

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

TEXT AMENDMENT TO THE ZONING ORDINANCE – OPEN SPACE IN PLANNED DEVELOPMENTS

February 3, 2020

Title

PC 20-08

Petitioner

Village of Lombard

Property Location

Village-wide

Approval Sought

The petitioner, the Village of Lombard, is requesting a text amendment to Section 155.510 of the Lombard Code of Ordinances, Open space requirements for planned developments, and any other relevant sections for clarity.

Prepared By

Anna Papke, AICP
Senior Planner

DESCRIPTION

The petitioner, the Village of Lombard, is requesting a text amendment to Section 155.510 of the Lombard Code of Ordinances, Open space requirements for planned developments, and any other relevant sections for clarity.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the proposed text amendments to the Zoning Ordinance.

Fire Department:

The Fire Department has no comments regarding the proposed text amendments to the Zoning Ordinance.

Private Engineering Services:

Private Engineering Services has no comments regarding the proposed text amendments to the Zoning Ordinance.

Public Works:

The Department of Public Works has no comments regarding the proposed amendments to the Zoning Ordinance.

Planning Services Division:

The proposed text amendment is intended to clarify how open space is calculated within planned developments. Open space requirements for planned developments are tied to the open space requirements in the underlying zoning district. Open space on individual parcels subject to standard zoning classifications is calculated on a per-parcel basis.

Planned developments commonly include multiple parcels with open space concentrated on one parcel in a stormwater outlot. This pattern of development would suggest that open space standards should be applied holistically to the planned development rather than to individual parcels within the planned development. However, the Village Code is silent on this matter, which presents uncertainty during permit review for proposed development on individual parcels within planned developments.

Community Development staff proposes to amend the Village Code as it relates to planned developments to clarify that open space in planned developments shall be calculated for the entire planned development rather than for an individual parcel within a planned development. In support of this text amendment, staff notes the following:

- Village Code Section 155.202, Intent of planned developments, states that planned developments are intended to provide for the following elements, among others: patterns of development that preserve topographic and geographic features and natural vegetation; use of land and related physical facilities that results in better development, design and aesthetic amenities; and efficient use of land. Looking at open space within planned developments holistically will facilitate these elements.
- Recent policy decisions and staff interpretations related to calculation of open space in planned developments such as Fountain Square and Highlands of Lombard support establishing a comprehensive approach to open space in planned developments.

The proposed text amendment also clarifies the following provisions for common open space within planned developments:

- Common open space dedicated to a public body or a homeowners' association may be, rather than shall be, a condition of approval for a planned development. Open space within planned developments has typically remained under the ownership and maintenance of private property owners as opposed to being dedicated to the Village or other public entities. This text amendment will bring the code into alignment with the Village's past policy on this issue.
- Deletion of 155.510(B)(6)(c) [currently 155.510(A)(6)(c)], wherein common open space conveyance is subject to covenants to be approved by the Village Board. In the event that common open space is conveyed to a homeowners' association or other non-Village body, the Village would not be involved in drafting covenants related to the management of property held by those entities.

EXISTING & PROPOSED REGULATIONS

Staff proposes the following text amendments. Additions are denoted by **bold and underline**. Deletions are denoted by ~~strikethrough~~.

§ 155.510 - Open space requirements for planned developments.

(A) Calculation of open space in planned developments. Except as provided for in 155.510(A)(1) below, open space in planned developments shall be calculated as follows: the total area of open space provided on all parcels within the planned development, divided by the base area of the planned development. Publicly dedicated rights-of-way shall not count toward the base area of the planned development for purposes of this calculation.

(1) Detached single-family, two-family, and attached single-family residential properties. Individual parcels within planned developments that are developed with detached single-family residences, two-family dwellings, and attached single-family dwellings shall meet the open space requirement on a parcel-by-parcel basis, unless otherwise provided for in the planned development regulations adopted by the Village Board.

~~(A)~~ **(B)** *Requirements relating to usability and preservation of common open space.* Common open space ~~shall~~ **may** be provided as a condition to the approval of any planned development. No open area may be delineated or accepted as common open space under the provisions of this Article unless it meets the following standards.

- (1) The location, shape, size and character of the common open space must be suitable for the planned development.
- (2) Common open space must be used as an aesthetic amenity or recreation purpose. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwelling to be provided.
- (3) Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities, topography, and unimproved conditions of the common open space.
- (4) The development schedule which is part of the development plan must coordinate the improvement of the common open space, the construction of the buildings, structures, and improvements in the common open space, and the construction of residential dwellings in the planned development.
- (5) No portion of a planned development shall be conveyed or dedicated to public use by the developer or any other person to any public body or homeowners association unless the Board of Trustees determine that the character and quality of the tract to be conveyed makes it suitable for the purpose for which it is intended. When making its determination, the Board of Trustees shall give consideration to the size and character of the dwellings to be constructed within the planned development, the topography and existing amenities of the open area, including existing trees, groundcover, and other natural features; the manner in which open area is to be improved and maintained for recreational or amenity purposes; and the existence of public parks or on the public recreational facilities in the vicinity.
- (6) All land shown on the final planned development plat as common open space must either be:
 - (a) Conveyed to a public body which agrees to accept conveyance, to maintain the common open space and any buildings, structures, or improvements which have been placed on it; or
 - (b) Conveyed to an owner's association or similar organization organized for the purpose, among others, of owning and maintaining common buildings, areas, and land within the planned development.
 - ~~(c) The common open space must be conveyed subject to covenants to be approved by the Board of Trustees which restricts the common open space to the uses specified on the final development plan, and which provides for the maintenance of the common open space.~~

STANDARDS FOR TEXT AMENDMENTS

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards are noted below:

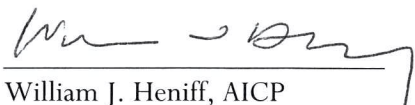
1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*
The text amendments are generally applicable to all planned developments in the Village.
2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*
The proposed text amendments are consistent with the objectives of the Zoning Ordinance.
3. *The degree to which the proposed amendment would create nonconformity;*
Staff does not believe any nonconformity would be created.
4. *The degree to which the proposed amendment would make this ordinance more permissive;*
The proposed amendments will clarify the existing regulations. The amended code will be neither more nor less permissive than existing code.
5. *The consistency of the proposed amendment with the Comprehensive Plan; and*
Staff finds that the proposed 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 the Zoning Ordinance to address edits for clarity. The proposed amendments are consistent with established Village policy in this regard.

FINDING & RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the 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 Village of 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 20-08.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

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