

July 16, 2018

Title

PC 18-22

Petitioner

Village of Lombard

Property Location

Village-wide

Approval Sought

The petitioner, the Village of Lombard, is requesting text amendments to Sections 154.302, 154.303, 154.304, 154.305 and 154.306 of the Lombard Subdivision and Development Ordinance; Section 155.705 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend the text for consistency regarding parkway trees on dedicated right of way. The amendments are intended to remove discrepancies between the Subdivision and Development Ordinance, Zoning Ordinance and Chapter 99 of the Village Code (Street Trees).

Prepared By

Tami Urish
Planner I

DESCRIPTION

The petitioner, the Village of Lombard, is requesting text amendments to Section 154.302 through 154.306 of the Subdivision and Development Ordinance and Section 155.708 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend the text regarding parkway trees on dedicated right of way. The amendments are intended to remove discrepancies between the Subdivision and Development Ordinance, Zoning Ordinance and Chapter 99 of the Village Code (Trees and Shrubs).

INTER-DEPARTMENTAL REVIEW

Building Division:

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

Fire Department:

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

Private Engineering Services:

PES supports this text amendment to clarify and not duplicate items that may cause confusion.

Public Works:

The Department of Public Works has the following comment on the subject petition:

For consistency with the authority provided in Chapter 99, please revise §155.705(C)(2) to *“Species. Parkway tree species shall be selected by the Village.”*

Planning staff has no objection to this revision and incorporated it into the proposed text amendment.

Planning Services Division:

The proposed text amendments to the Subdivision and Development Ordinance are minor in that the word “adjacent” is being replaced with the word “abutting” or removed under public rights-of-way for clarification. Currently, the Zoning Ordinance lists spacing, size and species for parkway trees.

Staff proposes to remove these specifications as they are addressed in Chapter 99. It was found that some of the recommendations listed in Section 155.708 were not consistent with Chapter 99. For example, an Ash tree is recommended in Section 155.708 but prohibited in Chapter 99.

Staff finds that the specifics of the parkway trees on dedicated right of way are more appropriately reviewed by the Village's Forester, a Certified Arborist, as opposed to under the Zoning Code purview. However, the quantity of parkway trees is proposed to be retained in the Zoning Code. The intent is to remove the inconsistencies, duplicated items and clean up the code for clarity.

EXISTING & PROPOSED REGULATIONS

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

§ 154.302 - Administrative plats of subdivision.

The following public improvements shall be provided for all administrative plats of subdivision:

- (A) *Water distribution system.* A water distribution system shall be provided to serve all lots within an administrative plat of subdivision.
- (B) *Sanitary sewer distribution system.* A sanitary sewer distribution system shall be provided to serve all lots within an administrative plat of subdivision.
- (C) *Storm sewer and drainage system.* There shall be no requirements for storm water control and drainage system improvements unless otherwise provided for by the relevant requirements of the Code of Lombard, Illinois. (Note: Subsequent development of a subdivided property may require storm sewer or drainage improvements.)
- (D) *Public rights-of-way.*
 - (1) *Unimproved right-of-way (a.k.a. paper street).* There shall be no required improvement of an unimproved right-of-way (Note: If access is to be provided from an unimproved right-of-way, the plat is defined as a Major Plat of Subdivision and requires right-of-way improvements).
 - (2) *Underimproved right-of-way.*
 - (a) *Street:* No required improvement.
 - (b) *Sidewalk:* A sidewalk is required on the adjacent side and for the full length of the right-of-way abutting the subject property.
 - (c) *Street lights:* No required improvement.
 - (d) *Parkway:* Trees and ground cover are required on the adjacent **abutting** side of the right-of-way. However, if existing topography does not provide sufficient area for parkway trees, replacement trees may be placed on ~~the adjacent~~ private property.
 - (3) *Improved right-of-way.*
 - (a) *Street:* No required improvement.
 - (b) *Sidewalk:* A sidewalk is required ~~on the adjacent side and~~ for the full length of the right-of-way abutting the subject property.
 - (c) *Street lights:* No required improvement.
 - (d) *Parkway:* Trees and ground cover are required on the adjacent **abutting** side of the right-of-way.

§ 154.303 - Minor plats of subdivision.

Public improvements shall be provided for all minor plats of subdivision as described below.

- (A) *Water distribution system.* A water distribution system shall be provided to serve all lots within a minor plat of subdivision.
- (B) *Sanitary sewer distribution system.* A sanitary sewer distribution system shall be

