

Ordinance No. 14-27

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AMENDING THE EAST DUNDEE ZONING CHAPTER OF THE CODE OF THE ORDINANCES OF THE VILLAGE OF EAST DUNDEE BY AMENDING THE SECTION ENTITLED PLANNED UNIT DEVELOPMENT

WHEREAS, the Village of East Dundee, Cook and Kane Counties, Illinois (the "Village") is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, pursuant to Title 15, Chapter 157 of the East Dundee Zoning Chapter of the Code of the Village of East Dundee the regulations imposed and districts created under the authority of the home-rule East Dundee Zoning Code may be amended; and,

WHEREAS, pursuant to Section 157.223 of the East Dundee Zoning Chapter of the Code of the Village of East Dundee the Village filed an application to amend the purpose and objectives of a Planned Unit Development and the general development standards for Planned Unit Developments; and,

WHEREAS, notice of a public hearing before the Planning and Zoning Commission on the amendment was duly published on August 4, 2014 in a newspaper of general circulation in the Village; and,

WHEREAS, the Planning and Zoning Commission convened and held a public hearing on the 21st day of August 2014, on the question of the application for a text amendment; and,

WHEREAS, the Corporate Authorities have reviewed the Planning and Zoning Commission's findings and recommendation and hereby adopt this ordinance pursuant to its home rule authority.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, as follows:

Section 1: The above recitals are incorporated herein and made a part of this Ordinance.

Section 2: That Chapter 157 Sections 157.240 through 157.249 of the East Dundee Zoning Chapter of the Code of the Village of East Dundee is hereby amended to read as follows:

"§ 157.240 PURPOSE AND INTENT

(A) *Purpose.*

(1) Planned Unit Developments are unique and differ substantially from conventional subdivisions and therefore require administrative processing as “Special Uses” under this Title. Planned Unit Developments are a complex type of Special Use, potentially consisting of various land uses and design elements, requiring the establishment of more specific procedures, standards and exceptions from the strict application of the zoning district regulations to guide the recommendations of the Planning and Zoning Commission and the action of the Village Board.

(2) The purpose of this chapter, therefore, is to provide for an alternative zoning procedure under which land can be developed or redeveloped with innovation, increased amenities and creative environmental and architectural design than would be possible to achieve under the otherwise standard zoning district regulations while being in general compliance with the planning objectives and intent of the zoning ordinance. Under this procedure, well planned residential, industrial/manufacturing, commercial and other types of land uses, individually or in combination, may be developed with design flexibility allowing for full utilization of the topographical and environmental characteristics of the site.

(3) Planned Unit Developments must have an approved development plan which provides for a unified design, contiguity between various elements and be environmentally compatible with the surrounding area. There should be an increased benefit upon the health, safety and general welfare of the public and developments built in conformity with the underlying district regulations. If building density is increased above densities allowable by the zoning district in which the use would be permitted on a particular portion of a PUD; then the amount of open space, retention of existing vegetation, buffer areas, new landscape, public commons, community open space, and parks shall be evaluated for proportionate increase for the remainder of the PUD.

(B) *Intent.* The Planned Unit Development is not intended to be a mechanism solely used for the allowance of increased densities or as a means of circumventing the bulk regulations or zoning standards under this Title, rather a Planned Unit Development shall generally provide attributes in excess of conventional village zoning, building and other land use requirements such as, but not limited to the following:

(1) Providing a maximum choice of the overall living environment through a variety of type, design and layout of residential structures, commercial and industrial buildings, office and research uses and public facilities.

(2) Demonstrating excellence in environmental design and the mitigation of land use factors or impacts.

(3) Promoting a more useful pattern of dedicated open space and recreation areas incorporated as part of the development plan and that is compatible with the immediate vicinity.

(4) Provide public access and pedestrian connectivity via bicycle/recreational paths, sidewalks and/or alternative modes of transportation.

(5) Providing and or preserving substantial landscaping with emphasis given to streetscape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas and quantity and quality of landscape materials) within the developed portions of the site.

