

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: William T. Lichter, Village Manager
DATE: January 26, 2005 (BOT) Date: February 3, 2005
TITLE: PC 05-03: Text Amendments to the Lombard Zoning Ordinance
SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation requesting amendments to the Lombard Zoning Ordinance to revise the following:

- Sec. 155.103 - Administration and Enforcement
 - Delete variation restrictions stated in Section 155.103 (C)(8)(d) and (e)
 - Amend Section 155.103 (J)(2)(c) pertaining to public hearing notice signage requirements

- Sec. 155.500 et. seq. - Planned Developments
 - Amendments to remove scrivener's and grammatical errors
 - Modifications to the required documents for a planned development submittal
 - Amendments to the planned development approval process
 - Replacement of the terms "other exceptions" with "deviations" as warranted

- Sec. 155.802 - Rules and Definitions
 - Include definition for "Deviations, Planned Development"
 - (ALL DISTRICTS)

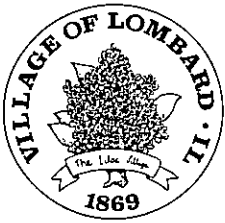
The Plan Commission recommended approval of this petition.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <i>W. Lichter</i>	Date <i>1/26/05</i>

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 *DGH*

DATE: February 3, 2005

SUBJECT: **PC 05-03: Text Amendments to the Zoning Ordinance**

Attached please find the following items for Village Board consideration as part of the February 3, 2005 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC for PC 05-03; and
3. An Ordinance granting approval of proposed text amendments.

Executive Summary

The proposed text amendments are intended to “clean-up” and clarify the Administration and Enforcement (Section 155.100) and Planned Development (Sections 155.500) of the Zoning Ordinance. These edits have been compiled by staff, based upon discussions with Village Counsel and through the application of the Ordinance. The primary changes are:

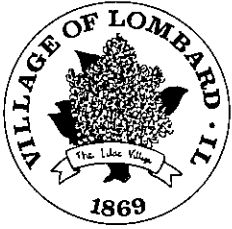
- Section 155.103 (C) - remove prohibitions on the Village to grant signage relief or relief for non-conforming structures.
- Section 155.103 (J)(2)(c) - clarifies that a public hearing sign needs to be placed on every single parcel or tract that is subject to a public hearing petition. This section also adds notification requirements for conditional uses and removes references to signage requirements for annexations.
- Section 155.502 – adds an additional objective for planned developments to create a unified and compatible design of buildings, structures and site improvements.

- Section 155.504 – clarifies the Plan Commission and Village Board approval processes for changes to planned developments, submittal requirements and modifications to the major changes to a planned development subsection.
- Amendments to consistently apply and define the term “deviation, planned development” throughout the Zoning Ordinance.

These amendments are not intended to relax or restrict any development regulations for properties in the Village – its primary intent is to provide greater clarity in the utilization and interpretation of the Ordinance.

The Plan Commission recommended approval of the petition.

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VILLAGE OF LOMBARD

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Lombard, Illinois 60148
630/620-5700 FAX: 630/620-8222
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February 3, 2005

Village President
William J. Mueller

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

Trustees

Tyler L. Williams, Dist. 1
Richard J. Tross, Dist. 2
Karen S. Koenig, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Subject: PC 05-03: Text Amendments to the Lombard Zoning Ordinance

Village Manager
William T. Lichter

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard requests amendments to the Zoning Ordinance, as follows:

Sec. 155.103 – Administration and Enforcement

Delete variation restrictions stated in Section 155.103 (C)(8)(d) and (e)
Amend Section 155.103 (J)(2)(c) pertaining to public hearing notice signage requirements

Sec. 155.500 et. seq. – Planned Developments

Amendments to remove scrivener's and grammatical errors
Modifications to the required documents for a planned development submittal
Amendments to the planned development approval process
Replacement of the terms "other exceptions" with "deviations" as warranted

Sec. 155.802 – Rules and Definitions

Include definition for "Deviations, Planned Development"

"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."

After due notice and as required by law, the Plan Commission conducted public hearings for this petition on January 24, 2005.

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

William Heniff, Senior Planner, presented the petition. He indicated that the purpose of the text amendments were to address several outstanding issues with the administration and planned development sections of the Ordinance. The amendments are primarily intended to clarify provisions of the Ordinance rather than establishing new or amended procedures.

Mr. Heniff then referenced the underlining and strike-throughs in the staff report, which reflects the proposed amendments, as follows:

- Section 155.103 (C) - amendments are proposed to remove prohibitions on the Village to grant signage relief or degrees of non-conformity.
- Section 155.103 (J)(2)(c) – this amendment provision clarifies that a public hearing sign needs to be placed on every single parcel or tract that is subject to a public hearing petition. This section also adds notification requirements for conditional uses. Not all annexations are subject to a public hearing (e.g., a voluntary annexation of a tract of land in which the owner seeks no additional action from the Village, involuntary annexations or annexation of public rights of way) - the proposed amendment removes any ambiguity.
- Section 155.502 – adds an additional objective for planned developments to create a unified and compatible design of buildings, structures and site improvements.
- Section 155.504 – these amendments clarify the Plan Commission and Village Board approval processes for changes to planned developments, submittal requirements and modifications to the major changes to a planned development subsection. He also referenced a memorandum passed out to the Commissioners for consideration of an additional amendment to this section to define the process for approving a major change to a planned development.
- Lastly, additional changes are proposed to consistently apply and define the term “deviation, planned development” throughout the Zoning Ordinance.

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.

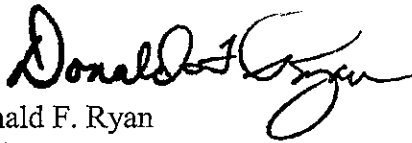
Commissioner Olbrysh referenced the public hearing signage requirements and questioned whether the proposed amendments actually achieve their desired effect as proposed. George Wagner, Village Counsel, stated that the signage provisions is a requirement the Village is placing upon itself – it is not mandated in Statute. Therefore, it can be written in the manner the Village deems appropriate.

Commissioner Sweetser also referenced the public hearing notice sign amendments and inquired if there could be more discretionary language to address properties in which a sign cannot be placed on the property, such as in the downtown area where the building is placed up to the street. After extended discussion by the Commissioners, they directed Counsel and staff to revise the proposed language of this subsection to address their concern and to provide more discretionary language to the Director in placing public hearing signs.

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 05-03, subject to the provision that staff and Counsel incorporate the comments expressed by the Commissioners into the final Ordinance.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink, appearing to read "Donald F. Ryan". The signature is written in a cursive style with a large, sweeping "D" and "R".

Donald F. Ryan
Chairperson
Lombard Plan Commission

att-

c Petitioner
 Lombard Plan Commission

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission

HEARING DATE: January 24, 2005

FROM: Department of Community
Development

PREPARED BY: William Heniff, AICP
Senior Planner

TITLE

PC 05-03; Text Amendments to the Lombard Zoning Ordinance: The Village of Lombard requests amendments to the Lombard Zoning Ordinance to revise the following:

Sec. 155.103 – Administration and Enforcement

Delete variation restrictions stated in Section 155.103 (C)(8)(d) and (e)

Amend Section 155.103 (J)(2)(c) pertaining to public hearing notice signage requirements

Sec. 155.500 et. seq. – Planned Developments

Amendments to remove scrivener's and grammatical errors

Modifications to the required documents for a planned development submittal

Amendments to the planned development approval process

Replacement of the terms "other exceptions" with "deviations" as warranted

Sec. 155.802 – Rules and Definitions

Include definition for "Deviations, Planned Development"

BACKGROUND:

The Planning Services Division of the Community Development Department is proposing several text amendments to the Zoning Ordinance. These amendments are intended to clean-up selected sections of the Administration and Enforcement chapter as well as the Planned Development processes. These amendments remove scrivener's errors, grammatical errors, text conflicts and is intended to clarify and refine the selected sections of the Zoning Ordinance.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

From an engineering and construction perspective, the Private Engineering Services Division does not have any comments on the proposed amendments.

PUBLIC WORKS

Public Works has reviewed the text amendments 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

Section 155.102 (E)(13) of the Zoning Ordinance requires the Director of Community Development to initiate, direct and review the provisions of the Zoning Ordinance at least once a year. Frequently this review process occurs in concert with a pending development petition or upon a request from an elected or appointed official. The proposed text amendments are intended to clarify various procedural matters, rather than the development provisions, included within the Ordinance. These amendments have been identified over the past few years by both staff and Counsel.

Proposed Text Amendments and Commentary

The proposed text amendments are included within Appendix A. For the purpose of comparison and reference, staff has included the relevant Sections of the Zoning Ordinance. **Proposed changes to the ordinances are denoted by striking out old text and underlining new text. Additional staff discussion regarding the proposed changes is included in *italics*.** The Standards for Text Amendments is included within Appendix B.

Appendix A
Proposed Text Amendments to the Lombard Zoning Ordinance

SECTION 1: ADMINISTRATION AND ENFORCEMENT

155.103 PROCEDURES FOR ADMINISTRATIVE FUNCTIONS

C. Variations

8. Restrictions on Variations

The following restrictions shall apply to all variations.