- provided to serve all lots within a minor plat of subdivision.
- (C) *Storm sewer and drainage system.* There shall be no requirements for storm water control and drainage system improvements unless otherwise provided for by the relevant requirements of the Code of Lombard, Illinois. (Note: Subsequent development of a subdivided property may require storm sewer or drainage improvements.)
- (D) *Public rights-of-way.*
- (1) *Unimproved right-of-way (a.k.a. paper street).* There shall be no required improvement of an unimproved right-of-way (Note: If access is to be provided from an unimproved right-of-way, the plat would be defined as a major plat of subdivision and would require right-of-way improvements).
- (2) *Underimproved right-of-way.*
- (a) *Street:* No required improvement.
- (b) *Sidewalk:* A sidewalk is required on the adjacent side and for the full length of the right-of-way abutting the subject property.
- (c) *Street lights:* No required improvement.
- (d) *Parkway:* Trees and ground cover are required on the adjacent **abutting** side of the right-of-way. However, if existing topography does not provide sufficient area for parkway trees, replacement trees may be placed on the adjacent **abutting** private property.
- (3) *Improved right-of-way.*
- (a) *Street:* No required improvement.
- (b) *Sidewalk:* A sidewalk is required ~~on the adjacent side and~~ for the full length of the right-of-way abutting the subject property.
- (c) *Street lights:* No required improvement.
- (d) *Parkway:* Trees and ground cover are required on the adjacent **abutting** side of the right-of-way.

§ 154.304 - Major plats of subdivision.

Public improvements shall be provided for all major plats of subdivision as described below.

- (A) *Water distribution system.* A water distribution system shall be provided to serve all lots within a major plat of subdivision.
- (B) *Sanitary sewer distribution system.* A sanitary sewer distribution system shall be provided to serve all lots within a major plat of subdivision.
- (C) *Storm sewer and drainage system.* Provisions for storm water control and drainage systems shall be made for all property within a major plat of subdivision.
- (D) *Public rights-of-way.*
- (1) *Unimproved right-of-way.* All unimproved public rights-of-way abutting or within a major Plat of Subdivision shall be fully improved. This shall include all right-of-way improvements, i.e., streets, sidewalks, street lights and parkways, on both sides of the right-of-way. Unimproved public rights-of-way shall include those rights-of-way dedicated as part of a Plat of Subdivision.
- (2) *Underimproved right-of-way.* All underimproved public rights-of-way abutting or within a major Plat of Subdivision shall be fully improved. This shall include all right-of-way improvements, i.e., streets, sidewalks, street lights, and parkways, on both sides of the right-of-way.
- (3) *Improved right-of-way.* A public sidewalk **and** street lights, ~~and parkway trees~~ shall be provided on the adjacent **both** sides of all improved public rights-of-way abutting a major Plat of Subdivision. ~~Streetscape~~ **Parkway** improvements are not required on the far side of an improved right-of-way which abuts a major plat of subdivision.

§ 154.305 - Minor development.

All development and construction activity is classified into three categories for the purposes of administering this Chapter. These categories include: major development; minor development; and other construction activity. Other construction activity includes additions to detached single-family residences, remodeling and maintenance of buildings, and other construction not included in the definitions of major or minor development. Construction activity is not subject to the requirements of this section.

Minor development consists of the following construction and development activities:

Construction of a detached single-family or two-family residence;

Construction of an accessory building (excluding accessory structures for detached single-family or two-family residences);

Construction of a building addition (excluding additions to detached single-family or two-family residences) in which the gross floor area does not exceed 20 percent of existing buildings on a zoning lot or 2,000 gross square feet;

Reconstruction of fifty (50) percent or more of the total area of a parking lot (not including single-family or two-family residential driveways).

Public improvements shall be provided for all minor development as described below.

- (A) *Water distribution system.* A water distribution system shall be provided to serve all development.
- (B) *Sanitary sewer distribution system.* A sanitary sewer distribution system shall be provided to serve all development.
- (C) *Storm sewer and drainage system.* There shall be no requirements for storm water control and drainage system improvements unless otherwise provided for by the relevant requirements of the Code of Lombard, Illinois.
- (D) *Public rights-of-way.*
 - (1) *Unimproved right-of-way (a.k.a. paper street).* There shall be no required improvement of an unimproved right-of-way unless access is to be provided from an unimproved right-of-way. If access is provided from an unimproved right-of-way, full improvement of the street and the adjacent side of the right-of-way is required. Improvements to the adjacent side of the right-of-way shall include sidewalks, street lights, and parkway improvements.
 - (2) *Underimproved right-of-way.*
 - (a) *Street:* No required improvement.
 - (b) *Sidewalk:* A sidewalk is required on the adjacent side and for the full length of the right-of-way abutting the subject property.
 - (c) *Street lights:* No required improvement.
 - (d) *Parkway:* Trees and ground cover are required on the ~~adjacent~~ **abutting** side of the right-of-way. However, if existing topography does not provide sufficient area for parkway trees, replacement trees may be placed on the ~~adjacent~~ **abutting** private property.
 - (3) *Improved right-of-way.*
 - (a) *Street:* No required improvement.
 - (b) *Sidewalk:* A sidewalk is required on the adjacent side and for the full length of the right-of-way abutting the subject property.
 - (c) *Street lights:* No required improvement.
 - (d) *Parkway:* Trees and ground cover are required on the ~~adjacent~~ **abutting** side of the right-of-way.

§ 154.306 - Major development.

Major development includes the following development activities:

Construction of a principal building (excluding a detached single-family residence or two-family residence);

Construction of a building addition (excluding additions to detached single-family or two-family residences) in which the gross floor area exceeds 50 percent of existing buildings on a zoning lot or 20,000 square feet whichever is less, within the prior ten years.

