

Village of La Grange



VILLAGE BOARD MEETING

MONDAY, OCTOBER 24, 2011

7:30 p.m.

Village Hall Auditorium

53 S. La Grange Road

La Grange, IL 60525

Elizabeth M. Asperger
Village President

Thomas Morsch
Village Clerk

VILLAGE OF LA GRANGE
BOARD OF TRUSTEES REGULAR MEETING

Village Hall Auditorium
53 South La Grange Road
La Grange, IL 60525

AGENDA

Monday, October 24, 2011 – 7:30 p.m.

1. CALL TO ORDER AND ROLL CALL

*Trustee Holder
Trustee Horvath
Trustee Kuchler
Trustee Langan
Trustee Nowak
Trustee Palermo
President Asperger*

2. PRESIDENT'S REPORT

This is an opportunity for the Village President to report on matters of interest or concern to the Village.

3. PUBLIC COMMENTS REGARDING AGENDA ITEMS

This is the opportunity for members of the audience to speak about matters that are included on this Agenda.

4. OMNIBUS AGENDA AND VOTE

Matters on the Omnibus Agenda will be considered by a single motion and vote because they already have been considered fully by the Board at a previous meeting or have been determined to be of a routine nature. Any member of the Board of Trustees may request that an item be moved from the Omnibus Agenda to Current Business for separate consideration.

A. Ordinance – Amendment to the Village Code Regarding Diseased Trees

B. Ordinance – Creation of a Four-Way Stop Intersections / Maple Avenue and Leitch Avenue / Maple Avenue and Sunset Avenue / Goodman Avenue and Leitch Avenue / Goodman Avenue and Edgewood Avenue

C. Minutes of the Village of La Grange Board of Trustees Regular Meeting Monday, October 10, 2011

D. Consolidated Voucher 111024

5. CURRENT BUSINESS

This agenda item includes consideration of matters being presented to the Board of Trustees for action.

- A. Ordinance – Zoning Code Amendments: Open Space District, Institutional Buildings District, Planned Developments: *Referred to Trustee Langan*

6. MANAGER'S REPORT

This is an opportunity for the Village Manager to report on behalf of the Village Staff about matters of interest to the Village.

7. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

This is an opportunity for members of the audience to speak about Village related matters that are not listed on this Agenda.

8. EXECUTIVE SESSION

The Board of Trustees may decide, by a roll call vote, to convene in executive session if there are matters to discuss confidentially, in accordance with the Open Meetings Act.

9. TRUSTEE COMMENTS

The Board of Trustees may wish to comment on any matters.

10. ADJOURNMENT

The Village of La Grange is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe and/or participate in this meeting, or who have questions, regarding the accessibility of the meeting or the Village's facilities, should contact the Village's ADA Coordinator at (708) 579-2315 promptly to allow the Village to make reasonable accommodations for those persons.

OMNIBUS VOTE

VILLAGE OF LA GRANGE
Department of Public Works

BOARD REPORT

TO: Village President, Village Clerk, Board of Trustees, and Village Attorney

FROM: Robert J. Pilipiszyn, Village Manager
Ryan Gillingham, Director of Public Works
Mark Burkland, Village Attorney

DATE: October 24, 2011

RE: **ORDINANCE — AMENDMENT TO THE VILLAGE CODE REGARDING
DISEASED TREES**

The Village has a long proud heritage of maintaining tree-lined streets dating back to its founding father, Frank Cossitt. The Village has roughly 12,000 public parkway trees in addition to the thousands of trees on private property. The Village's Public Works Department is responsible for maintaining and enhancing its urban forest. As part of this responsibility, the Department manages tree replacement and tree trimming programs for trees located on public property. For trees located on private property, the Department serves as a resource to residents and in some cases requires the removal of private trees that are diseased or severely damaged or pose a serious threat to public health or safety.

The most recent threat to the Village's urban forest is the Emerald Ash Borer (EAB), which was discovered in the Village in 2009. The EAB is a small, metallic green, non-native invasive insect whose larvae feed underneath bark of the branch and trunks of ash trees thereby cutting off their ability to transport nutrients and ultimately causing the tree's decline. Ash trees can be infested with EAB for a few years before the tree begins to demonstrate any signs of EAB infestation. Symptoms of EAB include canopy dieback, D-shaped exit holes, shoots sprouting from the tree trunks and S-shaped larval galleries underneath the bark. Staff anticipates that the most ash trees in the Village will be lost due to the EAB. For public parkway trees, the Village has developed a plan and budget for the removal, replacement, and in some cases treatment of ash trees located in parkways.

Chapter 100 of the Village's Code of Ordinances, Trees and Shrubs, establishes the regulations for tree removal on private property. The section of the Code related to tree removal was last updated in 1988. Because staff anticipates that the number of ash trees to be removed on private property will increase significantly as the insect spreads throughout the Village, we reviewed the Code to ensure that it adequately addresses removal of infested ash trees on private property.

In most cases tree removal on private property is initiated and completed by property owners without Village involvement. On occasion, typically due to limited resources, a property owner

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Board Report – Ordinance
Amendment Regarding Diseased Trees
October 24, 2011

will not remove a diseased or dead tree after receiving notice that the tree needs to be removed due to public health or safety reasons. In these cases after the property owner has received notice, the Village will remove the tree and file a lien on the property for the cost of the tree removal.

Recently, the State of Illinois updated the Illinois Municipal Code to include provisions related to the removal of trees infected with the EAB on private property and the rights of municipalities to lien properties for these removals. Based on that new State law, and on an expected increase in the number of trees needing to be removed on private property, staff worked with the Village Attorney and Prosecutor to review and make modifications to the appropriate sections of the Code of Ordinances. The proposed update to the Code includes new provisions related to tree removal that are consistent with State law and that will improve the staff's ability to enforce these provisions. The attached ordinance, which incorporates the above recommendations, has been prepared for your consideration. Staff recommends its approval.

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VILLAGE OF LA GRANGE

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 100
OF THE LA GRANGE CODE OF ORDINANCES
REGARDING DISEASED TREES

WHEREAS, Division 11-20 of the Illinois Municipal Code, 65 ILCS 5/11-20, authorizes the Village of La Grange to remove nuisance trees from private property, including elm trees infected with Dutch elm disease and ash trees infected with the emerald ash borer (*Agrilus planipennis*) and to recover the costs of those removals from the property owner; and

WHEREAS, the Illinois Department of Agriculture has declared all trees infested with the emerald ash borer to be a nuisance and has given notice that all infested trees should be eradicated; and

WHEREAS, other conditions such as oak wilt, other disease, or storm damage may cause a tree to be dying, dead, or a threat to public health and safety and require prompt removal of that tree; and

WHEREAS, the President and Board of Trustees of the Village of La Grange have determined that it is appropriate and in the best interests of the Village and its residents to update the current provisions of Chapter 100 of the La Grange Code of Ordinances to provide for the proper and orderly removal of diseased trees;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of La Grange, Cook County and State of Illinois, as follows:

Section 1. Recitals. The foregoing recitals are hereby incorporated into this Ordinance as findings of the President and Board of Trustees.

Section 2. Amendment of Various Sections of Chapter 100 of La Grange Code of Ordinances. The La Grange Code of Ordinances is hereby amended by deleting Sections 100.18, 100.19, 100.20, 100.30, 100.31, 100.32, 100.33, and 100.99 in their entirety and replacing the deleted sections with the following new sections:

DISEASED TREES

§ 100.18 REMOVAL OF INFESTED, DISEASED, AND DYING TREES

(A) Definition of Diseased Tree. For the purposes of this Chapter, a "diseased tree" is any tree that is infected with Dutch elm disease, or is infected (or infested) with the

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emerald ash borer, is severely damaged by weather or other circumstances, or otherwise is diseased, dying, substantially dead, or a serious threat to public health or safety.

(B) Declaration of Nuisance. Diseased trees are hereby declared to be a public nuisance, subject to abatement and recovery of abatement costs under the provisions of this Code.

(C) Inspection by Village. If the Village Public Works Director, Forester, or other representative charged with the responsibility to enforce the provisions of this Section has a reasonable basis to determine that a property contains a diseased tree, then that representative may enter onto the property.

(D) Removal by Owner. The owner of the property on which a diseased tree is located, or the property owner's agent or any person lawfully in possession of the property (collectively the "responsible parties"), shall remove or cause the removal of the diseased tree within 14 days after notice from the Village to do so. The notice must include the following:

- (1) the common address of the property;
- (2) identification of the affected tree or trees;
- (3) a statement that the affected trees are a nuisance and must be removed within 14 days after the date of the notice;
- (4) a statement that the Village will remove or cause the affected trees to be removed if the responsible parties do not do so within the required time period; and
- (5) a statement that the Village will recover the costs of the removal from the property owner.

(E) Abatement of Nuisance by Village; Recovery of Costs. If the responsible parties do not abate the nuisance by removing the affected trees within the required time period, then the Village may abate the nuisance by removing or causing the affected trees to be removed. The Village thereafter may recover the full costs of the removal by charging those costs to the property owner or other responsible party. The Village also may file a lien under the then current provisions of Sections 11-20-15 and 11-20-15.1, as applicable, of the Illinois Municipal Code, 65 ILCS 5/11-20-15, 11-20-15.1.

(F) Consistency with Chapter 98. The provisions of this Chapter are in addition to, and not exclusive of, the provisions of Chapter 98 of this Code. In the event of any inconsistency between the provisions of this Chapter and Chapter 98, the provisions of this Chapter shall apply and control.

§ 100.99 PENALTY

Any person who violates a provision of this Chapter 100 or who fails or refuses to remove a diseased tree after notice to do so shall be fined not less than \$50 nor more than \$750 for each offense. Each day that a violation occurs or continues shall be deemed to be a separate violation.

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Section 4. Effective Date. This Ordinance will be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this ____ day of _____ 2011.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____ 2011.

Elizabeth Asperger, Village President

ATTEST:

Thomas Morsch, Village Clerk

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VILLAGE OF LA GRANGE
Department of Public Works

BOARD REPORT

TO: Village President, Village Clerk,
Board of Trustees and Village Attorney

FROM: Robert J. Pilipiszyn, Village Manager
Ryan Gillingham, Director of Public Works
Michael Holub, Police Chief

DATE: October 24, 2011

RE: **ORDINANCE — CREATION OF A FOUR-WAY STOP INTERSECTIONS**
/ MAPLE AVENUE AND LEITCH AVENUE / MAPLE AVENUE AND
SUNSET AVENUE / GOODMAN AVENUE AND LEITCH AVENUE /
GOODMAN AVENUE AND EDGEWOOD AVENUE

Village staff received a request from a resident requesting the Village to consider the placement of stop signs within the Maple Avenue corridor, between Brainard Avenue and Gilbert Avenue. More specifically, the request was to install a stop sign on Maple Avenue as it intersects with either Leitch, Edgewood or Sunset, thereby creating a four-way stop at one of those intersections. Staff reviewed this request based on the standards for four-way stop signs outlined in the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD), published by the Federal Highway Administration, as well as on established Village traffic control policies.

The analysis determined that the identified intersections did not meet the warrants in the MUTCD for a four-way stop sign. However, staff noted from the analysis of stop signs within the neighborhood that several long segments on both Goodman Avenue and Maple Avenue did not have any stop signs in the east west direction. Past practice by the Village has called for the placement of stop signs within neighborhood block segments in an alternating pattern between east-west and north-south streets. The purpose of this policy is to (1) to improve traffic flow and safety in residential areas by not installing four way stops at every intersection where motorists could become desensitized to stop signs (i.e. a car rolling through an intersection with a four way stop and not coming to a complete stop) and (2) discourage any particular street as a means for traffic to cut through to avoid other streets and intersections.

More specifically within this subject neighborhood, east-west vehicle traffic on Maple Avenue from Gilbert Avenue to Brainard Avenue is not required to stop within a seven block segment between these two collectors. Also, east-west traffic on Goodman Avenue between Gilbert Avenue and Blackstone is not required to stop within a five block segment. In addition to assessing stop sign placement based on the desired alternating stop sign pattern, staff noted that a

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two-way stop condition exists at the intersections of Goodman Avenue and Leitch Avenue, Goodman Avenue and Edgewood Avenue, which are directly adjacent to the Creative World Montessori School.

Therefore, staff recommends adding stop signs at the following locations in furtherance of alternating stop sign placement in residential neighborhoods:

1. Maple Avenue and Leitch Avenue
2. Maple Avenue and Sunset Avenue
3. Goodman Avenue and Leitch Avenue
4. Goodman Avenue and Edgewood Avenue

Ideally, the north-south stop signs would also be removed as a multi-way stop is not required at these two intersections based on the guidelines indicated above. However, given that stop conditions at these intersections have existed for many years, staff believes keeping these signs in place results in a safer intersection in the short term as motorists have become accustomed to these existing traffic control devices.

Based on this recommendation a letter was sent to residents in the area bounded by Cossitt Avenue, 47th Street, Gilbert Avenue and Brainard Avenue informing them that staff recommended adding stop signs to above locations. Staff did not receive any resident feedback that would alter the above recommendation. A second letter was then sent to residents notifying them that the installation of stop signs at these locations was planned for discussion at this Board meeting.

Attached for your consideration is an ordinance amending the appropriate chapter of the Village Code.

It is our recommendation that the ordinance be approved.

4-B.1

VILLAGE OF LA GRANGE

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 77
OF THE LA GRANGE CODE OF ORDINANCES

WHEREAS, the President and Board of Trustees of the Village of La Grange have determined that it is appropriate and useful to amend the traffic regulations in force at the intersection of Maple Avenue and Leitch Avenue, Maple Avenue and Sunset Avenue, Goodman Avenue and Leitch Avenue, and Goodman Avenue and Edgewood Avenue in the manner provided in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of La Grange, Cook County and State of Illinois, as follows:

Section 1: Amendment of Chapter 77 of the Code of Ordinances. Chapter 77, titled "Traffic Schedules", is amended by adding thereto the following:

SCHEDULE III. Stop Intersections (A) The following intersections shall be four-way stop intersections:

- Maple Avenue and Leitch Avenue
- Maple Avenue and Sunset Avenue
- Goodman Avenue and Leitch Avenue
- Goodman Avenue and Edgewood Avenue

Section 2: Effective Date. This ordinance shall be in full force and effect on and after its passage, approval and publication in pamphlet form for review at the La Grange Village Offices and the La Grange Public Library.

ADOPTED this ____ day of _____, 2011, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2011.

Elizabeth M. Asperger, Village President

ATTEST:

Thomas Morsch, Village Clerk

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MINUTES

VILLAGE OF LA GRANGE
BOARD OF TRUSTEES REGULAR MEETING
Village Hall Auditorium
53 South La Grange Road
La Grange, IL 60525

Monday, October 10, 2011 - 7:30 p.m.

1. CALL TO ORDER AND ROLL CALL

The Board of Trustees of the Village of La Grange regular meeting was called to order at 7:30 p.m. by Village Clerk Thomas Morsch. On roll call, as read by Village Clerk Thomas Morsch, the following were present:

PRESENT: Trustees Holder, Horvath, Kuchler, Langan, Nowak, and Palermo with President Asperger presiding.

ABSENT: None.

OTHERS: Village Manager Robert Pilipiszyn
Assistant Village Manager Andrianna Peterson
Village Attorney Barbara Adams
Community Development Director Patrick Benjamin
Finance Director Lou Cipparrone
Assistant Finance Director Joe Munizza
Public Works Director Ryan Gillingham
Fire Chief Bill Bryzgalski
Police Chief Mike Holub

2. PRESIDENT'S REPORT

President Asperger congratulated the La Grange Business Association on having Aurelio's pizzeria in La Grange featured on Windy City Live this morning.

In an effort to improve reliability problems, President Asperger announced that ComEd will be conducting overhead utility line clearance in the La Grange area from approximately October 1 through December 15. Approximately 60% of La Grange has been identified for cyclical tree trimming work. Residents impacted by this program will receive a notification postcard from ComEd. The Village Forester will be monitoring these tree trimming activities.

President Asperger noted that sidewalk repairs/replacement at the northeast corner of Ogden Avenue and La Grange Road will begin on Tuesday, October 11. Pedestrians should use alternate routes while the work is completed.

3. PUBLIC COMMENTS REGARDING AGENDA ITEMS

None.

4. OMNIBUS AGENDA AND VOTE

- A. Intergovernmental Agreement – Automatic Aid in Responding for Fire Protection Alarms between the Village of McCook and the Village of La Grange
- B. Materials Purchase – Public Works Department / Fire Hydrants
- C. Equipment Purchase – Public Works Department / Trench Shoring Equipment
- D. Minutes of the Village of La Grange Board of Trustees Regular Meeting Monday, September 26, 2011
- E. Consolidated Voucher 111010

It was moved by Trustee Langan to approve items A, B, C, D and E of the Omnibus, seconded by Trustee Holder. Approved by roll call vote.

Ayes: Trustee Holder, Horvath, Kuchler, Langan, Nowak, Palermo and President Asperger
Nays: None.
Absent: None.

5. CURRENT BUSINESS

None.

6. MANAGER'S REPORT

A. Pension Funding Workshop

President Asperger requested Village Manager Robert Pilipiszyn to provide an overview concerning public employee pension funds over the past several years.

Mr. Pilipiszyn provided information regarding the Village's longstanding policy and practice of making its required annual contribution to its pension funds. Also, Mr. Pilipiszyn noted how the Village Board has been engaged on this issue by looking at the annual required contribution more closely in recent years in a financially-challenged environment.

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Mr. Pilipiszyn also described how the enactment of pension reform by the State of Illinois impacts the development of tax policy for the Village Board as it relates to setting and authorizing the pension levies.

Mr. Pilipiszyn introduced the Village's Finance Director Lou Cipparrone to present a summary of staff recommendations regarding the pension levies.

Mr. Cipparrone outlined the staff recommendations based on the Village's analysis and the professional guidance provided by the pension board's actuary and the support of the Police and Fire pension fund boards including:

1. That the Village Board fund the pension levies at a level which utilizes: a) the Entry Age Normal actuarial cost method; b) a funding target level of 100%; and c) an interest rate assumption of 7.0%.
2. That the Village Board fund a combined levy of \$1,564,284 which is a decrease of approximately \$90,000 from the budgeted pension fund levies for FY 2012-13.
3. That the remaining \$90,000 of savings from pension reform be assigned to the General Fund balance as reserved under the general heading of "pension funding".

Mr. Cipparrone introduced Actuary Timothy Sharpe who is engaged by both of the Village's pension funds.

At this point in the meeting, President Asperger opened up discussion to the Village Board. Considerable debate and discussion ensued amongst the Village Board of Trustees including: current funding status and achievement of 100% funding status; intergenerational equity among taxpayers; actuarial assumptions; preliminary GASB pronouncement on reporting funding status; and mortality tables.

Mr. Sharpe provided extensive information to the Village Board regarding mortality tables. Considerable discussion ensued between the Village Board and Mr. Sharpe. This led to a discussion of retirement age.

As there was disagreement on the Village Board with these two issues, President Asperger briefly noted the roles and responsibilities between the Village Board and the pension boards. She suggested that while it was appropriate for the Village Board to discuss the reasonableness of the assumptions, it was not the role of the Village Board to examine actuarial assumptions.

Mr. Sharpe advised the Village Board that the pension boards have discussed assumptions at length and that the rate of return on investments has the most

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impact of all of the assumptions when it comes to sustaining pension funds over the long term.

Further debate ensued among the Village Board concerning pension funding.

At this point in the meeting, President Asperger sought direction from the Village Board. President Asperger summarized that it appeared that there was agreement by the Village Board on the staff recommendation to fund a combined levy of \$1,564,284. There were no objections to that statement. President Asperger proceeded to inquire of the Village Board if the \$90,000 available in the budget due to pension reform should either be added to the combined pension levy or reserved. There was no consensus direction as the Village Board was evenly divided on the matter. President Asperger noted afterwards her leaning to reserve those funds. She asked the Village Board to continue to consider the matter for further discussion as part of the preliminary tax levy announcement scheduled for November.

President Asperger also inquired of the Village Board if there was interest in retaining a second actuary as suggested by Trustee Palermo. It was the consensus of the Village Board to not hire a second actuary.

7. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

Jeff Tucek, 1 N. Beacon Place, addressed the Board as to the importance of comparing the public sector to the private sector.

8. EXECUTIVE SESSION

None.

9. TRUSTEE COMMENTS

None.

10. ADJOURNMENT

At 9:15 p.m. it was moved by Trustee Langan to adjourn, seconded by Trustee Holder. Motion approved by voice vote.

Elizabeth M. Asperger, Village President

ATTEST:

Thomas Morsch, Village Clerk

Approved Date:

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VILLAGE OF LA GRANGE

Disbursement Approval by Fund

October 24, 2011

Consolidated Voucher 111024

<u>Fund No.</u>	<u>Fund Name</u>	<u>10/24/11 Voucher</u>	<u>10/14/11 Payroll</u>	<u>Total</u>
01	General	72,451.32	290,077.59	362,528.91
21	Motor Fuel Tax			0.00
22	Foreign Fire Insurance Tax	98.09		98.09
24	ETSB	65.24		65.24
40	Capital Projects	4,060.00		4,060.00
50	Water	4,777.31	38,054.53	42,831.84
51	Parking	1,624.95	23,530.38	25,155.33
60	Equipment Replacement			0.00
70	Police Pension	2,271.36		2,271.36
75	Firefighters' Pension	2,271.36		2,271.36
80	Sewer	230.07	8,957.54	9,187.61
90	Debt Service			0.00
91	SSA 4A Debt Service			0.00
93	SAA 269			0.00
94	SAA 270			0.00
		<u>87,849.70</u>	<u>360,620.04</u>	<u>448,469.74</u>

We the undersigned Manager and Clerk of the Village of La Grange hereby certify that, to the best of our knowledge and belief, the foregoing items are true and proper charges against the Village and hereby approve their payment.

Village Manager

Village Clerk

President

Trustee

Trustee

Trustee

Trustee

Trustee

Trustee

H-D

CURRENT BUSINESS

VILLAGE OF LA GRANGE
Community Development Department

BOARD REPORT

TO: Village President, Village Clerk, Board of Trustees, and Village Attorney

FROM: Robert J. Pilipiszyn, Village Manager
Patrick D. Benjamin, Director of Community Development
Angela M. Mesaros, Assistant Director, Community Development

DATE: October 24, 2011

RE: **ORDINANCE – ZONING CODE AMENDMENTS: OPEN SPACE DISTRICT, INSTITUTIONAL BUILDINGS DISTRICT, PLANNED DEVELOPMENTS**

The Zoning Code was adopted in 1991 and has been amended from time to time. Since October 2007, the Village has undertaken phases of a comprehensive review of the Code.

Beginning with a public workshop in April 2011, Staff has examined the use lists and bulk, yard, and space regulations in the Village's OS Open Space District and the use lists in the IB Institutional Buildings District. Staff has identified certain uses not currently authorized that would serve the intent and purposes of the Zoning Code and is proposing amendments to the permitted and special use lists for the Open Space District and to the special use list for the Institutional Buildings District. Staff also is proposing minor adjustments to the bulk, yard, and space regulations for the Open Space District.

At the same time, Staff has examined the planned development section of the Zoning Code and proposed significant amendments to that section.

All of the proposed amendments have been considered by the Plan Commission and the public at public hearings and are now before the Board of Trustees.

In formulating the recommended amendments, Staff conducted a thorough inventory of all existing uses in the Open Space and Institutional Buildings Districts. Staff also considered whether the permitted and special uses in these districts are consistent with the Village's Long Range Land Use Plan, which is a guide for future land use and development decisions, and with the goals and objectives set forth in the Village's 2005 Comprehensive Plan. In addition, Staff reviewed requests for changes to the Open Space District from the Park District of La Grange.

At a public hearing on July 12, the Plan Commission considered proposed amendments to the Open Space and Institutional Buildings Districts. After substantial deliberation, the Plan Commission unanimously recommended that the Board of Trustees approve the proposed amendments. The recommended amendments include:

5-A

OS Open Space District

- Additions to the permitted use list:
 - (a) Add the following elements to the permitted use related to public parks: (i) children’s playgrounds, (ii) play fields, (iii) band shells, (iv) splash pads, and (v) similar water features that are owned by an Illinois unit of local government, not including any use or facility listed as a special use; and
 - (b) Add the following uses accessory to a permitted public use: (i) small storage sheds, (ii) storage boxes, (iii) players’ benches, (iv) temporary and permanent washroom facilities, (v) picnic shelters, and (vi) portable bleachers that are owned by an Illinois unit of local government and are accessory to a permitted use, and not including any use or facility listed as special use.

- Additions to the special use list:
 - (a) Public active recreation areas such as basketball, tennis, handball, racquetball, and similar courts;
 - (b) Skate parks;
 - (c) Public facilities that are accessory to permitted and special uses and not authorized by the permitted use list, such as concession stands, covered dugouts, permanent bleachers in excess of eight risers, and broadcast booths;
 - (d) Fitness and recreational centers (NAICS 713940); and
 - (e) Uses listed in the permitted and special use sections that are privately owned.

- Reduction of the minimum front and corner side yard requirements for (i) passive recreation areas and (ii) neighborhood playgrounds from 15 feet to 10 feet.

IB Institutional Buildings District

- Additions to the special use list:
 - (a) Public sports and recreation buildings and facilities; and
 - (b) Fitness and recreational centers (NAICS 713940).

Staff concurs with the Plan Commission’s findings that the proposed amendments to the Open Space and Institutional Buildings Districts are logical and appropriate and promote the best interests of recreational and park land in the Village and its residents and guests.

5-A.1

Planned Developments

In addition to review of the Open Space and Institutional Buildings Districts, Staff undertook a comprehensive revise of the planned development regulations in the Zoning Code. This review was undertaken in large part because the number of large tracts of land in the Village that have potential as planned developments has diminished over the years and developers now are much more likely to seek planned development approvals for smaller projects, some of which may be infill projects on smaller lots with single buildings.

The Village’s current planned development regulations are still oriented to the “traditional” form of larger planned developments, which has been to allow buildings to be clustered together to maximize useable open space. While this form still may be useful to the Village, it is appropriate for other forms of planned developments to be accommodated in the Village’s regulations.

The Staff and the Village Attorney developed a two-fold solution. The first component of the solution is to keep the traditional planned development regulations for potential large planned developments (such as the YMCA property), but to modernize and streamline the regulations. This has been accomplished in revised sections of the Zoning Code now applicable to “Large PD’s.

The second component of the solution is to add a new set of regulations applicable to “Small PD’s.” These regulations are tailored for potential development sites on much smaller parcels where it would not be necessary or appropriate to impose many of the “traditional” planned development standards.

Notably, the recommended planned development regulations retain all of the Village’s control and authority over the scope, design, and density of each proposed planned development, whether small or large. The regulations also enhance the Village’s ability to assure that a planned development fits appropriately into its environment. For example,

In formulating these regulations, Staff examined the existing planned developments in the Village, the characteristics of potential future development sites, planned development regulations in similarly situated municipalities in the Chicagoland area as well as best practices identified by the American Planning Association. We also solicited comments from the public, Village Trustees, Plan Commissioners, department heads, and owners of potential development properties.

At the public hearing on September 13, the Plan Commission carefully reviewed the proposed amendments. The Plan Commission voted unanimously: seven (7) ayes to zero (0) nays to recommend that the Board of Trustees approve amendments to the planned development regulations as follows:

5-A.2

1. No significant change to the planned development process, which requires a detailed application and plans and a public hearing before the Plan Commission.
2. Creation of two categories of planned developments – large (greater than 40,000 square feet or more than one principal building) and small (40,000 square feet or less, and limited to one building) (Section 14-504).
3. Revisions to the planned development standards for both large and small planned developments including the following key elements:
 - a. Applicable to all planned developments:
 - Removal of the antiquated, larger setback requirements from certain street rights of way.
 - Removal of the minimum “building spacing” requirements, which are inconsistent with the types of projects the Village is likely to be reviewing in the future and with underlying zoning or the Comprehensive Plan recommendations to maintain a consistent “street wall.”
 - b. Applicable to Large PD’s (Section 14-505):
 - Combine the concepts of required “common” and “public” open spaces into a single concept of required “protected open space.”
 - Add clearer, modernized standards for “compensating amenities,” including such things as public art, plazas, pedestrian walkways, natural habitats, increased landscaping, enhanced streetscape, pedestrian and transit supportive design, underground parking and similar features.
 - c. Applicable to Small PD’s (Section 14-507):
 - Add a new standard for excellence of design that codifies the Village’s existing Urban Design Guidelines developed by consultant HNTB Corp. as a follow-up to adoption of the Comprehensive Plan in 2005.
4. Revisions to the Village’s authority to modify regulations as part of a planned development approval (Section 14-509):
 - a. Amend the standards for modification from the Code to eliminate antiquated concepts.
 - b. Allow cash contributions as a compensating amenity in cases when the other compensating amenities (noted above) are inappropriate because of the size of lot, need, or other factors.
 - c. Amend the limitations on the amount and type of modifications requested:

5-A.3

- Allow modifications to the allowable uses within the planned development.
- Loosen the limitations on modifications of parking and loading standards within Small PD's, allowing the Village Board flexibility to determine appropriate standards on a project-by-project basis.
- Remove the restriction for minimum lot area per residential unit, allowing the Village Board flexibility to determine the appropriate density based on a project-by-project basis.

5. Additions to the list of Definitions (Section 16-102):

The following definitions have been recommended as additions to the Code for clarification of terms consistent with the recommended regulations (see attached Exhibit D of the Ordinance for further details):

- Compensating Amenities
- Large Planned Development (Large PD)
- Modification (for planned developments)
- Small Planned Development (Small PD)

Staff concurs with the Plan Commission's recommendation that these proposed amendments are appropriate and will result in a far more useful set of planned development regulations.

The Village Attorney has prepared the attached ordinance for Village Board consideration. The ordinance provides for all of the amendments to the Open Space District, the Institutional Buildings District, and the planned development regulations. For ease of review, the ordinance follows the format used previously of separating the amendments into their logical groupings and attaching them as individual exhibits to the ordinance.

Two versions of the proposed amendments are attached: a "clean" set of the amendments attached to the ordinance and a "redlined" set of the amendments showing the changes to the existing text of the Zoning Code. You will note that many of the apparent deletions among the planned development amendments actually are instances when the regulations were retained, but moved to a different place within the planned development portion of the Code.

Staff recommends approval of "An Ordinance Amending Provisions Of The La Grange Zoning Code Related To Uses And Regulations In The Open Space And Institutional Buildings Districts And Related To Planned Developments."

5-A.4

VILLAGE OF LA GRANGE

ORDINANCE NO. _____

AN ORDINANCE AMENDING PROVISIONS
OF THE LA GRANGE ZONING CODE
RELATED TO USES AND REGULATIONS IN THE OPEN SPACE
AND INSTITUTIONAL BUILDINGS DISTRICTS
AND RELATED TO PLANNED DEVELOPMENTS

WHEREAS, since 1991 when the La Grange Zoning Code was comprehensively amended, the character of the Village has evolved, with significant changes occurring throughout the Village's zoning districts; and

WHEREAS, the Village thus has been engaged in a comprehensive review of the Zoning Code and has amended various provisions of the Zoning Code applicable in several zoning districts; and

WHEREAS, currently, the Village staff has completed comprehensive analyses of the authorized uses in the OS Open Space District and the IB Institutional Buildings District, of related provisions in Article VIII of the Zoning Code, and of the planned development regulations in Article XIV, Part V of the Zoning Code; and

WHEREAS, as a result of these analyses, the staff has recommended amendments to these provisions of the Zoning Code including (a) the addition of new authorized uses in the Open Space and Institutional Buildings Districts, (b) adjustments to the bulk, yard, and space regulations in the Open Space District, and (c) a comprehensive rewrite of the planned development regulations; and

WHEREAS, the La Grange Plan Commission conducted a two public hearings to consider all of the proposed amendments, the first on July 12, 2011, and the second on September 13, 2011, both pursuant to proper public notice thereof; and

WHEREAS, at the public hearings, the Plan Commission considered each of the proposed amendments and all of the facts and circumstances related to the proposed amendments; and

WHEREAS, after the conclusion of the public hearing, the Plan Commission determined that the proposed amendments meet the standards stated in the Zoning Code applicable to the amendments of general applicability, and the Plan Commission unanimously recommended that the Board of Trustees approve the amendments; and

5-A.5.

WHEREAS, the President and Board of Trustees of the Village of La Grange have considered the findings and recommendations of the Plan Commission regarding the Application and all of the facts and circumstances related to the proposed amendments, and the President and Board of Trustees have determined that the proposed amendments in the form included in this Ordinance satisfy the standards applicable to them in Section 14-605 of the Zoning Code; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of La Grange, Cook County and State of Illinois, as follows:

Section 1. Recitals. The foregoing recitals are incorporated into this Ordinance as findings of the President and Board of Trustees.

Section 2. Amendment of Zoning Code Provisions Relating to OS Open Space District. The President and Board of Trustees, pursuant to the authority vested in them by State law and Article XIV, Part VI of the La Grange Zoning Code, hereby amend the permitted and special use lists of the OS Open Space District, and related provisions of Article VIII of the Zoning Code, as set forth in Exhibit A attached to this Ordinance and by this reference incorporated into this Ordinance.

Section 3. Amendment of Zoning Code Provisions Relating to IB Institutional Buildings District. The President and Board of Trustees, pursuant to the authority vested in them by State law and Article XIV, Part VI of the La Grange Zoning Code, hereby amend the special use lists of the IB Institutional Buildings District, and related provisions of Article VIII of the Zoning Code, as set forth in Exhibit B attached to this Ordinance and by this reference incorporated into this Ordinance.

Section 4. Amendment of Zoning Code Article XIV, Part V, Relating to Planned Developments. The President and Board of Trustees, pursuant to the authority vested in them by State law and Article XIV, Part VI of the La Grange Zoning Code, hereby comprehensively amend Article XIV, Part V, of the Zoning Code as set forth in Exhibit C attached to this Ordinance and by this reference incorporated into this Ordinance.

Section 5. Amendment of Zoning Code Article XVI Relating to Definitions. The President and Board of Trustees, pursuant to the authority vested in them by State law and Article XIV, Part VI of the La Grange Zoning Code, hereby amend Article XVI of the Zoning Code to add new definitions, as set forth in Exhibit D attached to this Ordinance and by this reference incorporated into this Ordinance.

5-11.6

Section 6. Effective Date. This Ordinance will be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this ____ day of _____ 2011.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____ 2011.

Elizabeth Asperger, Village President

ATTEST:

Thomas Morsch, Village Clerk

5-A.7

EXHIBIT A

TO ORDINANCE NO. _____

AMENDMENTS TO OPEN SPACE DISTRICT
SECTIONS 8-102, 8-105, AND 8-109

8-102 PERMITTED USES

The following uses and no others are permitted as of right in the Open Space District:

- A. Parks, children's playgrounds, forest preserves, botanical and zoological gardens, arboreta, conservatories, passive recreational areas, play fields, band shells, splash pads and similar water features, and passive use open areas owned by an Illinois unit of local government, and not including any use or facility listed in Subsection 8-105A.
- B. Small storage sheds, storage boxes, players' benches, temporary and permanent washroom facilities, picnic shelters, and portable bleachers owned by an Illinois unit of local government and accessory to a use permitted in Subsection A of this section, and not including any use or facility listed in Subsection 8-105A.
- C. Public or private golf courses, including associated structures such as club houses, maintenance buildings, and pro shops.

8-105 SPECIAL USES

The following uses and no others may be authorized in the Open Space District subject to the issuance of a special use permit as provided in Section 14-401 of this Code.

- A. Active recreation areas owned by an Illinois unit of local government such as basketball, tennis, handball, racquetball, and similar courts and skate parks.
- B. Facilities owned by an Illinois unit of local government that (i) are accessory to the uses listed in Subsections 8-102A and 8:105A and (ii) are not authorized by Subsection 8-102B, such as concession stands, covered dugouts, permanent bleachers taller than eight risers, and broadcast booths.

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- C. Uses listed in Subsections 8-102A and 8-102B that are privately owned.
- D. Landbanking of required parking, subject to Subsection 10-101E of this Code.

8-109 BULK, YARD, AND SPACE REQUIREMENTS

* * *

C. Minimum Yards

- 1. Front and Corner Side (feet)
 - (a) Passive Parks N/A
 - (b) Neighborhood Playgrounds 10 to activity area
 - (c) All Other Uses 35

S-A.9

EXHIBIT B

TO ORDINANCE NO. _____

AMENDMENTS TO INSTITUTIONAL BUILDINGS DISTRICT
SECTION 8-205

Add to the special use list (ZC §8-205) in proper alphabetical order:

- Public Sports and Recreation Buildings and Facilities
- Fitness and Recreational Centers (NAICS 713940)

5-A.10

EXHIBIT C

TO ORDINANCE NO. _____

COMPREHENSIVE AMENDMENT OF ARTICLE XIV, PART V
PLANNED DEVELOPMENTS

ARTICLE XIV, PART V: PLANNED DEVELOPMENTS

14-501 AUTHORITY

The Board of Trustees may grant special use permits under this Part V authorizing the development of planned developments in the districts where planned developments are listed as a special use.

14-502 PURPOSE

Planned developments are a distinct category of special use. They are authorized in the multiple family, commercial, office, industrial and institutional buildings districts.

Within a planned development, the traditional use, bulk, space, and yard regulations may be relaxed if they impose inappropriate limitations on the proposed development or redevelopment of a parcel of land that lends itself to an individual, planned approach. Through the flexibility of a planned development, the Village seeks to achieve the following specific objectives:

- A. Encouragement of flexibility in the development or redevelopment of land
- B. Creation of an appreciably more desirable environment than would be possible through strict application of Village land use regulations, whether through maximization of open space, or excellent in building and site design, or provision of amenities not possible under the otherwise applicable requirements.
- C. Promotion of creative architectural and site designs and resulting development.
- D. Promotion of quality, useful open space and recreational opportunities.
- E. Promotion of environmentally sound development practices.
- F. Facilitation of development in harmony with the Comprehensive Plan.
- G. Promotion of public health, safety, and welfare.

5-A.11

14-503 PARTIES ENTITLED TO SEEK PLANNED DEVELOPMENT APPROVAL

An application for a special permit to permit a planned development may be filed by the owner of, or any person having a binding contractual interest in, the subject property.

14-504 PROCEDURE FOR LARGE PLANNED DEVELOPMENTS

The provisions of this Section 14-504 apply to any project that includes 40,000 square feet or more of total land area or more than one principal building (a "Large PD").

A. Development Concept Plan for Large PD.

1. Purpose. The Development Concept Plan provides an applicant the opportunity to submit a plan showing the basic scope, character, and nature of entire proposed planned development without incurring undue cost. The required public hearing is based on the Development Concept Plan, thus permitting public consideration of the proposal at the earliest possible stage. Once it is approved, the Development Concept Plan binds both the applicant and the Village with respect to the following basic elements of development:
 - (a) categories of uses to be permitted; and
 - (b) general location of residential and nonresidential land uses; and
 - (c) overall maximum density of residential uses and intensity of nonresidential uses; and
 - (d) the general architectural style of the proposed development; and
 - (e) general location and extent of public and private open space including recreational amenities; and
 - (f) general location of vehicular and pedestrian circulation systems; and
 - (g) staging of development; and
 - (h) nature, scope, and extent of public dedications, improvements, or contributions to be provided by the applicant.
2. Application. An application for approval of a Development Concept Plan shall be filed in accordance with the requirements of Section 14-101 of this Article XIV.

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3. Public Hearing. A public hearing shall be set, noticed, and conducted by the Plan Commission in accordance with Section 14-103 of this Code.
4. Action by Plan Commission. Within 60 days after the conclusion of the public hearing, the Plan Commission shall transmit to the Board of Trustees its recommendation, in the form specified by Subsection 13-103F of this Code, that the Development Concept Plan either be approved, be approved subject to modifications, or not be approved. The failure of the Plan Commission to act within such 60 days, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the Development Concept Plan as submitted.
5. Action by Board of Trustees. Within 60 days after the receipt of the recommendation of the Plan Commission or its failure to act as above provided, the Board of Trustees shall deny the application for approval of the Development Concept Plan, or shall refer it back to the Plan Commission for further consideration of specified matters, or, by ordinance duly adopted, shall approve the Development Concept Plan, with or without modifications and conditions to be accepted by the applicant as a condition of such approval, and shall grant a special use permit authorizing the proposed planned development and such additional approvals as may be necessary to permit development of the planned development as approved; provided, however, that every such ordinance and special use permit shall be expressly conditioned upon approval of Final Plans in accordance with Subsection 14-504C of this Article XIV and upon the permittee's compliance with all provisions of this Code and the ordinance granting the special use permit.

The failure of the Board of Trustees to act within such 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying approval of the Development Concept Plan.

6. Effect of Development Concept Plan Approval. Unless the applicant shall fail to meet time schedules for filing a Final Plan or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this Code or any approval granted pursuant to it, the Village shall not, without the consent of the applicant, take any action to modify, revoke, or otherwise impair an approved Development Concept Plan with respect to the elements of development set forth in Paragraph 14-504A1 of this Section pending the application for approval of a Final Plan. In submitting such plans, the applicant shall be bound by the approved Development Concept Plan with respect to each such element.
7. Coordination with Subdivision Ordinance. When a subdivision of land subject to the La Grange Subdivision Ordinance is proposed in connection

with a planned development, review of the tentative plat of the proposed subdivision shall be carried out simultaneously with review of the Development Concept Plan.

- B. Optional Submission of a Final Plan. The applicant may, at his or her option, submit a Large PD Final Plan for the proposed planned development pursuant to the requirements of Subsection 14-504C of this Section simultaneously with the submission of the Development Concept Plan pursuant to the requirements of Subsection 14-504A of this Section. In that case, the applicant shall comply with all provisions of this Code applicable to submission of the Development Concept Plan and to submission of the Final Plan. The elements of both the Development Concept Plan and the Final Plan may be combined into a single set of plans. The Plan Commission and the Board of Trustees shall consider such plans simultaneously and shall grant or deny Large PD Final Plan approval in accordance with the provisions of Subsections 14-504A and C of this Section.
- C. Large PD Final Plan.
1. Purpose. The Large PD Final Plan is intended to particularize, refine, and implement the Development Concept Plan and to serve as a complete, thorough, and permanent public record of the planned development and the manner in which it is to be developed.
 2. Application. On approval of the Development Concept Plan, the applicant shall file an application for Final Plan approval in accordance with the requirements of Section 14-101 of this Code within one year after the date of such approval or in stages as approved in the Development Concept Plan. The application shall refine, implement, and be in substantial conformity with the approved Development Concept Plan.
 3. Public Meeting. A public meeting shall be set, noticed, and conducted by the Plan Commission in accordance with Section 14-103 of this Code.
 4. Coordination with Subdivision Ordinance. When a subdivision of land subject to the La Grange Subdivision Ordinance is proposed in connection with a planned development, review of the proposed plat of subdivision shall be carried out simultaneously with review of the Development Concept Plan.
 5. Action by Plan Commission.
 - (a) Evaluation. Within 60 days after the filing of an application for approval of a Large PD Final Plan, the Plan Commission shall, with such aid and advice of the Village staff and consultants as may be appropriate, review and act on the plan. Such review shall consider:

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- (i) whether the Large PD Final Plan is in substantial conformity with the approved Development Concept Plan; and
 - (ii) the merit or lack of merit of any departure of the Large PD Final Plan from substantial conformity with the approved Development Concept Plan; and
 - (iii) whether the Large PD Final Plan complies with any and all conditions imposed by approval of the Development Concept Plan; and
 - (iv) whether the Large PD Final Plan complies with the provisions of this Code and all other applicable federal, State, and Village codes, ordinances, and regulations.
- (b) Recommendation of Approval Based on Substantial Conformity. If the Plan Commission finds substantial conformity between the Large PD Final Plan and the approved Development Concept Plan and further finds the Large PD Final Plan to be in all other respects complete and in compliance with any and all conditions imposed by approval of the Development Concept Plan and with the provisions of this Code and all other applicable federal, State, and Village codes, ordinances, and regulations, it shall transmit the plan to the Board of Trustees with its recommendation, in the form specified in Subsection 13-103F of this Code, that the Board of Trustees approve the Large PD Final Plan, with or without modifications and conditions to be accepted by the applicant as a condition of approval; provided, however, that in no event shall such conditions of approval impair the rights granted by the Development Concept Plan approval.
- (c) Recommendation of Approval without Substantial Conformity. If the Plan Commission finds that the Large PD Final Plan lacks substantial conformity to the Development Concept Plan but merits approval notwithstanding such lack of conformity and otherwise conforms to the requirements of this Code, it shall transmit the plan to the Board of Trustees with its recommendation, in the form specified in Subsection 13-103F of this Code, that the Large PD Final Plan be approved, with or without modifications and conditions to be accepted by the applicant as a condition of approval.
- (d) Recommendation of Denial. If the Plan Commission finds that the Large PD Final Plan is not in substantial conformity with the

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approved Development Concept Plan and does not merit approval, or if the Plan Commission requires modifications of a plan that are not accepted by the applicant, then the Plan Commission shall transmit the plan to the Board of Trustees together with its recommendation, in the form specified in Subsection 13-103F of this Code, that the Large PD Final Plan not be approved.

- (e) Failure to Act. The failure of the Plan Commission to act within such 60 days, or such further time to which the applicant may agree, shall be deemed to be a recommendation to the Board of Trustees to approve the Final Plan as submitted.
6. Action by Board of Trustees. Within 60 days after the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees shall proceed as follows:
- (a) Approval Based on Substantial Conformity. If the Plan Commission has recommended approval of a Large PD Final Plan pursuant to Subparagraph 14-504C5(b) of this Section, the Board of Trustees shall, unless it specifically rejects one or more of the findings of the Plan Commission on the basis of expressly stated reasons, approve the Large PD Final Plan by a duly adopted ordinance; or
 - (b) Approval Without Substantial Conformity. In any case other than that specified in Subparagraph 14-504C6(a) of this Section, the Board of Trustees may, if it finds that the Large PD Final Plan merits approval and otherwise conforms to the requirements of this Code, approve the Final Plan by a duly adopted ordinance; or
 - (c) Referral Back to Plan Commission. In any case other than that specified in Subparagraph 14-504C6(a) of this Section, the Board of Trustees may refer the Large PD Final Plan back to the Plan Commission for further consideration of specified matters; or
 - (d) Conditions on Final Plan Approval. The approval of any Large PD Final Plan may be granted with or without modifications and conditions to be accepted by the applicant as a condition of approval; provided, however, that in no event shall such conditions of approval impair the rights granted by the Development Concept Plan approval.
 - (e) Failure to Act. The failure of the Board of Trustees to act within such 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying Large PD Final Plan approval.

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7. Recording of Large PD Final Plan. When a Large PD Final Plan is approved, the Village Manager shall cause the Large PD Final Plan, or the portions thereof as are appropriate, to be recorded with the Recorder of Deeds of Cook County.
8. Limitation on Large PD Final Plan Approval. Construction shall commence in accordance with the approved Large PD Final Plan within one year after the approval of such plan, or within such time as may be established by the approved development schedule. Failure to commence construction within such period shall, unless an extension of time shall have been granted by the Village Manager pursuant to Subsection 13-101L of this Code, automatically render void the Large PD Final Plan approval and all approvals of the planned development and all permits based on such approvals, and the Manager shall, without further direction, initiate an appropriate application to revoke the special use permit for all portions of the planned development that have not yet been completed.
9. Building and Other Permits. Except as provided in Subparagraph 14-504C9 of this Section, appropriate officials of the Village, after receiving notice from the Village Manager that the documents required for Large PD Final Plan approval have been approved and upon proper application by the applicant, may issue building and other permits to the applicant for the development, construction, and other work in the area encompassed by the approved Large PD Final Plan; provided, however, that no permit shall be issued unless the appropriate official is first satisfied that the requirements of any codes or ordinances of the Village, in addition to this Code, that are applicable to the permit sought, have been satisfied.

Building permits may, however, be withheld at the discretion of the Village Manager or the Board of Trustees at any time it is determined that the development of the planned development is not proceeding in strict compliance with the approved Final Plan.

14-505 STANDARDS FOR LARGE PLANNED DEVELOPMENTS

- A. Special Use Permit Standards for Large PD. No special use permit for a Large PD shall be recommended or granted pursuant to this Section unless the applicant shall establish that the proposed development will meet each of the standards made applicable to special uses pursuant to Subsection 14-401E of this Code.

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- B. Additional Standards for Large PD. No special use permit for a Large PD shall be recommended or granted unless the applicant shall establish that the proposed development will meet each of the following additional standards:
1. Unified Ownership Required. The entire property proposed for planned development treatment must be, at the time of application and final action by the Board of Trustees, in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners and all tracts.
 2. Covenants and Restrictions to be Enforceable by Village. All covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the planned development shall provide that they may not be modified, removed, or released without the express consent of the Board of Trustees and that they may be enforced by the Village as well as by future landowners within the proposed development.
 3. Protected Open Space.
 - (a) Definition. Protected Open Space means parks, playgrounds, landscaped green space, community centers, or other similar areas and associated recreational amenities held and protected permanently as open space.
 - (b) Protected Open Space Required. Except under extraordinary circumstances determined as sufficient by the Board of Trustees, the planned development must include protected open space commensurate with the scale and design of the development. The protected open space must be held in common ownership or by an entity specifically responsible for the care and maintenance of the space. The protected open space also must be (i) held for use by all residents or other occupants of the development or (ii) dedicated to, and accepted by, the Village of La Grange, the Park District of La Grange, a school district, or another public entity as permanent common open areas for parks, recreation and/or related public uses.
 4. Landscaping and Perimeter Treatment. Any area of a planned development not used for structures or circulation elements shall be landscaped or otherwise improved. The perimeter of the planned development shall be treated so as to ensure compatibility with surrounding uses by means such as provision of compatible uses and structures, setbacks, screening, or natural or man-made buffers. Every planned development having 20 or more acres shall provide a perimeter

landscaped open space along each of its boundaries; each such open space shall have a minimum depth equal to the minimum front yard required in the district in which it is located or which it abuts, whichever is greater.

5. Private Streets. Private streets are prohibited unless expressly approved by the Board of Trustees. If so approved, they shall meet all construction standards applicable to public streets. No such streets shall be approved except upon the condition that they shall be owned and maintained by a hospital or by a property owners' association meeting the requirements set forth in Subparagraph B5 (d) of this Section.
 6. Pedestrian Circulation System. The planned development must include a suitable pedestrian circulation system including appropriate walkways, paths, trails, passageways, and other means of movement into, out of, and throughout the development and including private or public sidewalks meeting the standards of the La Grange Subdivision Code on both sides of every street in or abutting a planned development.
 7. Utilities. All utility lines shall be installed underground.
 8. Compensating Amenities. The planned development must include compensating amenities, if the applicant seeks a modification of any provision of this Code or the La Grange Subdivision Ordinance, as provided in Subsection 14-509B of this Code.
- C. Additional Standards for Specific Large PD. When the district regulations authorizing any planned development use in a particular district impose standards to be met by that planned development in such district, a special permit for such development shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

14-506 PROCEDURES FOR SMALL PLANNED DEVELOPMENTS

- A. Application for Small PD. For every project that includes less than 40,000 square of total land area (a "Small PD"), an application for approval of a Small PD Development Plan shall be filed in accordance with the requirements of Section 14-101 of this Article XIV.
- B. Public Hearing. A public hearing shall be set, noticed, and conducted by the Plan Commission in accordance with Section 14-103 of this Code.
- C. Action by Plan Commission. Within 30 days after the conclusion of the public hearing, the Plan Commission shall transmit to the Board of Trustees its recommendation, in the form specified by Subsection 13-103F of this Code, that the Small PD Development Plan either be approved, be approved subject to modifications, or not be approved. The failure of the Plan Commission to act

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within 30 days, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the Small PD Development Plan as submitted.

- D. Action by Board of Trustees. Within 60 days after the receipt of the recommendation of the Plan Commission or its failure to act as above provided, the Board of Trustees shall deny the application for approval of the Small PD Development Plan, or shall refer it back to the Plan Commission for further consideration of specified matters, or, by ordinance duly adopted, shall approve the Small PD Development Plan, with or without modifications and conditions to be accepted by the applicant as a condition of such approval, and shall grant a special use permit authorizing the proposed planned development and such additional approvals as may be necessary to permit development of the planned development as approved. Every ordinance and special use permit shall be expressly conditioned on the permittee's compliance with all provisions of this Code and the ordinance granting the special use permit.

The failure of the Board of Trustees to act within 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying approval of the Small PD Development Plan.

14-507 STANDARDS FOR SMALL PLANNED DEVELOPMENTS

- A. Special Use Permit Standards for Small PD. No special use permit for a planned development shall be recommended or granted pursuant to this Section unless the applicant shall establish that the proposed development will meet each of the standards made applicable to special uses pursuant to Subsection 14-401E of this Code.
- B. Additional Standards for Small PD Development Plans. No special use permit for a planned development shall be recommended or granted unless the applicant shall establish that the proposed development will meet each of the following additional standards:
1. Unified Ownership Required. The entire property proposed for planned development treatment must be, at the time of application and final action by the Board of Trustees, in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners and all tracts.
 2. Covenants and Restrictions to be Enforceable by Village. All covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the planned development shall provide that they may not

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be modified, removed, or released without the express consent of the Board of Trustees and that they may be enforced by the Village as well as by future landowners within the proposed development.

4. Open Space. The applicant must show that the largest amount of open space reasonably possible has been included in the Small PD Development Plan and that open space has been assembled and designed to maximize its quality, usefulness, beauty, and value to the development. The Village may require recorded restrictions and covenants or dedication of development rights to assure the perpetual care, conservation, and maintenance of the operation of the open space and to prevent the use of common open space for any structure, improvement, or use other than that shown on the approved Small PD Development Plan. The restrictions must be permanent and not for a given period of years and must run with the land.
 5. Landscaping and Perimeter Treatment. To the fullest extent possible, any area of the planned development not used for structures or circulation elements shall be landscaped or otherwise improved.
 6. Public Improvements. The applicant must provide for all public improvements necessary to serve the planned development, including without limitation streets, sidewalks, lights, signs, underground utilities, and landscaping, to be constructed or installed to Village standards at no cost to the Village.
 7. Excellence of Design. The building or buildings within the planned development must be of high architectural quality, with excellence of design considering the context within which the development is being proposed and the general standards stated in the "Urban Design Principles," "Urban Design Framework," and "Appendix A" of the Village of La Grange Urban Design Guidelines dated February 2009.
- C. Additional Standards for Specific Small PD. When the district regulations authorizing any planned development use in a particular district impose standards to be met by such planned development in such district, a special permit for such development shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

14-508 CONDITIONS ON ALL PLANNED DEVELOPMENT APPROVALS

The approval of a Large PD Final Plan or a Small PD Development Plan may be conditioned on such matters as the Board of Trustees may find necessary to prevent or minimize any possible adverse effects of the proposed planned development, or to ensure its compatibility with surrounding uses and development and its consistency with the general purposes, goals, and objectives of this Code, the La Grange

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Subdivision Code, and the Official Comprehensive Plan. Such conditions shall be expressly set forth in the ordinance or resolution granting the approval in question. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of all approvals granted for the planned development.

14-509 AUTHORITY TO MODIFY REGULATIONS

- A. Authority. Subject to the standards and limitations in this Section, the Board of Trustees, as part of an approval of any planned development, may modify any provision of this Code or of the La Grange Subdivision Ordinance as they apply to an approved planned development, subject to the limitations in this Section.
- B. Standards. No modification may be approved unless the Board of Trustees shall find that the proposed planned development:
1. Will achieve the purposes for which planned developments may be approved pursuant to Section 14-502;
 2. Will not violate the general purposes, goals, and objectives of this Code and the Official Comprehensive Plan; and
 3. Will result in a development providing compensating amenities to the Village. Compensating amenities means features not otherwise required to achieve compliance with the standards of this Code or other applicable Village codes and ordinances, including such things as public art, plazas, pedestrian walkways, natural habitats, increased landscaping, buffering or screening, enhanced streetscape, enhanced pedestrian and transit supportive design, underground parking and similar features. Compensating amenities must be proposed as part of a PD application, and all compensating amenities, whether public or private, must be developed and constructed at the applicant's expense.
 4. Subject to the standards set forth in this paragraph, a compensating amenity may be in the form of a cash contribution. If the Board of Trustees approves a cash contribution, then the contribution must be made by the applicant to the Village prior to the issuance by the Village of any permit authorizing construction related to the project. The cash contribution must be designated by the Village specifically for use to provide one or more features of the type described in the preceding paragraph. The Board of Trustees may approve a cash contribution only if (a) the project site is inadequate for any physical on-site compensating amenity as a result of its size, shape, or other topographic feature, (b) there is no immediate need for a compensating amenity on public property abutting or adjacent to the project site, and (c) there is a compelling and appropriate compensating amenity, as determined by the Board of Trustees, for which a cash contribution can be designated.

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- C. Specific District Regulations. Except as provided in Subsection 14-508D of this Section, no modification shall be permitted with respect to a zoning district standard in this Code specifically applicable to planned developments, unless the zoning district regulations expressly authorize a modification.
- D. Other Limitations. In granting any planned development approval pursuant to this Section, the Board of Trustees shall in no event:
1. For a Large PD, reduce the number of off-street parking or loading spaces required by this Code for any commercial use located within a C-2 or C-3 District by more than 50 percent or for any other use by more than 25 percent; or
 2. Make less stringent any performance standard relating to noise, vibration, smoke and particulate matter, odors, toxic and noxious matter, radiation hazards, fire and explosive hazards, or heat or glare, applicable in the district in which the development is to be located or applicable to the particular use by reason of the regulations applicable in any district in which it might be located; or
 3. Reduce the minimum total lot area requirement by more than 50 percent. This limitation does not apply to any minimum lot area per unit requirement; or
 4. For a Large PD, permit the total lot coverage in the planned development to exceed 60 percent when located in any R-1 Single Family Residential District or 75 percent when located in any other residential district; or
 6. Reduce the minimum livable floor area requirements applicable in any district in which the development is to be located, except as may be specifically provided in the applicable district regulations.

14-510 REGULATION DURING AND AFTER COMPLETION OF DEVELOPMENT

After a Large PD Final Plan or Small PD Development Plan has been approved, that approved plan will constitute the regulations applicable to the subject property, rather than any conflicting provision of this Code. No use or development not authorized by the approved plan will be permitted within the planned development.

14-511 ADJUSTMENTS TO APPROVED PLAN DURING DEVELOPMENT

- A. Minor Adjustments. During the development of a planned development, the Village Manager may authorize minor adjustments to an approved plan when the adjustments appear necessary to, and consistent, with proper completion of

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the development as contemplated by the approval ordinance. Such minor adjustments shall be limited to the following:

1. Altering the location of any one structure or group of structures by not more than 20 feet or one-fourth of the distance shown on the approved Final Plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the planned development, whichever is less; and
2. Altering the location of any circulation element by not more than 20 feet or one-fourth of the distance shown on the approved Final Plan between such circulation element and any structure, whichever is less; and
3. Altering the location of any open space by not more than 20 feet; and
4. Altering any final grade by not more than 20 percent of the originally planned grade; and
5. Altering the location or type of landscaping elements.

Such minor adjustments shall be consistent with the intent and purpose of this Code and the Final Plan, as approved, shall be the minimum necessary to overcome the particular difficulty, and shall not be approved if they would result in a violation of any standard or requirement of this Code.

- B. Major Adjustments. Any adjustment to an approved plan not authorized by Subsection 14-511A shall be considered to be a major adjustment and shall be granted only on application to, and approval by, the Board of Trustees. The Board of Trustees may, by ordinance duly adopted, grant approval for a major adjustment without a hearing upon finding that any changes in the Final Plan as approved will be in substantial conformity with said Final Plan. If the Board of Trustees determines that a major adjustment is not in substantial conformity with the Final Plan as approved, then the Board of Trustees shall refer the request to the Plan Commission for further hearing and review as provided in Subsection 14-504C.

14-512 AMENDMENTS TO APPROVED PLAN AFTER COMPLETION OF
DEVELOPMENT

After completion of a planned development, an approved plan may be amended, varied, or altered in the same manner and subject to the same limitations, as provided for major adjustments in Section 14-511.

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INTRODUCTION

Urban design is a critical element of the BNSF Railroad Corridor. Community preferences on urban design will have strong influence on the level of pedestrian orientation in the Corridor and the degree to which Village objectives for transit supportive land use can be realized. Together with land use regulations such as the Village's zoning code, urban design decisions affect the perceived quality and character of the Corridor.

EXISTING CONDITIONS AND DESIGN ISSUES

The Village of La Grange and its business partners have successfully sustained the Downtown with a balance between older structures and newer styles of development. La Grange has undertaken a streetscape improvement program which reinforces the charm and ambience of the Downtown. Aesthetic improvements, combined with the bulk regulations of the Village's zoning code, have created a Downtown area that is highly pedestrian oriented and "walkable".

During the comprehensive planning process, the Village solicited input regarding key planning issues and opportunities confronting the BNSF Railroad Corridor. Issues include the following:

- A lack of pedestrian continuity between the Downtown and West End Business District.
- A lack of adequate wayfinding and entry signage.
- Many outdated building facades.
- Poorly marked/designed walks across the BNSF Railroad Corridor right-of-way.
- The scale of some of the Corridor's newer structures.
- A need for additional open space within the Corridor, of various scales.

Opportunities related to urban design that were identified include the following:

- An established visual identity (streetscape) to expand, and to enhance with additional amenities.
- A Design Review Overlay District mechanism for design review is already in place.
- Several attractive buildings and facades.

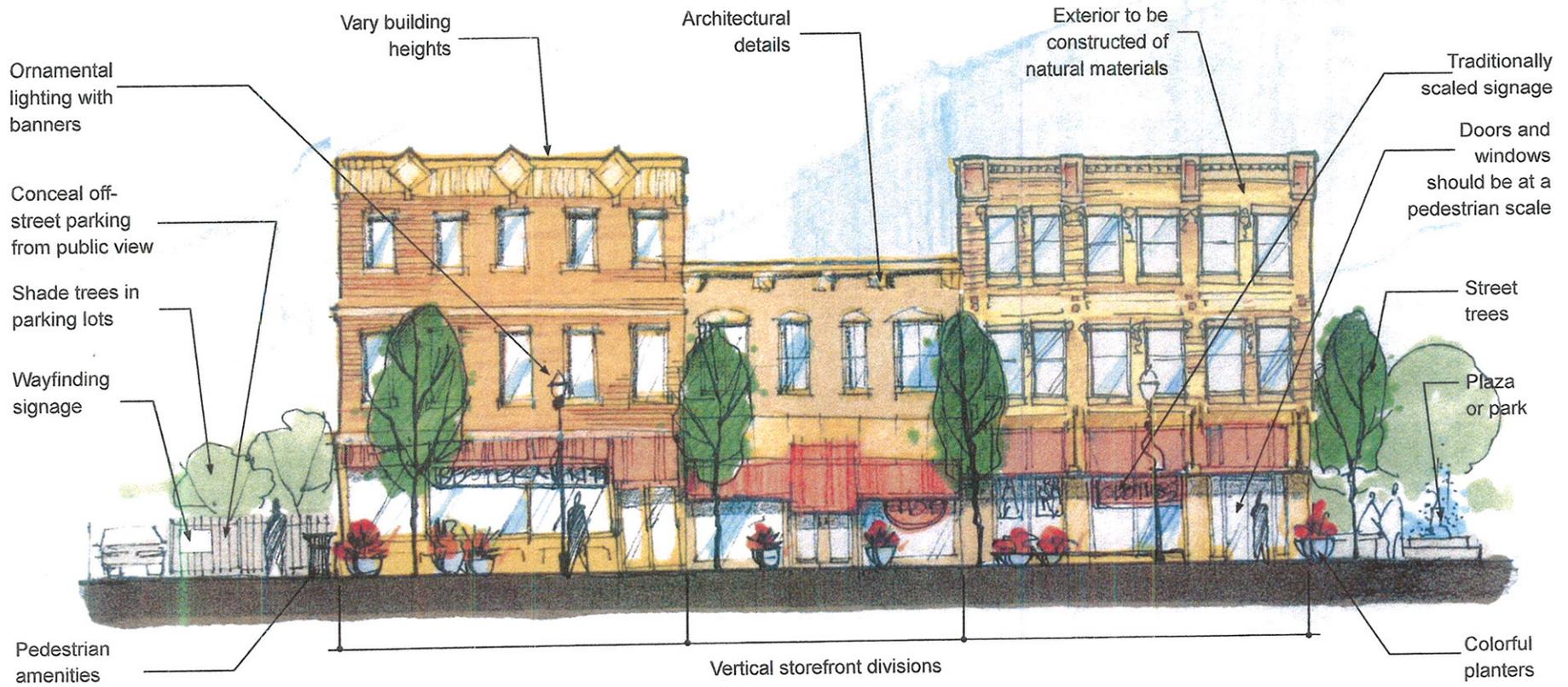
URBAN DESIGN PRINCIPLES

The following principles should guide design decisions with regard to both public and private improvements within the Corridor to facilitate a consistent visual image and pedestrian-friendly character. An illustration of several of these principles relating to building facades is shown in Figure 1, Facade Design Principles.

At the end of this document you will find a checklist to be used as a reference when designing new or remodeling existing buildings to comply with these principles.

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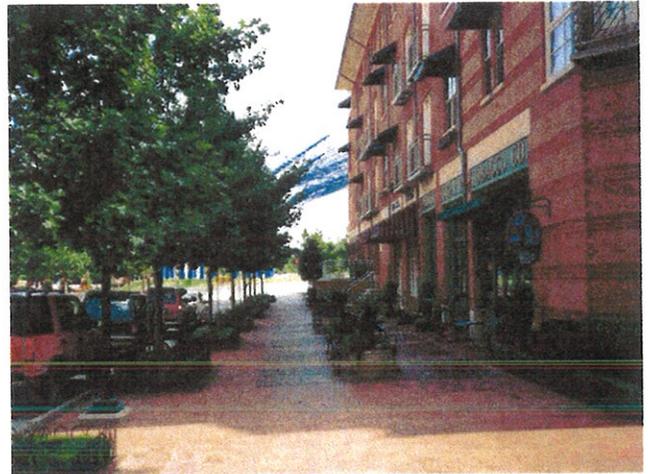
FIGURE 1. BNSF RAILROAD CORRIDOR FACADE DESIGN PRINCIPLES



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ARCHITECTURAL DESIGN - COMMERCIAL

1. Buildings should not exceed five stories in height within the Corridor, and should be sensitively designed to be compatible with their surroundings regardless of height.
2. The overall mass and bulk of buildings should be broken down with vertical “storefront” divisions and/or changes in exterior materials, to remain compatible in scale with older structures.
3. Rooflines should be varied for visual interest - parapet wall construction is most appropriate for commercial and mixed-use structures.
4. Architectural details - such as facade accents, balconies and awnings - can also serve to break down the scale of larger buildings and provide visual interest.
5. Masonry, stone and other natural exterior materials are most appropriate within the context of the Corridor.
6. Commercial storefronts should be located along the “street wall” and have large windows for merchandise display, encouraging a window shopping and strolling atmosphere.
7. Small scaled and non-illuminated signage is most appropriate within the Corridor; large and garish “box” signs or signs with moving parts are not in keeping with the character of the area.
8. Off-street parking spaces for commercial developments should be screened from view along public rights-of-way.



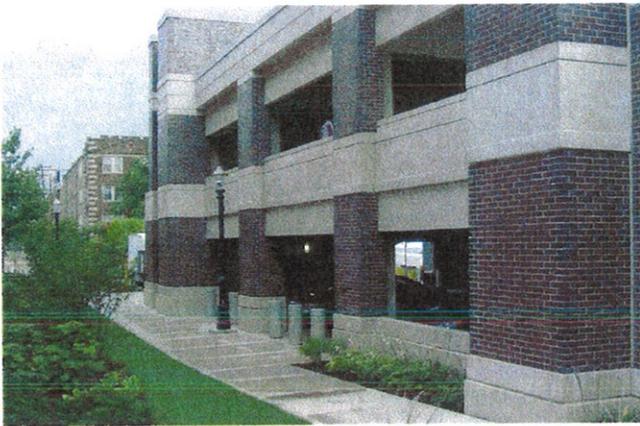
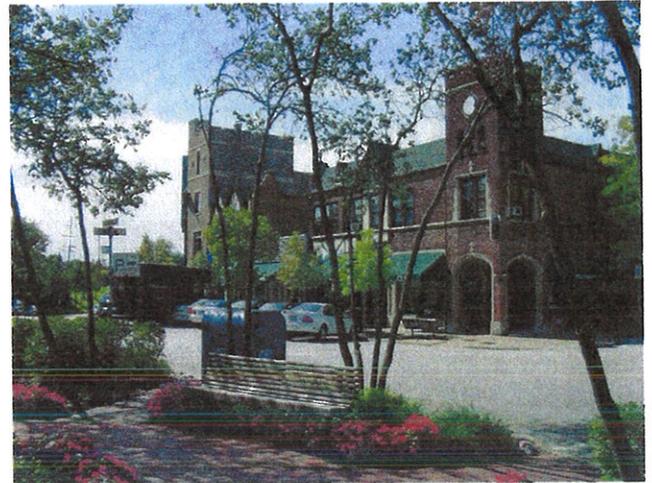
ARCHITECTURAL DESIGN - MULTI-FAMILY RESIDENTIAL

1. Buildings should not exceed five stories in height within the Corridor, and should be sensitively designed to be compatible with their surroundings regardless of height.
2. Rooflines should be varied for visual interest - sloping roofs and gable elements are most appropriate for multi-family residential structures.
3. Architectural details - such as facade accents, balconies and entry porches can also serve to break down the scale of larger buildings and provide visual interest.
4. Masonry, stone and other natural exterior materials are most appropriate within the context of the Corridor.
5. Townhouse units should address the street by providing individual entrances for each unit.
6. Outdoor off-street parking spaces and garage entrances for multi-family residential developments should be concealed from view along public rights-of-way.

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OPEN SPACES AND STREETScape

1. Provide generous sidewalks that allow for a “walking zone” adjacent to storefronts and an “amenity” zone at the curb to accommodate planters, street trees and benches. Ideally, sidewalks should be at least fifteen feet in width.
2. Integrate plazas, rest areas and open spaces of varying scales in the Corridor to provide rest and relaxation opportunities for shoppers and other visitors. Spaces should be strategically positioned and of high quality design.
3. Larger open spaces should incorporate lawn areas, defined walking paths, shade trees and focal points such as water features or public art displays.
4. Provide ornamental lighting sufficient to ensure secure walking conditions after dark, especially at off-street pedways and pedestrian crossing areas.
5. Street trees should be provided throughout the Corridor, in either grates or planted parkways, as appropriate.
6. Benches, water fountains, trash receptacles and other pedestrian amenities should be visually coordinated.
7. Color should be introduced through the use of plantings in low planters/planting beds, storefront awnings and pole-mounted banners.



PARKING LOTS AND STRUCTURES

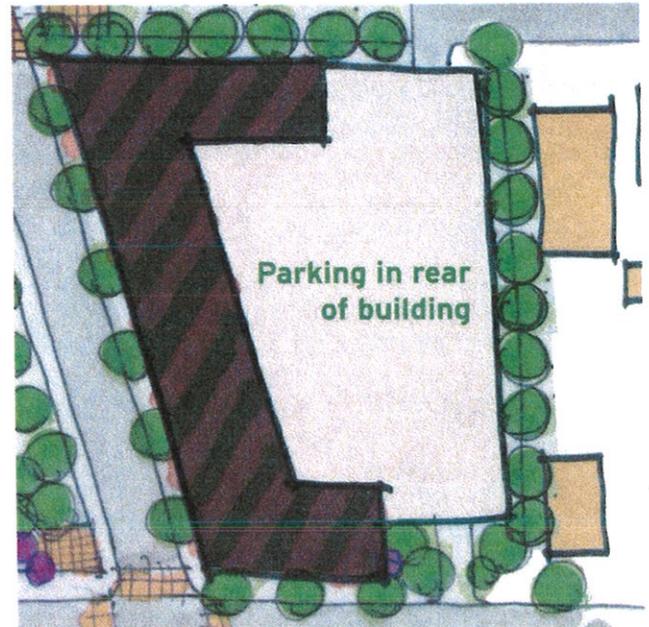
1. Lots and structures should be buffered from their surroundings with perimeter fencing and plantings, where visible from public rights-of-way.
2. To the extent feasible, parking lots should be visually concealed behind or beside buildings, but be easy to find and access.
3. Clear signage and adequate lighting for wayfinding and security should be provided at all parking areas.
4. Parking lots should incorporate shade trees within planted islands for visual relief and user comfort.
5. Parking structures should be open in design, partially below grade if feasible to minimize overall height, and treated on the exterior with high quality materials and vines to blend in visually with their surroundings.

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URBAN DESIGN FRAMEWORK

Key to maintaining pedestrian continuity, and supporting the Village's TOD development efforts, is the continuation of the pedestrian-oriented "street wall" where buildings are developed up to the front lot line. Continuing to maintain and develop attractive storefronts is critical to sustaining the pedestrian character of the Corridor. Locations where it will be important to develop or maintain the Corridor's "street wall" character are illustrated in Figure 2, BNSF Railroad Corridor Urban Design Framework. Listed below are other potential aesthetic improvements within the BNSF Railroad Corridor.

1. Expand the established streetscape palette into all areas of the Corridor, as indicated in the Urban Design Framework. Consider the addition of benches and other additional amenities in areas that are already improved, where space permits.
2. Establish gateway treatments, as indicated in Figure 2, to announce arrival into the Corridor at key locations and aid in orientation, in conjunction with the wayfinding signage system.
3. Parking lots and structures should be sensitively designed and well buffered from their surrounding through the use of careful siting, landscaped and fenced setbacks, and high quality materials.
4. Community input in the first phase of the planning process indicated that public art could be an important component of the Corridor. The market analysis indicated that there is a potential for arts and cultural facility development in the downtown. A high quality public art program could support this initiative. If and when it is pursued, the community will need to define a public arts program in more detail.
5. New private developments should adhere to the Urban Design Principles outlined here with regard to architectural design and site improvements, to provide a consistent and transit-supportive built environment throughout the Corridor.



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DESIGN GUIDELINES CHECKLIST

Buildings in the BNSF Railroad Corridor should reflect the context of the surrounding area as well as the principles and policies established in the Urban Design Guidelines. The checklist below should be referenced when designing a new building or renovating an existing building. Please indicate all the characteristics that have been incorporated into the design of the project.

Height

- Building height is less than 5 stories
- Height compatible with adjacent buildings

Facade Design

- Overall mass and bulk broken into vertical divisions
- Rooflines varied for visual interest
- Facade accents, balconies and other elements provide visual interest
- Storefronts are located along the “street wall” (if applicable)
- Large windows for merchandise display (if applicable)
- Townhouse entrances visible and accessible from street (if applicable)

Building Materials

Appropriate materials include, but are not limited to

- Masonry
- Stone
- Other natural materials

Signage

- Small scale (if applicable)
- Non-illuminated
- Signs with dimension or depth
- Individual letters preferred to “box” signs
- No moving parts

Streetscape

- Sidewalks provided with width of at least 15 feet at storefronts
- Pedestrian “walking zone” of approx. 10 feet adjacent to storefronts
- “Amenity” zone provided at the curb for planters, street trees and benches
- Ornamental lighting located at off-street pedways and pedestrian crossing areas
- Street trees in either grates or planted parkways
- Benches, trash receptacles and other pedestrian amenities visually coordinated.
- Plantings in low planters/planting beds

Parking Facilities

- Off-street parking spaces and garage entrances concealed from view along street(s)
- Perimeter fencing and plantings to provide buffer
- Parking areas visually concealed behind or beside buildings
- Easy to find and accessible
- Clear signage and adequate lighting for wayfinding and security
- Shade trees within planted islands

Parking Structures

- Open in design
- Partially below grade if feasible to minimize overall height
- High quality exterior materials and landscape to blend in visually with surroundings

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EXHIBIT D

TO ORDINANCE NO. _____

AMENDMENT OF ARTICLE XVI DEFINITIONS

ARTICLE XVI

USAGE AND DEFINITIONS

Add the following definitions in proper alphabetical order (ZC §16-102):

- C. When used in this Code, the following terms shall have the meanings herein ascribed to them:

* * *

COMPENSATING AMENITIES. See Subsection 14-505B of this Code.

- L. When used in this Code, the following terms shall have the meanings herein ascribed to them:

* * *

LARGE PLANNED DEVELOPMENT (LARGE PD). See Section 14-504 of this Code.

- M. When used in this Code, the following terms shall have the meanings herein ascribed to them:

* * *

MODIFICATION (for planned developments). See Section 14-509 of this Code.

- S. When used in this Code, the following terms shall have the meanings herein ascribed to them:

* * *

SMALL PLANNED DEVELOPMENT (SMALL PD). See Section 14-506 of this Code.

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RED LINE VERSION
OF
CURRENT ARTICLE XIV

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~~ARTICLE XIV~~ LA GRANGE ZONING CODE

September 6, 2011, Draft of Revisions to Planned Development Regulations to Differentiate between Large and Small Projects

PART V: PLANNED DEVELOPMENTS

14-501 AUTHORITY

The Board of Trustees, ~~in accordance with the procedures and standards set out in this Section and by ordinance duly adopted,~~ may grant special use permits under this Part V authorizing the development of planned developments, ~~but only~~ in the districts where ~~such~~ planned developments are listed as ~~an authorized~~ a special use.

14-502 PURPOSE

Planned developments are ~~included in this Code as~~ a distinct category of special use. ~~As such, they~~ They are authorized in the multiple family, commercial, office, industrial, and institutional buildings districts ~~for the same general purposes as all other special uses. In particular, however, the planned development technique is intended to allow the relaxation of otherwise applicable substantive requirements based upon procedural protections providing for detailed review of individual proposals for significant developments. This special regulatory technique is included in this Code in recognition of the fact that,~~

Within a planned development, the traditional use, bulk, space, and yard regulations ~~which may be useful in protecting the character of substantially developed and stable areas may~~ may be relaxed if they impose inappropriate ~~pre-regulations and rigidities~~ upon the proposed development or redevelopment of ~~parcels or areas~~ a parcel of land that ~~lend themselves~~ lends itself to an individual, planned approach. Through the flexibility of ~~the~~ a planned development ~~technique~~, the Village seeks to achieve the following specific objectives:

- A. Encouragement of flexibility in the development or redevelopment of land
- B. Creation of ~~an~~ appreciably more desirable environment than would be possible through strict application of other Village land use regulations. ~~B. Efficient use of land resulting in smaller networks of utilities and streets while lowering development and housing costs.,~~ whether through

maximization of open space, or excellent in building and site design, or provision of amenities not possible under the otherwise applicable requirements.

- C. ~~Promotion of a creative approach to the use of land and related physical facilities resulting in better design and~~creative architectural and site designs and resulting development, ~~including aesthetic amenities.~~
- D. ~~Combination and coordination of architectural styles, building forms, and building relationships.~~ Promotion of quality, useful open space and recreational opportunities.
- E. ~~Preservation and enhancement of desirable site characteristics such as natural topography, vegetation, and geologic features, and the prevention of soil erosion.~~ Promotion of environmentally sound development practices.
- F. ~~Provision for the preservation and beneficial use of open space.~~ Facilitation of development in harmony with the Comprehensive Plan.
- G. ~~An increase in the amount of open space over that which would result from the application of conventional subdivision and zoning regulations.~~ H. ~~Encouragement of land uses that promote the~~ Promotion of public health, safety, and ~~general~~ welfare.

14-503 PARTIES ENTITLED TO SEEK PLANNED DEVELOPMENT APPROVAL

An application for a special permit to permit a planned development may be filed by the owner of, or any person having a binding contractual interest in, the subject property.

14-504 PROCEDURE FOR LARGE PLANNED DEVELOPMENTS

The provisions of this Section 14-504 apply to any project that includes 40,000 square feet or more of total land area or more than one principal building (a "Large PD").

- A. Development Concept Plan for Large PD.
 - 1. Purpose. The Development Concept Plan ~~is intended to provide~~ the provides an applicant ~~an~~ the opportunity to submit a plan showing the basic scope, character, and nature of entire proposed planned development without incurring undue cost. The ~~Development Concept Plan is the basis on which the~~ required public hearing is ~~held~~ based on the Development

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Concept Plan, thus permitting public consideration of the proposal at the earliest possible stage. ~~To permit the Village and the applicant to proceed with some assurance, approval of~~ Once it is approved, the Development Concept Plan binds both the applicant and the Village with respect to the following basic elements of development:

- (a) categories of uses to be permitted; and
- (b) general location of residential and nonresidential land uses; and
- (c) overall maximum density of residential uses and intensity of nonresidential uses; and
- (d) the general architectural style of the proposed development; and
- (e) general location and extent of public and private open space including recreational amenities; and
- (f) general location of vehicular and pedestrian circulation systems; and
- (g) staging of development; and
- (h) nature, scope, and extent of public dedications, improvements, or contributions to be provided by the applicant.

2. Application. ~~Applications~~ An application for approval of a Development Concept Plan shall be filed in accordance with the requirements of Section 14-101 of this Article XIV.
3. Public Hearing. A public hearing shall be set, noticed, and conducted by the Plan Commission in accordance with Section 14-103 of this Code.
4. Action by Plan Commission. Within 60 days after the conclusion of the public hearing, the Plan Commission shall transmit to the Board of Trustees its recommendation, in the form specified by Subsection 13-103F of this Code, that the Development Concept Plan either be approved, be approved subject to modifications, or not be approved. The failure of the Plan Commission to act within such 60 days, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the Development Concept Plan as submitted.
5. Action by Board of Trustees. Within 60 days after the receipt of the recommendation of the Plan Commission or its failure to act as above provided, the Board of Trustees shall deny the application for approval of the Development Concept Plan, or shall refer it back to the Plan Commission for further consideration of specified matters, or, by ordinance duly adopted, shall approve the

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Development Concept Plan, with or without modifications and conditions to be accepted by the applicant as a condition of such approval, and shall grant a special use permit authorizing the proposed planned development and such additional approvals as may be necessary to permit development of the planned development as approved; provided, however, that every such ordinance and special use permit shall be expressly conditioned upon approval of Final Plans in accordance with Subsection 14-504C of this Article XIV and upon the permittee's compliance with all provisions of this Code and the ordinance granting the special use permit.

The failure of the Board of Trustees to act within such 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying approval of the Development Concept Plan.

6. Effect of Development Concept Plan Approval. Unless the applicant shall fail to meet time schedules for filing a Final Plan or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this Code or any approval granted pursuant to it, the Village shall not, without the consent of the applicant, take any action to modify, revoke, or otherwise impair an approved Development Concept Plan with respect to the elements of development set forth in Paragraph 14-504A1 of this Section pending the application for approval of a Final Plan. In submitting such plans, the applicant shall be bound by the approved Development Concept Plan with respect to each such element.

7. Coordination with Subdivision Ordinance. When a subdivision of land subject to the La Grange Subdivision Ordinance is proposed in connection with a planned development, review of the tentative plat of the proposed subdivision shall be carried out simultaneously with review of the Development Concept Plan.

- B. Optional Submission of a Final Plan. The applicant may, at his or her option, submit a Large PD Final Plan for the proposed planned development pursuant to the requirements of Subsection 14-504C of this Section simultaneously with the submission of the Development Concept Plan pursuant to the requirements of Subsection 14-504A of this Section. In ~~such~~that case, the applicant shall comply with all provisions of this Code applicable to submission of the Development Concept Plan and to submission of the Final Plan. The elements of both the Development Concept Plan and the Final Plan may be combined into a single set of plans. The Plan Commission and the Board of Trustees shall consider such plans simultaneously and shall grant or deny Large PD Final Plan approval in accordance with the provisions of ~~Subsection~~Subsections 14-504A and C of this Section.

- C. Large PD Final Plan.

1. Purpose. The Large PD Final Plan is intended to particularize, refine, and implement the Development Concept Plan and to serve as a complete, thorough,

and permanent public record of the planned development and the manner in which it is to be developed.

2. Application. ~~Upon~~On approval of the Development Concept Plan, the applicant shall file an application for Final Plan approval in accordance with the requirements of Section 14-101 of this Code within one year after the date of such approval or in stages as approved in the Development Concept Plan. The application shall refine, implement, and be in substantial conformity with the approved Development Concept Plan.
3. Public Meeting. A public meeting shall be set, noticed, and conducted by the Plan Commission in accordance with Section 14-103 of this Code.
4. Coordination with Subdivision Ordinance. When a subdivision of land subject to the La Grange Subdivision Ordinance is proposed in connection with a planned development, review of the proposed plat of subdivision shall be carried out simultaneously with review of the Development Concept Plan.
5. Action by Plan Commission.
 - (a) Evaluation. Within 60 days after the filing of an application for approval of a Large PD Final Plan, the Plan Commission shall, with such aid and advice of the Village staff and consultants as may be appropriate, review and act on the plan. Such review shall consider:
 - (i) whether the Large PD Final Plan is in substantial conformity with the approved Development Concept Plan; and
 - (ii) the merit or lack of merit of any departure of the Large PD Final Plan from substantial conformity with the approved Development Concept Plan; and
 - (iii) whether the Large PD Final Plan complies with any and all conditions imposed by approval of the Development Concept Plan; and
 - (iv) whether the Large PD Final Plan complies with the provisions of this Code and all other applicable federal, State, and Village codes, ordinances, and regulations.
 - (b) Recommendation of Approval Based on Substantial Conformity. If the Plan Commission finds substantial conformity between the Large PD Final Plan and the approved Development Concept Plan and further finds the Large PD Final Plan to be in all other respects complete and in compliance with any and all conditions imposed by approval of the Development Concept Plan and with the provisions of this Code and all other applicable

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federal, State, and Village codes, ordinances, and regulations, it shall transmit the plan to the Board of Trustees with its recommendation, in the form specified in Subsection 13-103F of this Code, that the Board of Trustees approve the Large PD Final Plan, with or without modifications and conditions to be accepted by the applicant as a condition of approval; provided, however, that in no event shall such conditions of approval impair the rights granted by the Development Concept Plan approval.

- (c) Recommendation of Approval without Substantial Conformity. If the Plan Commission finds that the Large PD Final Plan lacks substantial conformity to the Development Concept Plan but merits approval notwithstanding such lack of conformity and otherwise conforms to the requirements of this Code, it shall transmit the plan to the Board of Trustees with its recommendation, in the form specified in Subsection 13-~~103~~103F of this Code, that the Large PD Final Plan be approved, with or without modifications and conditions to be accepted by the applicant as a condition of approval.
- (d) Recommendation of Denial. If the Plan Commission finds that the Large PD Final Plan is not in substantial conformity with the approved Development Concept Plan and does not merit approval, or if the Plan Commission requires modifications of a plan that are not accepted by the applicant, then the Plan Commission shall transmit the plan to the Board of Trustees together with its recommendation, in the form specified in Subsection 13-103F of this Code, that the Large PD Final Plan not be approved.
- (e) Failure to Act. The failure of the Plan Commission to act within such 60 days, or such further time to which the applicant may agree, shall be deemed to be a recommendation to the Board of Trustees to approve the Final Plan as submitted.

6. Action by Board of Trustees. Within 60 days after the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees shall ~~either~~ proceed as follows:

- (a) Approval Based on Substantial Conformity. If the Plan Commission has recommended approval of a Large PD Final Plan pursuant to Subparagraph 14-~~504~~504C5(b) of this Section, the Board of Trustees shall, unless it specifically rejects one or more of the findings of the Plan Commission on the basis of expressly stated reasons, approve the Large PD Final Plan by a duly adopted ordinance; or
- (b) Approval Without Substantial Conformity. In any case other than that specified in Subparagraph 14-504C6(a) of this Section, the Board of Trustees may, if it finds that the Large PD Final Plan merits approval and

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otherwise conforms to the requirements of this Code, approve the Final Plan by a duly adopted ordinance; or

- (c) Referral Back to Plan Commission. In any case other than that specified in Subparagraph 14-504C6(a) of this Section, the Board of Trustees may refer the Large PD Final Plan back to the Plan Commission for further consideration of specified matters; or
- (d) Conditions on Final Plan Approval. The approval of any Large PD Final Plan may be granted with or without modifications and conditions to be accepted by the applicant as a condition of approval; provided, however, that in no event shall such conditions of approval impair the rights granted by the Development Concept Plan approval.
- (e) Failure to Act. The failure of the Board of Trustees to act within such 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying Large PD Final Plan approval.

7. Recording of Large PD Final Plan. When a Large PD Final Plan is approved, the Village Manager shall cause the Large PD Final Plan, or the portions thereof as are appropriate, to be recorded with the Recorder of Deeds of Cook County.

8. Limitation on Large PD Final Plan Approval. Construction shall commence in accordance with the approved Large PD Final Plan within one year after the approval of such plan, or within such time as may be established by the approved development schedule. Failure to commence construction within such period shall, unless an extension of time shall have been granted by the Village Manager pursuant to Subsection 13-101L of this Code, automatically render void the Large PD Final Plan approval and all approvals of the planned development and all permits based on such approvals, and the Manager shall, without further direction, initiate an appropriate application to revoke the special use permit for all portions of the planned development that have not yet been completed.

9. Building and Other Permits. Except as provided in Subparagraph 14-504C9 of this Section, appropriate officials of the Village ~~may upon, but not before,~~ after receiving notice from the Village Manager that the documents required for Large PD Final Plan approval have been approved, and upon proper application by the applicant, may issue building and other permits to the applicant for the development, construction, and other work in the area encompassed by the approved Large PD Final Plan; provided, however, that no permit shall be issued unless the appropriate official is first satisfied that the requirements of any codes or ordinances of the Village, in addition to this Code, that are applicable to the permit sought, have been satisfied.

Building permits may, however, be withheld at the discretion of the Village Manager or the Board of Trustees at any time it is determined that the development

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of the planned development is not proceeding in strict compliance with the approved Final Plan.

14-505 STANDARDS FOR LARGE PLANNED DEVELOPMENTS

A. Special Use Permit Standards for Large PD. No special use permit for a Large PD shall be recommended or granted pursuant to this Section unless the applicant shall establish that the proposed development will meet each of the standards made applicable to special uses pursuant to Subsection 14-401E of this Code.

B. Additional Standards for Large PD. No special use permit for a Large PD shall be recommended or granted unless the applicant shall establish that the proposed development will meet each of the following additional standards:

1. Unified Ownership Required. The entire property proposed for planned development treatment must be, at the time of application and final action by the Board of Trustees, in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners and all tracts.

2. Covenants and Restrictions to be Enforceable by Village. All covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the planned development shall provide that they may not be modified, removed, or released without the express consent of the Board of Trustees and that they may be enforced by the Village as well as by future landowners within the proposed development.

3. Protected Open Space.

(a) Definition. Protected Open Space means parks, playgrounds, landscaped green space, community centers, or other similar areas and associated recreational amenities held and protected permanently as open space.

(b) Protected Open Space Required. Except under extraordinary circumstances determined as sufficient by the Board of Trustees, the planned development must include protected open space commensurate with the scale and design of the development. The protected open space must be held in common ownership or by an entity specifically responsible for the care and maintenance of the space. The protected open space also must be (i) held for use by all residents or other occupants of the development or (ii) dedicated to, and accepted by, the Village of La Grange, the Park District of La Grange, a school district, or another public entity as permanent common open areas for parks, recreation and/or related public uses.

5-A.40

4. Landscaping and Perimeter Treatment. Any area of a planned development not used for structures or circulation elements shall be landscaped or otherwise improved. The perimeter of the planned development shall be treated so as to ensure compatibility with surrounding uses by means such as provision of compatible uses and structures, setbacks, screening, or natural or man-made buffers. Every planned development having 20 or more acres shall provide a perimeter landscaped open space along each of its boundaries; each such open space shall have a minimum depth equal to the minimum front yard required in the district in which it is located or which it abuts, whichever is greater.
5. Private Streets. Private streets are prohibited unless expressly approved by the Board of Trustees. If so approved, they shall meet all construction standards applicable to public streets. No such streets shall be approved except upon the condition that they shall be owned and maintained by a hospital or by a property owners' association meeting the requirements set forth in Subparagraph B5(d) of this Section.
6. Pedestrian Circulation System. The planned development must include a suitable pedestrian circulation system including appropriate walkways, paths, trails, passageways, and other means of movement into, out of, and throughout the development and including private or public sidewalks meeting the standards of the La Grange Subdivision Code on both sides of every street in or abutting a planned development.
7. Utilities. All utility lines shall be installed underground.
8. Compensating Amenities. The planned development must include compensating amenities, if the applicant seeks modification or waiver of any provision of this Code or the La Grange Subdivision Ordinance, as provided in Subsection 14-509B of this Code.

C. Additional Standards for Specific Large PD. When the district regulations authorizing any planned development use in a particular district impose standards to be met by that planned development in such district, a special permit for such development shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

14-506 PROCEDURES FOR SMALL PLANNED DEVELOPMENTS

- A. Application for Small PD. For every project that includes less than 40,000 square of total land area (a "Small PD"), an application for approval of a Small PD Development Plan shall be filed in accordance with the requirements of Section 14-101 of this Article XIV.
- B. Public Hearing. A public hearing shall be set, noticed, and conducted by the Plan Commission in accordance with Section 14-103 of this Code.

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C. Action by Plan Commission. Within 30 days after the conclusion of the public hearing, the Plan Commission shall transmit to the Board of Trustees its recommendation, in the form specified by Subsection 13-103F of this Code, that the Small PD Development Plan either be approved, be approved subject to modifications, or not be approved. The failure of the Plan Commission to act within 30 days, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the Small PD Development Plan as submitted.

D. Action by Board of Trustees. Within 60 days after the receipt of the recommendation of the Plan Commission or its failure to act as above provided, the Board of Trustees shall deny the application for approval of the Small PD Development Plan, or shall refer it back to the Plan Commission for further consideration of specified matters, or, by ordinance duly adopted, shall approve the Small PD Development Plan, with or without modifications and conditions to be accepted by the applicant as a condition of such approval, and shall grant a special use permit authorizing the proposed planned development and such additional approvals as may be necessary to permit development of the planned development as approved. Every ordinance and special use permit shall be expressly conditioned on the permittee's compliance with all provisions of this Code and the ordinance granting the special use permit.

The failure of the Board of Trustees to act within 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying approval of the Small PD Development Plan.

14-507 STANDARDS FOR SMALL PLANNED DEVELOPMENTS

- A. Special Use Permit Standards for Small PD. No special use permit for a planned development shall be recommended or granted pursuant to this Section unless the applicant shall establish that the proposed development will meet each of the standards made applicable to special uses pursuant to Subsection 14-401E of this Code.
- B. Additional Standards for ~~All Planned Developments~~ Small PD Development Plans. No special use permit for a planned development shall be recommended or granted unless the applicant shall establish that the proposed development will meet each of the following additional standards:
1. Unified Ownership Required. The entire property proposed for planned development treatment ~~shall be~~ must be, at the time of application and final action by the Board of Trustees, in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners and all tracts.

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2. ~~Minimum Area.~~— ~~The district regulations of this Code establishing standards for particular types of planned development specify the minimum area required for some planned developments.~~— ~~In addition to meeting that specific standard, or where no specific standard is set, the applicant shall have the burden of establishing that the subject property is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives for which planned developments may be established pursuant to this Section.~~3. — Covenants and Restrictions to be Enforceable by Village. All covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the planned development shall provide that they may not be modified, removed, or released without the express consent of the Board of Trustees and that they may be enforced by the Village as well as by future landowners within the proposed development.
4. ~~Public Open Space and Contributions.~~— ~~Whenever the Official Comprehensive Plan or Zoning Map indicates that development of a planned development will create a need for land for public purposes of the Village within the proposed planned development, the Board of Trustees may require that such area be designated and to the extent such need is specifically and uniquely attributable to the proposed development, dedicated to the Village for such use.~~— ~~In addition, the Board of Trustees may require evidence that all requirements of Village ordinances pertaining to the dedication of land or the contribution of cash in connection with subdivisions or developments of land have been met as respects the proposed planned development, whether or not such proposed development would be otherwise subject to such ordinances.~~— Open Space. The applicant must show that the largest amount of open space reasonably possible has been included in the Small PD Development Plan and that open space has been assembled and designed to maximize its quality, usefulness, beauty, and value to the development. The Village may require recorded restrictions and covenants or dedication of development rights to assure the perpetual care, conservation, and maintenance of the operation of the open space and to prevent the use of common open space for any structure, improvement, or use other than that shown on the approved Small PD Development Plan. The restrictions must be permanent and not for a given period of years and must run with the land.

5. ~~Common Open Space.~~

- ~~(a) Amount, Location, and Use.~~ The failure of a planned development to provide common open space shall be considered to be an indication that it has not satisfied the objectives for which such developments may be approved pursuant to this Code. When common open space is provided in a planned development, the amount and location of such open space shall be consistent with its intended function as set forth in the application and planned development plans. No such open space shall be used for the construction of any structure or improvement except such structures and improvements as may be approved in the Final Plan as appropriate to the intended leisure and recreational uses for which such open space is intended.
- ~~(b) Preservation.~~ Adequate safeguards, including recorded covenants or dedication of development rights, shall be provided to prevent the subsequent use of common open space for any use, structure, improvement, or development other than that shown on the approved Final Plan. The restrictions must be permanent and not for a given period of years and must run with the land.
- ~~(c) Ownership and Maintenance.~~ The Final Plan shall include such provisions for the ownership and maintenance of such open space and improvements as are reasonably necessary to ensure their continuity, care, conservation, maintenance, and operation in accordance with pre-determined standards and to ensure that remedial measures will be available to the Village if such open space or improvements are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the planned development or the Village.
- ~~(d) Property Owners' Association.~~ When the requirements of the preceding Subparagraph are to be satisfied by the ownership or maintenance

~~of such open space or improvements by a property owners' association, such association shall meet each of the following standards:~~

~~(i) the by-laws and rules of the association and all declarations, covenants, and restrictions to be recorded must be approved as part of the Final Plan prior to becoming effective. Each such document shall provide that it shall not be amended in any manner that would result in it being in violation of the requirements of this subparagraph; and~~

~~(ii) the association must be established and all covenants and restrictions must be recorded prior to the sale of any property within the area of the planned development designated to have the exclusive use of the proposed open space or improvements; and~~

~~(iii) the association must be responsible for casualty and liability insurance, taxes, and the maintenance of the open space and improvements to be deeded to it; and~~

~~(iv) membership in the association must be mandatory for each property owner and any successive owner having a right to the use or enjoyment of such open space or improvements; and~~

~~(v) every property owner having a right to the use or enjoyment of such open space or improvements must pay its pro rata share of the cost of the association by means of an assessment to be levied by the association that meets the requirements for becoming a lien on the property in accordance with statutes of the State of Illinois; and~~

~~(vi) the association must have the right to adjust the assessment to meet changed needs. The membership vote required to~~

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~~authorize such adjustment shall not be fixed at more than two-thirds of the members voting on the issue; and~~

~~(vii) the Village must be given the right to enforce the covenants; and~~

~~(viii) the Village must be given the right, after 10 days' written notice to the association, to perform any maintenance or repair work that the association has neglected to perform, to assess the membership for such work and to have a lien against the property of any member failing to pay such assessment. For this purpose alone, the Village shall have all the rights and powers of the association and its governing body under the agreements and declarations creating the association.~~

6-5. Landscaping and Perimeter Treatment. ~~Any~~To the fullest extent possible, any area of a~~the~~ planned development not used for structures or circulation elements shall be landscaped or otherwise improved. ~~The perimeter of the planned development shall be treated so as to ensure compatibility with surrounding uses by means such as provision of compatible uses and structures, setbacks, screening, or natural or man-made buffers. Every planned development having 20 or more acres shall provide a perimeter landscaped open space along each of its boundaries; each such open space shall have a minimum depth equal to the minimum front yard required in the district in which it is located or which it abuts, whichever is greater.~~

6. Public Improvements. The applicant must provide for all public improvements necessary to serve the planned development, including without limitation streets, sidewalks, lights, signs, underground utilities, and landscaping, to be constructed or installed to Village standards at no cost to the Village.

7. ~~Building Setbacks and Spacing.~~ Excellence of Design. The building or buildings within the planned development must be of high architectural quality, with excellence of design considering the context within which the development is being proposed and the general standards stated in the "Urban Design Principles."

“Urban Design Framework,” and “Appendix A” of the Village’s Urban Design Guidelines dated February 2009.

~~(a) Setbacks from Street Rights-of-Way. Every building in a Planned Development shall be set back from the right-of-way line of every street at least 25 feet plus one-half foot for every foot by which the building exceeds 25 feet in height; provided, however, that the Board of Trustees may modify this standard for a building in any commercial district or in the IB Institutional Buildings District so long as such building meets all other bulk, yard, and space standards applicable to such building and not otherwise modified pursuant to Section 14-508 of this code.~~

~~(b) Building Spacing. No part of any building shall be closer to any part of any other building than 12 feet plus one-half foot for each one foot by which either or both of such buildings exceed 25 feet in height.~~

~~8. Private Streets. Private streets are prohibited unless expressly approved by the Board of Trustees. If so approved, they shall meet all construction standards applicable to public streets. No such streets shall be approved except upon the condition that they shall be owned and maintained by a hospital or by a property owners' association meeting the requirements set forth in Subparagraph B5(d) of this Section.~~

~~9. Sidewalks. A sidewalk meeting the standards of the LaGrange Subdivision Code shall be provided along at least one side of every street in or abutting a planned development; provided, however, that such sidewalk may be constructed in a street right-of-way or as a specific element of the design of the planned development.~~

~~10. Utilities. All utility lines shall be installed underground.~~

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- C. Additional Standards for Specific ~~Planned Developments~~. Small PD. When the district regulations authorizing any planned development use in a particular district impose standards to be met by such planned development in such district, a special permit for such development shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

14-~~506~~508 CONDITIONS ON ALL PLANNED DEVELOPMENT APPROVALS

The approval of ~~either a Large PD Final Plan or a Small PD Development Concept Plan or a Final Plan~~ may be conditioned on such matters as the ~~approving body~~Board of Trustees may find necessary to prevent or minimize any possible adverse effects of the proposed planned development, or to ensure its compatibility with surrounding uses and development and its consistency with the general purposes, goals, and objectives of this Code, the LaGrangeLa Grange Subdivision Code, and the Official Comprehensive Plan; ~~provided, however, that no such condition of Final Plan approval shall impair the rights granted by Development Concept Plan approval.~~ Such conditions shall be expressly set forth in the ordinance or resolution granting the approval in question. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of all approvals granted for the planned development.

14-~~507~~ ~~AFFIDAVIT OF COMPLIANCE WITH CONDITIONS; FEE~~509
AUTHORITY TO MODIFY REGULATIONS

~~Whenever any planned development approval granted pursuant to this Section is made subject to conditions or limitations to be met by the applicant, the applicant, upon meeting such conditions, shall file an affidavit with the Village Manager so stating. Such affidavit shall be accompanied by a nonrefundable fee, to be fixed in each case by the Manager, to recover the Village's actual direct cost of an inspection to verify that such conditions and limitations have been met.~~

14-~~508~~ ~~AUTHORITY TO VARY REGULATIONS~~

- A. Authority. Subject to the standards and limitations ~~hereinafter set forth~~in this Section, the Board of Trustees ~~shall have the authority, in connection with the granting, as part of an approval~~ of any planned development ~~approval pursuant to this Section, to change, alter, vary,~~ may modify, or waive any ~~provisions~~provision of this Code or of the LaGrangeLa Grange Subdivision Ordinance as they apply to an approved planned development, subject to the limitations in this Section.

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B. Standards. No such ~~change, alteration, variation,~~ modification, or waiver ~~shall~~may be approved unless the Board of Trustees shall find that the proposed planned development:

1. Will achieve the purposes for which planned developments may be approved pursuant to Section 14-502;
2. Will not violate the general purposes, goals, and objectives of this Code and the Official Comprehensive Plan; and
3. Will result in a development providing compensating amenities to the Village. “Compensating amenities” means features not otherwise required to achieve compliance with the standards of this Code or other applicable Village codes and ordinances, including such things as public art; plazas; pedestrian walkways; natural habitats; increased landscaping, buffering or screening; enhanced streetscape; enhanced pedestrian and transit supportive design; underground parking; and similar features. Compensating amenities must be proposed as part of a PD application, and all compensating amenities, whether public or private, must be developed and constructed at the applicant’s expense.
4. Subject to the standards set forth in this paragraph, a cash contribution may be made in lieu of a cash contribution. If the Board of Trustees approves a cash contribution in lieu of a compensating amenity, then the contribution must be made by the applicant to the Village prior to the issuance by the Village of any permit authorizing construction related to the project. The contribution will be designated by the Village specifically as funding for a compensating amenity of the type described in Paragraph 3 above. The Board of Trustees may approve a cash contribution only if (a) the project site is inadequate for any physical on-site compensating amenity as a result of its size, shape, or other topographic feature, (b) there is no immediate need for a compensating amenity on public property abutting or adjacent to the project site, and (c) there is a compelling and appropriate compensating amenity, as determined by the Board of Trustees, for which a cash contribution can be designated.

C. General Limitation.—Specific District Regulations. Except as provided in Subsection 14-508D of this Section, no ~~such change, alteration, variation,~~ modification, or waiver shall be permitted with respect to ~~the following:~~
~~1.—The uses permitted in any zoning district; or~~

~~2.—Any standard established by Section 14-505 of this Code, provided, however, that the Board of trustees may change, alter, vary, modify or waive the building setback and spacing standards of Paragraph 14-505B7 of this Code in the area north of Hillgrove Avenue,~~

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~~east of La Grange road, and South of Ogden Avenue if the Board of Trustees determines that such change, alteration, variation, modification, or waiver is appropriate and essential to satisfying the standards set forth in Section 14-502 of this Code; or 3. Any standard made in this Code specifically applicable to planned developments by the regulations of any particular district, unless such the zoning district regulations expressly authorize such a change, alteration, variation, a modification or waiver.~~

D. Specific Other Limitations. In granting any planned development approval pursuant to this Section, the Board of Trustees shall in no event:

1. ~~Reduce~~ For a Large PD, reduce the number of off-street parking or loading spaces required by this Code for any commercial use located within a C-2 or C-3 District by more than 50 percent or for any other use by more than 25 percent; or
2. Make less stringent any performance standard relating to noise, vibration, smoke and particulate matter, odors, toxic and noxious matter, radiation hazards, fire and explosive hazards, or heat or glare, applicable in the district in which the development is to be located or applicable to the particular use by reason of the regulations applicable in any district in which it might be located; or
3. Reduce the minimum ~~lot area requirements applicable in any district in which the development is to be located by more than 50 percent (for purposes of this provision, the lot area requirements applicable in the two family residences in the R-5 District shall be deemed to apply to multiple family uses in the R-5 District)~~ total lot area requirement by more than 50 percent. This limitation does not apply to any minimum lot area per unit requirement; or
4. ~~Increase the maximum floor area ratio applicable in any district in which the development is to be located by more than 25 percent; or 5. Permit~~ For a Large PD, permit the total lot coverage in the planned development to exceed 60 percent when located in any R-1 Single Family Residential District or 75 percent when located in any other residential district; or
6. Reduce the minimum livable floor area requirements applicable in any district in which the development is to be located, except as may be specifically provided in the applicable district regulations.

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~~14-509~~ ~~REGULATION DURING AND FOLLOWING COMPLETION OF DEVELOPMENT~~
14-510 REGULATION DURING AND AFTER COMPLETION OF DEVELOPMENT

~~Following Final Plan approval, the Final Plan, rather than any other provision of this Code, shall constitute the use, parking, loading, sign, bulk, space, and yard regulations applicable to the subject property, and no use or development, other than home occupation and temporary uses, not allowed by the Final Plan shall be permitted within the area of the planned development pursuant to the zoning district regulations otherwise applicable to such area.~~

~~14-510~~ ~~INSPECTIONS DURING DEVELOPMENT~~

~~A. Inspections by Village Manager. After approval of the Final Plan of a planned development or any stage thereof, the Village Manager, at least annually until the completion of development, shall review all permits issued and construction undertaken and compare actual development with the approved plans for development and with the approved development schedule.~~

~~B. Action by Village Manager. If the Village Manager finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the Final Plan, the Manager shall immediately notify the Board of Trustees of such fact and may, if necessary to protect the public health, safety, or welfare or to prevent further violation of this Code and the Final Plan, issue an order stopping any and all work on the planned development until such time as any noncompliance is cured.~~

~~C. Action by Board of Trustees. Within 60 days after notification by the Village Manager, the Board of Trustees shall either:~~

~~1. Take such steps as it deems necessary to compel compliance with the Final Plan; or~~

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~~2. Require the owner or applicant to seek an adjustment to the Final Plan as provided in Section 14-511.~~

~~D. Revocation. Failure of the Board of Trustees to act within such 60 days shall, unless the owner or applicant shall have cured the noncompliance within such period, render void the Final Plan approval of all uncompleted portions of the planned development, all prior plan approvals on which such Final Plan approval depends, and all permits based upon such approvals, and the Village Manager shall, without further direction, initiate an appropriate action to revoke the special permit for all portions of the planned development that have not yet been completed. The Manager shall, in addition, take such other action as may be appropriate to abate the violation.~~

After a Large PD Final Plan or Small PD Development Plan has been approved, that approved plan will constitute the regulations applicable to the subject property, rather than any conflicting provision of this Code. No use or development not authorized by the approved plan will be permitted within the planned development.

14-511 ADJUSTMENTS TO ~~FINAL~~APPROVED PLAN DURING DEVELOPMENT

A. Minor Adjustments. During the development of a planned development, the Village Manager may authorize minor adjustments to ~~the Final Plan~~an approved plan when ~~such~~the adjustments appear necessary ~~in light of technical or engineering considerations first discovered during actual~~to, and consistent, with proper completion of the development ~~as contemplated by the approval ordinance~~. Such minor adjustments shall be limited to the following:

1. Altering the location of any one structure or group of structures by not more than 20 feet or one-fourth of the distance shown on the approved Final Plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the planned development, whichever is less; and
2. Altering the location of any circulation element by not more than 20 feet or one-fourth of the distance shown on the approved Final Plan between such circulation element and any structure, whichever is less; and
3. Altering the location of any open space by not more than 20 feet; and
4. Altering any final grade by not more than 20 percent of the originally planned grade; and

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5. Altering the location or type of landscaping elements.

Such minor adjustments shall be consistent with the intent and purpose of this Code and the Final Plan, as approved, shall be the minimum necessary to overcome the particular difficulty, and shall not be approved if they would result in a violation of any standard or requirement of this Code.

B. Major Adjustments. Any adjustment to ~~the Final Plan~~an approved plan not authorized by ~~the preceding~~ Subsection 14-511A shall be considered to be a major adjustment and shall be granted only upon application to, and approval by, the Board of Trustees. The Board of Trustees may, by ordinance duly adopted, grant approval for a major adjustment without a hearing upon finding that any changes in the Final Plan as approved will be in substantial conformity with said Final Plan. If the Board of Trustees determines that a major adjustment is not in substantial conformity with the Final Plan as approved, then the Board of Trustees shall refer the request to the Plan Commission for further hearing and review as provided in Subsection 14-504C.

14-512 AMENDMENTS TO ~~FINAL~~APPROVED PLAN ~~FOLLOWING~~AFTER COMPLETION OF DEVELOPMENT

After completion of a planned development, an approved ~~Final Plan~~plan may be amended, varied, or altered in the same manner and subject to the same limitations, as provided for major adjustments in Section 14-511.

Document comparison by Workshare Professional on Thursday, September 08, 2011 9:02:58 AM

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Document 1 ID	file:///C:/Users/mburklan/Desktop/ARTICLE XIV Part V for review.doc
Description	ARTICLE XIV Part V for review
Document 2 ID	interwovenSite://HKDMS/Active/10468249/5
Description	#10468249v5<Active> - La Grange Zoning Code planned developments REVISED for small projects Article XIV Part V
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Legend:
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5-A.53

Style change	
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Split/Merged cell	
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Statistics:	
	Count
Insertions	159
Deletions	127
Moved from	9
Moved to	9
Style change	0
Format changed	0
Total changes	304

5-A.54

FINDINGS OF FACT
PLAN COMMISSION
OF THE VILLAGE OF LA GRANGE

President Asperger and
Board of Trustees

July 12, 2011

RE: PLAN COMMISSION CASE #199 – Zoning Code Review - Open Space District, Article 8, Part I, and Institutional Buildings District, Article 8, Part II, Village of La Grange.

We transmit for your consideration the recommendations adopted by the Plan Commission of the Village of La Grange on amendments related to open space district and planned developments section of the Zoning Code.

I. THE APPLICATION

The Village Staff, with the assistance of Village Attorney Mark Burkland, has reviewed the Open Space zoning district and recommends amendments as well as amendments to those sections of the Institutional Buildings district related to recreational uses.

II. THE PUBLIC HEARING

After due notice given in accordance with law, the Plan Commission held a public workshop discussion on April 12, 2011, in the La Grange Village Hall Auditorium. Present were Commissioners Nowak, Paice, and Reich, with Vice Chairperson Weyrauch presiding. Also present were Community Development Director Patrick D. Benjamin, Assistant Community Development Director Angela M. Mesaros, Village Attorney Mark Burkland, and Village Trustee Liaisons Mark Langan and Bill Holder.

Vice Chairperson Weyrauch opened the public hearing and administered an oath to all persons in attendance who desired to give testimony during the hearing.

- On behalf of the Village, Staff and the Village Attorney presented proposed amendments related to open space. Mr. Benjamin introduced the topics including the process and staff recommendations. Ms. Mesaros then presented each of the recommendations as outlined in the Staff Memorandum dated April 12, 2011, including requests from the Park District of La Grange for changes to the open space district use lists and summary of issues related to our current ordinance.

Vice Chairperson Weyrauch then offered Commissioners the opportunity to ask questions of the Village representatives about the recommendations.

5-A.55

- Ms. Mesaros introduced the Park District's requests for additional uses to the special use list. Parks are permitted uses; however other uses within parks would be listed as special uses.
- Commissioner Reich asked about the potential for broadcast booths and concession stands to disturb the neighborhood by noise, larger crowds, and parking.
- Vice Chairperson Weyrauch stated that she is concerned about potential impact of broadcast booths. Staff answered that all special uses are subject to a public hearing. Vice Chair Weyrauch also stated that she would like skate spots to not include ice skating.
- Commissioners discussed the request to reduce required setbacks for passive recreational areas and neighborhood playgrounds in the Open Space district. Village Attorney Burkland stated that the Village could include a condition that there are appropriate safeguards such as fences. The Park District Board is elected by the residents and the Village should give some deference to their ability to plan and design parks. Legally, there are limits on Village restrictions on Park District operations.
- Vice Chair Weyrauch stated that fifteen feet seems like a safe landscaping buffer.
- Trustee Langan stated that playground equipment has legally required safety zones in addition to the Village's required setbacks. He further stated that the Village's current requirements restrict the Park District's capability to locate playgrounds.
- Village Attorney Burkland suggested that the Village Code could differentiate between public and private parks.
- There was no discussion from the audience regarding the recommendations for the Open Space district.
- Staff and the Village Attorney agreed to draft amendment language including criteria and definitions to present to the Plan Commission at its next meeting.

A motion was made by Commissioner Reich and seconded by Commissioner Nowak that the Plan Commission meeting be continued.

After due notice given in accordance with law, the Plan Commission reconvened the hearing on July 12, 2011, in the La Grange Village Hall Auditorium. Present were Commissioners Paice, Reich, and Stewart with Chairman Kardatzke presiding. Also present were Community Development Director Patrick Benjamin, Assistant Community Development Director Angela Mesaros and Village Attorney Mark Burkland.

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Chairman Kardatzke called the meeting to order and introduced the topic.

- On behalf of the Village, Staff presented the proposed amendments based on comments from the previous hearing. Patrick Benjamin gave an overview and introduction. Ms. Mesaros presented each of the recommendations as outlined in the Staff Memorandum dated July 12, 2011. Chairman Kardatzke then offered Commissioners the opportunity to ask questions of the Village representatives and allowed public comments on each of the categories.
- Commissioner Stewart asked whether youth baseball leagues and other independent organizations would be permitted by the amended Code to use storage box. Answer: Yes.
- Commissioner Reich asked about skateboarding. Ms. Mesaros stated, Yes it would be added as a special use.
- Commissioners then discussed the standard for setbacks. Staff presented a recommendation to reduce the requirement from fifteen to ten feet.
- Commissioner Paice asked if that was measured from the activity area or the entire park. He stated that this is a safety issue and he would like children's activity areas further from the street.
- Chairman Kardatzke stated that he believes that the standard should apply as measured from structures.
- Commissioner Reich asked where the setback would begin. Answer: the setback line would not be measured from the street but usually from the sidewalk. Commissioners agreed that some buffer of safety is needed for children's activities. There was general agreement that ten feet from the sidewalk would be a sufficient safety buffer. Commissioner Reich asked if this type of neighborhood parks exists currently elsewhere in La Grange. Answer: Yes, Spring Avenue School has such a park. Commissioner Reich stated that fifteen feet would be excessive from the sidewalk and he would support reducing this standard.

There being no further questions or comments from the audience or Commissioners, a motion was made by Commissioner Reich and seconded by Commissioner Stewart that the Plan Commission recommend to the Village Board of Trustees approval of the recommendations for amendments to the Open Space district as outlined in the Staff Memorandum dated July 12, 2011.

5-A-57

Motion carried by a roll call vote:

AYE: Commissioners Paice, Reich, Stewart and Kardatzke.
NAY: None.
ABSENT: Commissioners Weyrauch, Williams and Pierson.

Staff and the Village Attorney presented proposed amendments related to recreational uses in the Institutional Buildings district. Chairman Kardatzke then offered Commissioners the opportunity to ask questions of the Village representatives and allowed public comments on each of the categories.

- Commissioners agreed with the recommendations. There were no comments from the Audience.

There being no further questions, a motion was made by Commissioner Reich, seconded by Commissioner Paice that the amendments to the Institutional Buildings District related to recreational facilities as outlined in the Staff Memorandum be recommended as outlined in the Staff Memorandum dated July 12, 2011.

Motion carried by a roll call vote:

AYE: Commissioners Paice, Reich, Stewart and Kardatzke.
NAY: None.
ABSENT: Commissioners Weyrauch, Williams and Pierson.

BE IT THEREFORE RESOLVED that the Plan Commission recommends to the Board of Trustees Approval of the amendments to the Zoning Code regarding the Open Space and Institutional Buildings districts as presented and described in Plan Commission Case #199.

Respectfully Submitted,

PLAN COMMISSION
OF THE VILLAGE OF LA GRANGE



Wayne Kardatzke, Chairman

5-A.58

FINDINGS OF FACT
PLAN COMMISSION
OF THE VILLAGE OF LA GRANGE

President Asperger and
Board of Trustees

September 13, 2011

RE: PLAN COMMISSION CASE #199 – Zoning Code Review - Planned Developments, Article 14, Part 5, Village of La Grange.

We transmit for your consideration the recommendations by the Plan Commission of the Village of La Grange on amendments related to the planned developments section of the Zoning Code.

I. THE APPLICATION

The Village Staff, with the assistance of Village Attorney Mark Burkland, has reviewed the planned developments section of the Zoning Code and recommends amendments.

II. THE PUBLIC HEARING

After due notice given in accordance with law, the Plan Commission held a public workshop discussion on April 12, 2011, in the La Grange Village Hall Auditorium. Present were Commissioners Nowak, Paice, and Reich, with Vice Chairperson Weyrauch presiding. Also present were Community Development Director Patrick D. Benjamin, Assistant Community Development Director Angela M. Mesaros, Village Attorney Mark Burkland, and Village Trustee Liaisons Mark Langan and Bill Holder.

Vice Chairperson Weyrauch opened the public hearing and administered an oath to all persons in attendance who desired to give testimony during the hearing.

On behalf of the Village, Staff and the Village Attorney presented proposed amendments to the Zoning Code related to planned developments.

- Mr. Benjamin introduced the topic including the process and staff recommendations. Ms. Mesaros then presented a history of planned developments in La Grange and summary of issues related to our current ordinance, and each of the recommendations as outlined in the Staff Memorandum dated April 12, 2011.
- Village Attorney Burkland discussed in depth the concept of a new approach to development of smaller, infill sites. Ms. Mesaros discussed particular areas of the Planned Development ordinance that need to be amended for all developments including open space provisions, design approval, and public art.

5-A-59

- Village Attorney Burkland introduced the concept of creating a new special use category for infill development that utilizes form-based zoning – creating design standards that can be varied to ensure compatibility with adjacent properties.

Vice Chairperson Weyrauch then offered Commissioners the opportunity to ask questions of the Village representatives about the recommendations.

- There was general support among Commissioners of the concept. Commissioners stated that any revisions to the ordinance should include an examination of public contributions and parking requirements.
- There was no discussion from the audience regarding planned developments.
- Staff and the Village Attorney agreed to draft language for the amendments to present at a future Plan Commission meeting.

A motion was made by Commissioner Reich and seconded by Commissioner Nowak that the Plan Commission meeting be continued.

On July 12, 2011, the Plan Commission reconvened the hearing in the La Grange Village Hall. Present were Commissioners Paice, Reich, and Stewart with Chairman Kardatzke presiding. Also present were Community Development Director Patrick Benjamin, Assistant Community Development Director Angela Mesaros and Village Attorney Mark Burkland.

Chairman Kardatzke called the meeting to order. On behalf of the Village, Staff and the Village Attorney gave an update of the amendments to the planned development regulations.

- Mr. Burkland presented a summary of the legal structure for an amendment; however, the bulk of the work will be adding the regulations which Staff has examined in detail. Staff believes the Code still has a place for potential development of properties such as the NE quadrant of La Grange Road and Ogden Avenue, and other properties that could be amassed in the future.
- Staff presented a concept for large and small planned developments as separate regulations. Staff does not propose to eliminate planned developments; rather create a similar process with new standards for smaller project sites and standards for public contributions.

A motion was made by Commissioner Reich and seconded by Commissioner Stewart that the Plan Commission meeting be continued.

5-A.60

After due notice given in accordance with law, the Plan Commission held a public workshop discussion on September 13, 2011, in the La Grange Village Hall Auditorium. Present were Commissioners Nowak, Paice, Pierson, Reich, Stewart, Weyrauch and Williams, with Chairperson Kardatzke presiding. Also present were Community Development Director Patrick D. Benjamin, Assistant Community Development Director Angela M. Mesaros, Village Attorney Mark Burkland, and Village Trustee Liaison Mark Kuchler.

Chairman Kardatzke called the meeting to order.

- On behalf of the Village, Community Development Director Patrick Benjamin introduced the topic. Assistant Community Development Director Angela Mesaros outlined issues with the existing planned development ordinance, summarized our goals in amending this section and presented each of the recommendations from staff for deletions from and additions to the planned development ordinance in Chapter 14, Part V, of the Zoning Code all as outlined in the Staff Memorandum dated September 13, 2011.
- Village Attorney Mark Burkland explained that with the proposed amendments, the Planned Development is still a special use; staff is not recommending major changes in the process.

Chairman Kardatzke then offered Commissioners the opportunity to ask questions of the Village representatives about the recommendations.

- Commissioner Paice asked why the land size for large PDs is suggested at 40,000 square feet and not one acre. Answer: we considered an acre, but we decided that square footage is more consistent with other standards in the Zoning Code.
- Commissioner Paice asked if we would allow land contributions in place of cash contributions. Answer: yes, we have provided a defined category of “compensating amenities.”
- Commissioner Paice asked is there could be a method to quantify the amount of cash contributions and/or amenities that we require. Answer: This can take many different forms and is somewhat a subjective call on a case by case basis. An excellent example is La Grange Pointe in which there was no real way to measure the amount of the case contributions except in negotiations with the developer.
- Commissioner Reich asked how the proposed ordinance would change what could be developed at the YMCA property (NE corner of La Grange Road and Ogden Avenue) if we looked at the proposal again today. Answer: we have made compensating amenities clearer and added design standards.

5-A.61

- Commissioner Reich asked about open land. Answer: open space would have to be functional, usable space for approvals. The new provisions have more specific language to describe what qualifies as open space.
- Chairman Kardatzke asked if the proposed changes in Code would help reduce lawsuits, because development would have met provisions. Attorney Burkland stated that the language is clearer and more specific. Applicants would be better advised.
- Commissioner Weyrauch asked how many of the “compensating amenities” an applicant would be required to provide. Answer: the amount would depend on a number of factors including excellence of design, relief sought, size of project, etc.
- Commissioner Paice asked about the firmness of the language stating the concept plan binds both the applicant and the Village. Attorney Burkland stated that this is written for the applicant’s benefit to bind the Village to the approvals.

There being no further questions or comments from the audience or Commissioners, a motion was made by Commissioner Reich and seconded by Commissioner Pierson that the Plan Commission recommend to the Village Board of Trustees approval of the recommendations for amendments to the Planned Development Ordinance as outlined in the Staff Memorandum dated September 13, 2011.

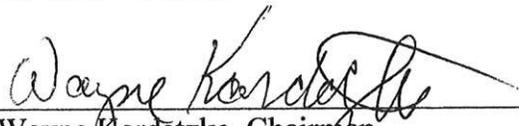
Motion carried by a roll call vote:

AYE: Commissioners Paice, Pierson, Reich, Stewart, Weyrauch, Williams and Chairman Kardatzke.
NAY: None.
ABSENT: None.

BE IT THEREFORE RESOLVED that the Plan Commission recommends to the Board of Trustees Approval of the amendments regarding the Planned Development section, Article XIV, Part V, of the Zoning Code as presented and described in Plan Commission Case #199.

Respectfully Submitted,

PLAN COMMISSION
OF THE VILLAGE OF LA GRANGE



Wayne Kardatzke, Chairman

5-A.62

VILLAGE OF LA GRANGE
Community Development Department

MEMORANDUM

TO: Plan Commissioners

FROM: Patrick D. Benjamin, Community Development Director
Angela M. Mesaros, Assistant Community Development Director

DATE: September 13, 2011

RE: PLAN COMMISSION CASE #199 - Amendments to the Zoning Code –Planned Developments, Village of La Grange.

As part of our comprehensive amendment process, Staff and the Village Attorney have reviewed our planned development regulations. Since the adoption of our current Zoning Code in 1991, from time to time, we have amended the planned development section to accommodate specific project sites that could not meet the standards of the Code. The current planned development ordinance was written for large campus-like sites, specifically the hospital. However, there remain within the Village only a few properties that are large enough to meet the current standards, such as on-site public open space and public improvements.

At your workshop meeting in April 2011, staff presented concepts for updating the planned development section of the Zoning Code for your consideration. Staff's suggestions included creating specific regulations related to smaller, infill development projects as distinct from larger, campus-style planned developments such as the hospital. Based on feedback at your workshop, Staff recommends that we revise our ordinance substantially, both to update the purpose, standards and variation authority as well as to develop new standards for smaller infill sites.

I. PROPOSED AMENDMENTS

A. TEXT AMENDMENT to the Planned Development Section of the Zoning Code

The Staff has reviewed the planned development section of the Code and recommends the following changes (see attached redline "Draft of Revisions to Planned Development Regulations"):

Purpose (ZC §14-502)

The purpose of Planned Development zoning is to provide a more flexible alternative to conventional single use districts for more integrated development patterns. Planned Developments are based on a unified master plan that allows flexibility of uses and exemptions from dimensional and density requirements.

5-A.63

As the size of development parcels has declined, the role of planned developments has changed. According to a publication by the Urban Land Institute, (ULI), it is seen much more frequently as a tool to allow development of difficult sites, as opposed to the earlier emphasis on facilitating development of larger sites. Today, the Planned Development process is often used to guide development on smaller sites and infill sites that would otherwise be passed over by developers with the goal of achieving the most efficient use of the particular site.

The Staff recommends updating our purpose statement to be consistent with this change in structure and future development opportunities on infill sites as well as challenges with development. Revisions to the purpose statement include encouraging innovative design, architectural features, environmentally sound practices and harmony with the Comprehensive Plan.

Large Planned Developments (ZC §14-504)

In our recent history of planned development projects, we have observed that the lot size makes a difference in both the amenities that the project can provide and the amount of relief from the Code that is requested. Staff, with the assistance of the Village Attorney, has drafted separate standards for large PDs and smaller, infill projects, based on lot size.