- a. No variation shall be authorized that would modify any definition;
- b. No variation shall be authorized that would vary uses between zoning districts, except use exceptions approved in a planned development;
- c. No variation shall be authorized that would result in a density increase from that permitted in a zoning district except in conjunction with a planned development;
- d. ~~No variation shall be authorized that would allow an increase in the nonconformity of a nonconforming building or structure.~~
- e. ~~No variation shall be authorized that would increase the number of permitted signs, except sign exceptions approved within a planned development.~~

The restrictions noted above are limitations on the Village granting variations. In the past, staff has supported variations to Sections d and e above and the Village Board has approved variations based upon unique site considerations. As such, by striking these sections, the Village would consider future relief requests based upon site specific characteristics, rather than stating that relief cannot even be considered by the Village Board.

J. Public Hearings

1. General Procedures and Information

Public hearings of the administrative bodies of the Village of Lombard shall be conducted in accordance with requirements of the Illinois Revised Statutes. Information regarding requirements for public hearings for each Administrative Function shall be

available at the Department of Community Development of the Village of Lombard. In addition, materials submitted in conjunction with a public hearing shall be made available for public inspection by the Department of Community Development. Issuance of notice of public hearings and pending actions of the administrative bodies of the Village of Lombard shall be governed by the requirements of Illinois Revised Statutes, except where Village Code requires broader notice than minimal state requirements.

2. Public Notice

a. Publication

The Director of Community Development shall see that notice of all public hearings is published not more than thirty (30) nor less than fifteen (15) days before said hearing in one or more newspapers with a general circulation within the Village of Lombard.

b. Adjoining Property Owners

It shall be the responsibility of the Director of Community Development to ensure that notice of all public hearings is provided to all owners of property located within 250 feet of a property that is the subject of a public hearing. Such notification shall be in writing and provided not more than thirty (30) nor less than fifteen (15) days before said hearing. For the purposes of determining property owners for notification, the taxpayer of record as listed with the Township Assessors office shall be used.

c. Posting Notice

A public notice sign, provided by the Director of Community Development and erected by the applicant, shall be placed on land ~~all properties~~ that are is the subject of a request for a map amendment or a conditional use application ~~annexation~~. The public notice sign shall be erected at least 15 days before the public hearing and remain until final action by the Board of Trustees. The sign shall be visible to the general public as determined by the Director of Community Development.

The term "land" is proposed to remove any ambiguity that the reader could have relative to the signage requirement. This provision clarifies that the petitioner (through the Village) does not have to place a public hearing sign on every parcel or tract that is subject to a public hearing petition.

With respect to signage, staff has placed public hearing signs on all property that is subject to a conditional use since at least 2000. Hence, staff is codifying past practice.

With respect to annexations, not all annexations are subject to a public hearing (e.g., a voluntary annexation of a tract of land in which the owner seeks no additional action from the Village, involuntary annexations or annexation of public rights of way). The proposed amendment removes any ambiguity.

SECTION 5: PLANNED DEVELOPMENTS

155.501 USE OF PLANNED DEVELOPMENTS

- A. A planned development is a conditional use which may be granted by the Village Board should it determine that the planned development is in the best interest of the Village and complies with all the standards established in this section. The Plan Commission may recommend and the Village Board may require any reasonable condition or design consideration which will promote the proper development of ~~benefit~~ to the community. It is not intended that the Board automatically grant the maximum use exceptions or density premiums of any proposed planned development. The Plan Commission shall ~~grant~~ only recommend the granting of such premiums or latitudes which are consistent with sound land use planning, Village growth policy and benefits accruing to the Village as a result of the planned development.
- B. As a condition of approval, each planned development must be compatible with the character and objectives of the zoning district or districts within which it is located, and each planned development shall be consistent with the official planning policies of the Village of Lombard.

155.502 INTENT OF PLANNED DEVELOPMENTS

- A. The purpose of planned developments is to provide a mechanism to accommodate development which is in the public interest, and which would not otherwise be permitted pursuant to this ordinance. A planned development may be of residential, commercial, office or industrial use. A planned development may also be of mixed use, subject to the regulation of such planned developments as specified in this section.
- B. A planned development is of a substantially different character than other uses described in this Ordinance and is therefore, considered a conditional use. The regulations applicable to planned developments allow for far more flexibility than do the regulations for other uses.

- C. Planned developments possess unique attributes and can be surrounded by a wide variety of existing and proposed land uses. Therefore, planned developments shall be evaluated and decided upon by the Plan Commission and the Village Board on a case-by-case basis.
- D. Specifically, planned developments are intended to provide for any or all of the following elements:
1. A maximum choice in the types of development available to the public by allowing developments that would not be possible under the strict application of the terms of other sections of this Ordinance.
 2. Permanent preservation of common space and recreation areas and facilities;
 3. A pattern of development to preserve topographic and geographic features, and natural vegetation;
 4. A creative approach to the use of land and related physical facilities that results in better development, design and the construction of aesthetic amenities;
 5. An efficient use of the land resulting in a more efficient provision of utilities, streets, schools, public grounds, and buildings, and other facilities;
 6. Innovations in residential, commercial, office and industrial development so that the growing demands of the population may be met by greater variety in type, design and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings; and
 7. A unified and compatible design of buildings, structures and site improvements.

This additional item is intended to reflect the desires of the Village to consider architectural elements within a planned development.

- E. As specified in this Ordinance, a planned development shall be considered a conditional use and may be granted in those districts in which it is listed as a conditional use provided the planned development conforms with the procedures and standards of this section. Therefore, the planned development may depart from other requirements in other sections of this ordinance. However, every planned development shall conform to the intent and the character of the zoning district in which it is located.
- F. Planned developments are required in the following instances:

1. Any property which has R6 or B5 District zoning and on which a principal building is proposed to be constructed.
 2. Any property which is rezoned to the R6, O, B1, B2, B3, B4, B5, B5A or I District and which meets the minimum lot area and width requirements for a planned development.
 3. Any variation request for a property which has R6, O, B1, B2, B3, B4, B5, B5A or I District zoning and which meet the minimum lot area and width requirements for a planned development.
- G. The planned development approval requirement identified in Section 155.502 (F) may be waived by the Director of Community Development, provided that the Director finds the following:
1. That the rezoning petition does not involve the construction or expansion of an existing permitted use on the premises; ~~and or~~

This is a scrivener's error – the testimony presented by staff in 2000 as part of PC 00-28 suggested that this should not be a cumulative provision.

2. The development proposal meets all ~~development standards~~ provisions of the Zoning Ordinance and the Sign Ordinance.

Shall a waiver from the planned development requirement be granted by the Director, notice shall be provided to the Plan Commission.

155.503 PROCEDURES FOR PLANNED DEVELOPMENTS

Specific procedures and submission requirements for planned development applications shall be included in the package of application materials assembled by the Department of Community Development ~~and updated by the Director of Community Development from time to time. This package of materials shall be provided to each applicant for a planned development.~~ The procedures and submission requirements ~~presented in this Ordinance shall represent~~ an outline of these requirements, and supplement with the Village's formal and binding requirements governing ~~procedures and submission requirements~~ materials contained in the Department of Community Development's Plan Commission package of application for public hearing materials.

A. Pre-Application Conference

Prior to filing a formal application for approval of a planned development, the applicant shall request a pre-application conference with the Director of Community Development and other Village staff as deemed appropriate by the Director of Community Development. The purpose of the preapplication conference shall be to:

1. Allow the applicant to present to the Village staff a general concept of proposed development and foster a discussion regarding the various characteristics of the development concept; and
2. Allow the Director of Community Development to inform the applicant of applicable policies, standards and procedures for the planned development;

The petitioner shall prepare plans and documents in conformance with Section 155.507 below. The Director of Community Development shall advise the applicant of the requirements and official Village plans and policies but shall not take any action with respect to the proposal on behalf of the Village.

B. Preliminary Plan

Preliminary plan materials for the planned development shall be filed with the Department of Community Development, which shall establish a date for a public hearing and shall forward copies of the submission to members of the Plan Commission. A public hearing shall be held by the Plan Commission to review the proposed planned development and receive public comment. In general, preliminary plan requirements shall consist of the following:

1. Submission Materials

The petitioner shall prepare and submit plans and documents in conformance with ~~Subsection G,~~ below Section 155.507.

2. Public Review of Submissions

Submission materials filed with the Village shall be available for review and inspection by other government bodies and the general public in advance of the public hearing for the duration of the public notice period. Submission materials shall remain available for public inspection until the Village has rendered a final decision on the preliminary plan stage. Any subsequent materials submitted by the applicant shall also be made available for public inspection.

3. Staff Review

The Department of Community Development and Inter-Departmental Review Committee shall conduct a review of the submission documents and forward their recommendations to the Plan Commission.

4. Public Hearing

The Plan Commission shall hold a public hearing to take public comments concerning the planned development, in accordance with Section 155.103 (J) of this Ordinance.

5. Plan Commission Findings

Following the public hearing and any other Plan Commission meetings required, the Plan Commission shall prepare findings of fact and recommendations which shall be forwarded to the Village Board.

6. Village Board Action

The Village Board shall subsequently either approve, disapprove, or approve with conditions, or deny the planned development. ~~If approved or approved with conditions, a schedule for submission of the final plan shall then be established.~~

7. Recording of Preliminary Plan

Following approval of the preliminary plan, the preliminary plan documents shall be ~~duly recorded~~ filed with the office of the Village Clerk.

