

SECTION 11

PLANNED UNIT DEVELOPMENT REGULATIONS

- 11.0 Purpose
- 11.1 Procedure
- 11.2 Location
- 11.3 Specific Content
- 11.4 Standards
- 11.5 Findings
- 11.6 Conditions and Guarantees

11.0 PURPOSE

11.01 The purpose of the planned unit development is to permit:

1. A maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the sections of this ordinance.
2. Permanent preservation of common open space and recreation areas and facilities.
3. A pattern of development to preserve natural vegetation, topographic and geologic features.
4. A creative approach to the use of land and related physical facilities that results in better development and design and the construction of aesthetic amenities.
5. An efficient use of the land, resulting in more economic networks of utilities, streets and other facilities.
6. A land use which promotes the public health, safety, comfort, morals and welfare.

11.02 The planned unit development is intended to provide for variety related uses which are planned and developed as a unit. The planned unit development should provide amenities not otherwise required by law and should establish facilities open space greater than the minimums required by law.

11.03 Such development may consist of conventionally subdivided lots or provide for development by a land use and zoning plat which establishes the location and extent of the features of the planned unit development in keeping with the purpose of the plan.

11.1 PROCEDURE

11.11 A planned unit development shall be granted as a special use in accordance with the following procedures and may depart from the normal procedure, standards and other requirements of the other sections of this ordinance. Applications shall be made on forms provided by the village and shall be accompanied by the required plats and documents. The application at each step shall be reviewed and certified by the Building Commissioner as being in accordance with the planned unit development requirements.

1. Pre-application procedure.

- a. Pre-application conference. Prior to the filing of an application for approval of a planned unit development, the developer may request of the Plan Commission an informal meeting to discuss the development of his land in conjunction with the Village Plan. Said meeting shall be a part of a regularly scheduled meeting, shall be open to the public, and included on their agenda in advance of the meeting.

The pre-application conference is not mandatory and does not require formal application, fee or filing of a planned unit development plat.

- b. Approval of preliminary plat. A preliminary plat of the planned unit development shall be submitted to the President and Board of Trustees, who shall refer same to the Plan Commission for public hearing, report and recommendations as to whether or not the President and Board of Trustees should issue the special use

permit applied for. The required procedure for approval of the preliminary plat shall be:

- 1) Submission of the following:
 - a) Written application for approval of a planned unit development shall be made on forms and in the manner prescribed by rules of the village.
 - b) The application shall be accompanied by a fee which shall be established by the President and Board of Trustees.
 - c) The preliminary plat and supporting data shall be in accordance with the stipulations of section 11.32.
- 2) The Plan Commission shall hold a public hearing on the application for a planned unit development, giving notice of the time and place not more than thirty (30) nor less than fifteen (15) days before the hearing, by publishing a notice thereof at least once in a newspaper published or having general circulation within the village.
- 3) Copies of the preliminary planned unit development plat and supporting data shall be submitted to the Building Commissioner for certification as to conformity with these regulations, recommendations and suggestions regarding the overall design, if any.
- 4) Following the public hearing and review of the preliminary planned unit development plat and supporting data for conformity to these regulations, the Plan Commission shall, within sixty (60) days, recommend

approval, modification or disapproval, and the reasons therefor, or indicate why a report cannot be rendered to the President and Board of Trustees.

As a condition to the approval by the Village Board of the preliminary plat, the Plan Commission shall set forth in a separate communication to the President and Board of Trustees, findings of fact, in accordance with section 11.5, on which they base their recommendation and describing how the proposal meets the standards of section 11.4.

- 5) The President and Board of Trustees, after receipt of the preliminary planned unit development plat from the Plan Commission, shall approve, modify or disapprove the preliminary plat. In the case of approval, or approval with modifications, the Village Board shall pass an ordinance granting the special use, indicating their approval upon the plat, and arrange zoning map modifications as necessary. The Village Board may require such special conditions as it may deem necessary to insure conformance with the intent of all comprehensive plan elements and the stated purposes of the planned development.
- 6) Approval of a preliminary planned unit development plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat, which will be submitted for approval of the village and subsequent recording upon the fulfillment of the requirements of these regulations and conditions of

the preliminary approval, if any. The final plat shall be approved if it conforms with the preliminary plat.

The preliminary and final plat may be filed and approved simultaneously, or the final plat may be filed and approved without a preliminary plat if all of the land is to be developed at one time, and if all requirements hereof are met.

No building permit shall be issued for any structure until the approval of the final plat.

c. Approval of final plat. The final planned unit development plat shall conform substantially to the preliminary plat as approved, and, if desired by the developer, it may be submitted in stages with each stage reflecting the approved preliminary plat which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations. The required procedure for approval of a final plat shall be:

- 1) A final planned unit development plat and other supporting data required for approval shall be submitted to the Plan Commission in accordance with the provisions of section 11.33.

The final plats must be submitted for approval in accordance with agreed to scheduling, but not later than five (5) years from the approval of the preliminary plat; in the event that same is not done, the Plan Commission shall initiate such zoning changes as it deems necessary to preserve the public interest.

Final plats and supporting data shall show in detail the design, location and use of all buildings and overall land development, as well as such additional information as the Plan Commission may require.

- 2) The final plat and supporting data shall be submitted to the Building Commissioner for certification that the final plat is in conformity with these regulations and in agreement with the approved preliminary plat.
 - 3) After review of the final plat, the Plan Commission shall, within thirty (30) days, recommend approval or disapproval, and the reasons therefor, to the President and Board of Trustees.
 - 4) The President and Board of Trustees, after receipt of the final plat from the Plan Commission, shall approve or disapprove the final plat, and shall pass an ordinance authorizing the planned unit development as a special use and allow the issuance of a zoning certificate and all other necessary permits.
- d. Recording the final plat. The ordinance authorizing construction of the planned unit development shall be effective only upon recording of the final planned unit development plat and supporting data with the County Recorder of Deeds. No permit allowing construction of a building or other development shall be granted until the required recording of the final plat.

The purpose of the final plat is to designate with particularity the land subdivided into conventional lots, as well as the division of other lands, not so subdivided, into common open areas and building sites. The preliminary plat shall generally locate buildings, where-

as, the final plat shall show the exact location of each building.

The recording of the final plat shall inform all who deal with the planned unit development of the restrictions placed upon the land and act as a zoning control device.

- e. Changes in the planned unit development. The planned unit development project shall be developed only according to the approved and recorded final plat and all supporting data. The recorded final plat and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of premises and location of structures in the planned unit development project as set forth therein.

- 1) Major changes. Changes which alter the concept or intent of the planned unit development, including increases in density, increases in the height of buildings, reductions of proposed open space, changes in the development schedule, changes in road standards, or changes in the final governing agreements, provisions, or covenants, or other changes, may be approved only by submission of a new preliminary plat and supporting data, and following the "preliminary approval" steps and subsequent amendment of the final plat.

All changes to the final plat shall be recorded with the County Recorder of Deeds as amendments to the final plat or reflected in the recording of a new "corrected" final plat.

- 2) Minor changes. The Village Planner, or other person authorized by the Village Board, may approve minor

changes in the planned unit development which do not change the concept or intent of the development, without going through the "preliminary approval" steps. Minor changes shall be any change not defined as a major change.

- f. **Schedule.** The President and Board of Trustees shall consider the planned unit development subject to revocation if construction falls more than two (2) years behind the schedule filed with the final plat. Extensions in the building schedule may be recommended by the Plan Commission subject to the approval of the Village Board.

11.2 LOCATION. The planned unit development is authorized as a special use in each of the zoning districts of this ordinance.

11.3 SPECIFIC CONTENT. The planned unit development plats and supporting data shall include the following information:

11.31 Pre-application stage.

- 1. **General site information.** Data regarding site conditions, land characteristics, available community facilities and utilities, existing covenants and other related information.
- 2. **Sketch plan.** A drawing in simple sketch form showing the proposed location and extent of the land uses, streets, lots and other features.
- 3. **Legal description.** A property survey and legal description of the site proposed for development.