(6) Incorporating a consistent architectural theme which is unique to the specific site and surrounding community through the use of building materials, signage and way-finding standards as well as design elements. Generic corporate architecture and big box designs are strongly discouraged but not prohibited. Uses should be designed according to the limitation of the site rather than the removal of the limitations. Specific design details such as roof parapets, architectural details, varying roof heights, pitches and materials and building colors and materials should be addressed.

(7) Retain, utilize and incorporate historic features on the project site into the overall project design, if physically and economically feasible; and/or

(8) Promote and strengthen the economic vitality and enhance the aesthetic qualities of unified large-scale commercial developments.

(9) Encourage high-quality planned industrial park environments and well-designed business centers for single or multiple-tenant facilities.

(10) Provide/enhance regional public infrastructure such as roadways, water/sanitary service, storm water management objectives.

§ 157.241 AUTHORITY

(A) The Planning and Zoning Commission shall review and recommend approval, approval with modification or denial of applications for Planned Unit Developments. The Village Board shall have final decision to approve, approve with modification, or deny applications for Planned Unit Developments.

(B) The procedures set forth in this chapter shall apply to all Planned Unit Developments.

(C) Planned Unit Developments may be allowed in each of the zoning districts in the Village of East Dundee only as a Special Use as prescribed in Chapter 157 Section 157.086: Special Uses and approved pursuant to the procedures set forth in Section 157.224 of this Title.

(D) Bulk regulations set forth in the Zoning Ordinance shall not apply to Planned Unit Developments; provided, however, that the Off-Street Parking and Loading regulations

set forth in Sections 157.120-157.150 of this Title shall apply to all Planned Unit Developments.

§ 157.242 DEFINITION AND SIZE LIMITATIONS

(A) A Planned Unit Development is a tract of land which is developed as a unit under single ownership or control, which includes two (2) or more principal buildings, and which is at least two (2) acres in area, and Planned Unit Developments in manufacturing districts which shall be at least two (2) acres in area.

(B) All land area within a Planned Unit Development must be contiguous; provided that properties separated by highways, streets, public ways, railroads or other public utility right-of-ways may be deemed contiguous for the purpose of qualifying as a Planned Unit Development. Pursuant to the procedures set herein, the establishment of a Planned Unit Development shall be applicable to the addition of property to an existing Planned Unit Development.

§ 157.243 PROCEDURES FOR ESTABLISHMENT

(A) Planned Unit Development applications shall be made as hereinafter provided and shall be accompanied by the required plats and documents. Detailed plans, drawings and other information as specified in this Chapter shall be required at the time of the various phases, meetings and hearings as detailed herein. Each stage shall be reviewed and certified by the appropriate village department as being in accordance with the Planned Unit Development requirements before proceeding to the next stages. The approval process shall include the following stages:

(1) Pre-Application Conference - Introductory meeting held with Village staff as set forth in Section 157.244 of this Chapter.

(2) Concept PUD Plan Review - An informal review of overall concept conducted by the Village Board to provide constructive feedback to petitioner of plan as set forth in Section 157.245 of this Chapter.

(3) Preliminary PUD Plat - First, a technical review of detailed plans by various village departments is held; a public hearing is then conducted by the Planning and Zoning Commission; and final determination is made by the Village Board, as set forth in Section 157.246 of this Chapter.

(4) Final PUD Plat – First, a review by Village Staff to determine that the Final Plat substantially conforms to the approved Preliminary Plat and thereafter final determination made by the Village Board, as set forth in Section 157.247 of this Chapter.

(B) The final two (2) stages of the PUD process, Preliminary PUD Plat and Final PUD Plat, may be submitted and reviewed concurrently, as determined by the Planning and Zoning Commission, based upon the following criteria:

(1) The PUD plan forwards the goals of the village's planning objectives and official plans, including but not limited to, the Comprehensive Plan and the Downtown Rehabilitation Plan.

(2) The PUD plan requires limited variances from the use or bulk regulations of the conventional/underlying zoning district in which it is to be located.

(3) The benefit of the PUD plan shall forward or exceed the goals of the stated development standards and regulations of village ordinances, which include but are not limited to, the Building Code, Subdivision Code, Floodplain Regulations, and Sign Code.