C. Final Plan

1. The final plan shall be submitted to the Department of Community Development not later than 365 days (or such time as the Village Board may approve from time to time) following Village Board approval of the preliminary plan. The preliminary and final plans may be submitted simultaneously if all requirements of this ordinance are met. The final plan shall conform substantially with the approved preliminary plan. The final plan may be submitted for approval in stages if desired by the petitioner, with each stage representing a portion of the preliminary plan, provided that such portion conforms to the requirements of final plan submissions.

2. The procedure for the final plan stage is as follows:

a. Final Plan Submissions

The petitioner shall prepare and submit plans and documents in conformance with Section 155.507, below.

b. Construction Schedule

A written construction schedule shall accompany the submission documents and will be part of the final plan approval.

c. Staff Review

The Department of Community Development and the Inter-Departmental Review Committee shall conduct a review of the submission documents and forward their recommendations to the ~~Village Board~~ Plan Commission.

d. Plan Commission Recommendation

Following a public hearing and any other Plan Commission meetings required, the Plan Commission shall make a recommendation based on the final plan's compliance with the preliminary plan which shall be forwarded to the Village Board.

e. Village Board Action

Following staff review and a recommendation from the Plan Commission, the Village Board shall ~~either~~ approve, approve with conditions, or ~~disapprove~~ deny the final plan. The Board resolution shall be filed with the Village Clerk.

155.504 CHANGES IN THE PLANNED DEVELOPMENT

The construction of a planned development shall be in conformance with the approved and recorded final plan documents and all supporting data. The approved documents shall be binding on the applicants and their successors, grantees and assigns and shall limit and control the use, improvement, and development of the planned development as set forth therein.

A. Major Changes

Major changes in an approved planned development shall require the resubmission and approval of new or amended preliminary plan and final plan documents. Major changes shall be those which:

- 1) alter the concept or intent;
- 2) increase the density;
- 3) reduce the dimensions of peripheral yards;
- 4) change the location of any buildings by more than 10 feet;
- 5) change the land use of the site;
- 6) increase building height;
- 7) reduce open space by more than ten percent from the original planned development approval;
- 8) change in the proportion of housing types by more than 15%;
- 9) change road standards or locations;
- ~~10) change sewer, water, or electrical utilities;~~
- ~~11) change proposed drainage characteristics; or~~
- 12) change the final governing agreements of the planned development. Whether an alteration constitutes a major change to an approved planned development is to be determined by the Director of Community Development.

A modification to Subsection 7 is proposed to provide a little flexibility for property owners within a planned development. Theoretically as written, any increase lot coverage (including sidewalks, accessory buildings, etc.) could trigger the need to seek approval for a major change to a planned development. This amendment establishes a parameter for when the Village would consider the change to be significant.

Changes the Subsections 10 and 11 are proposed to allow Village engineering staff to consider reasonable and desirable changes to a site plan based upon field observations and best management practices without having to go through the entire public hearing process. Moreover, as stormwater regulations are established through other sections of the Village Code and through the DuPage County Stormwater and Development Ordinance, adherence to proper drainage practices is a requirement of any stormwater management approval.

B. Minor Changes without Signage or Parking ~~Variations or~~ Deviations

Changes which are not major changes shall be considered minor changes and do not necessitate a new public hearing. Petitioners requesting minor changes to approved planned developments ~~requesting minor changes~~ which do not include ~~variations or~~ deviations from either the underlying zoning district or any adopted development agreements shall not be required to submit revised preliminary plan materials, but shall submit revised final plan documents to the Director of Community Development, who shall approve or deny the proposed changes after receiving comments and recommendations from the Inter-Departmental Review Committee. The Director of Community Development may also elect to bring any request for a minor change to the Plan Commission and/or the Village Board for a recommendation ~~approval or denial~~.

This amendment is intended to clarify the process for approval of minor changes when staff elects to bring a proposed to the Plan Commission and Village Board for consideration.

C. Minor Changes with ~~Variations or~~ Deviations to the Sign Ordinance

Changes from an approved planned development which are determined to be minor changes but which would require a ~~variation or~~ deviation in the number, size type, or location of signage within a planned development in an O, B1, B2, B3, B4, B5, B5A or I District shall require review and approval by the Plan Commission in conjunction with the Site Plan Approval process (Sec. 155.511). Off-premise signs, as defined in Section 153.602 of the Village Sign Ordinance, cannot be approved through the site plan approval process unless specifically allowed for in the initial planned development, or any subsequent amendments thereto.

Upon receipt of an application for a sign ~~variation or~~ deviation within an approved planned development, the Director of Community Development shall give public notice and conduct a public hearing ~~to other owners of property in the same manner provided for zoning amendments, at least 15 days, but no more than 30 days, prior to the date of the Plan Commission meeting pursuant to Section 155.103 (J)~~. The applicant shall not be required to

submit revised preliminary plan materials, but shall submit revised final plan documents and all other necessary and supporting documentation to the Director of Community Development, who shall forward the proposed changes after receiving comments and recommendations from the Inter-Departmental Review Committee to the Plan Commission. The petitioner shall also submit a written response to the standards for variations (Sec. 155.103 (C) (7)).

The Plan Commission ~~will~~ shall review the application for a ~~variation~~ or deviation from the signage requirements as part of the Site Plan Approval process and approve or approve with conditions such variations or deviations provided that the Plan Commission makes a finding that the applicant has met the standards expressed in Section 155.508 Standards for Planned Developments, Section 155.103 (C) (7), Standards for Variations and a finding is made that the quality of design of the signage enhances the overall planned development. Should the Plan Commission deny the request for Site Plan Approval, the petition shall be appealable directly to the Village Board. The Village Board may affirm, reverse or modify the action of the Plan Commission and may attach such conditions as they deem appropriate.

D. Minor Changes with ~~Variations~~ to Deviations from Parking Requirements

Changes from an approved planned development which are determined to be minor changes but ~~which~~ would require a ~~variation~~ deviation in the number of parking spaces on an individual lot within a planned development in an R6, O, B3, B4, B5, B5A or I District shall require review and approval by the Plan Commission in conjunction with the Site Plan Approval process (Sec. 155.511). The ~~owner~~ petitioner must demonstrate that any reductions in the number of parking spaces requested through the site plan approval process for an individual unit or lot within a planned development meets the following requirements:

1. Any reductions in parking spaces can be provided for on an adjacent lot or lots within 300 feet of the ~~main entrance to the principal building~~;

This amendment is intended to address properties in which employees or customers may enter into a door other than the primary entrance door.

2. The ~~property owner~~ petitioner must secure, either by deed or long-term lease, a parking agreement with the property owner of the site on which the off-site parking spaces would be provided. The appropriate terms of the lease shall be determined by the Plan Commission and/or the Village Board;
3. Any off-site spaces on adjacent properties shall be determined to be in excess of the minimum number of required spaces for the respective use on the adjacent property.

Upon receipt of an application for a reduction in requisite parking spaces within an approved planned development, the Director of Community Development shall give public notice and conduct a public hearing to other owners of property in the same manner provided for zoning amendments, at least 15 days, ~~but no more than 30 days, prior to the date of the Plan Commission meeting pursuant to Section 155.103 (J)~~. The applicant shall not be required to submit revised

preliminary plan materials, but shall submit revised final plan documents and all other necessary and supporting documentation to the Director of Community Development, who shall forward the proposed changes after receiving comments and recommendations from the Inter-Departmental Review Committee to the Plan Commission. ~~The petitioner shall also submit a written response to the standards for conditional uses (Sec. 155.103 (F) (8)).~~

The Plan Commission will review the application for a deviation from the parking space requirements as part of the Site Plan Approval process and approve or approve with conditions such deviations ~~conditional uses~~ provided that the Plan Commission makes a finding that the applicant has met the standards expressed in Sections 155.508 Standards for Planned Developments and ~~Sections 155.103 (F) (8) Standards for Conditional Uses~~. Should the Plan Commission deny the request for Site Plan Approval, the petition shall be appealable directly to the Village Board. The Village Board may affirm, reverse or modify the action of the Plan Commission and may attach such conditions as they deem appropriate.

These amendments are intended to correct discrepancies in the hearing procedures.

155.505 SCHEDULE OF CONSTRUCTION FOR PLANNED DEVELOPMENTS

The Village Board may revoke the approval of a planned development if construction falls two years behind schedule or is ahead of schedule by five years. The developer shall be notified prior to any revocation. Adequate notice of such revocation shall be considered notification by registered or certified mail. Extensions in the construction schedule may be granted by the Village Board.

155.506 RECORDING THE FINAL PLAN

The Village shall record a copy of the approved final plan with the County Recorder of Deeds. Proof of such recording shall be required prior to the issuance of a building permit for any new principal buildings on the property.

This amendment clarifies the ability of a developer to receive a building permit to prepare the site for development (i.e., demolish existing buildings and structures, fill/grading, etc.).

155.507 SUBMITTAL REQUIREMENTS FOR PLANNED DEVELOPMENTS

Required plans and documents for each step of the planned development process are set forth below:

- A. Pre-Application Stage
 1. A written "Letter of Intent" from the petitioner describing his intention for developing the site
 2. A topographic survey and location map

3. Conceptual plans describing proposed land use, dwelling type and density, street and lot arrangement, building floor area, and tentative lot sizes
4. Tentative plans for water supply, sewage disposal and surface drainage
5. Conceptual building elevations
6. Other supporting material the applicant may wish to bring

In the interest of providing direction to applicants prior to the creation of preliminary plans and documents, Village staff can waive any of the aforementioned items.

