

ARTICLE XIII
PLANNED UNIT DEVELOPMENT

13.1 PURPOSE

- A. The provisions of this section are intended for special situations in which:
 - 1. adequate space, light, air, and other objectives of this Ordinance relating to the public health, safety, and welfare can be achieved without the literal application of the detailed zoning and subdivision requirements otherwise applicable
 - 2. special amenities and benefits to the community beyond those required by this and other Village ordinances can be achieved by allowing more flexible design than is otherwise permitted by Village zoning and subdivision regulations.
- C. These objectives can be achieved where a substantial area of land is planned for development as an integrated unit and where its design is subject to more detailed review and approval by the Village than is normally required.
- D. The objective of a planned unit development (PUD) is accordingly not simply to allow exceptions to otherwise applicable regulations. It is instead to encourage a higher level of design and amenity than it is possible to achieve under the usual land development requirements.
- E. It is therefore the intent of the Village to suspend the application of detailed zoning and subdivision standards only where such special amenity is achieved. In this way the Village may grant the creative developer a desirable flexibility and at the same time not only protect but enhance the welfare of the residents and other users of a development and the rest of the community.

13.2 QUALIFICATION FOR FILING AS A PLANNED UNIT DEVELOPMENT

- A. A planned unit development may be developed in any district in which planned unit developments are allowed as conditional uses.
- B. No development shall be filed as a planned unit development unless it:
 - 1. is at least five acres in size, and

2. contains more than two detached buildings accommodating principal as opposed to accessory uses, and
 3. is initially under unified ownership or control.
- C. A planned unit development may be residential, commercial, office, industrial, or a combination thereof. Flexibility to suspend requirements imposed elsewhere is not conferred upon the PUD applicant as a matter of right but is in all cases subject to a finding by the Village that the objectives of these provisions will be served thereby.

13.3 SPECIAL INCENTIVES FOR PLANNED UNIT DEVELOPMENTS

- A. To further a superior level of design and amenity in new development, the following incentives are offered in planned unit developments:
1. Variable Density and Dimensional Zoning Standards
 - a. Standards for minimum lot area, lot width, building height, floor area ratio, yard dimensions, off-street parking and loading, size of business, fences, and signs may vary from those established elsewhere in this ordinance.
 - b. The applicable standard for minimum lot area per dwelling unit may be reduced, or the standard for maximum dwelling units per acre increased, a maximum of twenty percent (20%).
 2. Mixed Land Uses
 - a. Land uses other than those allowed as permitted or conditional uses in the applicable zoning districts may be permitted on up to thirty percent (30%) of the net site area of a planned unit development.
 - b. Uses otherwise allowed only in Commercial, Office, or Industrial Districts may only be allowed in Resident Districts provided:
 - (1) that, unless they are allowed in the C-1 District, they do not front upon or have access from collector or minor streets serving residential areas, and
 - (2) that they are not otherwise incompatible with nearby residential uses, and
 - (3) that they conform to the General Business District Regulations and General Industrial District Regulations applying to the district in which they are normally allowed.
 3. More Than One Principal Building Per Lot

In a planned unit development more than one principal building may be located on a single lot.

4. Variable Subdivision Design Standards

Design standards for subdivisions and subdivision improvements such as streets, blocks, sidewalks and parkways, and open space dedication, may vary from those established in Village Subdivision Regulations.

13.4 SPECIAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS

A. Site Plan Review

Whether or not a land subdivision is involved, preliminary and final plans for the development shall be filed and approved by the Village in conformance with the provisions of Sections 13.6, 13.7, and 13.8.

B. Required Common Open Space

A minimum of ten (10) percent of the gross site area shall be used for permanent common open space as defined herein.

C. Quality of Design

1. To be granted the flexibility permitted under these regulations, a PUD must evidence a level of design and amenity exceeding that typical of conventional development.
2. Among the features that may evidence such amenity are:
 - a. amount and quality of landscaping
 - b. amount, quality, and interconnectedness of common open space
 - c. provision of pedestrian or bicycle paths separated from streets
 - d. preservation of drainageways and other natural features
 - e. common recreational facilities
 - f. enclosed, underground, depressed, or outstandingly landscaped parking areas
 - g. varied building setbacks or other measures to reduce monotony in design
 - h. and other features as determined by the Plan Commission.

D. Underground Utilities

All utility lines within a planned unit development are required to be underground. Appurtenances to utility systems that are effectively screened may be permitted above ground if the Village finds that they will not be detrimental to the character of the development.

E. Phasing of Development

1. Land designated for future construction phases and other land not intended for immediate improvement shall be landscaped or otherwise maintained with a neat and orderly appearance as specified by the Plan Commission.
2. No Building Permit shall be issued for construction of any commercial development intended to be economically supported primarily by the residential or other business uses within the PUD before development of an amount of the supporting development specified by the Plan Commission has been completed.

13.5 APPROVAL PROCEDURE FOR PLANNED UNIT DEVELOPMENT

A. Optional Pre-Filing Conference

1. Prior to filing a preliminary plan, an applicant may request a Pre-Filing Conference with the Plan Commission. An application for the Conference together with the filing fee as determined from time to time by the Village Board shall be submitted to the Zoning Administrator.
2. In the event a preliminary plan is subsequently filed, the filing fee will be credited toward the preliminary plan filing fee.
3. At the Conference the applicant may outline his proposed project and submit preliminary information such as a concept plan. The Plan Commission shall advise the applicant concerning in what respects his proposal conforms to applicable Village plans and ordinances and to desired standards of design.

B. Filing Of Preliminary Plan

The applicant shall file a preliminary plan meeting the requirements of Section 13.7.

C. Staff Review Of Preliminary Plan

1. The Zoning Administrator shall, within five (5) days of receipt of a complete and accurate preliminary plan filing, transmit such filing to the Staff Development

Committee of the Village. This transmittal shall be accompanied by a notice of a meeting to be held to review the filing within fifteen (15) days of its receipt.

2. The Staff Development Committee shall be chaired by the Zoning Administrator and shall also include, the Village Planner, the Building Commissioner, the Village Engineer, the Director of Public Services, the Fire Chief, and the Chairman of the Plan Commission or his or her designee. The committee may seek technical assistance from such other sources as it deems necessary.
3. The Committee may advise and assist the applicant in meeting Village objectives but shall have no power to approve or disapprove any filing or in any way restrict the applicant's right to seek formal approval thereof.
4. The Development Committee shall within thirty (30) days after the meeting complete its review and file with the Plan Commission the complete preliminary plan filing together with a written report noting any deficiencies in compliance with the requirements for a preliminary plan or for a planned unit development and any recommendations for improvement of the Plan to better reflect the objectives of planned unit development procedure.

D. Plan Commission Committee Of The Whole

At its next scheduled Committee of the Whole meeting after filing of the Development Committee report, the Plan Commission shall review the preliminary plan and the report. The Commission shall then give written notice to the applicant of any deficiencies in the plan or any desired improvements.

E. Public Hearing On Preliminary Plan

When any deficiencies found by the Plan Commission have been corrected and appropriate documents filed with the Zoning Administrator, the Plan Commission shall set a date for a public hearing before the Commission. The requirements for conditional uses (Article XII) shall be complied with.

F. Plan Commission Action On Preliminary Plan

1. Within sixty (60) days after the public hearing, the Plan Commission shall forward a written report to the Village Board. The report shall include findings of fact as provided in Table 26 together with a recommendation for approval, conditional approval, or disapproval of the preliminary plan and the roll call vote of the Commission on such recommendation.

2. The Commission's recommendation may include any modification of normal zoning district or subdivision regulation requirement that is authorized by the provisions of this Ordinance governing planned unit developments.

G. Village Board Action On Preliminary Plan

The Village Board shall, within thirty (30) days after it receives the Plan Commission report, approve, conditionally approve, or disapprove the preliminary plan.

H. Resubmission

If the preliminary plan or any part thereof is disapproved, it shall not be resubmitted during a period of one year from the date of disapproval except on the grounds of new evidence or proof of change of conditions found valid by the Plan Commission.

