

VILLAGE OF LOMBARD

PLAN COMMISSION

--- PETITION FOR PUBLIC HEARING ---

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> CONDITIONAL USE | <input type="checkbox"/> REZONING | <input type="checkbox"/> PLANNED DEVELOPMENT | <input type="checkbox"/> TEXT AMENDMENT |
| <input type="checkbox"/> VARIATION(S) | <input type="checkbox"/> COMP. PLAN AMENDMENT | <input type="checkbox"/> ANNEXATION | <input type="checkbox"/> SITE PLAN APPROVAL |
| <input type="checkbox"/> MINOR SUBDIVISION | <input type="checkbox"/> MAJOR SUBDIVISION | | |

ADDRESS OF SUBJECT PROPERTY: _____
(*Facilities Planning Area. INFORMATION REQUIRED ONLY FOR ANNEXATIONS.)

P.I.N. NO(S): _____ FPA*: _____

PETITIONER: _____ PHONE NO.: _____

CONTACT NAME: _____ PHONE NO.: _____

PETITIONER'S ADDRESS: _____ FAX NO.: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PETITIONER'S EMAIL ADDRESS: _____

RELATIONSHIP OF PETITIONER TO PROPERTY: _____

OWNER(S) OF PROPERTY: _____ PHONE NO.: _____

OWNER'S ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

EXISTING ZONING: _____ AREA OF PROPERTY (in acres): _____

EXISTING LAND USE(S): _____

EXISTING SITE IMPROVEMENTS: _____

DESCRIPTION OF REQUEST (attach additional pages as needed): _____

THE ABOVE INFORMATION, TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT:

(name of petitioner (printed)) (petitioner's title) (name of owner (printed)) (owner's title)

(signature of petitioner) (date) (signature of owner) (date)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20____. **SUBSCRIBED AND SWORN TO** before me this _____ day of _____, 20____.

SEAL
HERE

SEAL
HERE

(Notary Public)

(Notary Public)

PLAN COMMISSION

SUBMITTAL REQUIREMENTS

FOR PETITION FOR PUBLIC HEARING

The following documentation must be completed and submitted with the filing:

(Submittal Requirements may vary; please verify with Community Development staff prior to submittal.)

- _____ Completed Petition for Public Hearing, signed and notarized and including all information in detail. Attachment of additional narrative information as needed.
- _____ Fifteen (15) copies of a *PLAT OF SURVEY* and *LEGAL DESCRIPTION* for the subject property.
- _____ Fifteen (15) copies of a *SITE PLAN*, drawn to scale, showing all existing and proposed improvements and structures with exact dimensions and setbacks.
- _____ Fifteen (15) copies of a *LANDSCAPE PLAN* (for non-single-family residential only). The landscape plan shall be drawn to scale and shall include the location, size, quantity, and name (both botanical and common) of all existing and proposed landscape materials and features such as trees, shrubbery, and ground cover; including an indication of existing materials to be preserved and one foot contours of all proposed berming.
- _____ Fifteen (15) copies of a Preliminary Plat of Subdivision certified by a land surveyor registered with the State of Illinois, drawn to an engineer's scale of one inch equals fifty feet (1" = 50') or larger, and including:
 - a. the name of the proposed subdivision
 - b. a legal description of the property being subdivided
 - c. the date of preparation and of all subsequent revisions
 - d. scale, north arrow, and name and address of person preparing the plat
 - e. boundary lines, dimensions to the nearest hundredth of a foot, lot numbers, and lot areas
 - f. the name, location, and width of all existing and proposed rights-of-way, easements, and common areas, as well as any other dedications within and/or adjacent to the subdivision
 - g. all required easement language
 - h. the location and dimensions of all required building setbacks
 - i. the applicable parcel numbers (P.I.N.s) of all properties to be subdivided
 - j. all required signature and dedication blocks
- _____ One (1) 8.5" x 11" reduced copy of the site plan, landscape plan, and plat of subdivision (those which are applicable).
- _____ Response to the applicable *STANDARDS*. This response must be in writing and must specify in detail why each of the standards is true or being met.
- _____ Copy of completed Kane-DuPage Soil and Water Conservation District Land-Use Opinion Application (original to be submitted to SWCD office).
- _____ Copy of the notification of the state of Illinois, Department of Conservation, regarding the Endangered Species Protection Act (original to be submitted to the DOC office).
- _____ Additional documentation, plans, or surveys as requested by the Department of Community Development.
- _____ Digital copies of all required submittal documents. All files to be submitted in pdf format via email or USB drive.
- _____ Applicable fees – Consult fee schedule. (Fees must be paid no less than 14 days prior to the scheduled public hearing date.)