This amendment is intended to recognize the need to consider building elevations as part of the initial review. Moreover, it also clarifies that staff can waive any of the requested items if staff would not find submittal of the information essential to begin discussion of the development proposal.

B. Preliminary Plan Stage

The petitioner shall organize the following materials into a Planned Development Document which shall conform to the format established by the Director of Community Development, as periodically revised.

1. General Information
 - a. Proposed name of development (not duplicating the name of any plat recorded in Kane, Cook, or DuPage County)
 - b. Location by section, township, and range, or by other legal description
 - c. Names and addresses of owner, subdivider, and developer having control of the tract; name and seal of registered engineer or surveyor who prepared topographic survey; and the designer of the plan
 - d. Graphic (engineering) scale not smaller than one inch to fifty (50') feet
 - e. North point, designated as true north
 - f. Date of preparation and any revisions
 - g. Plat of survey prepared by a land surveyor registered in the state
2. Existing Conditions Information

- a. Boundary lines of proposed subdivision or planned development clearly indicated
 - b. Total approximate acreage
 - c. Existing zoning districts
 - d. Location, widths, and names of all existing or previously platted streets or other rights-of-way, showing type of improvement, if any; railroad and utility rights-of-way; parks and other public open spaces; permanent buildings and structures, easements; and section and corporate lines within the tract and to a distance of one hundred feet beyond the tract.
 - e. Location and size of existing sewers, watermains, culverts or other underground facilities within the tract and to a distance of one hundred feet beyond the tract, and also indicating such data as grades, invert elevations, and location of catch basins, manholes, and hydrants
 - f. Location map, drawn at a scale of not less than one inch equals one thousand feet, showing boundary lines ~~and the ownership~~ of adjoining unsubdivided or subdivided land within an area bounded by nearest arterial streets or other natural boundaries and identifying type of uses of surrounding land and showing alignments of existing streets
 - g. Topography data including existing contours at vertical intervals of not more than two feet (topographic data refers to the village datum); watercourses, floodplains, marches, rock outcrops, trees of twelve-inch diameter or more, other significant features, and soil bearing data at locations and depths as may be required by the Village ~~Department of Public Works and engineering~~
 - h. Locations of or reference to existing monuments or survey markers used in preparation of survey and the grade elevation of each monument and marker
3. Subdivision or Planned Development Design Features
- a. Layout of streets and pedestrian ways showing right-of-way and pavement widths, street names (not duplicating the name of any street used in the Village or its environs, unless the street is an extension of an already named street, in which event that name shall

- be used) and showing proposed through-streets extended to boundaries of the development
- b. Topographic data including proposed contours and areas to be provided for any stormwater detention requirements
 - c. Layout, numbers, and typical dimensions of lots for subdivisions (building locations for planned developments) to the nearest foot; and the proposed land use for each lot, parcel or tract
 - d. Proposed building setback lines, indicating dimensions
 - e. Areas other than street right-of-way intended to be dedicated or reserved for public use and the approximate area in acres of each such area
 - f. Proposed water main, sanitary, and storm sewer layout
 - g. Architectural plans, preliminary sketches and renderings for all principal buildings shall be submitted in sufficient detail to permit an understanding of the style of the development
 - h. A development schedule indicating dates and phases in which the project will be built with emphasis on area, density, use, and public facilities such as open space, shall be submitted on forms provided by the Village
 - i. Landscape plan, the contents of which shall conform to Section 155.7001 et. seq. of this Ordinance
 - j. Site lighting plan
 - k. Impact assessments as may be required by the Department of Community Development in order to adequately evaluate the effect of the proposed development on the environment, the existing community facilities, and the existing and proposed land uses surrounding the development
 - l. An identification and explanation of those aspects of the planned development that vary from the requirements of the otherwise applicable zoning district, as well as variations from the Lombard Subdivision an Development Ordinance

The Director of Community Development shall have the authority to waive any of the aforementioned requirements if the creation of the planned development will not change or impact the items noted above or if the information is readily available in the Village offices.

C. Final Plan Stage

The final plan shall be accurately drawn in ink on material capable of producing clear and legible contact prints or photostatic copies and shall show the following:

1. General Information
 - a. Name of developer
 - b. Street names
 - c. Location by section, township, and range by legal description
 - d. Graphic (engineering) scale be one inch to fifty (50') feet or larger
 - e. Northpoint, designate as true north
2. Subdivision Plat - Required Information

The Plat of Subdivision for the planned development shall conform to the Village's subdivision regulations. In general, these requirements shall include:

- a. Accurate angular and lineal dimensions for all lines, angles, and curvatures with functions used to describe all boundaries including perimeter survey of tract, rights-of-way, easements, areas to be reserved for public use, and other important features. Error of closure of boundary-line surveys shall not exceed one in ten thousand (one foot for each ten thousand feet of perimeter survey). Lot lines shall be dimensioned in feet and hundredths and, when an angle occurs in any lot line between lot corners, the measurements of the angle shall be shown.
- b. An identification system for all lots, blocks, or buildings.
- c. True angles and distances to nearest established street lines and official monuments (not less than three), which shall be accurately described in the plat by location, size, and elevation.
- d. Municipal, township, and county boundaries and section lines accurately tied to the lines of the subdivision by distances and angles.
- e. Accurate location of all monuments which shall be of portland cement concrete four (4) inches by six (6) inches by twenty-four (24) inches or approved equal, with iron pipes cast in center. Permanent stone or concrete monuments shall be set at each corner or angle on

the outside boundary. A pipe three-quarters of an inch in diameter or a steel rod one-half inch in diameter, by eighteen inches in length, shall be placed at the corners of each lot and block; at each intersection of street centerlines; at angle points and at the ends; and at suitable intervals along curves. All U.S., state, county, village, or other official bench marks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position and noted as such on the plat.

- f. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, or for the exclusive use of property owners within the subdivision, and with the purposes indicated thereon.
- g. Protective covenants lettered on the final plat or appropriately referenced thereon.
- h. A separate list identifying and indicating the square footage of each lot within the subdivision.

3. Planned Development Plat - Required Information

A final, detailed land use and zoning plat, suitable for recording with the County Recorder of Deeds, shall be prepared. The purpose of the planned unit development plat is to designate with particularity the land subdivided into conventional lots, as well as the division of other lands, not so treated, into common open areas and building areas, and to designate and limit the specific internal uses of each building or structure as well as of the land in general. The final planned development plat and supporting data shall include the following:

- a. All applicable information required in the Village's Subdivision Regulations.
- b. Designation of the exact location of all buildings to be constructed;
- c. Designation of the specific internal uses for each building;
- d. ~~A street numbering designation for each building;~~

This information is frequently not established until the building permits are being applied for. Hence, meeting this requirement may not be possible.

- e. Description of all public and private streets including construction details, centerline elevations, pavement type, curbs, gutters, culverts, etc.; and

- f. Common open space documents shall be provided indicating, at the election of the Village, that common open space shall be as follows:
 - 1. Conveyed to a municipal or public corporation; or conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the planned development or adjoining property owners, or any one or more of them; providing that all lands conveyed under this subsection shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common open space
 - 2. Guaranteed by a restrictive covenant describing the open space and its maintenance and improvement, running with the land for the benefit of residents of the planned development or adjoining property owners and/or both
- g. Any changes, either major or minor changes as described in Section 155.504 above, which alter the approved preliminary plans. Any changes from the approved preliminary plans must be approved by the Village as described in Section 155.504 above.

155.508 STANDARDS FOR PLANNED DEVELOPMENTS

Except as provided below, no planned development shall be approved unless the Village Plan Commission and the Village Board find that the development meets the standards for conditional uses, and the standards set forth in this Section. Notwithstanding the foregoing, the Village Board may approve a planned development which does not comply with these standards or with the standards for conditional use, if the Board finds that the application of such standards, to the development being considered, would not be in the public interest.

A. General Standards

- 1. Except as modified by and approved in the final development plan, the proposed development complies with the regulations of the district or districts in which it is to be located.
- 2. Community sanitary sewage and potable water facilities connected to a central system are provided.
- 3. The dominant use in the proposed planned development is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site.

4. That the proposed planned development is in the public interest and is consistent with the purposes of this Zoning Ordinance.
5. That the streets have been designed to avoid:
 - a. Inconvenient or unsafe access to the planned development;
 - b. Traffic congestion in the streets which adjoin the planned development;
 - c. An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.

B. Standards for Planned Developments with Use Exceptions

The ordinance approving the Final Development Plan for the planned development may provide for uses in the planned development not allowed in the underlying district, provided the following conditions are met:

1. Proposed use exceptions enhance the quality of the planned development and are compatible with the primary uses
2. Proposed use exceptions are not of a nature, nor are located, so as to create a detrimental influence in the surrounding properties
3. Proposed use exceptions shall not represent more than 40% of the site area or more than 40% of the total floor area, whichever is less. However, in a residential planned development area no more than 10% of the site area or the total floor area shall be devoted to commercial use; furthermore, no industrial use shall be permitted.