In determining the appropriate size limits to distinguish between large and small PDs, standards for each category and authority to vary and/or waive standards, Staff examined lot sizes of properties that have potential for future redevelopment:

- La Grange Country Club – ~83 acres (currently not within the Village boundaries)
- 9601 Ogden (corner of Ogden & East) – 26,000 sq. ft.
- Parking Lot #5 (Calendar Court) – 55,000 sq. ft.
- Parking Lot #2, NE 6th & Harris – 37,700 sq ft
- 120 E. Burlington – 8,545 square feet
- 17-19 N. Brainard – 12,240 square feet
- 103 Hillgrove – ~14,000 square feet

Staff also analyzed the lot area of recent Planned Development projects, including lot size, number of buildings, relief sought, amendments to the Code, and amenities provided. (See Table “Recently Considered Planned Developments” below).

Based on our examination of the data from future potential development sites and recently approved PDs, we recommend that **Large PDs include any project with a total land area greater than 40,000 square feet or more than one principal building.**

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RECENTLY CONSIDERED PLANNED DEVELOPMENTS
Using the Current 1991 Zoning Code

<i>Project Name, Address (Proposed category)</i>	<i>Lot size</i>	<i>Number of Buildings</i>	<i>Relief</i>	<i>Amendments to Code</i>	<i>Amenities</i>
La Grange Place, 31 E. Ogden (YMCA property) (Large)	7 acres	2 multifamily, 1 retail, 26 townhomes	Height Minimum lot area per unit reduced by 50% Setbacks from street Parking Circulation Aisles	None	Open Space Underground utilities Pedestrian, vehicular & park improvements Est. Value \$1.5 million
Heritage Square, 46 S. 7 th Ave. (Denied by VBT) (Large)	30,900 sq. ft	2	Height Required Yards Building & Lot Coverage	None	\$50,000 contribution for open space & public infrastructure in the area
Village Bluffs, Bluff & Elm (Large)	131,000 sq. ft. (~3 acres)	2	Height	None	\$50,000 for ROW Construction of Elm Underground utilities Building materials Landscaping
Public Library, 10 W. Cossitt (Small)	34,000 sq. ft	1	Setbacks from street Parking Landscaping	Setbacks from street right-of-way	Landscaping Building materials Vehicular access
La Grange Pointe, 93 S. La Grange Rd (Small)	30,150 sq. ft.	1	Minimum Lot Area per unit reduced by 50% Setbacks from street	Allow reduction of minimum lot area per unit by 50%	\$50,000 contribution to plaza & alley improvements Streetscape Underground utilities Landscaping
La Grange Hospital, 5101 Willow Springs (Large)	1,579,834 (approx. 36 acres)	Several	Height Building Spacing	Temporary use of building (to meet building spacing)	Demolition of office building Landscaping & screening

5-A.651

<i>Project Name, Address (Proposed category)</i>	<i>Lot size</i>	<i>Number of Buildings</i>	<i>Relief</i>	<i>Amendments to Code</i>	<i>Amenities</i>
Beacon Hill, 1 Beacon Place (Large)	59,990 sq. ft	1	Density Setbacks from street	Setback Requirements	Underground utilities Building materials Stop signs, directional signage
La Grange Crossings, West Phase, 2-40 N. La Grange Rd (Large)	72,745 sq. ft.	2	Setbacks from street Loading spaces	Setbacks from street right-of-ways	Landscaping, underground utilities, stop signs, directional signage, streetscape, building materials
Spring Ave Station, 410 W. Burlington (Large)	59,000 sq. ft.	2	Height Reduced minimum lot area per unit by 50% Setback Lot Coverage	None	Public seating area , center foundation/garden Underground utilities Stop signs Streetscape
14 S. Ashland (Small)	37,655 sq. ft.	1	Reduced minimum lot area per unit by 30% Lot Coverage	Allow minimum lot area per unit to be reduced to 30% Maximum Lot Coverage	Public seating area and garden Streetscape Re-route sewer Plant street trees

57-A.66

Standards for Large Planned Developments (ZC §14-505)

Staff suggests the following standards for large Planned Developments, those projects with total land area greater than 40,000 square feet or more than one principal building:

- Remove the requirement for *setbacks from street rights-of way*. This standard is currently required in addition to the underlying zoning standards. With removal of this requirement, projects would still need to meet any setbacks required in the underlying zoning district. As the above chart indicates, several recent projects, both “large” and “small” PDs, including the YMCA, public library, La Grange Pointe, Beacon Hill and La Grange Crossings have required waivers from this setback. Looking at several other communities, such as Elmhurst, Lombard, La Grange Park, and Glen Ellyn, Staff did not find this standard in any of the Codes.

The Comprehensive Plan recommends a “build to” set back line, which allows setbacks to be consistent with the existing established street front, for instance in the commercial districts, most buildings have zero lot line setbacks. In order to maintain the “street wall,” any new development would also need to maintain zero lot line frontages.

- Remove the *building spacing* requirements– This standard may not be consistent with the established pattern of buildings, which is one goal of redevelopment sites.
- Combine *common open space* and *public open space* into one category of “protected open space” and include a new definition. The current requirement to provide both common and public open space has been difficult to meet on past projects and has sometimes resulted in areas of “open space” that are not adequately designed for practical use. In other communities such as Elmhurst, this standard includes the option of dedicating land to the Village, Park District, or an owners’ association. Staff recommends similar language.
- Add *compensating amenities*. Features such as public art, plazas, pedestrian walkways, natural habitats, transit supportive design, increased screening and other similar amenities would be required in order to receive any waivers from the PD regulations.

Standards for Small Planned Developments (ZC §14-507)

The following are recommended standards for the proposed new category of small Planned Developments – projects with less than 40,000 square feet and limited to one building:

- Remove the required *setbacks from street rights-of-way*. The current requirements do not allow for minimum setbacks that are consistent with the existing street wall.

5-A.67

- Eliminate the standard for *building spacing* as these properties would by definition contain only one building, this standard would not apply.
- Add *excellence of design* standards. Currently any relief from density standards for projects in the multiple family residential districts requires “excellence of design” as defined in that section of the Code. Staff believes that all PD projects, regardless of location, should be reviewed for design. In February 2009, Staff engaged HNTB the planning consultant for the Comprehensive Plan, to develop design guidelines for the BNSF corridor. We have distributed the document to property owners and potential developers as a guideline. Staff recommends adding a reference to this document, the Village’s Urban Design Guidelines, as a new standard for “excellence of design” that would apply to all small PDs. (See attached Urban Design Guidelines.)

Authority to Modify Regulations (ZC §14-509)

This section has been amended in several recent Planned Development cases in order to allow further modification of specific projects. Therefore, Staff recommends the following revisions to allow more flexibility of design and use of the site as well as more specific standards for amenities to be provided by the applicant for approval of waivers and/or variation:

Standards

- Add a standard to provide *compensating amenities* that includes a list of features such as plazas, public art, screening, pedestrian and transit facilities, underground parking and other amenities that would not otherwise be required.
- Allow *cash contributions* in cases where amenities cannot be provided for the following reasons: lots are small, irregular shaped, there is no need for the amenities on the adjacent lots and the cash can be designated for an appropriate amenity elsewhere.

Limitations

- Allow modifications of use – delete the sentence stating that no waiver shall be permitted with respect to “*the permitted uses or special uses in any district, except that residential uses may be authorized in any commercial district.*” This would allow requests for changes in uses permitted in the underlying zoning district.
- Revise the limitations on the amount of *parking and loading spaces* that can be waived or varied. Currently, the Code limits the amount that can be reduced for all projects (50% in C-2 and C-3, and 25% in all other districts.) This limitation would remain for

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Large Planned Developments; however small PDs would allow the Village Board to determine the appropriate parking requirements, if they meet the criteria established in the Code. This is consistent with the recommendation of the Comprehensive Plan that the Village should consider reductions in off-street parking requirements to encourage transit supportive development and with the recommendation to relax parking requirements for the West End (similar to the C-1 district) through the development process to promote congregate parking.

- Remove the restriction on reducing the *minimum-lot-area-per-unit* standard, which would allow the Village Board to determine the appropriate density for a particular development without regard to square feet of lot area per unit. This is consistent with the recommendations of the Comprehensive Plan to adjust the minimum lot size requirements to better utilize properties to provide varied housing opportunities.

II. STANDARDS FOR GENERALLY APPLICABLE AMENDMENTS

As set forth in Section 14-605 of the Zoning Code, the standards applicable to an amendment of general applicability (rather than a specific parcel of property) are as follows:

1. *The consistency of the proposed amendment with the purposes of this Code.*

A Planned Development is a distinct category of Special Use and has the same general purposes of all special uses. According to Section 14-502 of the Zoning Code, “*In particular, however, the planned development technique is intended to allow the relaxation of otherwise applicable substantive requirements based upon procedural protections providing for detailed review of individual proposals for significant developments.*”

As stated in Section 14 of the Zoning Code, the Planned Development is intended to allow flexibility of design and to provide for amenities and public improvements. Staff believes that the suggested revisions to the Code would allow increased flexibility while adding more specific standards for public amenities and improvements required from the applicant. The new Code would provide standards for design, public amenities and cash contributions to public infrastructure.

The Staff believes the changes it is recommending are consistent with the intent and purposes of the Zoning Code, the Comprehensive Plan, as well as the planned development section of the Code.

5-14,69

2. *The community need for the proposed amendment and for the uses and development it would allow.*

Among the purposes of the Zoning Code as stated in Section 1-102 (b), are *to protect the public health, safety, and morals, and the general welfare of the Village*. The Staff believes the changes it is recommending will add updated standards for design, land use, public amenities, open space and public improvements while also allowing flexibility and relief from the Code in order to provide quality development that better serves the community, thereby protecting and promoting sound development principles throughout the Village.

RECOMMENDATION

Staff recommends that the Plan Commission consider **amending Part XIV of the Zoning Code (Planned Developments) as attached in the “Draft Revisions to the Planned Development Regulations to Differentiate between Large and Small Projects.” dated September 6, 2011.**

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VILLAGE OF LA GRANGE
Community Development Department

MEMORANDUM

TO: Plan Commissioners

FROM: Patrick D. Benjamin, Community Development Director
Angela M. Mesaros, Assistant Community Development Director

DATE: July 12, 2011

RE: PLAN COMMISSION CASE #199 - Amendments to the Zoning Code – Open Space, Institutional Buildings and Planned Developments, Village of La Grange.

At your workshop meeting in April 2011, staff presented suggested amendments and requests from the Park District regarding the Open Space district and the Planned Development Section of the zoning code for your consideration. In addition, Staff introduced the concept of creating specific regulations that utilize form-based zoning for infill development projects in the commercial districts.

At tonight's meeting, staff will present amendments to the open space and institutional buildings districts and further information about the concept of a modified planned development process and for redevelopments of smaller parcels in the commercial districts based on discussion at your last meeting.

I. PROPOSED AMENDMENTS

A. TEXT AMENDMENT to the Open Space District of the Zoning Code (see attached "DRAFT Amendments")

Staff has made the following revisions to the attached Draft of the "Draft Amendments to Open Space District," of the Zoning Code, as recommended at your last meeting:

Permitted Use List (ZC §8-102)

The Staff has reviewed all of the permitted uses and recommends the following changes to the currently authorized uses:

- Add *children's playgrounds, play field, band shells, splash pads and similar water features* to the list of public park uses as requested by the Park District and discussed at your last meeting. These uses are similar to the current list of permitted uses and are consistent with the purpose of the Open Space District.

5-A.71

important for any equipment or structures located within a park or playground in order to protect the neighboring properties from any adverse impacts and for safety reasons. If the Plan Commission believes it would be appropriate, we could also consider adding a statement that *the setback regulations only apply to uses with structures*, which would allow for added open space within the front yard.

RECOMMENDATION

Staff recommends that the Plan Commission consider amending Zoning Code §8-102 (permitted use list), Zoning Code §8-105 (special use list) and Zoning Code §8-109 (bulk, yard and space requirements) by adding and deleting uses and amending minimum yards as stated in Part A of this memorandum.

B. TEXT AMENDMENT to the Institutional Buildings District of the Zoning Code related to recreational uses

Special Use List (ZC §8-205)

- Add the following items to the special use list:
 - *Public Sports and Recreation Buildings and Facilities* – as requested by the Park District, Staff believes this would be consistent with the list of special uses in this district.
 - *Fitness and Recreational Centers NAICS 713940.* – This would allow private indoor recreation, gymnastics, children’s playgrounds, etc. Such facilities have a similar impact to other special uses in this district.

RECOMMENDATION

Staff recommends that the Plan Commission consider amending Zoning Code §8-202 (permitted use list) and Zoning Code §8-205 (special use list) by adding and deleting uses and amending minimum yards as stated in Part B of this memorandum.

II. STANDARDS FOR GENERALLY APPLICABLE AMENDMENTS

As set forth in Section 14-605 of the Zoning Code, the standards applicable to an amendment of general applicability (rather than a specific parcel of property) are as follows:

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1. *The consistency of the proposed amendment with the purposes of this Code.*

Among the purposes of the Zoning Code as stated in Section 1-102 (b) *to protect the public health, safety, and morals, and the general welfare of the Village.* As stated in Section 8-101 of the Zoning Code, the Open Space District is intended *to apply to all public open space of notable quality and to major private open spaces. Any uses of such spaces inconsistent with their existing, established character will require rezoning.*

The Staff believes the changes it is recommending are consistent with the intent and purposes of the Zoning Code as well as of the Open Space and Institutional Buildings District. Staff has taken into consideration the requests of the Park District and consistency with existing park and recreational uses throughout the community.

2. *The community need for the proposed amendment and for the uses and development it would allow.*

The Staff believes the changes it is recommending will cause the use lists in the Open Space and Institutional Buildings District to better serve the community through improved park and recreational facilities, thereby protecting and promoting the open space and recreational facilities in the Village.

5-A.73

PC Case #199

TO: Plan Commission

FROM: Patrick D. Benjamin, Community Development Director
Angela M. Mesaros, AICP, Assistant Community Development Director

DATE: April 12, 2011

RE: ZONING CODE REVIEW– Article 14, Part 5, Planned Developments and Article 8, Part I, Open Space District, Village of La Grange.

I. BACKGROUND:

As the next phase in our comprehensive review of the Zoning Code, we plan to evaluate two Sections of the Zoning Code:

- A. Open Space District (Article VIII, Part I) - As part of our ongoing review of the zoning districts, we will be reviewing this district for any updates to uses and bulk, yard and space regulations that might be necessary
- B. Planned Development (Article XIV, Part V) - standards as they relate to infill and redevelopment projects. The original ordinance is structured for larger parcels of land, such as the hospital campus, and it does not necessarily accommodate infill development.

Both Sections of the Code, as currently written, are attached for your review. Staff, with the assistance of Village Attorney Mark Burkland is in the process of analysis of these Sections of the Code. In formulating Staff recommendations, we have examined current regulations in other municipalities in our region and throughout the country as well as best practices identified by the American Planning Association. We also solicited comments from the Park District, area developers and property owners, Village Trustees, Commissioners, and department heads.

II. PROPOSED AMENDMENTS:

A. Open Space District

Staff has reviewed the request of the Park District of La Grange to consider amendments of the following items in the Open Space section:

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1. Section 8-105 *Special Uses*

- a. The Park District requested that we consider adding specific uses, if they are not covered by one of the broader categories: “Broadcast booth, concessions stands, splash pads, playgrounds, picnic shelters, restrooms, skate spots.”
- b. Subsection 8-105 D, *Special Uses*, the Park District asked if “recreation facility” includes “playgrounds, basketball courts, and tennis courts?”

Answer: These terms are not currently defined in the Zoning Code. If the Plan Commission agrees that these uses should be allowed with a special use permit, then Staff could work with the Village Attorney to draft definitions.

2. Subparagraph 8-109 C-1, *Minimum Yards, Front and Corner Side Yards*, they believe that the required front and corner side yards of 15 feet required for passive recreation areas and neighborhood playgrounds are much too restrictive for small neighborhood parks.
3. Subparagraph 8-109 C-2 *Minimum Yards, All Other Yards*, (b) should be N/A for neighborhood parks because it is also too restrictive.

Recommendations

Staff would like feedback and direction from the Plan Commission on these questions and any others based on your review of Section VIII, Part 1 of the Zoning Code in order to draft language for revisions to present at your next meeting.

B. Planned Developments

Introduction/purpose of/history of PUD

The purpose of Planned Development zoning was to provide a more flexible alternative to conventional single use districts for more integrated development patterns. Planned Developments are based on a unified master plan that allows flexibility of uses and exemptions from dimensional and density requirements. They typically address a larger scale development and are designed to cluster buildings to provide increased common and public open space. However, they are not usually well integrated into the surrounding community.

As the size of development parcels has declined, the role of the planned development concept has changed. According to a publication by the Urban Land Institute, (ULI), it is seen much

5-A.75

more frequently as a tool to allow development of difficult sites, as opposed to earlier emphasis on facilitating development of larger sites. Today, the Planned Development process is often used to guide development on smaller sites and infill sites that would otherwise be passed over by developers with the goal of achieving the most efficient use of the particular site.

Village of La Grange's Planned Development Ordinance

Since the adoption of our current Zoning Code in 1991, we have amended the code to accommodate many of our planned development infill projects such as 14 S. Ashland, La Grange Pointe, 93 S. La Grange Road (to allow 50% reduction in the minimum lot area per dwelling unit), and the public library (setback from street right-of-way and FAR requirements) as the ordinance as written didn't accommodate these types of infill projects..

Therefore, Staff recommends that we take a close look at significantly changing the structure of our ordinance to fit better with our smaller infill sites. While still recognizing the principles for large scale development such as the hospital campus, the following areas might be considered for revision to accommodate infill projects.

1. Revise our purpose statement to include definitions and standards for different types of Planned Developments
2. Infill development – consider adding contextual design elements for smaller, infill sites such as compatibility with adjacent areas.
3. Reevaluate standards such as building setbacks from street right-of-ways and building spacing.
4. Definitions/requirements of public open space as distinguished from common open space and contributions. Park District representatives in their comments stated that they would really like to see a provision requiring a set aside of open space as a condition of development.
5. Design approval and standards for all PUD/Special uses, including those projects located outside of the Design Review District.
6. Eliminate the two step concept and final plan approach.
7. Include a public art component.

5-A.76

Recommendations

The Village Attorney suggests that we may desire to create a specific type of special use category that utilizes form-based zoning. This method creates an envelope that can be varied to apply contextual design standards for new and infill development. The underlying district regulations will continue to address uses, density and intensity of development. However, the form zoning governs physical design and ensures compatibility with adjacent uses and activities. Staff would like to discuss the concept with the Plan Commission before we move forward with drafting specific regulations.

III. RECOMMENDATION:

After discussion of the Plan Commission regarding potential amendments to the Code, the Village Attorney and staff will draft ordinance language for revisions to Article VIII, Part I, *Open Space District* and Article XIV, Part V, *Planned Developments* for review at your next meeting.

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