PLANS **WILL NOT BE ACCEPTED** UNLESS THEY ARE DRAWN TO A STANDARD ENGINEER'S SCALE AND **FOLDED** NOT TO EXCEED 8.5" X 14' IN AREA; FAILURE TO PROVIDE ALL OF THE ABOVE INFORMATION MAY RESULT IN UNNECESSARY DELAYS.

PETITIONERS' GUIDE TO THE PLAN COMMISSION

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This document is intended as a step-by-step guide to assist the petitioner in going through the Plan Commission review process, from the pre-application meeting to the final decision by the Board of Trustees.

Please read the information carefully. The information provided will explain the reasons for zoning laws and development regulations and answer frequently asked questions.

Any questions should be directed to a staff member of the Planning Services Division of the Community Development Department at 630-620-5749.

****Please contact staff regarding the Site Plan Approval process****

PETITIONERS' GUIDE TO THE PLAN COMMISSION

I. WHY DOES THE VILLAGE HAVE ORDINANCES?

The Lombard Zoning, Subdivision and Development, and Sign Ordinances set forth standards for structures, regulate the division of land, and regulate signs of commercial nature within the Village of Lombard. These Ordinances protect the health, safety, comfort, convenience, and general welfare of the residents, businesses, and property owners of Lombard and have established standards to:

- provide adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent over-crowding of the land, and undue congestion of populations;
- establish reasonable and safe standards to which buildings and structures shall conform and to protect pedestrians and motorists from damage or injury caused by the distractions, obstructions and hazards created by certain signs;
- provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities;
- prevent the pollution of air, streams and ponds, assure the adequacy of drainage facilities, safeguard the water tables, and encourage the wise use and management of natural resources;
- provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Village;
- protect and conserve the value of land throughout the Village and the value of buildings and improvements upon the land;
- enhance the economy and the business and industry of the Village by promoting the reasonable, orderly and effective display of signs, and encouraging better communication with the public;
- enhance the physical appearance of the Village and encourage a sense of aesthetic appreciation for the visual environment;
- establish reasonable standards of design and procedures for land improvements, subdivisions and resubdivisions;
- protect residential, business, commercial and industrial areas from encroachment by incompatible uses and prevent the overcrowding of land;
- eliminate, isolate, or control the location of unavoidable nuisance producing uses; and
- guide the future growth and development of the Village in accordance with the Comprehensive Plan.

PETITIONERS' GUIDE TO THE PLAN COMMISSION

II. WHAT IS THE PLAN COMMISSION?

The Village of Lombard Plan Commission is an advisory commission to the Lombard Board of Trustees. The function of the Plan Commission is to provide advice and recommendations to the Board of Trustees regarding rezonings, conditional uses, planned developments, subdivisions, and amendments to the Comprehensive Plan. The Plan Commission does not discuss or make recommendations relative to building construction, stormwater management, public utilities, annexation agreements, or financial matters.

III. WHAT DOES THE PLAN COMMISSION DO?

Public hearings conducted by the Plan Commission include requests for conditional use approval, rezoning, planned developments, and certain variations. In order to be approved, a request for one of these types of relief must affirm certain standards (attached to this packet).