C. Standards for Planned Developments with ~~Other Exceptions~~ Deviations

This edit was suggested by Village Counsel a few years ago to clarify the difference between use exceptions and other types of exceptions. Simply stated, this edit consistently standardizes the term "deviation" within the Zoning Ordinance and removes the term "other exceptions" where referenced.

The Village Board may approve planned developments which do not comply with the requirements of the underlying district regulations governing lot area, lot width, bulk regulations, parking and sign regulations, or which require modification of the subdivision design standards when such approval is necessary to achieve the objectives of the proposed planned development, but only when the Board finds such ~~exceptions~~ deviations are consistent with the following standards:

1. Any reduction in the requirements of this Ordinance is in the public interest
2. The proposed ~~exceptions~~ deviations would not adversely impact the value or use of any other property
3. That such ~~exceptions~~ deviations are solely for the purpose of promoting better development which will be beneficial to the residents or occupants of the planned development as well as those of the surrounding properties
4. That the overall floor area of the planned development shall not exceed by more than 40% the maximum floor area permitted for the individual uses in each applicable district
5. That in residential planned developments the maximum number of dwelling units allowed shall not exceed by more than 40% the number of dwelling units permitted in the underlying district
6. That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:
 - a. The front, side or rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning district(s) or the zoning district underlying the subject site, whichever is greater.
 - b. All transitional yards and transitional landscape yards of the underlying zoning district are met.
 - c. If required transitional yards and transitional landscape yards are not adequate to protect the privacy and enjoyment of property adjacent to the development, the Plan Commission shall recommend either or both of the following requirements:
 1. All structures located on the perimeter of the planned development must set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses;
 2. All structures located along the entire perimeter of the planned development must be permanently screened with sight-proof screening in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.
7. That the area of open space provided in a planned development shall be at least 25% more than that required in the underlying zoning district.

155.509 MINIMUM SIZE REQUIREMENTS FOR PLANNED DEVELOPMENTS

In order to accrue the intended benefits of a planned development sought through these regulations, the area of a planned development shall conform to the following minimum area requirements for the district in which it is located.

<u>District</u>	<u>Minimum Size</u>	<u>Frontage</u>
A. CR - Conservation Recreation District:	no minimum requirement	
B. R1 - Single Family Residence District:	30,000 ft ²	225'
C. R2 - Single Family Residence District:	22,500 ft ²	180'
D. R3 - Attached Single-Family Residence District:	22,500 ft ²	180'
E. R4 - Limited General Residence District:	22,500 ft ²	180'
F. R5 - General Residence District:	22,500 ft ²	180'
G. R6 - Central Residence District:	no minimum requirement	
H. O - Office District:	45,000 ft ²	300'
I. B1 - Limited Neighborhood Shopping District:	22,500 ft ²	180'
J. B2 - General Neighborhood Shopping District:	22,500 ft ²	180'
K. B3 - Community Shopping District:	60,000 ft ²	300'
L. B4 - Corridor Commercial District:	120,000 ft ²	450'
M. B5 - Central Business District:	no minimum requirement	
N. B5A – Downtown Perimeter District:	no minimum requirement	
O. I - Limited Industrial District:	60,000 ft ²	240'

155.510 OPEN SPACE REQUIREMENTS FOR PLANNED DEVELOPMENTS

A. Requirements Relating to Usability and Preservation of Common Open Space.

Common open space shall 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, and 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.

155.511 SITE PLAN APPROVAL

The Village recognizes that individual units within larger planned developments frequently develop over a number of years and can encompass a variety of design features that are not typically

addressed as part of an original planned development approval. Additionally, as approved planned developments mature, and individual tenants within a non-residential planned development change, parking and signage needs may also change.

The Village of Lombard recognizes the site plan approval process as a flexible method for review of individual components of the overall planned development. This process provides the ability of the Plan Commission to review, approve, deny or modify the individual developments as the individual units or components are intended to be developed.

The site plan approval process can either be requested by a property owner or required by the Village. ~~Property owners~~ Petitioners requesting to utilize the site plan approval process shall include this request ~~must make an application to the Village stating that they intend to utilize the site plan approval process~~ as part of the initial planned development review. Any application to utilize ~~Acceptance of the site plan~~ approval review process is subject to the review and approval of the Village Board after review and recommendation by the Lombard Plan Commission.

Should a planned development be approved with site plan approval for the individual components, the petitioner shall be required to submit any necessary and supporting documentation as requested by the Village for each phase of the development. The information required to be submitted by the owner shall include, but not be limited to, building design and elevations, traffic generation, stormwater requirements, landscaping compliance, signage, parking and compatibility with the overall planned development and any other site plan approvals granted within the development.

For planned developments that have been approved prior to the effective date of the Ordinance, a petitioner may request the site plan approval process for signage and for parking per Sections 155.504 (C) and 155.504 (D) respectively, ~~if approved by the Director of Community Development.~~

SECTION 8: RULES AND DEFINITIONS

155.802 RULES AND DEFINITIONS

DEVIATION, PLANNED DEVELOPMENT is a relaxation of the bulk requirements, signage or parking requirements of the underlying zoning district within an established planned development in order to enhance the design or meet the overall intent of the planned development.

Village Counsel suggested that this term should be defined in the definitions section of the Zoning Ordinance for clarity.

Appendix B

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 Village and would be applicable to all petitioners, residents and/or property owners. However, most of the proposed amendments would most frequently be applied as it relates to the application of the planned development provisions.

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 meet the objectives and in intent of the Ordinance by providing for greater consistency and clarity in the Ordinance's application.

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

4. *The degree to which the proposed amendment would make this ordinance more permissive*
As the amendments are procedural in nature rather than regulatory, the proposed amendments do not increase or decrease the degree of non-conformity for any properties in the Village.

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.

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

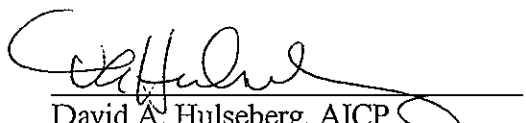
These amendments would be consistent with past Village Board actions as well as staff and Board policies. Specific application and justification of these regulations is also included within Appendix A.

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 information and testimony presented, the proposed text amendments comply with the standards required by the Lombard Zoning Ordinance, and, therefore, I move that the Plan Commission accept the finding and recommendation of the Inter-departmental Review Report as the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of the text amendments described in PC 05-03.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP
Director of Community Development

DAH:WJH:jd

ORDINANCE _____

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

(PC 05-03: Amendments to Administration and Planned Development Provisions)

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 January 24, 2005 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 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 the Title 15, Chapter 155, Section 103 (C)(8), of the Code of Lombard, Illinois is hereby amended to read in its entirety as follows:

155.103 PROCEDURES FOR ADMINISTRATIVE FUNCTIONS

C. Variations

8. Restrictions on Variations

The following restrictions shall apply to all variations.

- a. No variation shall be authorized that would modify any definition;
- b. No variation shall be authorized that would vary uses between zoning districts, except use exceptions approved in a planned development; and
- c. No variation shall be authorized that would result in a density increase from that permitted in a zoning district except in conjunction with a planned development;
- d. ~~No variation shall be authorized that would allow an increase in the nonconformity of a nonconforming building or structure.~~
- e. ~~No variation shall be authorized that would increase the number of permitted signs, except sign exceptions approved within a planned development.~~

SECTION 2: That the Title 15, Chapter 155, Section 103 (J)(2)(c), of the Code of Lombard, Illinois is hereby amended to read in its entirety as follows:

c. Posting Notice

A public notice sign, provided for and erected by the Director of Community Development ~~and erected by~~ at the expense of the applicant, shall be placed on ~~all properties~~ property that are is the subject of a request for a map amendment or a conditional use annexation. The public notice sign shall be erected at least fifteen (15) days before the public hearing and remain until final action by the Board of Trustees. The sign shall be visible to the general public as determined by the Director of Community Development. In the event that the Director of Community Development determines that a public notice sign cannot be placed on the subject property or will not be visible to the general public if placed on the subject property, the Director of Community Development shall have discretion to place the sign within the adjacent public right-of-way or at another location that meets the intent of this subsection.

SECTION 3: That the Title 15, Chapter 155, Section 501 et. seq., of the Code of Lombard, Illinois is hereby amended to read in its entirety as follows:

155.501 **USE OF PLANNED DEVELOPMENTS**

- A. A planned development is a conditional use which may be granted by the Village Board should it determine that the planned development is in the best interest of the Village and complies with all the standards established in this section. The Plan Commission may recommend and the Village Board may require any reasonable condition or design consideration, which will promote the proper development of ~~benefit~~ to the community. It is not intended that the Board automatically grant the maximum use exceptions or density premiums of any proposed planned development. The Plan Commission shall ~~grant~~ only recommend the granting of such premiums or latitudes which are consistent with sound land use planning, Village growth policy and benefits accruing to the Village as a result of the planned development.
- B. As a condition of approval, each planned development must be compatible with the character and objectives of the zoning district or districts within which it is located, and each planned development shall be consistent with the official planning policies of the Village of Lombard.