- (A) *Water distribution system.* A water distribution system shall be provided to serve all development.
- (B) *Sanitary sewer distribution system.* A sanitary sewer distribution system shall be provided to serve all development.
- (C) *Storm sewer and drainage system.* Provisions for storm water control and drainage systems shall be made for all major developments.
- (D) *Public rights-of-way.*
 - (1) *Unimproved right-of-way (a.k.a. paper street).* There shall be no required improvement of an unimproved right-of-way unless access is to be provided from an unimproved right-of-way. If access is provided from an unimproved right-of-way, full improvement of the street and the adjacent side of the right-of-way is required. The adjacent side of the right-of-way shall include sidewalks, street lights, and parkway improvements.
 - (2) *Underimproved right-of-way.*
 - (a) *Street:* There shall be no required street improvement of an underimproved right-of-way unless access is to be provided from an underimproved right-of-way. If access is provided from an underimproved right-of-way, full improvement of the street and the adjacent **abutting** side of the right-of-way is required.
 - (b) *Sidewalk:* A sidewalk is required on the adjacent side and for the full length of the right-of-way abutting the subject property (even if there is no access).
 - (c) *Street lights:* No required improvement unless access is provided from the underimproved right-of-way. If access is provided, street lights are required along the full length of the adjacent side of the right-of-way.
 - (d) *Parkway:* Trees and ground cover are required on the adjacent **abutting** side of the right-of-way (even if there is no access). However, if existing topography does not provide sufficient area for parkway trees, replacement trees may be placed on the adjacent **abutting** private property.
 - (3) *Improved right-of-way.*
 - (a) *Street:* No required improvement.
 - (b) *Sidewalk:* A sidewalk is required on the adjacent **abutting** side and for the full length of the right-of-way abutting the subject property.
 - (c) *Street lights:* If street lights do not exist, they must be provided on the adjacent side and for the full length of the street.
 - (d) *Parkway:* Trees and ground cover are required on the adjacent **abutting** side of the right-of-way.

§ 155.705 - Right-of-way landscaping.

- (A) *Applicability.* Where a parcel abuts a dedicated public right-of-way, landscaping shall be provided in accordance with the provisions of this section.
- (B) *Graded and sodded.* The unpaved portion of a public right-of-way shall be fine

graded and sodded.

(C) Parkway trees.

- (1) Quantity. Parkway trees shall be provided at the equivalent of not more than 40 feet apart in the right-of-way ~~adjacent to~~ **abutting** the parcel.
- (2) Spacing. Such trees may be clustered or spaced linearly in the right-of-way as determined appropriate by the Director of Community Development.
- (3) Size. Parkway trees shall have a minimum trunk size of two and one-half inches in diameter, as measured six inches above the established ground level.
- (4)~~(2)~~ Species.
 - (a) Parkway trees **species** shall be **selected by the Village**, limited to the following species. However, a variety of compatible species from this list should be included in the planting plan for a specific site or development
 - (i) Linden.
 - (ii) Maple (excluding Silver Maple and other similar softwood species).
 - (iii) Hackberry.
 - (iv) Ginkgo.
 - (v) Oak.
 - (vi) Ash.
 - (vii) Thornless Honeylocust cultivars.
 - (viii) Callery (Bradford) Pear.
 - (ix) Other species of trees as determined appropriate by the
— Director of Community Development.
 - (b) Parkway trees located under overhead utility lines shall be ~~limited to the following species. However, a variety of compatible species from this list should be included in the planting plan for a specific site or development:~~
 - (i) Hawthorn-Thornless Cockspur or Crimson Cloud.
 - (ii) Amur Maple-Flame or Ember.
 - (iii) Eastern Redbud.
 - (iv) Other species of trees as determined appropriate by the Director of Community Development.
 - (v) Other Landscape Material.
— No plant material or barriers, except as specified herein, may be
— located in a dedicated public right-of-way.

STANDARDS FOR TEXT AMENDMENTS

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

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*
The text amendment is applicable to all properties within the Village of Lombard.
2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*
The proposed text amendment is consistent with the objectives of the Zoning Ordinance.
3. *The degree to which the proposed amendment would create nonconformity;*
Staff does not believe any nonconformity would be created. Rather, the amendments are to clear up discrepancies in various sections of the overall Village Code of Ordinances.

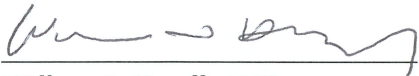
4. *The degree to which the proposed amendment would make this ordinance more permissive;*
The proposed amendment will clarify the location and types of trees permitted in Village right-of-way but will not reduce the number of trees required.
5. *The consistency of the proposed amendment with the Comprehensive Plan; and*
Staff finds that the proposed amendments would be consistent with the Comprehensive Plan.
6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*
The Village has a history of amending the Zoning Ordinance to address edits for clarity. The proposed amendments are consistent with established Village policy in this regard.

FINDING & RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the requested text amendments **comply** with the standards required by the Village of Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 18-22.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

H:\CD\WORDUSER\PCCASES\2018\PC 18-19\PC 18-19_IDRC Report.docx