- A. What is a Conditional Use?** A conditional use is a use which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration of each case of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such conditional use may or may not be granted.
- B. What is a Rezoning?** A rezoning, or map amendment, is a change from one zoning district to a different zoning district. Rezoning may be proposed by a property owner or authorized representative, or a Village official.
- C. What is a Planned Development?** A planned development is a conditional use that provides a mechanism to accommodate development that is in the public interest and might not otherwise be permitted. Planned developments may be of residential, commercial, office, industrial, or mixed use and are evaluated on a case-by-case basis. Planned development approval is required for any property that is proposed to be rezoned to the R6, O, B1, B2, B3, B4, B5, or I District.
- D. What is a Text Amendment?** A text amendment is a change to the actual wording of an Ordinance.
- E. What is a Variation?** A variation is a provision in the Zoning Ordinance and Sign Ordinance that allows an applicant to depart from the standard rules. The Board of Trustees has the authority to grant variances in cases where the strict application of the Ordinance would effectively prohibit or unreasonably restrict the use of the property. A variation runs with the land; meaning a variation granted to a property owner is binding on the present and all future owners of the property. The Zoning Board of Appeals hears the majority of variation requests; however, the Plan Commission reviews all applications for companion variations made as part of a petition for rezoning, annexation, conditional use, or subdivision approval.

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IV. WHAT IS THE PUBLIC HEARING PROCESS?

A Plan Commission public hearing is one of many steps in the Village's development review process. The Village of Lombard development review process begins when a private citizen, i.e., a property owner or a representative of the property owner requests the Village's approval for a new land use or development. If the plans comply with all applicable zoning, subdivision, building, and engineering ordinances, the appropriate permits will be issued. If the proposed use or development does not comply with the Village's zoning or subdivision requirements, the property owner may request a change or exception to the existing zoning or subdivision regulations. The purpose of a public hearing is for the public to review and comment on a property owner's request for changes and exceptions to the Zoning Ordinance and the Subdivision and Development Ordinance.

Every property owner within the Village of Lombard has the right to request (or authorize other persons to request) changes or exceptions to the Lombard Zoning Ordinance and Subdivision and Development Ordinance. The Plan Commission public hearing process is the forum from which a property owner makes such a request. It is the responsibility of the Village's Department of Community Development (staff) to work with property owners and developers to guide them through the public hearing process and it is the responsibility of the Plan Commission to hear the petition and make a recommendation regardless of the merits of that petition or proposed development.

The public hearing development review process consists of the following steps:

- A. Preapplication Meeting:** A short pre-application meeting with a Planning Services Division staff member is highly recommended, although not required, to discuss your proposal and the requirements of the Village.
- B. Application Submittal:** The following items must be submitted to the Department of Community Development **in person** (applications will not be accepted by mail) by the deadline provided to you at the time of receiving the application materials:
 1. **Petition:** The application must be completed and the signature of the property owner notarized (there are notaries on staff at the Village). This application identifies the petitioner for the variation and the owner of the property for which the variance is requested.
 2. **Plat of Survey:** **Fifteen (15) copies** of the Plat of Survey are required. The plat must show all improvements to the property as they currently exist. The plat must be legible, "to scale", and include the complete legal description.
 3. **Site Plan:** **Fifteen (15) copies** of a site plan are required. The site plan is a footprint of the proposed construction. The site plan must be "to scale", showing exact distances from all property lines and structures on the property. For single-family residences, the site plan may be drawn on the copy of the Plat of Survey.