155.502 INTENT OF PLANNED DEVELOPMENTS

- A. The purpose of planned developments is to provide a mechanism to accommodate development which is in the public interest, and which would not otherwise be permitted pursuant to this ordinance. A planned development may be of residential, commercial, office or industrial use. A planned development may also be of mixed use, subject to the regulation of such planned developments as specified in this section.
- B. A planned development is of a substantially different character than other uses described in this Ordinance and is therefore, considered a conditional use. The regulations applicable to planned developments allow for far more flexibility than do the regulations for other uses.
- C. Planned developments possess unique attributes and can be surrounded by a wide variety of existing and proposed land uses. Therefore, planned developments shall be evaluated and decided upon by the Plan Commission and the Village Board on a case-by-case basis.
- D. Specifically, planned developments are intended to provide for any or all of the following elements:
 - 1. A maximum choice in the types of development available to the public by allowing developments that would not be possible under the strict application of the terms of other sections of this Ordinance.

2. Permanent preservation of common space and recreation areas and facilities;
3. A pattern of development to preserve topographic and geographic features, and natural vegetation;
4. A creative approach to the use of land and related physical facilities that results in better development, design and the construction of aesthetic amenities;
5. An efficient use of the land resulting in a more efficient provision of utilities, streets, schools, public grounds, and buildings, and other facilities;
6. Innovations in residential, commercial, office and industrial development so that the growing demands of the population may be met by greater variety in type, design and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings; and
7. A unified and compatible design of buildings, structures and site improvements.

E. As specified in this Ordinance, a planned development shall be considered a conditional use and may be granted in those districts in which it is listed as a conditional use provided the planned development conforms with the procedures and standards of this section. Therefore, the planned development may depart from other requirements in other sections of this ordinance. However, every planned development shall conform to the intent and the character of the zoning district in which it is located.

F. Planned developments are required in the following instances:

1. Any property which has R6 or B5 District zoning and on which a principal building is proposed to be constructed.
2. Any property which is rezoned to the R6, O, B1, B2, B3, B4, B5, B5A or I District and which meets the minimum lot area and width requirements for a planned development.
3. Any variation request for a property which has R6, O, B1, B2, B3, B4, B5, B5A or I District zoning and which meet the minimum lot area and width requirements for a planned development.

- G. The planned development ~~approval~~ requirement identified in Section 155.502 (F) may be waived by the Director of Community Development, provided that the Director finds the following:
1. That the rezoning petition does not involve the construction or expansion of an existing permitted use on the premises; ~~and or~~
 2. The development proposal meets all ~~development standards~~ provisions of the Zoning Ordinance and the Sign Ordinance.

Shall a waiver from the planned development requirement be granted by the Director, notice shall be provided to the Plan Commission.

155.503 PROCEDURES FOR PLANNED DEVELOPMENTS

Specific procedures and submission requirements for planned development applications shall be included in the package of application materials assembled by the Department of Community Development ~~and updated by the Director of Community Development from time to time. This package of materials shall be provided to each applicant for a planned development.~~ The procedures and submission requirements ~~presented in this Ordinance shall~~ represents an outline of these requirements, and supplement ~~with the Village's formal and binding requirements governing procedures and submission requirements~~ materials contained in the Department of Community Development's Plan Commission package of application for public hearing materials.

A. Pre-Application Conference

Prior to filing a formal application for approval of a planned development, the applicant shall request a pre-application conference with the Director of Community Development and other Village staff as deemed appropriate by the Director of Community Development. The purpose of the preapplication conference shall be to:

1. Allow the applicant to present to the Village staff a general concept of proposed development and foster a discussion regarding the various characteristics of the development concept; and
2. Allow the Director of Community Development to inform the applicant of applicable policies, standards and procedures for the planned development;

The petitioner shall prepare plans and documents in conformance with Section 155.507 below. The Director of Community Development shall advise the applicant of the

requirements and official Village plans and policies but shall not take any action with respect to the proposal on behalf of the Village.

B. Preliminary Plan

Preliminary plan materials for the planned development shall be filed with the Department of Community Development, which shall establish a date for a public hearing and shall forward copies of the submission to members of the Plan Commission. A public hearing shall be held by the Plan Commission to review the proposed planned development and receive public comment. In general, preliminary plan requirements shall consist of the following:

1. Submission Materials

The petitioner shall prepare and submit plans and documents in conformance with ~~Subsection G,~~ below Section 155.507.

2. Public Review of Submissions

Submission materials filed with the Village shall be available for review and inspection by other government bodies and the general public in advance of the public hearing for the duration of the public notice period. Submission materials shall remain available for public inspection until the Village has rendered a final decision on the preliminary plan stage. Any subsequent materials submitted by the applicant shall also be made available for public inspection.

3. Staff Review

The Department of Community Development and Inter-Departmental Review Committee shall conduct a review of the submission documents and forward their recommendations to the Plan Commission.

4. Public Hearing

The Plan Commission shall hold a public hearing to take public comments concerning the planned development, in accordance with Section 155.103 (J) of this Ordinance.

5. Plan Commission Findings

Following the public hearing and any other Plan Commission meetings required, the Plan Commission shall prepare findings of fact and recommendations which shall be forwarded to the Village Board.

6. Village Board Action

The Village Board shall subsequently either approve, ~~disapprove, or~~ approve with conditions, or deny the planned development. ~~If approved or approved with conditions, a schedule for submission of the final plan shall then be established.~~

7. Recording of Preliminary Plan

Following approval of the preliminary plan, the preliminary plan documents shall be ~~duly recorded~~ filed with the office of the Village Clerk.

C. Final Plan

1. The final plan shall be submitted to the Department of Community Development not later than 365 days (or such time as the Village Board may approve from time to time) following Village Board approval of the preliminary plan. The preliminary and final plans may be submitted simultaneously if all requirements of this ordinance are met. The final plan shall conform substantially with the approved preliminary plan. The final plan may be submitted for approval in stages if desired by the petitioner, with each stage representing a portion of the preliminary plan, provided that such portion conforms to the requirements of final plan submissions.

2. The procedure for the final plan stage is as follows:

a. Final Plan Submissions

The petitioner shall prepare and submit plans and documents in conformance with Section 155.507, below.

b. Construction Schedule

A written construction schedule shall accompany the submission documents and will be part of the final plan approval.

c. Staff Review

The Department of Community Development and the Inter-Departmental Review Committee shall conduct a review of the submission documents and forward their recommendations to the ~~Village Board~~ Plan Commission.

d. Plan Commission Recommendation

Following a public hearing and any other Plan Commission meetings required, the Plan Commission shall make a recommendation based on the final plan's compliance with the preliminary plan which shall be forwarded to the Village Board.

e. Village Board Action

Following staff review and a recommendation from the Plan Commission, the Village Board shall either approve, approve with conditions, or ~~disapprove~~ deny the final plan. The Board resolution shall be filed with the Village Clerk.

155.504 CHANGES IN THE PLANNED DEVELOPMENT

The construction of a planned development shall be in conformance with the approved and recorded final plan documents and all supporting data. The approved documents shall be binding on the applicants and their successors, grantees and assigns and shall limit and control the use, improvement, and development of the planned development as set forth therein.

A. Major Changes

Major changes in an approved planned development shall require the resubmission and approval of new or amended preliminary plan and final plan documents. Major changes shall be those which:

- 1) alter the concept or intent;
- 2) increase the density;
- 3) reduce the dimensions of peripheral yards;
- 4) change the location of any buildings by more than 10 feet;
- 5) change the land use of the site;
- 6) increase building height;
- 7) reduce open space by more than ten percent from the original planned development approval;
- 8) change in the proportion of housing types by more than 15%;
- 9) change road standards or locations;
- 10) ~~change sewer, water, or electrical utilities;~~
- 11) ~~change proposed drainage characteristics;~~ or
- 12) change the final governing agreements of the planned development. Whether an alteration constitutes a major change to an approved planned development is to be determined by the Director of Community Development.

Upon receipt of an application for a major change to a planned development, the Director of Community Development shall give public notice pursuant to Section 155.103 (J). Major changes

to a planned development can only be approved by the Village Board and only after a public hearing has been held by the Plan Commission and a recommendation is forwarded to the Village Board.

B. Minor Changes without Signage or Parking ~~Variations or~~ Deviations

Changes which are not major changes shall be considered minor changes and do not necessitate a new public hearing. Petitioners requesting minor changes to approved planned developments requesting minor changes which do not include ~~variations or~~ deviations from either the underlying zoning district or any adopted development agreements shall not be required to submit revised preliminary plan materials, but shall submit revised final plan documents to the Director of Community Development, who shall approve or deny the proposed changes after receiving comments and recommendations from the Inter-Departmental Review Committee. The Director of Community Development may also elect to bring any request for a minor change to the Plan Commission and/or the Village Board for a recommendation approval or denial.

C. Minor Changes with ~~Variations or~~ Deviations to the Sign Ordinance

Changes from an approved planned development which are determined to be minor changes but which would require a ~~variation or~~ deviation in the number, size type, or location of signage within a planned development in an O, B1, B2, B3, B4, B5, B5A or I District shall require review and approval by the Plan Commission in conjunction with the Site Plan Approval process (Sec. 155.511). Off-premise signs, as defined in Section 153.602 of the Village Sign Ordinance, cannot be approved through the site plan approval process unless specifically allowed for in the initial planned development, or any subsequent amendments thereto.

