

**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 :** June 9, 2020      **(BOT) Date:** June 18, 2020

**SUBJECT:** PC 20-10, Text Amendment to the Zoning Ordinance – Landscaping Requirements

**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 Sections 155.703, 155.704, 155.705, 155.706, 155.711, 155.712 and 155.713 of the Lombard Code of Ordinances, Landscaping Requirements, and any other relevant sections for clarity.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the June 18, 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 

**MEETING DATE:** June 18, 2020

**SUBJECT:** **PC 20-10; Text Amendment to the Zoning Ordinance, Landscaping Requirements**

Please find the following items for Village Board consideration as part of the June 18, 2020 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 20-10; and
3. An Ordinance granting approval of a zoning text amendment to Sections 155.703, 155.704, 155.705, 155.706, 155.711, 155.712 and 155.713, Landscape Requirements, of the Lombard Village Code to clarify, update and clean up language within specific sections.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the June 18, 2020 Board of Trustees agenda with a waiver of first reading requested by staff.





## VILLAGE OF LOMBARD

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Lombard, Illinois 60148-3926  
(630) 620-5700 Fax (630) 620-8222  
[www.villageoflombard.org](http://www.villageoflombard.org)

June 18, 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 20-10, Text Amendment to the Zoning Ordinance – Landscaping Requirements**

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 Sections 155.703, 155.704, 155.705, 155.706, 155.711, 155.712 and 155.713 of the Lombard Code of Ordinances, Landscaping Requirements, 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 May 18, 2020. Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development.

Pursuant to Governor Pritzker's Executive Order No. 2020-07 which suspends the requirement of the Illinois Open Meetings Act requiring in-person attendance by members of a public body during the duration of the Gubernatorial Disaster Proclamation, multiple members of the Plan Commission participated in the meeting through a virtual meeting platform.

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. Ganser presented the staff report, which was submitted to the public record in its entirety. The petitioner, the Village of Lombard, is requesting text amendments to the Landscape Chapter of the Zoning Ordinance, and any other relevant sections for clarity. One of the proposed text amendments is intended to include language that county stormwater, state and federal regulations can also apply to landscape plan requirements in addition to Village Code's Landscape Requirements Chapter as a new Section numbered 155.713. For example, DuPage County has specific plant lists to use within wetland buffers that are not included in Village Code. Also, there are other regulations that are required by various state or federal agencies that are so specific that they do not apply to most landscape plans submitted to the Village. Since the Village would defer to these agencies, staff finds that including this stipulation within Village Code is preferred rather than subjecting an applicant of a landscape plan to a variation process. On this matter, which presents uncertainty during permit review for proposed development on individual parcels 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 Giuliano, and a second by Commissioner Burke, the Plan Commission voted 6-0 to recommend that the Village Board approve the petition associated with PC 20-10.

Respectfully,

**VILLAGE OF LOMBARD**

Steve Flint, Vice-Chairperson  
Lombard Plan Commission

c. Lombard Plan Commission



# PLAN COMMISSION

## INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

### TEXT AMENDMENTS TO THE ZONING ORDINANCE – LANDSCAPING REQUIREMENTS

March 16, 2020

**Title**

PC 20-10

**Petitioner**

Village of Lombard

**Property Location**

Village-wide

**Approval Sought**

Text amendments of the Lombard Zoning Ordinance, Article XI Landscape Requirements, Sections 155.703; 155.704; 155.705; 155.706; 155.711; 155.712; 155.713;

**Prepared by**

Tami Urish  
Planner I

**DESCRIPTION**

The petitioner, the Village of Lombard, is requesting text amendments to Article XI. Landscape Requirements of the Lombard Code of Ordinances, and any other relevant sections for clarity.

**INTER-DEPARTMENTAL REVIEW****Building Division:**

The Building Division has the no comments regarding the proposed text amendment to the Zoning Ordinance.

**Fire Department:**

The Fire Department has no comments regarding the proposed text amendment to the Zoning Ordinance.

**Private Engineering Services:**

Private Engineering Services has no comments regarding the proposed text amendment to the Zoning Ordinance.