§ 157.244 PRE-APPLICATION CONFERENCE

(A) *Purpose.* The purpose of the pre-application conference is to provide information, guidance and assistance to the applicant before preparation of the concept plan so that the applicant may receive informal input on:

(1) Whether the proposed Planned Unit Development will be in conformity with the planning and other development goals and the policies of the Village of East Dundee.

(2) Whether the existing zoning and land use in the general area of the Planned Unit Development is appropriate for a Planned Unit Development.

(B) *Procedure.* Prior to filing an application for approval of a Planned Unit Development, the petitioner shall be required to contact the village administrator or his or her designee to arrange an informal pre-application meeting with village staff and its consultants.

(1) The pre-application conference is mandatory and shall be held with staff, but is at no charge to the petitioner. At such conference, the applicant shall provide information relating to the following:

(a) The location of the proposed Planned Unit Development;

(b) The land use types and approximate area of proposed land uses;

(c) A list of any and all exceptions to the zoning ordinance and subdivision regulations requested; and

(d) Other information pertinent to the proposed Planned Unit Development.

(2) The pre-application conference shall be an informal communication and discussion of the proposed Planned Unit Development, and no commitments shall be given, nor shall statements or opinions of the village staff and its consultants be deemed binding.

(3) Staff shall review and provide input on the proposal's compatibility with the comprehensive plan and the goals and policies for planning of the Village and advise the applicant on the information, documents, exhibits, and drawings on the proposal that should be included in the application to the Village for a Planned Unit Development.

§ 157.245 CONCEPT PUD PLAN REVIEW

(A) *Purpose.* The presentation of a Concept PUD Plan is optional. The purpose of the Concept PUD Plan is to enable the applicant to obtain the informal feedback from the village staff and the Village Board regarding the overall project concept, density and dwelling unit or land use type prior to spending considerable time and expense in the preparation of detailed preliminary PUD plans.

(B) *Procedure.* Not less than forty-five (45) days before the next available Village Board meeting, the applicant shall submit to the Village for review the conceptual Planned Unit Development plan. The submittal shall consist of twenty (20) paper copies folded to fit in a 10" x 13" envelope and two (2) electronic copies of the following documentation:

(1) A completed notarized application form, two (2) originals and the remainder photocopies.

(2) The application shall be accompanied by the appropriate filing fee.

(3) An aerial photograph exhibit of the property taken within the last two (2) years. The aerial photograph exhibit shall be one-inch equals one-hundred (1" = 100) scale, but no less than one-inch equals four hundred (1" = 400) and shall include the following:

(a) Title or Name of the proposed Planned Unit Development.

(b) Outline of property boundaries.

(c) Adjacent area within one-fourth (1/4) mile of property.

(4) A zoning plat including a legal description of the property with total property acreage notated to be included in the Planned Unit Development.

(5) A written explanation of the general character of the proposed Planned Unit Development that shall include the following:

(a) A description of all proposed land uses (including open space) with percentages of each use;

(b) Projected densities and housing type for each residential use;

(c) A description of the development standards and design criteria applicable to the proposed Planned Unit Development;

(d) An outline describing why the property should be developed as a Planned Unit Development;

(e) Identification of the conventional zoning classification allowing the uses for each land use type included and compatibility to the future land use designation for the property in the Village's official Comprehensive Plan;

(f) Identification of existing uses and zoning of adjacent properties to the Planned Unit Development.

(g) A list of requested exceptions to applicable village ordinances and codes.

(6) A written description of general site information that should include, but shall not be limited to, the following, if known or available:

(a) Existing site conditions.

(b) Environmental characteristics.

(c) Availability of community facilities and utilities.

(d) Existing covenants.

(7) A conceptual Planned Unit Development sketch or land plan. The sketch or land plan shall provide sufficient detail to demonstrate the physical relationship between the existing land condition, surrounding land uses and the proposed Planned Unit Development, and shall include the following:

(a) North arrow (true meridian), scale and date of preparation.

(b) Name and address of the site planner, or engineer who prepared the plan.

(c) Name of property owner.

(d) Name of petitioner/developer.

(e) Proposed name of the Planned Unit Development.

(f) Location map showing the location of the Planned Unit Development within or proximity to the corporate boundaries.

(g) Boundary and/or property lines of proposed development and dimensions of the lots into which the property is proposed to be subdivided.

(h) Proposed land uses, and total acreage and percent of the site devoted to each land use including minimum and average lot sizes and proposed dedication of land for school and park sites, if applicable.

(C) *Review by Village Staff.* The Plan Council shall conduct an informal review of the conceptual Planned Unit Development plan and supporting documentation to determine if the proposed development meets general Code standards.

(D) *Village Board Review.* The Village Board shall conduct an informal review of the conceptual Planned Unit Development plan and supporting documentation and provide the applicant with general comments on the following:

(1) Compatibility of the proposal with the transportation plan, zoning ordinance, subdivision ordinance and land use planning goals and objectives of the Village.

(2) Appropriateness of the proposed land uses.

(3) General layout of open space, streets, parking areas, lots and buildings.

(4) Other information the Village Board would recommend be prepared for the preliminary Planned Unit Development plan phase.

§ 157.246 PRELIMINARY PUD PLAT

(A) *Purpose.* The purpose of the Preliminary PUD Plat submission is to obtain approval from the Village that the plans the applicant intends to prepare and follow are acceptable as a Preliminary PUD Plat, and that any final plans will be approved provided they substantially conform to the Preliminary Planned Unit Development Plat. Approval of the Preliminary Planned Unit Development Plat shall not constitute authority to proceed with construction of any improvements but rather an approval of the general features of the plans as a basis for preparing the final plans.

(B) *Procedure.* Not less than forty five (45) days before the Planning and Zoning Commission meeting, the applicant shall file an application with the Clerk's Office for Preliminary Planned Unit Development Plat approval. The applicant shall submit twenty (20) paper copies folded to fit in a 10" x 13" envelope and two (2) electronic copies of the following documentation:

(1) A completed notarized application form, two (2) originals and the remainder photocopies.

(2) The application shall be accompanied by the appropriate filing fees.

(3) Disclosure of beneficiaries form and statement of present and proposed ownership of all land within the development.

(4) An aerial photograph exhibit of the property taken within the last two (2) years of the adjacent area within one-fourth (1/4) mile of property. The aerial photograph exhibit shall be one-inch equals one-hundred (1" = 100) scale, but no less than one-inch equals four hundred (1" = 400).

(5) Written explanation of the character of the Planned Unit Development and the reasons why it has been planned to vary from the Village's Zoning Ordinance regulations. This explanation shall detail how the proposed Planned Unit Development meets the objectives of all official plans which affect the subject property.

(6) Preliminary Planned Unit Development Plat. The plat shall be a detailed plan which includes at a minimum, the following information:

(a) Title notation stating "Preliminary Plat" or "Preliminary Plan".

(b) North arrow, scale (not less than 1 inch equals 100 feet) and date of preparation.

(c) Name and address of the site planner, engineer or surveyor who prepared the plan.

(d) Name of property owner.

(e) Name of petitioner/developer.

(f) Proposed name of the Planned Unit Development or subdivision name, which shall not duplicate the name of any plat previously recorded in Cook and Kane Counties.

(g) Location map showing the general area of the Planned Unit Development within or proximity to the corporate boundaries.

(h) Legal description prepared by a registered land surveyor.

(i) Boundary lines – bearings and distances.

(j) Site data, including, as applicable:

1. Current zoning classification.
2. Total area of property in square feet and acreage, and percentage of each proposed land use.
3. Square footage and percent of site coverage with buildings.
4. Square footage and percent of site coverage with impervious surfaces.
5. Square footage and percent of site covered dedicated to common open space such as storm water management systems, landscaping and buffers, parks, trail corridors and recreational areas.
6. Total number of off-street parking and loading spaces provided and method used to calculate the number of required spaces for each land use.
7. Total number of buildings.
8. Total number of residential dwelling units by type, and the number of bedrooms in each dwelling unit type.
9. Gross Floor Area for all non-residential buildings/uses.
10. Gross and net densities for the overall Planned Unit Development and for each land use.
 - a. *Residential Density*. Provide information on the density of residential uses, including dwelling units per acre, dwelling units per net acre; gross and net residential density (dwelling units per acre of land devoted to residential sectors of the PUD; gross being all land, net being gross acres minus land used for public or common usage). Information should also be provided for each unit in the Planned Unit Development, if applicable.
 - b. *Non-Residential Intensity*. Provide information on the type and amount of non-residential uses including building locations, sizes, floor area ratio, building height, the amount and location of common open space.
11. Minimum, maximum and average lot sizes.
12. Percent of lot coverage for all uses except detached single-family and duplex.
 - (k) Depiction of Lots:

1. Residential lots shall depict approximate lot dimensions; building footprints for all multi-family and single-family attached structures; and dimensioned required yard setbacks.

2. Non-residential lots shall depict building footprints and dimensioned setbacks. Information regarding purpose/use and height of non-residential buildings shall also be provided.

(l) Existing zoning and land use of adjacent property within five hundred feet (500') of all sides of the site.

(m) Other conditions of adjoining land – owners of un-platted land; subdivision plat name, recording date and number of adjoining platted land; actual direction and gradient of ground slope, including any embankments or retaining walls; character and location of major buildings, railroads, power lines and towers.

(n) Municipal limits.

(o) School district boundaries.

(p) Existing easements – location, width and purpose.

(q) Location of existing streets in, and adjacent to, the property including: street name, right-of-way width, existing and proposed center lines, pavement type, walks, trails, curbs, gutters, culverts, etc.

(r) Proposed public improvements such as highways and other major improvements planned by public authorities for future construction on or near the property.

(s) Existing utilities on, and adjacent to, the property including: location, size and invert elevation of sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines (above and below ground) and street lights; direction and distance to, and size of nearest water mains and sewers adjacent to the property showing invert elevations.

(t) Ground elevations on the property and on the first fifty feet (50') of all adjacent parcels showing a minimum of one foot (1') contours for land which slopes less than one-half percent ($\frac{1}{2}\%$) along with all breaks in grades, and 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 percent ($\frac{1}{2}\%$) showing a minimum of two foot (2') contours. Any land within the one hundred (100) year floodplain, as determined by the Village Engineer or an outside consultant, shall also be shown.

(u) Subsurface conditions on the property shall be shown, if deemed required by the Village Engineer or an outside consultant. This includes the location and

results of tests made to subsurface soil, rock and groundwater conditions, depth to groundwater, unless test pits are dry at a depth of fifteen feet (15'); location and results of a soil percolation test if individual sewage disposal systems are proposed.

(v) Water courses, marshes, rock outcrop, wooded areas, existing vegetation, isolated trees four inches (4") or more in diameter at breast height, existing structures and other significant features.

(w) Location of all proposed off-street parking and loading areas, including dimensions of parking spaces, drive aisles and loading zones.

(x) Configuration of all land proposed as open space including storm water management areas, parks, buffers, and trail corridors.

(y) All sites to be conveyed, dedicated, or reserved for parks, school sites, public buildings, and similar public and quasi-public uses.

(z) Pedestrian and/or bicycle circulation systems.

(aa) Limits of jurisdictional and non-jurisdictional wetlands.

(bb) Any other data reasonably necessary to provide an accurate overview of the proposed development.

(7) Preliminary landscape plan indicating the name, variety, size, location and quantities of plant material for all common and dedicated areas including parkways, buffer areas, storm water basins, wetlands, entry areas, medians, and parking lot islands. The landscape plan shall also depict permanent signs and street fixtures, and a detail plan of landscaping for a typical building area.

(8) Preliminary engineering plan which shall be drawn on a print of the proposed land use plan. The proposed plan shall illustrate an appropriate location and dimensions of all sanitary sewers, storm sewers, and water lines for all proposed land uses, drainage ditches, culverts and storm water retention/detention areas, as well as all utility easements, and be accompanied with:

(a) A feasibility report or statement from the sanitary district attesting to the capability of the existing sewer system and wastewater treatment facility to service the proposed development.

(b) Preliminary stormwater report.

(c) Preliminary mass grading plan.

(d) Traffic analysis or study, prepared by a transportation engineer or planner, which analyzes the impact caused by the Planned Unit Development on the street and highway systems.