Upon receipt of an application for a sign ~~variation or~~ deviation within an approved planned development, the Director of Community Development shall give public notice and conduct a public hearing to other owners of property in the same manner provided for zoning amendments, at least 15 days, but no more than 30 days, prior to the date of the Plan Commission meeting pursuant to Section 155.103 (J). The applicant shall not be required to submit revised preliminary plan materials, but shall submit revised final plan documents and all other necessary and supporting documentation to the Director of Community Development, who shall forward the proposed changes after receiving comments and recommendations from the Inter-Departmental Review Committee to the Plan Commission. The petitioner shall also submit a written response to the standards for variations (Sec. 155.103 (C) (7)).

The Plan Commission ~~will~~ shall review the application for a ~~variation or~~ deviation from the signage requirements as part of the Site Plan Approval process and approve or approve with conditions such variations or deviations provided that the Plan Commission makes a finding that the applicant has met the standards expressed in Section 155.508

Standards for Planned Developments, Section 155.103 (C) (7), Standards for Variations and a finding is made that the quality of design of the signage enhances the overall planned development. Should the Plan Commission deny the request for Site Plan Approval, the petition shall be appealable directly to the Village Board. The Village Board may affirm, reverse or modify the action of the Plan Commission and may attach such conditions as they deem appropriate.

D. Minor Changes with ~~Variations to~~ Deviations from Parking Requirements

Changes from an approved planned development which are determined to be minor changes but ~~which would require a variation~~ deviation in the number of parking spaces on an individual lot within a planned development in an R6, O, B3, B4, B5, B5A or I District shall require review and approval by the Plan Commission in conjunction with the Site Plan Approval process (Sec. 155.511). The ~~owner~~ petitioner must demonstrate that any reductions in the number of parking spaces requested through the site plan approval process for an individual unit or lot within a planned development meets the following requirements:

1. Any reductions in parking spaces can be provided for on an adjacent lot or lots within 300 feet of the ~~main entrance to the principal building~~.
2. The ~~property owner~~ petitioner must secure, either by deed or long-term lease, a parking agreement with the property owner of the site on which the off-site parking spaces would be provided. The appropriate terms of the lease shall be determined by the Plan Commission and/or the Village Board.
3. Any off-site spaces on adjacent properties shall be determined to be in excess of the minimum number of required spaces for the respective use on the adjacent property.

Upon receipt of an application for a reduction in requisite parking spaces within an approved planned development, the Director of Community Development shall give public notice and conduct a public hearing to other owners of property in the same manner provided for zoning amendments, at least 15 days, but no more than 30 days, prior to the date of the Plan Commission meeting pursuant to Section 155.103 (J). The applicant shall not be required to submit revised preliminary plan materials, but shall submit revised final plan documents and all other necessary and supporting documentation to the Director of Community Development, who shall forward the proposed changes after receiving comments and recommendations from the Inter-Departmental Review Committee to the Plan Commission. The ~~petitioner shall also submit a written response to the standards for conditional uses (Sec. 155.103 (F) (8)).~~

The Plan Commission will review the application for a deviation from the parking space requirements as part of the Site Plan Approval process and approve or approve with conditions such deviations ~~conditional uses~~ provided that the Plan Commission makes a finding that the applicant

has met the standards expressed in Sections 155.508 Standards for Planned Developments and ~~Sections 155.103 (F) (8) Standards for Conditional Uses~~. Should the Plan Commission deny the request for Site Plan Approval, the petition shall be appealable directly to the Village Board. The Village Board may affirm, reverse or modify the action of the Plan Commission and may attach such conditions as they deem appropriate.

155.505 SCHEDULE OF CONSTRUCTION FOR PLANNED DEVELOPMENTS

The Village Board may revoke the approval of a planned development if construction falls two years behind schedule or is ahead of schedule by five years. The developer shall be notified prior to any revocation. Adequate notice of such revocation shall be considered notification by registered or certified mail. Extensions in the construction schedule may be granted by the Village Board.

155.506 RECORDING THE FINAL PLAN

The Village shall record a copy of the approved final plan with the County Recorder of Deeds. Proof of such recording shall be required prior to the issuance of a building permit for any new principal buildings on the property.

155.507 SUBMITTAL REQUIREMENTS FOR PLANNED DEVELOPMENTS

Required plans and documents for each step of the planned development process are set forth below:

- A. Pre-Application Stage
 1. A written "Letter of Intent" from the petitioner describing his intention for developing the site
 2. A topographic survey and location map
 3. Conceptual plans describing proposed land use, dwelling type and density, street and lot arrangement, building floor area, and tentative lot sizes
 4. Tentative plans for water supply, sewage disposal and surface drainage
 5. Conceptual building elevations
 6. Other supporting material the applicant may wish to bring

In the interest of providing direction to applicants prior to the creation of preliminary plans and documents, Village staff can waive any of the aforementioned items.

B. Preliminary Plan Stage

The petitioner shall organize the following materials into a Planned Development Document which shall conform to the format established by the Director of Community Development, as periodically revised.

1. General Information

- a. Proposed name of development (not duplicating the name of any plat recorded in Kane, Cook, or DuPage County)
- b. Location by section, township, and range, or by other legal description
- c. Names and addresses of owner, subdivider, and developer having control of the tract; name and seal of registered engineer or surveyor who prepared topographic survey; and the designer of the plan
- d. Graphic (engineering) scale not smaller than one inch to fifty (50') feet
- e. North point, designated as true north
- f. Date of preparation and any revisions
- g. Plat of survey prepared by a land surveyor registered in the state

2. Existing Conditions Information

- a. Boundary lines of proposed subdivision or planned development clearly indicated
- b. Total approximate acreage
- c. Existing zoning districts
- d. Location, widths, and names of all existing or previously platted streets or other rights-of-way, showing type of improvement, if

any; railroad and utility rights-of-way; parks and other public open spaces; permanent buildings and structures, easements; and section and corporate lines within the tract and to a distance of one hundred feet beyond the tract.

- e. Location and size of existing sewers, watermains, culverts or other underground facilities within the tract and to a distance of one hundred feet beyond the tract, and also indicating such data as grades, invert elevations, and location of catch basins, manholes, and hydrants
 - f. Location map, drawn at a scale of not less than one inch equals one thousand feet, showing boundary lines ~~and the ownership~~ of adjoining unsubdivided or subdivided land within an area bounded by nearest arterial streets or other natural boundaries and identifying type of uses of surrounding land and showing alignments of existing streets
 - g. Topography data including existing contours at vertical intervals of not more than two feet (topographic data refers to the village datum); watercourses, floodplains, marches, rock outcrops, trees of twelve-inch diameter or more, other significant features, and soil bearing data at locations and depths as may be required by the Village ~~Department of Public Works and engineering~~
 - h. Locations of or reference to existing monuments or survey markers used in preparation of survey and the grade elevation of each monument and marker
3. Subdivision or Planned Development Design Features
- a. Layout of streets and pedestrian ways showing right-of-way and pavement widths, street names (not duplicating the name of any street used in the Village or its environs, unless the street is an extension of an already named street, in which event that name shall be used) and showing proposed through-streets extended to boundaries of the development
 - b. Topographic data including proposed contours and areas to be provided for any stormwater detention requirements
 - c. Layout, numbers, and typical dimensions of lots for subdivisions (building locations for planned developments) to the nearest foot; and the proposed land use for each lot, parcel or tract

- d. Proposed building setback lines, indicating dimensions
- e. Areas other than street right-of-way intended to be dedicated or reserved for public use and the approximate area in acres of each such area
- f. Proposed water main, sanitary, and storm sewer layout
- g. Architectural plans, preliminary sketches and renderings for all principal buildings shall be submitted in sufficient detail to permit an understanding of the style of the development
- h. A development schedule indicating dates and phases in which the project will be built with emphasis on area, density, use, and public facilities such as open space, shall be submitted on forms provided by the Village
- i. Landscape plan, the contents of which shall conform to Section 155.7001 et. seq. of this Ordinance
- j. Site lighting plan
- k. Impact assessments as may be required by the Department of Community Development in order to adequately evaluate the effect of the proposed development on the environment, the existing community facilities, and the existing and proposed land uses surrounding the development
- l. An identification and explanation of those aspects of the planned development that vary from the requirements of the otherwise applicable zoning district, as well as variations from the Lombard Subdivision an Development Ordinance

The Director of Community Development shall have the authority to waive any of the aforementioned requirements if the creation of the planned development will not change or impact the items noted above or if the information is readily available in the Village offices.

C. Final Plan Stage

The final plan shall be accurately drawn in ink on material capable of producing clear and legible contact prints or photostatic copies and shall show the following:

1. General Information

- a. Name of developer
- b. Street names
- c. Location by section, township, and range by legal description
- d. Graphic (engineering) scale be one inch to fifty (50') feet or larger
- e. Northpoint, designate as true north

2. Subdivision Plat - Required Information

The Plat of Subdivision for the planned development shall conform to the Village's subdivision regulations. In general, these requirements shall include:

- a. Accurate angular and lineal dimensions for all lines, angles, and curvatures with functions used to describe all boundaries including perimeter survey of tract, rights-of-way, easements, areas to be reserved for public use, and other important features. Error of closure of boundary-line surveys shall not exceed one in ten thousand (one foot for each ten thousand feet of perimeter survey). Lot lines shall be dimensioned in feet and hundredths and, when an angle occurs in any lot line between lot corners, the measurements of the angle shall be shown.
- b. An identification system for all lots, blocks, or buildings.
- c. True angles and distances to nearest established street lines and official monuments (not less than three), which shall be accurately described in the plat by location, size, and elevation.
- d. Municipal, township, and county boundaries and section lines accurately tied to the lines of the subdivision by distances and angles.
- e. Accurate location of all monuments which shall be of portland cement concrete four (4) inches by six (6) inches by twenty-four (24) inches or approved equal, with iron pipes cast in center. Permanent stone or concrete monuments shall be set at each corner or angle on the outside boundary. A pipe three-quarters of an inch in diameter or a steel rod one-half inch in diameter, by eighteen inches in length, shall be placed at the corners of each lot and

block; at each intersection of street centerlines; at angle points and at the ends; and at suitable intervals along curves. All U.S., state, county, village, or other official bench marks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position and noted as such on the plat.

