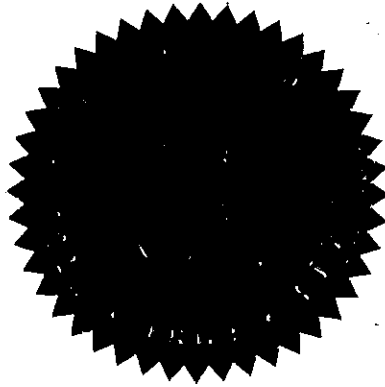


ORDINANCE 4859

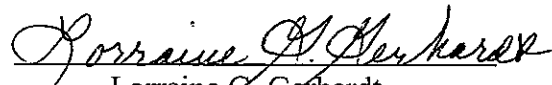
PAMPHLET

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



PUBLISHED IN PAMPHLET FORM THIS 25<sup>TH</sup> DAY OF SEPTEMBER, 2000.  
BY ORDER OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD,  
DUPAGE COUNTY, ILLINOIS.

  
Lorraine G. Gerhardt  
Village Clerk

**ORDINANCE 4859**

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

(PC 00-28)

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, the Village of Lombard maintains a Sign Ordinance which is found in Title 15, Chapter 153 of the Code of Lombard, Illinois; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Zoning Ordinance and make necessary changes; and,

WHEREAS, a public hearing to consider text amendments to said Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on June 19, 2000, pursuant to appropriate and legal notice; and,

WHEREAS, the Village of Lombard Plan Commission continued the matter to July 17, 2000 to address issues raised at the public hearing; and,

WHEREAS, a public hearing to consider an additional text amendment to said Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on July 17, 2000, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its findings and recommendations with the President and Board of Trustees recommending approval of the text amendment described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 15, Chapter 155, Section 155.102. A. and B. of the Code of Lombard, Illinois be amended to read in its entirety as follows:

**SECTION 1: ADMINISTRATION AND ENFORCEMENT**

**155.102 ADMINISTRATIVE BODIES AND DUTIES**

The administrative duties and functions of the five administrative offices are as follows:

**A. Village Board of Trustees**

The Village Board of Trustees of the Village of Lombard, hereinafter referred to as the "Village Board" or "Board of Trustees," as established in accordance with the Revised Statutes of the State of Illinois, shall have the following authority and duties with respect to this ordinance.

1. Receive recommendations from the Plan Commission concerning amendments, companion variations, and conditional uses, and to approve or disapprove such petitions for amendments, companion variations, and conditional uses.
2. Receive recommendations from the Zoning Board of Appeals regarding variations and appeals of administrative decisions and make final rulings on such variations and appeals.

**B. Plan Commission**

The Plan Commission of the Village of Lombard, has been created by Ordinance 614 and amended by Ordinance 741 and any amendment thereto, and has the following authority and duties:

1. Review all applications for text or map amendments to this ordinance, hold hearings hereon, and report findings and recommendations to the Village Board in conformance with Section 155.103 (E), below:
2. Review all applications for conditional uses, hold hearings thereon, and report findings and recommendations to the Village Board in conformance with Section 155.103 (F), below;
3. Review all applications for companion variations made as a part of a petition for map amendment, annexation, conditional use, or plat application, hold hearings thereon, and report findings and recommendations to the Village Board in conformance with Section 155.103 (C), below;

4. Review all applications for site plan approval for planned developments, hold hearings thereon, report findings and to approve or disapprove such petitions in conformance with Sections 155.504 (C), 155.504 (D), 155.504 (E) or 155.511; and
5. Coordinate the enforcement of this ordinance with the Official Comprehensive Plan and its amendments.

**SECTION 2:** That Title 15, Chapter 155, Section 155.103 C. of the Code of Lombard, Illinois be amended to read in its entirety as follows:

**155.103 PROCEDURES FOR ADMINISTRATIVE FUNCTIONS**

C. Variations

1. Intent

Variations shall be granted only where such Board makes findings of fact in accordance with the standards set forth in this ordinance, and further, finds that the regulations in this Ordinance will impose practical difficulties or particular hardships to a petitioner in the way of carrying out the strict letter of the regulations of this ordinance.