I. Filing Of Final Plan

Approval of the preliminary plan shall become void unless the applicant submits a final plan meeting the requirements of Section 13.8 within twelve (12) months of the date of approval of the preliminary plan, or within any extension beyond this period granted by the Village Board. The final plan may be filed in phases, but the plan required within this period shall include no less than twenty-five (25) percent of the land area included in the preliminary plan.

J. Staff Review Of Final Plan

The Village Staff Development Committee shall review the final plan in accordance with the aforementioned procedures for staff review of the preliminary plan.

K. Plan Commission Action On Final Plan

Within sixty (60) days of receiving the final plan and report from the Development Committee, the Plan Commission shall review the final plan and forward a report consisting of findings of fact and a recommendation for action on the plan to the Village Board.

L. Village Board Action On Final Plan

The Village Board shall, within thirty (30) days after it receives the Plan Commission report, approve the final plan by ordinance or disapprove the plan.

M. Recording

The final plan as approved by the Village Board shall be filed with the County Recorder of Deeds as the Final Plat for the PUD. No permit allowing the construction of any improvement shall be issued before the final plat is recorded. The applicant shall pay all recording costs.

N. Amendments To Approved Final Plan

1. No change or addition may be made to an approved final plan without approval of an amendment thereto by the Village Board.
2. An applicant seeking approval of an amendment shall file an application therefor with the Zoning Administrator. The application shall describe the amendment sought and provide such other information as the Plan Commission may require. It shall be accompanied by fifteen (15) copies of the proposed amendment and a filing fee.
3. If the Plan Commission determines that the amendment sought is a substantial change as defined herein, all procedures set forth herein for the approval of preliminary plans and final plans shall be followed. Otherwise, the Commission shall, within sixty (60) days of receiving the application for amendment, file a written report with the Village Board including findings of fact and a recommendation for action of the amendment.
4. A substantial change to a planned unit development shall be any of the following changes from the previously approved final plan:
 - a. A change that causes the development to fall short of meeting the requirements of any applicable zoning district to any greater degree than already provided on the previously approved plan.
 - b. Any change in land use type or housing type.
 - c. A change in the location of any structure, off-street parking or loading area, common open space area, or any area or right-of-way to be conveyed to or reserved for the public body, by more than ten (10) feet in any direction, or a change in the spacing between any two structures by more than ten percent (10%).
 - d. A change of more than ten percent (10%) in any non-locational quantitative specification of the previously approved plan, including any dimension of any lot, yard, structure or pedestrian or vehicular thoroughfare; any residential density; amount of common open space acreage; utility line capacity; amount of floor area of non-residential development; amount of land to be conveyed to or reserved for any public body; size or capacity of any off-street parking or loading area; or amount or dimensions of existing or proposed tree or ground cover, landscaping, or screening.
5. The Village Board shall, within thirty (30) days after it receives the Plan Commission report, approve or disapprove the amendment. The amended plat

shall be recorded in accordance with the provisions herein governing recording of a final plat.

O. Revocation Of Approval Of Final Plan

1. The Village Board may revoke its approval of a final plan for a planned unit development or any phase thereof in any of the following circumstances:
 - a. If construction does not begin within one year after approval of the Plan.
 - b. If construction is not completed within the time specified in the approved construction schedule or any extension thereof granted by the Village Board.
 - c. If applicable provisions of this Ordinance are not complied with.
2. In any such instance the Plan Commission shall give the applicant fifteen (15) days notice to appear before the Commission to answer any charge of non-compliance.
3. If the Commission finds that the applicant is not in compliance, it may recommend revocation of approval if the planned unit development is not brought into compliance within a period it specifies.

13.6 PRELIMINARY PLAN FILING REQUIREMENTS

A. No preliminary plan of a planned unit development (PUD) shall be approved until the applicant has submitted all of the following to the Zoning Administrator:

1. Completed Application Form
2. Filing Fee

A fee as required from time to time by the Village Board plus an Improvement Plan Filing Fee in accordance with the provisions of Section 7-1-8 (B) of Title 7 - Subdivision Regulations of the Village Code.

3. Statement Of Objectives

The applicant's written statement documenting the particular ways in which the flexibility requested through planned unit development procedures will result in a design quality and amenity for the proposed development that furthers the public welfare to a degree not possible under other Village zoning and subdivision control requirements.