- f. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, or for the exclusive use of property owners within the subdivision, and with the purposes indicated thereon.
- g. Protective covenants lettered on the final plat or appropriately referenced thereon.
- h. A separate list identifying and indicating the square footage of each lot within the subdivision.

3. Planned Development Plat - Required Information

A final, detailed land use and zoning plat, suitable for recording with the County Recorder of Deeds, shall be prepared. The purpose of the planned ~~unit~~ development plat is to designate with particularity the land subdivided into conventional lots, as well as the division of other lands, not so treated, into common open areas and building areas, and to designate and limit the specific internal uses of each building or structure as well as of the land in general. The final planned development plat and supporting data shall include the following:

- a. All applicable information required in the Village's Subdivision Regulations.
- b. Designation of the exact location of all buildings to be constructed;
- c. Designation of the specific internal uses for each building;
- d. ~~A street numbering designation for each building;~~
- d. Description of all public and private streets including construction details, centerline elevations, pavement type, curbs, gutters, culverts, etc.; and
- e. Common open space documents shall be provided indicating, at the election of the Village, that common open space shall be as follows:

1. Conveyed to a municipal or public corporation; or conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the planned development or adjoining property owners, or any one or more of them; providing that all lands conveyed under this subsection shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common open space
 2. Guaranteed by a restrictive covenant describing the open space and its maintenance and improvement, running with the land for the benefit of residents of the planned development or adjoining property owners and/or both
- g. Any changes, either major or minor changes as described in Section 155.504 above, which alter the approved preliminary plans. Any changes from the approved preliminary plans must be approved by the Village as described in Section 155.504 above.

155.508 STANDARDS FOR PLANNED DEVELOPMENTS

Except as provided below, no planned development shall be approved unless the Village Plan Commission and the Village Board find that the development meets the standards for conditional uses, and the standards set forth in this Section. Notwithstanding the foregoing, the Village Board may approve a planned development which does not comply with these standards or with the standards for conditional use, if the Board finds that the application of such standards, to the development being considered, would not be in the public interest.

A. General Standards

1. Except as modified by and approved in the final development plan, the proposed development complies with the regulations of the district or districts in which it is to be located.
2. Community sanitary sewage and potable water facilities connected to a central system are provided.
3. The dominant use in the proposed planned development is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site.
4. That the proposed planned development is in the public interest and is consistent with the purposes of this Zoning Ordinance.

5. That the streets have been designed to avoid:
 - a. Inconvenient or unsafe access to the planned development;
 - b. Traffic congestion in the streets which adjoin the planned development;
 - c. An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.

B. Standards for Planned Developments with Use Exceptions

The ordinance approving the Final Development Plan for the planned development may provide for uses in the planned development not allowed in the underlying district, provided the following conditions are met:

1. Proposed use exceptions enhance the quality of the planned development and are compatible with the primary uses
2. Proposed use exceptions are not of a nature, nor are located, so as to create a detrimental influence in the surrounding properties
3. Proposed use exceptions shall not represent more than 40% of the site area or more than 40% of the total floor area, whichever is less. However, in a residential planned development area no more than 10% of the site area or the total floor area shall be devoted to commercial use; furthermore, no industrial use shall be permitted.

C. Standards for Planned Developments with ~~Other Exceptions~~ Deviations

The Village Board may approve planned developments which do not comply with the requirements of the underlying district regulations governing lot area, lot width, bulk regulations, parking and sign regulations, or which require modification of the subdivision design standards when such approval is necessary to achieve the objectives of the proposed planned development, but only when the Board finds such ~~exceptions~~ deviations are consistent with the following standards:

1. Any reduction in the requirements of this Ordinance is in the public interest
2. The proposed ~~exceptions~~ deviations would not adversely impact the value or use of any other property

3. That such ~~exceptions~~ deviations are solely for the purpose of promoting better development which will be beneficial to the residents or occupants of the planned development as well as those of the surrounding properties
4. That the overall floor area of the planned development shall not exceed by more than 40% the maximum floor area permitted for the individual uses in each applicable district
5. That in residential planned developments the maximum number of dwelling units allowed shall not exceed by more than 40% the number of dwelling units permitted in the underlying district
6. That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:
 - a. The front, side or rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning district(s) or the zoning district underlying the subject site, whichever is greater.
 - b. All transitional yards and transitional landscape yards of the underlying zoning district are met.
 - c. If required transitional yards and transitional landscape yards are not adequate to protect the privacy and enjoyment of property adjacent to the development, the Plan Commission shall recommend either or both of the following requirements:
 1. All structures located on the perimeter of the planned development must set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses;
 2. All structures located along the entire perimeter of the planned development must be permanently screened with sight-proof screening in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.
7. That the area of open space provided in a planned development shall be at least 25% more than that required in the underlying zoning district.

155.509 MINIMUM SIZE REQUIREMENTS FOR PLANNED DEVELOPMENTS

In order to accrue the intended benefits of a planned development sought through these regulations, the area of a planned development shall conform to the following minimum area requirements for the district in which it is located.

<u>District</u>	<u>Minimum Size</u>	<u>Frontage</u>
A. CR - Conservation Recreation District:	no minimum requirement	
B. R1 - Single Family Residence District:	30,000 ft ²	225'
C. R2 - Single Family Residence District:	22,500 ft ²	180'
D. R3 - Attached Single-Family Residence District:	22,500 ft ²	180'
E. R4 - Limited General Residence District:	22,500 ft ²	180'
F. R5 - General Residence District:	22,500 ft ²	180'
G. R6 - Central Residence District:	no minimum requirement	
H. O - Office District:	45,000 ft ²	300'
I. B1 - Limited Neighborhood Shopping District:	22,500 ft ²	180'
J. B2 - General Neighborhood Shopping District:	22,500 ft ²	180'
K. B3 - Community Shopping District:	60,000 ft ²	300'
L. B4 - Corridor Commercial District:	120,000 ft ²	450'
M. B5 - Central Business District:	no minimum requirement	
N. B5A - Downtown Perimeter District:	no minimum requirement	
O. I - Limited Industrial District:	60,000 ft ²	240'

155.510 OPEN SPACE REQUIREMENTS FOR PLANNED DEVELOPMENTS

A. Requirements Relating to Usability and Preservation of Common Open Space.

Common open space shall 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, and 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.

155.511 SITE PLAN APPROVAL

The Village recognizes that individual units within larger planned developments frequently develop over a number of years and can encompass a variety of design features that are not typically addressed as part of an original planned development approval. Additionally, as approved planned developments mature, and individual tenants within a non-residential planned development change, parking and signage needs may also change.

The Village of Lombard recognizes the site plan approval process as a flexible method for review of individual components of the overall planned development. This process provides the ability of the Plan Commission to review, approve, deny or modify the individual developments as the individual units or components are intended to be developed.

The site plan approval process can either be requested by a property owner or required by the Village. ~~Property owners~~ Petitioners requesting to utilize the site plan approval process shall include this request ~~must make an application to the Village stating that they intend to utilize the site plan approval process~~ as part of the initial planned development review. Any application to utilize ~~Acceptance of~~ the site plan approval review process is subject to the review and approval of the Village Board after review and recommendation by the Lombard Plan Commission.

Should a planned development be approved with site plan approval for the individual components, the petitioner shall be required to submit any necessary and supporting documentation as requested by the Village for each phase of the development. The information required to be submitted by the owner shall include, but not be limited to, building design and elevations, traffic generation, stormwater requirements, landscaping compliance, signage, parking and compatibility with the overall planned development and any other site plan approvals granted within the development.

For planned developments that have been approved prior to the effective date of the Ordinance, a petitioner may request the site plan approval process for signage and for parking per Sections 155.504 (C) and 155.504 (D) respectively; ~~if approved by the Director of Community Development.~~

SECTION 4: That the Title 15, Chapter 155, Section 802, of the Code of Lombard, Illinois is hereby amended to add the following definition, as follows:

155.802 RULES AND DEFINITIONS

DEVIATION, PLANNED DEVELOPMENT is a relaxation of the bulk, signage or parking requirements of the underlying zoning district within an established planned development in order to enhance the design or meet the overall intent of the planned development.

Ordinance No. _____

Re: PC 05-03

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SECTION 5: 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 _____, 2005.

First reading waived by action of the Board of Trustees this ____ day of _____, 2005.

Passed on second reading this ____ day of _____, 2005.

Ayes: _____

Nayes: _____

Absent: _____

Approved this ____ day of _____, 2005.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk