

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) _____
Recommendations of Boards, Commissions & Committees (Green) _____
Other Business (Pink) _____
Waiver of First Requested

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: May 10, 2006 (BOT) Date: May 18, 2006

TITLE: PC 06-09: Text Amendment to the Lombard Zoning Ordinance
B5 Parking Provisions

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission and Economic & Community Development Committee transmit for your consideration its recommendation relative to the above-mentioned petition. 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. (ALL DISTRICTS)

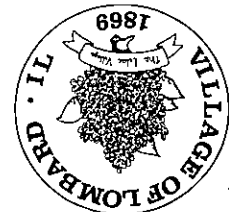
The Plan Commission and the Economic and Community Development Committee recommended approval of this request.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *W.T. Lichter* _____ Date *5/10/06*

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: William T. Lichter, Village Manager
FROM: David A. Hulseberg, AICP, Director of Community Development *DAL*
DATE: May 18, 2006
SUBJECT: PC 06-09: Text Amendment to the Zoning Ordinance – B5 Parking Provisions

Attached please find the following items for Village Board consideration as part of the May 18, 2006 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC reports for PC 06-09;
3. An Ordinance granting approval of parking text amendments within the B5 District.

The Plan Commission recommended approval of the amendments at its April 17, 2006 meeting. The Economic and Community Development Committee also considered the amendments at its May 2, 2006 meeting and recommends approval of the petition as well.



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Brigitte O'Brien

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Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

May 18, 2006

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

Subject: PC 06-09: Text Amendments to the Lombard Zoning Ordinance (B5 Off-Street Parking Regulations)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. 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.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on March 20 and April 17, 2006.

March 20, 2006 Meeting

William Heniff, Senior Planner, presented the petition. He noted that this is just an introduction by staff to get the Commissioners' input. This input will then be shared with Lombard Town Centre to get their comments. Lombard Town Centre's comments will then be incorporated and brought back to the next Plan Commission meeting.

This is a staff-initiated petition relative to amending the Zoning Ordinance associated with off-street and off-site parking requirements within the B5 Central Business District. This would apply to changes in land use in the downtown for properties that are legal non-conforming and the manner in which parking can be provided for existing and proposed uses within existing buildings.

Mr. Heniff gave the history and background as to parking requirements in the downtown and how the requirements have come to be noting how holes and gaps in the Code need to be addressed. This amendment would address the following issues:

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business 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."

Changes 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.

The proposed text amendments recognize the Village having two functions - one as a zoning authority and the other as a land owner. The amendments are as follows:

Under Subsection 3, Location, the B5 properties are no longer subject to a conditional approval for off-site parking but rather it is a permitted use and is subject to off site parking conditions. This provides an opportunity for restaurants to open on existing storefronts. This is where we can identify spaces through the Village commuter lots or with a pending lot whereby an agreement could be sufficient for the parking demand.

Under Subsection 4, Control of Off-Site Parking facilities add:

“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.”

Mr. Heniff indicated that this statement reflects the Village as landowner. This would not force the petitioner to come to the Plan Commission for a public hearing. If there is a development that comes forward and it is not appropriate to enter into a parking agreement, it is not an opportunity to waive the zoning requirement.

George Wagner, Legal Counsel to the Plan Commission, mentioned at the end of the second sentence add “but rather should be subject to the Village Board approval on a case-by-case basis.

Mr. Heniff then distributed a handout showing the available parking in the downtown. He stated that this was created with the idea of having the downtown as one planned development. Staff looked at all the square footage of the retail development and felt there is sufficient parking in the downtown. The reality was that it is not true and we have to provide for that. By amending the Code based on past development patterns, there can be other options without going through the public hearing process. He then requested input from the Plan Commissioners.

Vice-Chairperson Flint asked if there was anyone in the audience who was in favor or against the petition. Hearing none, the meeting was opened to the Plan Commissioners.

Commissioner Olbrish stated that current code does not meet downtown parking needs so he is in favor of off-premise parking; otherwise, it will be difficult to attract new businesses.

Commissioner Sweetser agreed. She indicated the need to think long term and mentioned how other Villages have parking garages but that also leads to the thinking that it should go into the plan. She also noted that Subsection 4, second paragraph correct the word “interpreted” to “interpreted”.

Commissioner Sweetser referenced the parking map and asked if all the spaces depicted are currently in use, especially the 61 spaces along Michael McGuire Drive. She has never seen any vehicles parked there and wondered even if there was enough space for 61 vehicles. Mr. Heniff indicated he would check the numbers.

Commissioner Sweetser noted that these could be potential spaces but doubts they are currently spaces. She commented that the DuPage Theater site parking spaces will eventually be eliminated, but asked if they were included in the count. Mr. Heniff answered yes. Commissioner Sweetser indicated that they should not be counted but the map is a step in the right direction once it is revised.

April 17, 2006 Meeting

William Heniff re-introduced the petition and presented the addendum IDRC report relative to the petition. He noted that staff presented the proposed text amendments to the Lombard Town Centre organization on March 28, 2006. Lombard Town Centre did not have any comments on the proposed amendments and expressed support for the amendments as proposed by staff. As

such, staff proposed amendments to the Ordinance, which includes the amendments and comments offered at the March 20, 2006 Plan Commission meeting.

He also noted that the staff verified the location of 62 parking spaces located on the south side of Michael McGuire Drive. As of 3 p.m. on April 17, there were 17 unused spaces. He also noted that the proposed text amendment would be reviewed by the Economic and Community Development Committee before it is presented to the Village Board.