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4. Landscape Plan: **Fifteen (15) copies** of a landscape plan are required (except for single-family residences). The landscape plan shall be drawn to scale and shall include the location, size, quantity, and name (both botanical and common) of all existing and proposed landscape materials and features such as trees, shrubbery, and ground cover. The plan shall include all existing materials to be preserved and one-foot contours of all berming.
5. Preliminary Plat of Subdivision: **Fifteen (15) copies** of a Preliminary Plat of Subdivision are required, if a subdivision is being proposed. The Preliminary Plat of Subdivision must be certified by a land surveyor registered with the State of Illinois, drawn to an engineer's scale of one inch equals fifty feet (1" = 50') or larger, and include all of the items listed on the Submittal Requirements on the Petition for Public Hearing.
6. Reduced copy: One (1) 8.5" x 11" reduced copy of the site plan, landscape plan, and plat of subdivision (those which are applicable).
7. Response to the applicable Standards: A written response to the applicable Standards (included in this packet) must be provided that specifies in detail why each of the standards is true or being met.
8. Kane-DuPage Soil and Water Conservation District Land-Use Opinion Application: This application may be required as a part of the application submittal, as determined by a member of the Planning Services Division. It is designed to assist the Village when considering the proposal. The application should be sent directly to the Department of Soil and Water Conservation, and a copy submitted with the application submittal to the Village.
9. Illinois Department of Natural Resources Application regarding Endangered and Threatened Species: This application may be required as a part of the application submittal, as determined by a member of the Planning Services Division. It is designed to assist the Village when considering a proposal. The application should be sent directly to the Department of Natural Resources, and a copy submitted with the application submittal to the Village.
10. Additional information: **Fifteen (15) copies** of any additional information that may be helpful in determining the necessity of the proposed construction should be included with the application. This includes **building elevations, floor plans of the existing and/or proposed structure, layout or configuration of the property, etc.**
11. Digital files: Digital copies of all required submittal documents. All files to be submitted in pdf format via email or USB drive.

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12. Application fee: The application fee is the total of all applicable fees , including fees for newspaper publication, court reporter appearances, and public hearing signs. Please consult the fee schedule and/or a staff member to determine the appropriate fees.

- C. Staff Report:** Prior to the meeting date, a copy of the staff report is sent to the petitioner. A staff report written by a planning staff member states the issues of the requested relief and how it related to the applicable standards of Village Code, and a statement of recommendation of approval or denial to the request. The statement of approval or denial is a recommendation only.
- D. Public Notice:** According to State Statute, property owners within two hundred fifty feet (250') of the subject property must be notified no more than thirty (30) days and no less than fifteen (15) days in advance of the public hearing.
- E. The Meeting:** The petitioner or his/her representative is required to attend the Plan Commission meeting. Plan Commission meetings are held on the third Monday of every month at 7:00 p.m. in the Village Board Room of Village Hall. The meeting is a public hearing and anybody is welcome to attend.

At the Plan Commission meeting, the petitioner or his/her representative is sworn in and then he/she states his/her request and any additional information relevant to the request. The petitioner has a maximum of thirty (30) minutes to present evidence and testimony without interruption. When the petitioner has finished, the hearing is open to people in attendance wishing to speak either *for* or *against* the petition. The public shall have a combined thirty (30) minutes to present all evidence and testimony. The petitioner then has fifteen (15) minutes for rebuttal of any evidence or testimony presented. Next, a Planning Services Division staff member presents the staff report. Finally, the Plan Commission members ask the petitioner and staff questions in order to make a final decision of approval, continuance, or denial.

- F. The Plan Commission Recommendation:** The decision by the Plan Commission is again only a recommendation. The motion by the Plan Commission may be a recommendation to approve the petition as filed; a recommendation to approve the petition with conditions; a continuance of the petition to a specified date with or without amendments; or a recommendation to deny the petition. The petition is then forwarded to the Board of Trustees.
- G. The Board of Trustees:** The Board of Trustees meeting is on the first and third Thursday of every month (with the exception of June, July, and August when the Trustees only meet one time each month) at 7:00 p.m. in the Village Board Room of Village Hall. A petition must have two (2) “readings” before the Board of Trustees. It is highly recommended that the petitioner or his/her representative be present at

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these meetings. The Board of Trustees makes the final decision on the second “reading” of the petition. Once the Board of Trustees approves the request for a variation, the petitioner can submit for a building permit. New evidence may not be presented to the Board of Trustees. If any new evidence is forthcoming, the Board of Trustees may return the petition to the Plan Commission. Therefore, it is critical that all evidence be presented at the Plan Commission public hearing.

