

November 20, 2023

Title

PC 23-22

Petitioner

Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148

Property Location

Village-wide

Approval Sought

The petitioner, the Village of Lombard, is requesting text amendments to Village Code Chapter 155, Article XI, Landscape Requirements, and any other relevant sections for clarity and consistency.

Prepared By

Anna Papke, AICP
Planning and Zoning Manager

DESCRIPTION

The Village is proposing a series of text amendments to the landscaping requirements within the Zoning Ordinance. The text amendments clarify existing provisions and address consistency with other relevant sections of the Village Code. No substantive changes to the landscaping requirements are proposed.

APPROVAL(S) REQUIRED

The petitioner, the Village of Lombard, is requesting text amendments to Village Code Chapter 155, Article XI, Landscape Requirements, and any other relevant sections for clarity and consistency. Proposed amendments include the following:

1. Amend Section 155.706 of the Village Code, Parking lot landscaping, to reference tree species in conformance with Section 99.04 of Village Code.
2. Amend Section 155.707 of the Village Code, Transitional yard landscaping, to reference tree species in conformance with Section 99.04 of Village Code; and to amend and clarify the requirements for transitional landscape yard improvements.
3. Amend Section 155.709 of the Village Code, Perimeter lot landscaping, to reference tree species in conformance with Section 99.04 of Village Code; and to clarify requirements for properties adjacent to detention ponds, wetlands, floodplains or similar.
4. Amend Section 155.712 of the Village Code, Changes to approved landscape plans, to clarify that approved landscape plans must be maintained by current and future property owners for the life of the development.

INTER-DEPARTMENTAL REVIEW

Building Division:

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

Fire Department:

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

Private Engineering Services:

Private Engineering Services has no comments regarding the proposed text amendments to the Village Code.

Public Works:

The Department of Public Works has no comments regarding the proposed text amendments to the Village Code.

Planning Services Division:

Staff has identified the following amendments to the Landscape Requirements:

§ 155.706 Parking lot landscaping.

- Removing references to “shade” trees in the regulations pertaining to landscape material and adding references to Village Code Section 99.04. Section 99.04 pertains to planting standards for trees planted in the public right-of-way. This text amendment is intended to provide consistency between planting standards for public trees and planting standards for trees in privately-owned parking lots.

§ 155.707 Transitional yard landscaping.

- Adding references to Section 99.04 for clarity and consistency.
- Amending requirements for fencing in transitional landscape yards to provide for flexibility in the placement of fence within the yard. Current standards require fencing to be set at a specific location in the yard to allow landscaping to be placed between the fence and the abutting property. In practice, staff and developers have found this to create narrow dead zones between the fence and the property line that are difficult for property owners to maintain. Furthermore, petitioners have frequently requested variances from this provision to allow placement of the fence on the shared property line to address neighbor preferences for a fence screen rather than landscaping. The proposed amendment will allow developers to locate the fence as needed to address site-specific concerns.
- Amendments to requirements for tree and shrub placement relative to fences, to address the proposed change to the fence location discussed above.

§ 155.709 Perimeter lot landscaping.

- Proposed amendment to clarify that when landscaping requirements around detention ponds, floodplains or wetlands conflict with requirements set by other county, state, or federal agencies, the regulations of the county, state, or federal agency shall apply.

§ 155.712 Changes to approved landscape plans.

- Proposed amendment to clarify that a property must maintain plantings associated with an approved landscape plan over time. This obligation will run with the land/development and will be the responsibility of current and future property owners.

EXISTING & PROPOSED REGULATIONS

The proposed text amendments are as follows. Additions are denoted by **bold and underline**. Deletions are denoted by a ~~striketrough~~.

§ 155.706 Parking lot landscaping.

(B) *Interior landscaping.*

(2) *Landscaped areas.*

- (c) Landscape material. The plant material used to improve the landscape areas defined above shall conform to the following:
- (i) *Type.* The primary plant materials used in parking lots shall be ~~shade~~ tree species in conformance with Section **99.04** ~~155.705(C)(4), above~~. Ornamental trees, shrubbery, hedges, and other plant materials may be used to supplement the ~~shade~~ tree plantings, but shall not be the sole contribution to such landscaping.
 - (ii) *Quantity.* One ~~shade~~ tree shall be provided for every 120 square feet of landscaping area.
 - (iii) *Ground cover.* A minimum of 50 percent of every interior parking lot landscaping area shall be improved with approved ground cover, as determined appropriate by the Director of Community Development.