**Public Works:**

The Department of Public Works has no comments regarding the proposed text amendment to the Zoning Ordinance.

**Planning Services Division:**

Staff has a history of reviewing the Zoning Ordinance from time to time. Staff recently reviewed the landscape chapter and found edits for clarity as well as edits to help future petitioners and projects.

One of the proposed text amendments is intended to include language that county stormwater, state and federal regulations can also apply to landscape plan requirements in addition to Village Code's Landscape Requirements Chapter. For example, DuPage County has specific plant lists to use within wetland buffers that are not included in Village Code. Also, there are other regulations that are required by various state or federal agencies that are so specific that they do not apply to most landscape plans submitted to the Village. Since the Village would defer to these agencies, staff finds that including this stipulation within Village Code is preferred rather than subjecting an applicant of a landscape plan to a variation process.

Staff reviewed the rest of the landscape chapter and identified a few additional text amendments to clarify the intent in regards to coordination with local government entities and providing more flexibility with specific plant selections.

## EXISTING & PROPOSED REGULATIONS

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

§ 155.703 - Selection, installation, and maintenance of plant materials.

(B) Installation. All landscaping materials shall be installed in accordance with the current planting procedures established by the American ~~Association of Nurserymen~~ **National Standards Institute's ANSI A300 Part 6.**

§ 155.704 - Design criteria.

(B) Selection of plant material. Plant material should be selected for its form, texture, color, and concern for its ultimate growth. The use of Silver Maples, Box Elders, Russian Olives, Lombard Poplars, and other weak wooded species **and plant material which has been shown to be invasive to natural areas such as Callery Pear** should be avoided.

§ 155.705 - Right-of-way landscaping.

(B) Graded and sodded. The unpaved portion of a public right-of-way shall be fine graded and sodded **unless otherwise determined by the Public Works Department.**

(C) Parkway trees.

(2) Species. Parkway tree species shall be selected **and installed** by the Village **as specified in § 99.04.**

§ 155.706 - Parking lot landscaping.

(C) Perimeter parking lot landscaping. Where a parking lot is located within a required yard, or within 20 feet of a lot line, perimeter landscaping shall be required along the corresponding edge of the parking lot to conform with the following provisions.

(2) Requirements along front and corner side yards.

(a) Across from residential property. Where a parking lot is located across a dedicated public right-of-way from property zoned for residential use the following landscape improvements shall be required.

(i) Plant material. Continuous landscaping of evergreen or dense deciduous shrubs shall be provided across 100 percent of the street frontage to a minimum height of four feet. The height of such shrubs may be reduced if berming is provided so that the combined height of shrubs and berming is not less than four feet. In addition, shade or ornamental trees shall be provided within this landscape area, with the number of trees not less than one tree per 50 feet of frontage with the number of trees required, rounded to the nearest whole number. However, where parkway trees are required as provided for in subsection 155.705(C), above, such parkway trees may be counted toward compliance with perimeter landscape requirements. Additional plantings may be provided, subject to the approval of the Director of Community Development. All landscaping described above shall conform to § 155.207 of this Chapter.

In lieu of the requirements of this subsection 155.706(C)(2)(a) ~~(i) (1), the Lombard Park District~~ **properties located in the CR Conservation/Recreation**



Districts, property owners may, at their option, substitute one shade or ornamental tree per 25 feet of frontage, ~~for properties owned by the Lombard Park District and located in the CR Conservation/Recreation District.~~

(3) Requirements along rear and interior side yards. Where the provisions of § 155.707, below, do not apply, landscaping shall be provided to conform with the following requirements.

(a) Plant material. Where a parking lot abuts property zoned for non-residential use, landscaping shall be provided across 50 percent of that portion of the parking lot abutting the property line to a minimum height of four feet. The height of such shrubs may be reduced if berming is provided so that the combined height of shrubs and berming is not less than four feet. Such plantings shall be concentrated into shrub masses, typically containing seven to nine shrubs per shrub mass. Additional plantings may be provided, subject to the approval of the Director of Community Development.