Chairperson Ryan then opened the meeting for public comment. There was no one in the audience to speak in favor of or against the petition.

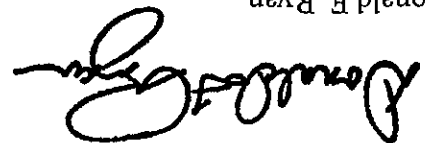
Commissioner Sweetser stated that the previous plan depicted parallel spaces along Michael McGuire Drive. Mr. Heniff noted that the map depicted the 61 spaces was meant to depict on the south side.

Commissioner Zorn said that as she was not present at last meeting, she would abstain from voting on the petition.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed text amendments do comply with the standards of the Lombard Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 4 to 0, recommended to the Corporate Authorities, approval of PC 06-09.

Respectfully,

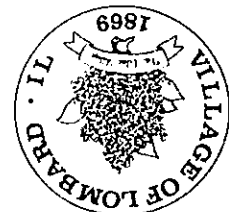
VILLAGE OF LOMBARD



Donald F. Ryan

Chairperson
Lombard Plan Commission

att-



MEMORANDUM

TO: Trustee Rick Soderstrom, Chairperson
Economic and Community Development Committee

FROM: David A. Hulseberg, AICP, Director of Community Development *DH/wjh*

DATE: May 2, 2006

SUBJECT: PC 06-09: Text Amendments to the Zoning Ordinance – Downtown Parking Regulations

Village staff has been working with the Plan Commission and the Lombard Town Centre organization to address off-site parking provisions within the B5 Central Business District. The proposed amendments are intended to provide additional flexibility to the parking regulations within the downtown area and address discrepancies within the existing code. Before these amendments are considered by the Village Board, staff would also like to make a presentation regarding these amendments to the Economic and Community Development Committee (ECDC) at the May 2, 2006 meeting.

The proposed amendments are intended to 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 a variation from the parking requirements or a conditional use approval for off-site parking before any such use could open.

Staff is proposing amendments to recognize the unique nature of the downtown area and provide for more flexible parking arrangements. The amendments 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.

Attached for your reference is a copy of the addendum staff report for PC 06-09. At the April 17, 2006 Plan Commission meeting, the Plan Commission voted 4-0 to recommend approval of the text amendments.

ACTION REQUESTED:

This item is scheduled to be placed on the May 18, 2006 Village Board agenda. Staff will seek a recommendation from the ECD C to concur with the recommendation of the Plan Commission to approve the proposed text amendments associated with PC 06-09.

**VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT
ADDENDUM REPORT ONE**

TO: Lombard Plan Commission
FROM: Department of Community Development
HEARING DATE: April 17, 2006
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:

At the March 20, 2006 meeting, the Plan Commission continued PC 06-09 to the April 17, 2006 meeting in order to provide staff an opportunity to present the proposed text amendments to the Lombard Town Centre organization. Staff made the presentation to the organization on March 28, 2006. Lombard Town Centre did not have any comments on the proposed amendments and expressed support for the amendments as proposed by staff. As such, staff is providing the proposed amendments below, which incorporates the amendments and comments offered at the March 20, 2006 Plan Commission meeting.

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 (e), 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 (e), below. 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.

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 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.

c. 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.

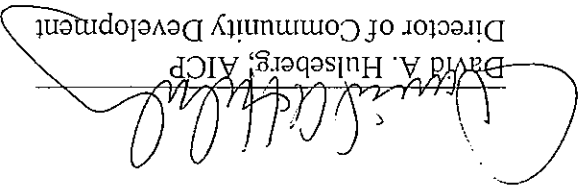
For owners and/or operators of uses located within the B5 District that intend to satisfy the parking requirements by utilizing parking spaces owned by the Village of Lombard, the owner and/or operator shall enter into a parking agreement with the Village Board. However, this provision shall not be interpreted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

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 06-09.

Inter-Departmental Review Group Report Approved By:


David A. Huliseberg, AICP
Director of Community Development

DAH:WJH

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

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

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. Restaurants, 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 (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 (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.

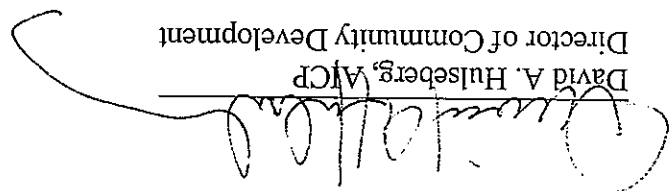
RECOMMENDATION:

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

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

DAH:WJH

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ORDINANCE _____

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

(PC 06-09: B5 District Parking Regulations)

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, Section 155.102 (E)(13) of the Zoning Ordinance directs the Director of Community Development to initiate a review of the provisions established within the Zoning Ordinance; and

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Zoning 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 March 20 and April 17, 2006 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 Village Economic and Community Development Committee also considered the proposed text amendment set forth herein and recommended 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 601 (A)(1) through (4), of the Code of Lombard, Illinois is hereby amended to read in its entirety as follows:

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.

4. Control of Off-Site Parking Facilities

- 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.

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 that 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, but rather should be subject to the Village Board approval on a case-by-case basis.

SECTION 2: 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 _____, 2006.

First reading waived by action of the Board of Trustees this _____ day of _____, 2006.

Passed on second reading this _____ day of _____, 2006.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet form this _____ day of _____, 2006.

Brigitte O'Brien, Village Clerk