4. Ownership Interest

A disclosure of ownership interest as provided under Requirements for All Applications in the Administration section herein.

5. Preliminary Development Plan

A plan (fifteen (15) copies) at a scale determined by the Zoning Administrator that shows for each development phase and for the planned unit development as a whole:

a. Boundaries

The surveyed boundaries of the planned unit development in relation to surrounding properties, of each development phase thereof, and of any easements therein, and the dimensions, area, and location of all lots within the development. Current school district and municipal boundary lines on or immediately adjacent to the site.

b. Land Use

(1) The location, acreage, type, and configuration of all land uses; the location, dimensions, type, and orientation of all structures, including buildings, signs, screening, and fences; and the amount of floor space contained in each building.

(2) Plus figures that show for each land use type within each development phase the total acreage, number of lots, floor area ratio, dwelling units per acre, and amount of site area devoted to thoroughfares, off-street parking, off-street loading, open space, recreation, and each housing type.

c. Circulation, Parking, And Loading

The proposed number, location, alignment, design and construction standards, and dimensions of all public and private thoroughfares, sidewalks, railroad rights-of-way, pedestrian ways, and bicycle paths and all off-street parking and loading spaces and associated aisles, driveways, and entrances and exits.

d. Open Space

The number, location, acreage, dimensions, proposed ownership, and provisions for maintenance of parks, playgrounds, swimming pools, tennis courts, and other recreational and non-recreational common open spaces.

e. Existing Natural Features

The topography of the site at two (2) foot intervals, drainage patterns, existing waterways, flood plains, wooded areas, scenic views, marsh areas, areas with soil problems, isolated preservable trees six inches or more in diameter at one foot above ground level, and other existing environmental features. Data on subsurface soil, rock, and groundwater conditions if required by the Village Engineer.

f. Utilities And Drainage

The size, purpose, and location of existing and proposed public and private utilities (including water, sanitary and storm sewers, gas, electric, telephone, and street lighting), utility easements, and drainage facilities on or within one hundred (100) feet of the site. The locations of existing and proposed hydrants, catch basins, manholes, and valves. The dimensions and locations of proposed wet or dry stormwater detention or retention areas, other artificial water features, or any proposed modifications to existing water courses or water bodies.

g. Housing

The number of housing units proposed by housing type, number of bedrooms, and floor area and the estimated residential population for each type of housing.

h. Landscaping And Grading

The number, type location, and size of all proposed plant materials, ground cover, and berming, including existing plant materials that are to remain on the site. The nature of any earth moving to be done on the site.

i. Public Facilities

The dimensions and locations of all areas to be conveyed, dedicated, or reserved for school sites, fire stations, or other public or quasi-public uses.

j. General

The name of the development; its location by section and township; legal descriptions of the land contained within the development and each phase thereof; names and addresses of the owners, beneficiaries, or option holders of all property therein and of the developer, site planner, and engineer; scale; north arrow; and date of preparation.

6. Community Impact Statement

A statement as provided on forms supplied by the Village.

7. Open Space Statement

The applicant's written statement regarding the location and character of all proposed common open space, including the advantages the land at each location offers for open space and recreation use and the ways in which open land at each location might be used by the community.

8. Renderings

Architectural renderings showing the substantial design intent for proposed structures but not necessarily the final design detail.

9. Traffic Analysis

If requested by the Plan Commission, a professional analysis indicating the estimated traffic to be generated by the completed development per week, per 24-hour day, and during morning and evening peak hours; the impact of this traffic on existing traffic loads in the vicinity; and street construction or traffic control measures needed to accommodate the new traffic generated.

10. Phasing Schedule

A chronological schedule showing the expected beginning and ending dates for all proposed stages of construction or improvement of all structures, improvements, common open space areas, circulation ways, and utilities and showing interim use and maintenance of areas not under construction in each phase.

11. Homeowners Association And Covenants

- a. Organizational details of all proposed property owners or condominium associations.
- b. A draft of any proposed protective covenants governing land use, open space, or other aspects of the development. A copy of any proposed documents governing the maintenance of open spaces and common areas.

12. School Capacity

Evidence of the capacity of all affected public school districts to handle the enrollment likely to be generated by the PUD.