2. Authority

- a. The Zoning Board of Appeals and the Board of Trustees may, after a public hearing, vary the regulations of this ordinance in harmony with its general purpose and intent.
- b. For variation requests for a site that has been previously granted a conditional use, and for which the conditional use is still in effect, the Plan Commission and the Board of Trustees may, after conducting a public hearing, vary the regulations of this ordinance in harmony with its general purpose and intent.
- c. For variation requests for signage and parking requirements for a site that has been previously granted a conditional use for a planned development, and for which the planned development is still in effect, the Plan Commission may, after conducting a public hearing, vary the regulations of this ordinance per Sections

155.504 (C) or 155.504 (D) in harmony with its general purpose and intent and subject to Section 155.504 (E).

3. Eligible Petitioners

An application for a variation may be made by any person, firm or corporation, or by any office, department, board, bureau or commission requesting or intending to request an application for a building permit. Any variation request for properties which have R6, O, B1, B2, B3, B4, B5 or I District zoning and which meet the minimum lot area and width requirements for a planned development must be submitted to the Village as a request for a planned development, unless waived per Section 155.502 (G).

4. Filing for Applications

An application for a variation shall be filed with the Director of Community Development, who shall forward such application to the Zoning Board of Appeals or to the Plan Commission based upon Section 155.103 (C) (2).

5. Public Hearings

Public hearings conforming to State Statute and Section 155.103 (J), below, shall be required for all variation applications.

6. Decisions

The Zoning Board of Appeals or the Plan Commission, whichever may be applicable, shall determine findings of fact based on the standards established in Section 155.103 (C) (7), below, and render recommendations to the Board of Trustees. The Board of Trustees shall consider the Zoning Board's or Plan Commission's findings of fact, which the board shall accept, accept with modifications, or issue new findings of fact. The Board of Trustees shall then render a final decision.

7. Standards for Variations

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirm each of the following standards:

- a. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a

particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied;

- b. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification;
- c. The purpose of the variation is not based primarily upon a desire to increase financial gain;
- d. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property;
- e. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- f. The granting of the variation will not alter the essential character of the neighborhood; and
- g. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

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.

9. Additional Restrictions

In the granting of a variation, additional conditions and restrictions may be placed upon the premises, which are necessary to comply with the standards listed above and the objectives of this ordinance.

10. Revocation

Where a variation has been granted pursuant to the provisions of this ordinance, such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.

SECTION 3: That Title 15, Chapter 155, Section 155.103. E. of the Code of Lombard, Illinois be amended to read in its entirety as follows:

E. Amendments

1. Intent and Applicability

For the purpose of promoting the public health, safety, and general welfare, conserving the value of property throughout the community, and lessening or avoiding congestion in the public streets and highways, the Village Board of Trustees may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this ordinance or amend district boundary lines, provided that in all mandatory ordinances adopted under the authority of this subsection, due allowances shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to which property is devoted at the time of the adoption of such mandatory ordinance.

2. Authority

The authority to amend this ordinance shall rest with the Board of Trustees. With both text amendments and map amendments, the Plan Commission shall prepare findings of fact and a recommendation to be forwarded to the Board of Trustees.

3. Initiation

- a. Text amendments may be proposed by the Village Board, Plan Commission, Zoning Board of Appeals, other village officials or any interested person or organization.
- b. Map amendments may be proposed by the owner of the property involved, or an authorized representative, the Village Board, the Plan Commission, Zoning Board of Appeals, or other Village officials.
- c. Planned development approval is also required for any property which is proposed to be rezoned to the R6, O, B1, B2, B3, B4, B5 or I District and which meets the minimum lot area and width requirements for a planned development. The planned development approval requirement may be waived by the Director of Community Development, per Section 155.502 (G).

4. Filing for Application

An application for an amendment to this ordinance shall be filed with the Director of Community Development in such form and accompanied by such information as required by the Director of Community Development. The Director of Community Development, upon receiving a full and complete application for amendment, shall transmit the application, along with all pertinent data filed therewith, to the Plan Commission for review and recommendation to the Village Board.