V. HOW DOES PUBLIC PARTICIPATION OCCUR AT THE PUBLIC HEARING?

All citizens are encouraged to become informed and involved in the public hearing process. Notifications of hearings provide minimal information and, therefore, citizens are strongly encouraged to contact the Department of Community Development prior to public hearings. All documents submitted for a public hearing are open to the public and available for review during normal business hours.

A. Public Participation Prior to the Plan Commission Public Hearings

Written comments from the public may be submitted. If received at least one week before a scheduled hearing, written comments will be distributed to the Plan Commission. Written comments are encouraged because they allow additional time for the Plan Commission to consider public comments.

B. Public Participation at the Plan Commission Public Hearing

Testimony at a public hearing must relate to the petition and the jurisdiction of the Plan Commission (see Function of the Plan Commission, above). Issues related to matters beyond the Plan Commission’s jurisdiction may be addressed to the Department of Community Development staff during normal business hours.

All testimony should be presented in a clear, concise, and factual manner. Testimony must relate directly to the proposed development or land use. Statements regarding individuals or properties not directly related to the proposed development are not relevant. Inflammatory statements of any kind are not appropriate and will serve only to discredit other testimony. Information and opinions that have already been presented should not be repeated.

The purpose of public hearings is for the general public to review and comment on requests for changes and exceptions to the Zoning Ordinance and the Subdivision and Development Ordinance. Citizens are encouraged to become involved in the public hearing process. This involvement includes becoming informed prior to a public hearing and expressing concerns to the Plan Commission.

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VII. FREQUENTLY ASKED QUESTIONS

When does the Plan Commission meet?

The Plan Commission meets on the third Monday of every month. The deadline for submitting a petition is five weeks before the desired Plan Commission public hearing.

Who are the Plan Commission members?

The Plan Commission consists of seven members nominated and appointed by the elected officials of the Village of Lombard (Village President and Board of Trustees). All members of the Plan Commission are Lombard residents, serve without compensation, and come from a variety of occupational backgrounds. The members are appointed for terms of five (5) years.

What is a hardship?

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. A petitioner must demonstrate that the hardship is particular to his/her property, distinguishing it from other properties in the area. The existing hardship must not be the result of action taken by the current or prior property owner. Demonstration of hardship is *required* for any variation request from the Zoning, Sign, or Subdivision and Development Ordinances.

What is a conditional use?

A conditional use is a use which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. In each case, such conditional use may be granted or not granted after due consideration of the impact of such use upon neighboring land and of the public need for the particular use at the particular location.

Will my petition be approved?

There is no guarantee that any petition will be approved. The Plan Commission bases its recommendation to the Board of Trustees on the petitioner's presentation, materials submitted with the application, staff's report, and discussion at the meeting. Some petitions are approved, and some are not. A petition may be approved with conditions or alterations to the request. There are also some instances where the Plan Commission may recommend denial of a petition, but the Board of Trustees approves it, or vice versa. Remember, the Plan Commission is a *recommending body* and final approvals or denials are made by the Board of Trustees.

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Do I have to appear at the Plan Commission and Board of Trustees (BOT) meetings?

The petitioner or his/her representative must attend the Plan Commission meeting in order to present the petition and answer any questions the Plan Commission members may have. It is highly recommended that someone appear at the BOT meeting.

Do I have to speak at the Plan Commission meeting?

You or a representative should be present at the meeting. It is customary to speak about the requested action. A petitioner may say as little or as much as he/she feels necessary in order to convey the necessity of the action.

How long will the Plan Commission meeting take?

The number of petitions scheduled at each meeting varies from month to month. The time allotted per case also varies depending upon the extent of the request. The petitioner may have a lengthy presentation; staff may have a lengthy report to present; the Plan Commission members may have many questions for the petitioner and staff, resulting in a lengthy discussion.

Is the Plan Commission meeting on television?

Yes, Plan Commission meetings are televised live on Lombard cable channel 6. The meetings are rebroadcast on Tuesdays at 2:00 p.m. and, when there is no scheduled Plan Commission meeting, Mondays at 7:00 p.m.

Do I get a refund if my petition is denied?

The fee for the petition is not refunded if the petition is denied. The fee covers the costs for publishing in the newspapers, sending out notification to surrounding property owners, copying costs, and review fees.

What is a *Waiver of the First*, and how do I request it?

If the Board of Trustees (BOT) takes action on an Ordinance, the petition must be heard at two "readings". In order to expedite this process, a request for a "Waiver of the First" reading may be submitted. If the BOT grants the "Waiver of the First" reading, then a decision is made at a single meeting. In order to request a waiver, the petitioner must submit a request in writing to the Community Development Department at least ten (10) days prior to the BOT meeting. The letter must state the reasons why the waiver is necessary, i.e. a closing date on the property, etc.

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Will my requested relief ever expire?

- **Conditional uses** expire if the conditional use ceases for more than 12 months, for any reason. However, ownership of a conditional use may change provided the use remains unchanged.
- **Planned developments** may only be revoked in the event construction falls two years behind schedule or is ahead of schedule by five years.
- **Rezoning** may be repealed in the event no development takes place within one year of Board of Trustees approval.
- **Text amendments** do not expire.
- **Variations** expire one year from the date of final approval by the Board of Trustees. If the construction for which the variation was requested is completed (and passes final inspections), the variation will not ever expire.

What does “drawn to scale” mean?

When a drawing is “to scale” it is drawn in an engineering or architectural scale. For example, a drawing in an engineering scale of 1:20 means one inch (1”) in the drawing equals twenty feet (20’) in reality. If the petitioner draws the site plan on a Plat of Survey, then anything drawn on that Plat of Survey should be drawn to the same scale as the Plat of Survey.

For More Information...

For more information regarding the Lombard Plan Commission or any other community development issues, please contact:

Village of Lombard
Department of Community Development
255 East Wilson Avenue
Lombard Illinois 60148
(630) 620-5749

Village Hours
Monday – Friday, **8 a.m.-4:30 p.m.**
Saturday & Sunday, **Closed**

VII. STANDARDS FOR CONDITIONAL USES

The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all conditional uses of the Lombard Zoning Ordinance.

SECTION 155.103 (F)(8) OF THE LOMBARD ZONING ORDINANCE:

No conditional use shall be recommended by the Plan Commission unless it finds:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;
2. That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located;
3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
4. That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
6. That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and,
7. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.

VIII. STANDARDS FOR MAP AMENDMENTS (REZONINGS)

The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all map amendments (rezonings) of the Lombard Zoning Ordinance.

SECTION 155.103 (E)(8)(a) OF THE LOMBARD ZONING ORDINANCE:

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 of the said objectives;
7. The suitability of the property in question for permitted uses listed in the proposed zoning classification.

IX. STANDARDS FOR PLANNED DEVELOPMENTS

The following is an excerpt from the Lombard Zoning Ordinance. A detailed response to all of these standards should be provided for all requests for Planned Developments.

SECTION 155.508 (A) (B) (C) OF THE LOMBARD ZONING ORDINANCE

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:

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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.

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- b. All transitional yards and transitional landscape yards of the underlying zoning district are complied with.
 - 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 zone district.

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X. STANDARDS FOR TEXT AMENDMENTS

The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all text amendments of the Lombard Zoning Ordinance.

SECTION 155.103 (E)(8)(b) OF THE LOMBARD ZONING ORDINANCE:

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.

XI. STANDARDS FOR VARIATIONS

The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all variations of the Lombard Zoning Ordinance and Lombard Sign Ordinance.

SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:

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

1. 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.
2. 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.
3. The purpose of the variation is not based primarily upon a desire to increase financial gain.
4. 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.
5. 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.
6. The granting of the variation will not alter the essential character of the neighborhood; and,
7. 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.

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Public Hearing Fee Schedule for Plan Commission and Zoning Board of Appeals Petitions/Applications

			Fees
Subdivisions			
Major & minor plats (preliminary or final)	\$375 plus \$75 per acre (or portion thereof)		\$ _____
Final plats (with preliminary plat approval)	\$375.00		\$ _____
Administrative plats of vacation, easement dedication or abrogation	\$200 plus \$75 each additional page		\$ _____
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Annexations			
One single-family residential lot *	No fee		
All others	\$550		\$ _____
* If a petition for annexation of the subject property has previously been either withdrawn or denied within the last three years, the fee shall be \$250.			
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Variations or Deviations			
	First Variation or Deviation	Each additional after the first variation/deviation	
One single-family residential lot			
Principal building	\$425	\$125	\$ _____
Accessory structure	\$300	\$125	\$ _____
Fence	\$300	\$125	\$ _____
	First Variation or Deviation	Each additional after the first variation/deviation	
More than one single-family residence or any non-residential use			
Principal building	\$725	\$125	\$ _____
Accessory structure	\$550	\$125	\$ _____
Sign	\$550	\$125	\$ _____
Fence	\$375	\$125	\$ _____
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	First conditional use	Each additional conditional use after the first conditional use	
Conditional Uses			
	\$725	\$125	\$ _____
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Planned Developments			
Application for a planned development	\$725 plus \$75 per acre (or portion thereof)		\$ _____
Site plan approval (principal structures)	\$600		\$ _____
Planned development amendment	\$725		\$ _____
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Map Amendments & Text Amendments			
Map amendment – single-family residence	\$500		\$ _____
Map amendment – all others	\$725 plus \$75 per acre (or portion thereof)		\$ _____
Text amendment	\$725		\$ _____

Public Hearing Fee Schedule for Plan Commission and Zoning Board of Appeals Petitions/Applications

		Fees
Appeals of Administrative Actions (fees shall be refundable if the appeal is upheld)		
One single-family residential lot	\$425	\$ _____
All others	\$725	\$ _____
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Requests for Continuance (requests not agreed to by staff; per request)		
One single-family residence	\$90	\$ _____
All others	\$375	\$ _____
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Newspaper Publication Fee	\$250	\$ _____
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Court Reporter Appearance (Plan Commission cases)	\$50	\$ _____
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Attorney Review Fee (Plan Commission cases)	\$85	\$ _____
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Public Hearing Signs		
Conditional use	\$125	\$ _____
Map amendment	\$125	\$ _____
All others	n/a	
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Traffic Impact Studies		\$ _____
A deposit of \$1,000 for traffic impact analysis services shall accompany all applications for:		
<ul style="list-style-type: none"> · Preliminary or final plats; · Rezoning (other than for one single-family residence); · Variations and conditional uses related to parking, vehicular drive-through services, or other matters impacting vehicular circulation or traffic generation; and · Planned developments 		
<p>If the Village's costs for such services exceeds the deposit, the applicant shall reimburse the additional costs incurred by the Village. If such costs are less than the deposit, the Village shall return the difference to the applicant. The total cost incurred by the applicant for such services shall not exceed \$10,000. No permits for the use or development of land shall be issued until the Village has received final payment of all traffic advisory services fees.</p>		
Other Professional Services (as needed)		\$ _____
TOTAL FEES DUE:		\$ _____

Per Section 13.04, if the item for relief is constructed prior to receiving relief, fees may be doubled. All fees must be paid in full no later than 14 days prior to the scheduled public hearing date.