§ 155.707 Transitional yard landscaping.

Where transitional landscape yards are required in the district regulations of each district, such landscape yards shall be improved in conformance with the following requirements which shall be provided in addition to other required landscaping.

- (A) *Size of transitional landscape yards.* The size of transitional landscape yards in the districts identified below shall be as follows:
- (1) *R3, R4 and R5 Districts.* Wherever a rear yard or interior side yard lot used for attached single-family or multiple-family residential use in the R3, R4 or R5 District abuts a lot in the CR, R0, R1, R2 or an existing, detached single-family residence in the R3 District, a transitional landscape yard 30 feet in width shall be provided along such lot line.
 - (2) *R6 District.* Wherever a rear yard or interior side yard lot used for attached single-family or multiple-family residential use in the R6 District abuts a lot in the CR, R1, R2 or an existing, detached single-family residence in the R3 District, a transitional landscape yard 20 feet in width shall be provided along such lot line.
 - (3) *B1, B2, B5 or B5A Districts.* Wherever a rear yard or interior side yard lot in the B1, B2, B5 or B5A District abuts a lot in the CR or a Residence District, a transitional landscape yard 10 feet in width shall be provided along such lot line.
 - (4) *O, B3 and B4 Districts.* Wherever a rear yard or interior side yard lot in the O, B3 or B4 District abuts a lot in the CR or a Residence District, a transitional landscape yard 30 feet in width shall be provided along such lot line.
 - (5) *B4A District.*

- (a) Wherever a rear yard or interior side yard lot in the B4A District abuts a lot in the CR or a residence district, a transitional landscape yard 30 feet in width shall be provided along **such lot line.** ~~the abutting lot line and improved in accordance with the provisions of § 155.711 of this Chapter.~~
 - (b) For properties in which the full provisions set forth in subsection a above cannot be met due to existing building encroachments, the applicant may also provide a decorative wall and landscape plantings within the requisite transitional landscape yard. The final design of the wall shall be reviewed by the IDRC and shall be constructed of building materials consistent with the principal structure.
- (6) *I District.* Wherever a rear yard or interior side yard lot in the I District abuts a lot in the CR or a Residence District, a transitional landscape yard 30 feet in width shall be provided along such lot line.
- (B) *Transitional landscape yard improvements.* Within the transitional landscape yards defined above, required planting and fencing shall be required to conform with the following provisions:
- (1) *R3, R4 and R5 Districts.* Within required transitional landscape yards the following improvements shall be required:
 - (a) Shade trees shall be required in conformance with section **99.04** ~~155.705(C)(4),~~ ~~above,~~ with one tree every 25 feet along the entire length of the landscape yard. Shade trees may be clustered subject to the approval of the Director of Community Development.
 - (b) Shrub masses, at least two rows deep and with shrubs alternately spaced, shall be provided along 75 percent of the length of the landscape yard. Shrubs shall be installed at a height of three feet and shall reach a mature height of not less than six feet. Shrub masses may be curvilinear in shape.
 - (c) Areas not planted with trees or shrubs shall be maintained as lawn.
 - (2) *R6 Districts.* Required transitional landscape yard improvements in the R6 Districts shall be the same as those provided for in the R4 and R5 Districts above.
 - (3) *B1, B2, B5 and B5A Districts.* Within required transitional landscape yards the following improvements shall be required:
 - (a) Except within a front or corner side yard, a solid fence, the design of which shall be subject to the approval of the Director of Community Development, shall be provided along the entire length of the landscape yard. Such fence shall be six feet in height ~~and shall be located not less than eight feet from the lot line~~ and shall conform to § 155.205 of this Chapter.
 - (b) A continuous evergreen or dense deciduous shrub hedge extending the entire length of the landscape yard shall be planted ~~two and one-half feet on center from the fence described, above.~~ The shrub hedge shall be installed at a height of three feet ~~and shall be planted on the outside of the fence.~~ The spacing of shrubs shall be five feet on center, or as approved by the Director of Community Development.
 - (c) Shade trees shall be required to conform with **section 99.04** ~~subsection~~ ~~155.705(C)(4),~~ ~~above,~~ with one tree every 25 feet along the entire length of the

landscape yard. ~~Shade trees shall be located five feet on center to the outside of the fence described above.~~ Shade trees may be clustered subject to the approval of the Director of Community Development.

~~(d) The area between the shrub hedge and the lot line shall be sodded and maintained as lawn.~~

~~(e)(d)~~ Planted areas shall be maintained in mulch and kept free of weeds.

(e) Areas not planted with trees or shrubs shall be maintained as lawn.

(4) *O, B3 and B4 and B4A Districts.* Within required transitional landscape yards the following improvements shall be required:

(a) All service areas shall be screened by a solid fence or berm, the design of which shall be subject to the approval of the Director of Community Development. ~~Where a fence is used, such fence shall be six feet in height and shall be located so that five feet of the landscaping is inside the fence, and the remainder is located between the fence and the properties to which the transitional landscape yard is required.~~

(b) Shade trees shall be required in conformance with **section 99.04 subsection 155.705(C)(4)**, ~~above~~, with one tree every 25 feet along the entire length of the landscape yard. Shade trees may be clustered subject to the approval of the Director of Community Development.

(c) Shrub masses, at least two rows deep and with shrubs alternately spaced, shall be provided along 75 percent of the length of the landscape yard. Shrubs shall be installed at a height of three feet and shall reach a mature height of not less than six feet. Shrub masses may be curvilinear in shape.

(d) Areas not planted with trees or shrubs shall be maintained as lawn.

(5) *I District.* Within required transitional landscape yards the following improvements shall be required:

(a) Except within a front or corner side yard, a solid fence, the design of which shall be subject to the approval of the Director of Community Development, shall be provided along the entire length of the landscape yard. Such fence shall be six to eight feet in height ~~and shall be located along the inside edge of the landscape area.~~

(b) Shade trees shall be required in conformance with **section 99.04 subsection 155.705(C)(4)**, ~~above~~, with one tree every 25 feet along the entire length of the landscape yard. Shade trees may be clustered subject to the approval of the Director of Community Development.

(c) Shrub masses, at least two rows deep and with shrubs alternately spaced, shall be provided along 75 percent of the length of the landscape yard. Shrubs shall be installed at a height of three feet and shall reach a mature height of not less than six feet. Shrub masses may be curvilinear in shape.

(d) Areas not planted with trees or shrubs shall be maintained as lawn.

§ 155.709 Perimeter lot landscaping.

To help enhance the attractiveness of individual properties within the village and provide physical and visual separation between individual properties, landscaping along the periphery of each lot shall be required.

- (A) *Applicability.* All lots, except those in the CR, R0, R1, and R2 Districts, shall provide perimeter landscaping in accordance with the provisions of this subsection. Also, the requirements of this section shall not apply where the provisions of §§ 155.706 or 155.707, above, are applicable. **Section 155.713 shall apply when the adjacent lot is a detention pond, wetland, floodplain or similar.**
- (B) *Required landscape improvements.* Landscaping required around the perimeter of a lot shall be located within a landscape yard not less than five feet in width and shall conform with the following:
 - (1) *Shade trees.* Shade trees, conforming to the provisions of subsection ~~99.04 155.705(C)(4)~~, ~~above~~, shall be provided along the abutting property line. The number of trees required shall be equivalent to one tree for every 75 feet of lot line length. Such trees may be clustered or spaced linearly as determined appropriate by the Director of Community Development.
 - (2) *Other plant material.* Other landscaping materials including berms, ornamental trees, evergreens, shrubbery, hedges, and/or other planting material, as determined necessary by the Director of Community Development, shall be provided at appropriate locations along the abutting property line.
 - (3) *Ground cover.* Except where occupied by planting beds, all perimeter landscape areas shall be sodded, seeded, or planted with another comparable ground cover, as determined appropriate by the Director of Community Development.

§ 155.712 Changes to approved landscape plans.

Any change 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 Section 155.100 of this Chapter. **Should the zoning relief be approved, it is tied to the property address, not the property owner. Future property owners and future users of the property have an obligation to maintain the approved landscape plan over time.**

STANDARDS FOR TEXT AMENDMENTS

For any change to the Village Code, 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 proposed text amendments are applicable to all properties subject to the landscape requirements.


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 amendments are consistent with the objectives of the Village Code.
3. *The degree to which the proposed amendment would create nonconformity;*
Staff does not believe any nonconformity would be created as a result of the proposed amendments.
4. *The degree to which the proposed amendment would make this ordinance more permissive;*
Proposed amendments to the transitional landscape yard requirements will more permissive in that they will allow flexibility in the placement of fencing and trees within the yard. Other amendments are intended for clarity and will not make the ordinance more permissive.
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 Village Code to address changing circumstances or to provide clarity. The proposed amendments are consistent with established Village policy in this regard.

FINDINGS & 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 Village Code. 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 23-22.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

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