5. Public Hearing

Public hearings conforming to State Statute and Section 155.103 (J), below, shall be required for all applications for an amendment.



6. Findings of Fact and Recommendation by the Plan Commission

The Plan Commission shall submit written recommendations to the Village Board within 30 days of the conclusion of the public hearing. Extension of this time period may be allowed by mutual consent of applicant and the Plan Commission.

7. Action by the Village Board

The Village Board shall not act upon a proposed amendment to this ordinance until it shall have received a written report and recommendation from the Plan Commission on the proposed amendment incorporating findings of fact, outlined above.

8. Standards

The regulations of this Ordinance shall not be amended unless findings based on the evidence presented are made in each specific case that affirm each of the following standards:

a. Map Amendments

Where a map amendment is proposed, the Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following matters:

1. Compatibility with existing uses of property within the general area of the property in question;
2. Compatibility with the zoning classification of property within the general area of the property in question;
3. The suitability of the property in question to the uses permitted under the existing zoning classification;
4. Consistency with the trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification;
5. The compatibility of the surrounding property with the permitted uses listed in the proposed zoning classification;

6. The objectives of the current Comprehensive Plan for the Village of Lombard and the impact of the proposed amendment on the said objectives;
7. The suitability of the property in question for permitted uses listed in the proposed zoning classification.

b. Text Amendments

Where a text amendment is proposed, the Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following matters:

1. The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;
2. The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;
3. The degree to which the proposed amendment would create nonconformity;
4. The degree to which the proposed amendment would make this ordinance more permissive;
5. The consistency of the proposed amendment 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.

9. Effect of Denial of Proposal

No application for a map amendment which has been denied by the Village Board shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of change of condition found to be valid by the Director of Community Development; and no application for a text amendment which has been denied shall be resubmitted within 90 days.

10. Repeal of Amendment

In any case where a map amendment has been granted, and where no development has taken place within one year, the Plan Commission, after holding a public hearing, may recommend to the Village Board that such zoning be affirmed or repealed and rezoned to its most appropriate district classification. The repeal of a map amendment can then be effected by the adoption of an ordinance repealing the amendment by the Board of Trustees.

SECTION 4: That Title 15, Chapter 155, Section 155.410 A. of the Code of Lombard, Illinois be amended in its entirety to read as follows:

**SECTION 4: ZONING DISTRICTS:**

**155.410 R6 CENTRAL RESIDENCE DISTRICT REQUIREMENTS**

A. Purpose Statement

The R6 Central Residence District is designed to be mapped only in areas immediately surrounding the Central Business District. This district accommodates the highest residential densities in locations with direct access to convenience services including shopping, civic functions, and public transportation.

Because the high maximum density allowed in the R6 District could exercise a substantial effect upon village services and generate considerable traffic, areas within this district have been designated "areas of critical concern". All development proposed within this District shall, therefore, be subject to the site plan review provisions specified by Section 155.103 (I) of this Ordinance.

Additionally, because of the unique nature of development within the R6 District, all non-single family residential development of principal buildings shall be required to be developed as Planned Developments (Section 155.5). This provision may be waived per Section 155.502 (G).

SECTION 5: That Title 15, Chapter 155, Section 155.412 D and E of the Code of Lombard, Illinois be amended in its entirety to read as follows:

**155.412 B1 LIMITED NEIGHBORHOOD SHOPPING DISTRICT  
REQUIREMENTS**

D. Minimum Lot Area

All uses located within this district shall have a minimum lot area of 7,500 square feet, or 2,400 square feet of lot area per dwelling unit, whichever is greater.

E. Minimum Lot Width

All uses located within this district shall have a minimum lot width of 60 feet.

SECTION 6: That Title 15, Chapter 155, Section 155.413 D and E of the Code of Lombard, Illinois be amended in its entirety to read as follows:

D. Minimum Lot Area

All uses located within this district shall have a minimum lot area of 7,500 square feet, or 2,400 square feet of lot area per dwelling unit, whichever is greater.

E. Minimum Lot Width

All uses located within this district shall have a minimum lot width of 60 feet.

SECTION 7: That Title 15, Chapter 155, Section 155.501 through 155.510 of the Code of Lombard, Illinois be amended in its entirety to read as follows:

**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 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 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 lay-out of buildings and by the conservation and more efficient use of open space ancillary to said buildings.
- 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 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 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

2. The development proposal meets all development standards 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, with the Village's formal and binding requirements governing procedures and submission materials contained in the Department of Community Development's package of application 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.

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 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 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.

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 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; 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; 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.

B. Minor Changes without Signage or Parking Variations or Deviations

Changes which are not major changes shall be considered minor changes. 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 Village Board for 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 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 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. 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. The petitioner shall also submit a written response to the standards for variations (Sec. 155.103 (C) (7)).

The Plan Commission will 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. Any approval action of the Plan Commission shall be appealable directly to the Village Board, per Section 155.504 (E). 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 Parking Requirements

Changes from an approved planned development which are determined to be minor changes but which would require a variation in the number of parking spaces on an individual lot within a planned development in an R6, O, B3, B4, B5 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 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 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 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. 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. 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 from the parking space requirements as part of the Site Plan Approval process and approve or approve with conditions such 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. Any approval action of the Plan Commission shall be appealable directly to the Village Board, per Section 155.504 (E). The Village Board may affirm, reverse or modify the action of the Plan Commission and may attach such conditions as they deem appropriate.

E. Appeals from Decisions from the Plan Commission

1. Denial: The appeal procedure from a denial or an unfavorable recommendation of a petition by the Plan Commission is as follows: a petitioner has the right to appeal to the President and Board of Trustees if his petition has been denied by the Plan Commission. The petitioner shall submit a letter no later than thirty (30) days after his petition has been denied by the Plan Commission to the Village Clerk, and the Department of Community Development, requesting to be placed upon the agenda of the President and Board of Trustees. The Village Clerk shall then place the appeal petition on the earliest practical agenda of the President and

Board of Trustees. In cases where the Plan Commission denies a petition or recommends that a proposed variation or amendment not be adopted, such denial, amendment or variation shall not be reversed, adopted or passed, except by the favorable vote of four (4) concurring Trustees.

2. **Favorable Recommendation:** The appeal procedure from favorable recommendation of a petition by the Appeals Board is as follows: an objector has the right to appeal to the President and Board of Trustees if a petition to which he has objected has been granted by the Plan Commission. The objector shall submit a letter no later than five (5) days after a petition to which he has objected has been granted by the Plan Commission to the Village Clerk and the Department of Community Development, requesting to be placed upon the agenda of the President and Board of Trustees. The Village Clerk shall then place the appeal petition on the next agenda of the President and Board of Trustees. In cases where the Plan Commission grants a petition or recommends that a proposed variation or amendment be adopted, such grant, amendment or variation shall not be reversed, except by the favorable vote of four (4) concurring Trustees.
  
3. **Notice Requirements For An Appeal:** In the event that a petitioner files a notice of appeal with the Village Clerk pursuant to subsection A of this Section, the Village Clerk shall schedule said appeal for the first Village Board meeting occurring at least twenty one (21) days following the filing of said notice of appeal. The petitioner shall be required to serve each individual, who appeared as an objector at the Plan Commission hearings on the petitioner's request, with a copy of the notice of appeal and the date of the Village Board meeting at which said appeal will be heard. For purposes of determining who is entitled to said notice, the petitioner shall only be required to notify those objectors whose names and addresses appear in the records of the Plan Commission relative to the petitioner's request. The petitioner on appeal shall be required to furnish an affidavit setting forth the names and addresses of the persons who appeared as objectors at the proceedings before the Appeals Board. The form of said affidavit shall be supplied by the Department of Community Development. Said affidavit shall state that written notice of the appeal request has been personally served upon the persons named in said affidavit at least seven (7) days prior to the date upon which the Village Board is to hear said appeal request, or that said notices have been mailed to said persons at least fourteen (14) days prior to the date upon which the Village Board is to hear said appeal request. Where such service is by the United States mail, same shall be by certified or registered mail with

United States mail, same shall be by certified or registered mail with return receipt requested and a copy of said receipt shall be affixed to the affidavit and made a part thereof. The affidavit shall be determined to be proper by the Village Attorney before proceeding on the appeal.

**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.

**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. Other material the applicant may wish to bring

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 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 155.700 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

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;
- 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

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 are consistent with the following standards:

1. Any reduction in the requirements of this Ordinance is in the public interest
2. The proposed exceptions would not adversely impact the value or use of any other property
3. That such exceptions 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 <sup>2</sup>	225'
C. R2 - Single Family Residence District:	22,500 ft <sup>2</sup>	180'
D. R3 - Attached Single-Family Residence District:	22,500 ft <sup>2</sup>	180'
E. R4 - Limited General Residence District:	22,500 ft <sup>2</sup>	180'
F. R5 - General Residence District:	22,500 ft <sup>2</sup>	180'
G. R6 - Central Residence District:	no minimum requirement	
H. O - Office District:	45,000 ft <sup>2</sup>	300'
I. B1 - Limited Neighborhood Shopping District:	22,500 ft <sup>2</sup>	180'
J. B2 - General Neighborhood Shopping District:	22,500 ft <sup>2</sup>	180'
K. B3 - Community Shopping District:	60,000 ft <sup>2</sup>	300'
L. B4 - Corridor Commercial District:	120,000 ft <sup>2</sup>	450'
M. B5 - Central Business District:	no minimum requirement	
N. I - Limited Industrial District:	60,000 ft <sup>2</sup>	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, 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.

**SECTION 8:** That Title 15, Chapter 155, Section 155.511 of the Code of Lombard, Illinois be added in its entirety to read as follows:

**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 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. Acceptance of the site plan 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

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155.504 (C) and 155.504 (D) respectively, if approved by the Director of Community Development, and subject to Section 155.504 (E).

**SECTION 9:** That Title 15, Chapter 155, Section 155.802 of the Code of Lombard, Illinois be amended to include as follows:

**155.802        RULES AND DEFINITIONS**

**SITE PLAN APPROVAL** is the process of review by the Plan Commission of individual components of an approved planned development for compliance with the provisions enumerated within any development agreements and the Village Codes and Ordinances.

**SECTION 10:** That Title 15, Chapter 153, Section 153.103 I of the Code of Lombard, Illinois be added in its entirety to read as follows:

**SECTION 1: ADMINISTRATION AND ENFORCEMENT**

**153.103        ADMINISTRATIVE PROCEDURES**

**I        Variations**

All requests for variations shall be directed to the Zoning Board of Appeals or to the Plan Commission, whichever is applicable, for a public hearing in accordance with the established rules and procedures for variations as set forth in Section 155.103 (C) of the Zoning Ordinance.

**SECTION 11:** That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Passed on first reading this 17<sup>th</sup> day of August, 2000.

First reading waived by action of the Board of Trustees this

\_\_\_\_ day of \_\_\_\_\_, 2000.

Passed on second reading this 7<sup>th</sup> day of September 2000.

Ordinance No. 4859

Re: PC 00-28

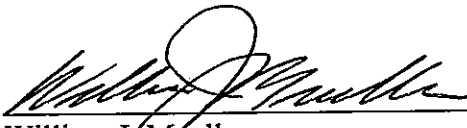
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Ayes: Trustees Borgatell, Tross, Sebby, Florey, Kufirin, Jr.

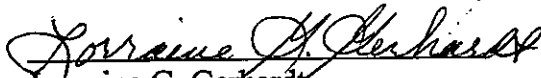
Nayes: None

Absent: Trustee Schaffer

Approved this 7th day of September, 2000.

  
William J. Mueller  
Village President

ATTEST:

  
Lorraine G. Gerhardt  
Village Clerk

