

ORDINANCE 5606

**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.

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 at the expense of the applicant, shall be placed on property that is the subject of a request for a map amendment or a conditional use. 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 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 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 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; or
 2. The development proposal meets all 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. The procedures and submission requirements represents an outline of these requirements, and supplement the Village's submission requirements contained in the Plan Commission application for public hearing.

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 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 approve, approve with conditions or deny the planned development.

7. Recording of Preliminary Plan

Following approval of the preliminary plan, the preliminary plan documents shall be 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 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 approve, approve with conditions, or 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 the proportion of housing types by more than 15%;
- 9) change road standards or locations; or
- 10) 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 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 which do not include 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.

C. Minor Changes with Deviations to the Sign Ordinance

Changes from an approved planned development which are determined to be minor changes but which would require a 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 deviation within an approved planned development, the Director of Community Development shall give public notice and conduct a public hearing, 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 shall review the application for a 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 Deviations from Parking Requirements

Changes from an approved planned development which are determined to be minor changes but would require a 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 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 principal building.
2. The 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 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 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 provided that the Plan Commission makes a finding that the applicant has met the standards expressed in Sections 155.508 Standards for Planned Developments. 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

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 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
 - 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 155.701 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. 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
- f. 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 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 deviations are consistent with the following standards:

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

District	Minimum Size	Frontage
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 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. Petitioners requesting to utilize the site plan approval process shall include this request as part of the initial planned development review. Any application to utilize the site plan approval 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.

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.

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 3rd day of February, 2005.

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

Passed on second reading this 17th day of February, 2005.

Ayes: Trustees Williams, Tross, Koenig, Florey and Soderstrom

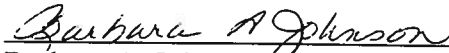
Nayes: None

Absent: Trustee Seby

Approved this 17th day of February, 2005.


William J. Mueller, Village President

ATTEST:


Barbara A. Johnson, Deputy Village Clerk