13. Feasibility

Evidence of the petitioner's capability to implement the type of development proposed. If requested by the Village, a market analysis or other evidence of economic justification of any of the uses proposed.

13.7 FINAL PLAN FILING REQUIREMENTS

- A. The final plan for a planned unit development to be submitted to the Zoning Administrator shall consist of the following:

1. Completed Application Form

2. Filing Fee

A fee as required from time to time by the Village Board plus an Improvement Plan Filing Fee in accordance with the provisions of Section 7-1-8 (B) of Title 7 - Subdivision Regulations of the Village Code.

3. Final Plat

Final plat of subdivision and supporting documents (fifteen (15) copies) as required by Village Subdivision Regulations, including final engineering plans and specifications.

4. Final Development Plan

The final development plan (fifteen (15) copies) conforming to the preliminary development plan approved by the Village Board and including final engineering plans and specifications.

5. Homeowners Association And Covenants

Final versions of all covenants, organization of homeowners or condominium associations, or any other documents regulating land use or providing for maintenance of common areas.

6. Construction Schedule

A final schedule showing the dates of beginning and final completion of all structures and improvements.

7. Public Ownership Documents

Any deeds or easement agreements required or approved by the Village Board conveying ownership interest in any parcel in the development to the Village or any other public body.

8. Financial Guarantees

Performance bonds, escrow deposits, irrevocable letters of credit, or other financial sureties approved by the Village sufficient to guarantee the installation and improvement of all public or common improvements, including common open spaces, provided on the final plan.

13.8 FINDINGS OF FACT

A. Before recommending approval of a preliminary plan for a planned unit development (PUD), the Plan Commission shall make the following findings:

1. Superior Design

That the preliminary plan represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable zoning district and subdivision regulations, and that solely on this basis modifications to the use and design standards established by these regulations are warranted.

2. Meets PUD Requirements

That the preliminary plan meets the requirements for planned unit developments set forth in this ordinance and that no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein.

3. Consistent With Village Plan

That the preliminary plan is consistent with the Village Official Comprehensive Master Plan.

4. Public Welfare

That the preliminary plan will not be detrimental to the public health, safety, morals, or general welfare.

5. Compatible With Environs

That neither the preliminary plan nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, seriously impair property values or environmental quality in the neighborhood, nor impede the orderly development of surrounding property.

6. Natural Features

That the design of the preliminary plan is consistent with the preservation of natural features of the site such as flood plains, wooded areas, natural drainageways, or other areas of sensitive or valuable environmental character.

7. Circulation

That streets, sidewalks, pedestrian ways, bicycle paths, off-street parking, and off-street loading as appropriate to the planned land uses are provided. That they are adequate in location, size, capacity, and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks, and snow plows as appropriate without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the preliminary plan, or unduly interfering with the safety or capacity of adjacent thoroughfares.

8. Open Spaces And Landscaping

- a. That the quality and quantity of common open spaces and landscaping provided are consistent with the higher standards of design and amenity required of a preliminary plan. That the size, shape, and location of a substantial portion of total common open space provided in residential areas render it useable for recreation purposes.
- b. That open space between all buildings is adequate to allow for light and air, access by fire fighting equipment, and for privacy where walls have windows, terraces, or adjacent patios. That open space along the perimeter of the development is sufficient to protect existing and permitted future uses of adjacent property from adverse effects from the development.

9. Covenants

That, where individual parcels are to be later sold, adequate provision has been made in the form of deed restrictions, homeowners or condominium associations, and the like for:

- a. the preservation and maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas, and other common elements not to be dedicated to the Village
- b. the control of the use and exterior design of individual structures, such provision to be binding on all future ownership.

10. Land Use

That adjacent land uses within the preliminary plan are compatible with each other, and that PUD land uses adjoining properties not part of the preliminary plan are compatible with land uses permitted on those properties.

11. Public Services

That the land uses, intensities, and phasing of the preliminary plan are consistent with the anticipated ability of the Village, the school districts, and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools, and other public facilities and services without placing undue additional burden on existing residents and businesses.

12. Phasing

That each proposed development phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed.