions of multiple lots.

The proposed text amendment will make all parcels created legally through the lot split process legal nonconforming. As such, the lots would be buildable provided they meet certain size requirements. The specific text of the proposed amendment is attached.

The Plan Commission considered the amendment at its September 14, 2009, meeting. The Commission noted that the amendments were minor and would make improvements in the Village's enforcement of the Zoning Ordinance. The Plan Commission recommended that language be added to the text to clarify the intent of the amendment and unanimously recommended approval of the amendment. Staff concurs with the Plan Commission's recommendation.

ATTACHMENTS

Ordinance

Lot Splits

ORDINANCE NO. _____

AN ORDINANCE AMENDING NON-CONFORMING LOT PROVISIONS

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by ~~shading~~/underline; deletions by ~~strikeout~~):

Section 1. That Section 28.1203. is hereby amended to read as follows:

28.1203. Nonconforming lots.

(a) A lawful nonconforming lot or parcel which does not meet the requirements for minimum lot width and area may be utilized for a permitted use provided:

i. The lot area and lot width are not less than seventy-five percent (75%) of the minimums required in the zoning district; or,

ii. The lot width is not less than fifty (50) feet and the lot area is not less than seven thousand five hundred (7,500) square feet.

(b) A lawful improved nonconforming lot or parcel which cannot meet the requirements of subsection (a) hereof, may be utilized for a permitted use, so long as the amount, quantity or degree of any existing nonconformity is not increased, and no new nonconformity is created. Such improvement may be repaired, rebuilt, replaced or restored to the extent of its original lawful nonconforming development provided such work is diligently pursued and the amount, quantity or degree of any existing nonconformity is not increased, and no new nonconformity is created.

(c) All flag lots created prior to March 18, 2008 shall be deemed legal non-conforming lots. In addition to the above, legal non-conforming flag lots shall meet the minimum following requirements:

~~(i)~~ the pole of the flag lot shall be no less than twenty (20) feet wide;

~~(ii)~~ an access corridor, including a paved surface not less than ten (10) feet in width, shall be maintained along the length of the pole. No encroachments shall be permitted within this access corridor which would interfere with emergency vehicle access;

~~(iii)~~ the front yard setback shall be measured from a line parallel to the street, where the lot meets the minimum width of the underlying zoning district; (iv) the address of the flag lot must be clearly displayed within three feet of the property line adjacent to the public street, and shall be designed and maintained to clearly differentiate the flag lot from the adjacent property; (v) in the event that there is no fire hydrant located within sixty (60) feet of the front property line of the pole section of the flag lot, a fire hydrant must be installed at the Petitioner's expense. If a new hydrant is required, it must be operational prior to issuance of an occupancy permit. The Fire Department may, in its discretion, permit the Petitioner to install a dry-system standpipe on the flag lot property instead of requiring a new hydrant to be installed.

(d) All lots created by lot split prior to May 16, 2006 may be improved provided any such improvement complies with the bulk regulations for the particular zoning district in which the lot is located and provided that:

i. The lot area and lot width are not less than seventy-five percent (75%) of the minimums required in the zoning district; or,

ii. The lot width is not less than fifty (50) feet and the lot area is not less than seven thousand five hundred (7,500) square feet.

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Lot Splits

Section 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk