

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO:	Lombard Plan Commission	HEARING DATE:	March 20, 2006
FROM:	Department of Community Development	PREPARED BY:	William Heniff, AICP Senior Planner

TITLE

PC 06-09; Text Amendments to the Lombard Zoning Ordinance: The Village of Lombard is proposing amendments to Sections 155.602 (A)(2), (3) and (4) modifying the off-street and off-site parking requirements within the B5 Central Business District.

DESCRIPTION:

The Planning Services Division of the Community Development Department is proposing several text amendments to the Zoning Ordinance associated with selected off-street and off-site parking requirements for properties in the B5 Central Business District. These amendments are intended to address off-site parking, parking requirements associated with changes of land use in the downtown and B5 properties that are legal non-conforming as it pertains to the Village's current parking requirements. These amendments are primarily intended to address ways in which parking can be provided for existing and proposed uses within existing buildings.

Background

Prior to 1999, the Village exempted all non-residential uses within the B5 District from meeting the parking requirements established within the Zoning Ordinance. To address a concern that an inadequate supply of on-site, off-site and on-street parking existed in the downtown and that the exemption would not address future redevelopment activity, code was amended by Ordinance 4693 (PC 99-29). This amendment required B5 uses to provide 50% of the requisite parking for non-residential uses and 100% of the parking for residential units.

Since this amendment was adopted, the provision has been consistently applied to all new development within the B5 District. However, staff notes that this amendment does not adequately address the following issues:

Change in land use categories

The Village has been aggressively attempting to attract new restaurants to the downtown area, as demonstrated by the Restaurant Forgivable Loan Program. Restaurant uses, which frequently have differing peak parking periods as the commuter parking lots, are often considered essential land uses within economically viable downtown areas. However, should an existing downtown space be converted from a retail use (requiring 2 spaces per 1,000 square feet of gross floor area in the B5 District) to a sit-down restaurant (requiring 8 spaces per 1,000 square feet of gross floor area), the operator would be required to provide additional on-site parking before a Zoning Certificate is issued by the Village. Moreover, the start-up costs for such a facility would be raised significantly if such parking were required to be provided on the respective property.

Physical Limitations on Properties to Meet Code

Many properties in the downtown area were platted as part of the original Town of Lombard in the 1870s. Through various assessment division over time, current lots of record and assessment lots seldom are the same. The downtown area has also developed on uniquely sized and shaped parcels that are atypical of those found elsewhere in the Village. In many cases, the downtown lots often mirror the building footprint of the associated structure. In many cases, there is little or no room for parking spaces to be placed on these properties. Recognizing this issue, the Village has constructed communal parking spaces such as the North Park Parking Lot. However as the code is written, it discourages joint parking arrangements by mandating on-site parking arrangements.

Conditional Use Process for Off-site Parking

Many businesses in the downtown are only able to provide parking for customers and employees through a mix of on-street parking, commuter parking lots or parking on adjacent properties. However, this is essentially varying types of off-site parking, which would require a conditional use approval based on the current code. Existing uses are considered legal non-conforming as it pertains to the parking requirements, but new uses which have greater parking requirements would require either a variation from the parking requirements or a conditional use approval for off-site parking before any such use could open.

Proposed Text Amendments

Given these limitations, staff is proposing amendments to recognize the unique nature of the downtown area and provide for more flexible parking arrangements. Functionally speaking, the amendments attempt to codify the manner in which parking has historically been utilized in the downtown area and to provide for a process in which future uses can legally address parking requirements. Moreover, the amendments are intended to provide for a better utilization of existing parking spaces, rather than requiring additional spaces that may discourage desirable businesses from locating in the downtown.

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.

Proposed Text Amendments to the Lombard Zoning Ordinance

SECTION 6: OFF-STREET PARKING AND LOADING REQUIREMENTS

155.601 OFF-STREET PARKING

A. General Requirements

1. Minimum Spaces Required

In any Business or Industrial District, parking shall be required as provided for in this Section and a minimum of three (3) spaces shall be provided for each use.

2. Central Area Parking Regulations

In the B5 Central Business District, the Village desires to minimize disruptive curb cuts and driveways, and to encourage the consolidation of parking spaces in appropriate locations. Therefore, off-street parking in the B5 Central Business District shall be provided as follows:

- a. For the construction of new buildings, fifty percent (50%) of the number of off-street parking spaces indicated in Table 6.3 below shall be provided for non-residential uses, and one hundred percent (100%) of the number of off-street parking spaces indicated in Table 6.3 below shall be provided for residential uses, with a minimum of three (3) parking spaces per lot-of-record.
- b. Parking shall be provided to the side or rear of the building and shall be a minimum of five feet (5') from the right-of-way.

3. Location

- a. All parking spaces required to serve buildings or uses erected or established after the effective date of this Ordinance shall be located on the same zoning lot as the building or use served, except as otherwise provided for in Sections 155.602 (A) (3) (b), ~~(c), (d) and (f) (g)~~, below. Existing buildings or uses altered such that additional parking is required shall provide such parking on the same zoning lot, except as otherwise provided for in Sections 155.602 (A) (3) (b), ~~(c), (d) and (f) (g)~~, below.
- b. Off-site parking spaces may be used to serve ~~buildings and/or non-residential~~ uses in the R6, O, B3, B4, ~~B5, B5A~~ and I Districts. No off-site parking space shall be located further than 300 feet from the main entrance of the principal building to be served. Off-site parking shall be a conditional use in the above districts. Off-site parking facilities shall be subject to Section 155.602 (A) (4), below.
- c. Off-site parking spaces intended to serve non-residential uses in the B5 District shall be a permitted use, subject to Section 155.602 (A) (4) below.
- d. Owners of property, legally nonconforming as to parking and located in the CR, R1, R2, R3, R4, R5, B1 and B2 Districts ~~a district which does not allow off-site parking as a conditional use~~, shall be allowed to provide parking off-site to become otherwise conforming. In such circumstances, the provision of such off-site parking shall be considered a conditional use and subject to the provisions of Section 155.103 (F) of this Ordinance.
- e. Off-street parking spaces, open to the sky, may be located in any yard, except that in the R4, R5, O, and I Districts, off-street parking shall not be located in a required front or corner side yard.

However, in the R1 and R2 Districts, not more than two (2) vehicles may be parked overnight in a required front or corner side yard, and not more than three (3) vehicles may be parked overnight in the required rear yard.

- f. All off-street parking spaces shall be located in a manner which allows for compliance with the provisions in Section 155.700 of this Ordinance.
- g. For all property owned by the Lombard Park District and located within the CR Conservation/Recreation District, required parking spaces may include those legal parking spaces within adjacent public rights-of-way that are located on the same side as, and abutting the subject property. The calculation of on-street parking for compliance with the parking requirements of this section shall be subject to the review and approval of the Director of Community Development.

4. Control of Off-Site Parking facilities

In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such possession may be either by deed or long-term lease, the term of such lease to be determined by the Village Board. The deed or lease shall require such owner or his or her heirs and assigns to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.

For owners and/or operators of uses located within the B5 District which intend to satisfy the parking requirements by utilizing parking spaces owned by the Village of Lombard, the owner and/or operator shall enter into a parking agreement with the Village Board. However, this provision shall not be interpreted to automatically grant parking rights to a particular use for spaces owned by the Village.

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*

The proposed amendment would be uniformly applied to all properties in the B5 District. This amendment is intended to provide for utilization of Village owned parking spaces such as the North Park Parking Lot and the commuter parking spaces for the use and benefit of businesses in the downtown area.

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

The Ordinance changes are intended to promote shared or communal parking lots. Many of the properties located within the B5 District do not have the physical space to construct parking stalls on their respective properties. This amendment is intended to codify the practical use of the parking lots for the benefit of all businesses in the downtown area.

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

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 business owners in the B5 District to negotiate parking agreements with owners of parking lots without having to go through the conditional use process. However, such arrangements shall still be subject to the review and approval of the Village Board.

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

The Comprehensive Plan recommends and encourages a regular review of development regulations, such as the Zoning Ordinance, as a means of implementing the Plan (Part IV, B). The proposed amendments are intended to be consistent with this provision. The amendments are also intended to meet the overall objectives of the downtown area by providing for a pedestrian-oriented streetscape design and shared parking areas. Moreover, these amendments will also provide for more efficient parking in the downtown area.

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

These amendments would be consistent with past Village Board actions as well as staff and Board policies. The Village has acquired properties in the past to meet the business and commuter parking needs in the downtown area. Ultimately these actions are intended to provide for the overall parking needs of the downtown area.

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. However, staff is requesting that prior to a recommendation being made to the Village Board that

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the Plan Commission continue the petition to the April 17, 2006 meeting so that staff can share the suggestions provided within this report as well as the comments of the Plan Commission with the Lombard Town Centre organization. Staff will offer the comments from the Lombard Town Centre back to the Plan Commission as part of the April 17, 2006 meeting as well.

I move that the Plan Commission **continue** PC 06-09 to the April 17, 2006 Plan Commission meeting so that staff meet with the Lombard Town Centre organization to share staff's recommendations and the comments of the Lombard Plan Commission.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

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