

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


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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : February 11, 2020 **(BOT) Date:** February 20, 2020

SUBJECT: PC 20-08, Text Amendment to the Zoning Ordinance – Open Space in
Planned Developments

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, requests a text amendment to Section 155.510 of the Lombard Code of Ordinances, Open space requirements for planned developments, and any other relevant sections for clarity.

The Plan Commission recommended approval of this petition by a vote of 4-0. Please place this petition on the February 20, 2020 Board of Trustees agenda with a waiver of first reading requested by staff.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

MEETING DATE: February 20, 2020

SUBJECT: **PC 20-08; Text Amendment to the Zoning Ordinance, Open Space in Planned Developments**

Please find the following items for Village Board consideration as part of the February 20, 2020 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 20-08; and
3. An Ordinance granting approval of a zoning text amendment to Section 155.510, Open space requirements in planned developments, of the Lombard Village Code to clarify calculation of open space within planned developments.

The Plan Commission recommended approval of this petition by a vote of 4-0. Please place this petition on the February 20, 2020 Board of Trustees agenda with a waiver of first reading requested by staff.



VILLAGE OF LOMBARD

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February 20, 2020

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Anthony Puccio, Dist. 2
Reid Foltyniewicz, Dist. 3
Andrew Honig, Dist. 4
Daniel Militello, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

*"Our shared **Vision** for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."*

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

Mr. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

**Subject: PC 20-08, Text Amendment to the Zoning Ordinance –
Open Space in Planned Developments**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, requests a text amendment to Section 155.510 of the Lombard Code of Ordinances, Open space requirements for planned developments, and any other relevant sections for clarity.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on February 3, 2020. Sworn in to present the petition was Anna Papke, Senior Planner.

Vice-Chair Flint read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine and, hearing none, he proceeded with the petition.

Vice-Chair Flint asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, he asked for the staff report.

Ms. Papke presented the staff report, which was submitted to the public record in its entirety. The Village is requesting a text amendment to clarify how open space is calculated within planned developments. Planned developments commonly include multiple parcels with open space concentrated on one parcel in a stormwater outlot. This pattern of development would suggest that open space standards should be applied holistically to the planned development rather than to individual parcels within the planned development. However, the Village Code is silent

on this matter, which presents uncertainty during permit review for proposed development on individual parcels within planned developments.

The proposed text amendment will clarify that open space in planned developments shall be calculated for the entire planned development rather than for an individual parcel within a planned development. This approach reflects past policy decisions as well as the Village Code's stated intent with respect to planned developments. The text amendment also clarifies existing provisions related to common open space within planned developments.

Vice-Chair Flint asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

On a motion by Commissioner Johnston, and a second by Commissioner Burke, the Plan Commission voted 4-0 to recommend that the Village Board approve the petition associated with PC 20-08.

Respectfully,

VILLAGE OF LOMBARD

Steve Flint, Vice-Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

ORDINANCE _____

AN ORDINANCE APPROVING A TEXT AMENDMENT
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155
OF THE LOMBARD VILLAGE CODE

PC 20-08: Text Amendments to the Zoning Ordinance: Open Space in Planned
Developments

WHEREAS, the Village of Lombard maintains a Zoning Ordinance which is found in Title 15, Chapter 155 of the Lombard Code; 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 the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on February 3, 2020, 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 Title 15, Chapter 155, Section 155.510 of the Lombard Zoning Ordinance shall be amended to read as follows:

§ 155.510 - Open space requirements for planned developments

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

(1) Detached single-family, two-family, and attached single-family residential properties. Individual parcels within planned developments that are developed with detached single-family residences, two-family dwellings,

and attached single-family dwellings shall meet the open space requirement on a parcel-by-parcel basis, unless otherwise provided for in the planned development regulations adopted by the Village Board.

~~(A)~~**(B)** *Requirements relating to usability and preservation of common open space.*

Common open space ~~shall~~ **may** be provided as a condition to the approval of any planned development. No open area may be delineated or accepted as common open space under the provisions of this Article unless it meets the following standards.

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

Ordinance No. _____

Re: PC 20-08

Page 3

~~(e) 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 2: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2020.

First reading waived by action of the Board of Trustees this ____ day of _____, 2020.

Passed on second reading this ____ day of _____, 2020.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2020.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this ____ day of _____, 2020.

Sharon Kuderna, Village Clerk