In lieu of the requirements of this subsection 155.706(C)(3)(a) ~~(4)~~, ~~the Lombard Park District~~ properties located in the CR Conservation/Recreation District, property owners may, at their option, substitute one shade or ornamental tree per 50 feet of frontage, ~~for properties owned by the Lombard Park District and located in the CR Conservation/Recreation District.~~

#### § 155.711 - Innovative landscaping.

Innovative landscape designs are encouraged and ~~shall be~~ may be approved by the Director of Community Development provided that such designs meet the intent of Section 155.704 and that the alternate species selection and placement of plant materials otherwise does not conflict with this Chapter and considered as a positive attribute in connection with any such approval request for a variation from the requirements of this section.

#### § 155.712 - Changes to approved landscape plans.

Any change ~~or deviation~~ to an approved landscape plan, which conforms with this section, shall require the approval of the Director of Community Development. Changes which do not conform to this section or are otherwise not deemed to meet the intent of Section 155.711 shall be subject to the procedures for a variation as established in § 155.100 of this Chapter.

#### § 155.713 – Conflict with Other Regulations.

In cases in which the provisions set forth within this Chapter conflict with landscape requirements of the DuPage County Stormwater and Floodplain Ordinance or other State of Illinois or federal regulations, the County, State or federal regulations shall apply.

### 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 amendments are generally applicable to governmental entities, the balance of the text amendments are minor updates in nature for clarity that apply to all commercial developments within the Village.

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.

4. *The degree to which the proposed amendment would make this ordinance more permissive;*

The proposed amendments will provide clarification regarding any conflict with other government entities or zoning. These clarifications are neither less or more permissive. The text amendment allows more flexibility in regard to innovative landscape plans.

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 20-10.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP

Director of Community Development



ORDINANCE \_\_\_\_\_

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

PC 20-10: Text Amendments to the Zoning Ordinance: Landscaping Requirements

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 May 18, 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 155.703, 155.704, 155.705, 155.706, 155.711, 155.712 and 155.713 of the Lombard Zoning Ordinance shall be amended to read as follows:

§ 155.703 - Selection, installation, and maintenance of plant materials.

(B) Installation. All landscaping materials shall be installed in accordance with the current

planting procedures established by the American Association of Nurserymen  
**National Standards Institute's ANSI A300 Part 6.**

§ 155.704 - Design criteria.

(B) Selection of plant material. Plant material should be selected for its form, texture, color, and concern for its ultimate growth. The use of Silver Maples, Box Elders, Russian Olives, Lombard Poplars, and other weak wooded species **and plant material which has been shown to be invasive to natural areas such as Callery Pear** should be avoided.

§ 155.705 - Right-of-way landscaping.

(B) Graded and sodded. The unpaved portion of a public right-of-way shall be fine graded and sodded **unless otherwise determined by the Public Works Department.**

(C) Parkway trees.

(2) Species. Parkway tree species shall be selected **and installed** by the Village **as specified in § 99.04.**

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(C) Perimeter parking lot landscaping. Where a parking lot is located within a required yard, or within 20 feet of a lot line, perimeter landscaping shall be required along the corresponding edge of the parking lot to conform with the following provisions.

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In lieu of the requirements of this subsection 155.706(C)(2)(a) ~~(i) (1), the Lombard Park District~~ **properties located in the CR Conservation/Recreation Districts, property owners** may, at their option, substitute one shade or ornamental tree per 25 feet of frontage, ~~for properties owned by the Lombard Park District and located in the CR Conservation/Recreation District.~~

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§ 155.712 - Changes to approved landscape plans.

Any change ~~or deviation~~ to an approved landscape plan, which conforms with this section, shall require the approval of the Director of Community Development. Changes which do not conform to this section **or are otherwise not deemed to meet the intent of Section 155.711** shall be subject to the procedures for a variation as established in § 155.100 of this Chapter.

Ordinance No. \_\_\_\_\_

Re: PC 20-10

Page 4

**§ 155.713 – Conflict with Other Regulations.**

**In cases in which the provisions set forth within this Chapter conflict with landscape requirements of the DuPage County Stormwater and Floodplain Ordinance or other State of Illinois or federal regulations, the County, State or federal regulations shall apply.**

**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