11.32 Preliminary plat stage.

- 1. **Detailed plan.** A drawing of the planned unit development shall be prepared at a scale of not less than 1" = 100' and shall show such designations as proposed streets (public and private), all buildings and their use, common

open space, recreation facilities, parking areas, service areas and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings and shall include:

- a. Boundary lines. Bearings and distances.
- b. Easements. Location, width and purpose.
- c. Streets on and adjacent to the tract. Street name, right of way width, existing or proposed centerline elevations, pavement type, walks, curbs, gutters, culverts, etc.
- d. Utilities on and adjacent to the tract. Location, size and invert elevation of sanitary, storm and combined sewers, location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines, and street lights; direction and distance to and size of nearest usable water mains and sewers adjacent to the tract showing invert elevations of sewers.
- e. Ground elevations on the tract. For land that slopes less than one-half ($1/2$) per cent, show one foot (1') contours; show spot elevations at all breaks in grades, along all drainage channels or swales, and at selected points not more than one hundred feet (100') apart in all directions; for land that slopes more than one-half ($1/2$) percent, show two foot (2') contours.
- f. Subsurface conditions on the tract, if required by the Plan Commission. Location and results of tests made to generally ascertain subsurface soil, rock and ground water conditions; depth to ground water unless test pits are dry at a depth of five feet (5'); location and results of soil percolation tests if individual sewage disposal systems are proposed.

- g. Other conditions on the tract. Water courses, flood plains, marshes, rock outcrops, wooded areas, isolated preservable trees one (1) foot or more in diameter, houses, barns, accessory buildings and other significant features.
 - h. Other conditions on adjacent land. Approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers and other nearby non-residential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, and show approximate per cent build up, typical lot size and dwelling.
 - i. Zoning on and adjacent to the tract.
 - j. Proposed public improvements. Highways or other major improvements planned by public authorities for future construction on or near the tract.
 - k. Open space. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated.
 - l. General location, purpose and height, in feet or stories, of each building other than single family residences on individually platted lots.
 - m. Map data. Name of development, north point and scale, date of preparation and acreage of site.
 - n. Miscellaneous. Such additional information as may be required by the Plan Commission.
2. Character. Explanation of the character of the planned development and the manner in

which it has been planned to take advantage of the flexibility of these regulations.

3. **Ownership.** Statement of present and proposed ownership of all land within the project, including present tract designation, according to official records in offices of the County Recorder.
4. **Names.** The names and addresses of the persons to whom the notice of the hearing to be held by the planning agency should be sent (the subdivider, the designer of the subdivision and the owners of the land immediately adjoining the land to be platted.)
5. **Schedule.** Development schedule indicating:
 - a. Stages in which project will be built, with emphasis on area, density, use and public facilities, such as open space to be developed with each stage. Overall design of each stage shall be shown on the plat and through supporting graphic material.
 - b. Approximate dates for beginning and completion of each stage.
 - c. If different land use types are to be included within the planned unit development, the schedule must include the mix of uses to be built in each stage.
6. **Covenants.** Proposed agreements, provisions or covenants which will govern the use, maintenance and continued protection of the planned development, and any of its common open space.
7. **Density.** Provide information on the density of residential uses and the number of dwelling units by type.
8. **Non-residential use.** Provide information on the type and amount of ancillary and non-residential uses in a residential development.

9. Service facilities. Provide information on all service facilities and off-street parking facilities.
10. Architectural plans. Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the buildings and the number, size and type of dwelling units.
11. Facilities plans, preliminary plans for:
 - a. Roads, including classification, width of right of way, width of pavement and typical construction details.
 - b. Sanitary sewers.
 - c. Storm drainage.
 - d. Water supply system.
 - e. Lighting program.
12. Need. Provide an economic feasibility study of the proposed development, including information on land utilization and marketing potential.

11.33 Final plat stage.

1. Final detailed plan. A final planned unit development plat, suitable for recording with the County Recorder of Deeds, shall be prepared. The purpose of the plat is to designate with particularity the land subdivided into conventional lots, as well as the division of other land, not so treated, into common open areas and building areas. The final plat shall include, but not be limited to:
 - a. An accurate legal description of the entire area under immediate development within the planned development.

- b. A subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat.
 - c. An accurate legal description of each separate unsubdivided use area, including common open space.
 - d. Designation of the exact location of all buildings to be constructed.
 - e. Certificates, seals and signatures required for the dedication of lands and recording the document.
 - f. Tabulations on separate unsubdivided use areas, including land area, number of buildings, number of dwelling units and dwelling units per acre.
2. Common open space documents. All common open space shall be either conveyed to a municipal or public corporation, conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the planned development or retained by the developer with legally binding guarantees, in a form approved by the Village Attorney, that the common open space will be permanently preserved as open area. All land conveyed to a not-for-profit corporation, or like entity, shall be subject to the right of said corporation to impose a legally enforceable lien for maintenance and improvement of the common open space.
3. Public facilities. All public facilities and improvements made necessary as a result of the planned unit development shall be either constructed in advance of the approval of the final plat; or escrow deposits, letter of credit in a form approved by the Village Attorney, or performance bonds posted to guarantee construction of the required improvements.

4. **Guarantee deposit.** A deposit shall be made to the village in cash, letter of credit in a form approved by the Village Attorney, or maintenance bond equal to fifteen percent (15%) of the estimated cost of public facility installations. This deposit shall be a guarantee of satisfactory performance of the facilities constructed within the planned unit development and shall be held by the village for a period of eighteen (18) months. After such eighteen (18) months, the deposit shall be refunded if no defects have developed, or if any defects have developed, then the balance of such deposit shall be refunded after reimbursement for amounts expended in correcting defective facilities.
5. **Delinquent taxes.** A certificate shall be furnished from the County Collector that he finds no delinquent taxes and that all special assessments constituting a lien on the whole or any part of the property of the planned unit development have been paid.
6. **Covenants.** Final agreements, provisions or covenants which will govern the use, maintenance and continued protection of the planned unit development.

11.4 STANDARDS. The planned unit development must meet the following standards:

- 11.41 **Comprehensive plan.** A planned unit development must conform with the intent and spirit of the proposals of the Comprehensive Plan.
- 11.42 **Size.** The site of the planned unit development must be under single ownership and/or unified control and be not less than sixty thousand (60,000) square feet in area.
- 11.43 **Compatibility.** The uses permitted in a planned unit development must be of a type and so located so as to exercise no undue detrimental influence upon surrounding properties.
- 11.44 **Space between buildings.** The minimum horizontal distance between buildings shall be:

1. Fifteen feet (15') between one story, two story, two and one-half story buildings, or combinations thereof.
 2. Equal to the height of the taller buildings in the case of free-standing unattached buildings other than one, two or two and one-half story buildings.
- 11.45 Yards. The required yards along the periphery of the planned unit development shall be at least equal in width or depth to that of the adjacent zoning district.
1. Buildings of more than twenty-four feet (24') in height shall provide a setback from any property line of not less than equal to the height of such buildings.
- 11.46 Parking requirements. Adequate parking shall be provided and, in no event, shall the parking be less than that provided for in other sections of this ordinance.
- 11.47 Traffic. That adequate provision be made to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 11.48 Density. The density of any planned unit development shall not exceed, by more than twenty-five per cent (25%), the density allowed in the district in which the planned unit development is located. Land within the planned unit development which is used for industrial purposes, commercial purposes and open space may be included as gross area for calculations of density.
- 11.49 Other standards. The planned unit development may depart from strict conformance with the required density, dimension, area, bulk, use and other regulations for the standard zoning districts and other provisions of this ordinance to the extent specified in the preliminary plat and documents authorizing the planned unit development, so long as the planned unit development will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

- 11.5 FINDINGS.** The Plan Commission shall provide findings of fact setting forth the reasons for the recommendation, and said findings shall set forth with particularity in what respects the proposal would be in the public interest, including, but not limited to, findings of fact on the following:
- 11.51** In what respects the proposed plan is consistent with the stated purpose of the planned unit development regulations.
 - 11.52** The extent to which the proposed plan meets the requirements and standards of the planned unit development regulations.
 - 11.53** The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, the density, dimension, area, bulk and use, and the reasons why such departures are deemed to be in the public interest.
 - 11.54** The physical design of the proposed plan and the manner in which said design makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space and furthers the amenities of light and air, recreation and visual enjoyment.
 - 11.55** The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.
 - 11.56** The desirability of the proposed plan to physical development, tax base and economic well-being of the entire community.
 - 11.57** The conformity with the intent and spirit of the Comprehensive Plan.
- 11.6 CONDITIONS AND GUARANTEES.** Prior to the granting of any planned unit development, the Plan Commission may recommend, and the Village Board may stipulate, such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation and other elements of the planned unit development as deemed necessary for the protection of the public interest, improvement of the development, protection

of the adjacent area, and to secure compliance with the standards specified in section 11.4. In all cases in which planned unit developments are granted, the Village Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.