(9) *Architectural drawings.* Preliminary architectural drawings for all primary buildings and accessory buildings shall be submitted which include:

(a) Typical elevations (front, rear and side) for proposed residential and nonresidential buildings, which identify materials and color styling proposed for all elements of the building.

(b) Proposed building heights.

(c) Roof plan for all nonresidential structures, which shows the proposed location of all roof mounted mechanical equipment.

(10) Development Plan Schedule indicating:

(a) Stages in which the project will be built, with emphasis on area, density, use of public facilities, and open space to be developed with each stage.

(b) Each stage as a separate unit. The unit shall be described and mapped on the project. Overall design of each unit shall be shown on the plan and through supporting graphic materials.

(c) Dates for beginning and completion of each stage.

(11) The Planning and Zoning Commission or Village Board may require preparation and submittal, at the petitioner's expense, of the following for review and evaluation:

(a) Fiscal impact study, detailing the estimated cost which the Planned Unit Development will have on all taxing bodies, and anticipated revenues to such taxing bodies which will be realized from each phase of development. Information shall include detailed estimates on:

1. Expected population of the development;
2. Impact on service and/or operating costs to be incurred by each taxing body as a result of the development;
3. Any major capital investments required, in part or in whole, by each taxing body due to the development.

(b) Proposed covenants, conditions and restrictions and/or homeowner association bylaws.

(c) Environmental analysis or study, prepared by an environmental specialist, which analyzes the major impacts the Planned Unit Development may have on the environment including, but not limited to, the effects on discrete ecosystems, deteriorated air quality in the immediate vicinity and along arterial and collector roadways leading to the Planned Unit Development from a specified distance determined by the Village Engineer or consultant; any deterioration in the groundwater or surface water quality; effect on sensitive land areas such as floodplains, wetlands, forests, aquifer recharge areas, historic buildings or structures, prairie landscapes, and mineral resource reserves.

(d) Market study indicating the extent of market demand for the uses proposed in the Planned Unit Development including an analysis of demographics, sales potentials, competitive alignment, an assessment of the market share or opportunity gaps, and marketing positioning of each component of the Planned Unit Development.

(C) *Planning and Zoning Commission Review.* Upon receipt of all the required submittals, the clerk's office shall distribute copies of the application and supporting documentation to members of the Planning and Zoning Commission. The Planning and Zoning Commission shall conduct a public hearing in accordance with Illinois Compiled Statutes. After the close of the public hearing, the Planning and Zoning Commission shall recommend to the Village Board approval or denial of the Preliminary Planned Unit Development Plat. The recommendation may include conditions of approval intended to be incorporated into final plans and supporting documentation.

§ 157.247 FINAL PUD PLAT

(A) *Purpose.* A Final Plat for the Planned Unit Development, suitable for recording with either the Cook County or Kane County Recorder of Deeds, shall be prepared by the petitioner for consideration and approval by the Village. The purpose of the Final PUD Plat submission is to designate and depict with particularity the land subdivided into lots, whether conventional or otherwise, common open space and building areas. The Final Plat shall also designate and limit the specific internal uses of buildings, structures, and uses of land, as well as provide any additional information or details required by the Village Board when approving the Final PUD Plat.

(B) *Procedure.* Not less than forty five (45) days before a meeting of the Village Board, the applicant shall file an application with the Clerk's Office for Final Planned Unit Development Plat approval. The applicant shall submit twenty (20) paper copies folded to fit in a 10" x 13" envelope and two (2) electronic copies of the following documentation:

(1) A completed notarized application form, two (2) originals and the remainder photocopies.

(2) The application shall be accompanied by the appropriate filing fees.

(3) Final Planned Unit Development Plat. The plat shall be a detailed plan which includes, at a minimum, the following information:

(a) An accurate legal description of the entire area under the immediate development within the Planned Unit Development.

(b) A subdivision plat of all subdivided lands in the same form and meeting all the requirements of the Subdivision Code.

(c) An accurate legal description of each separate unsubdivided use area, including common open space.

(d) Designation of exact location of all buildings to be constructed, and a designation of the specific internal uses to which each building shall be put, including construction details.

(e) Illustrate center line elevations, pavement type, curbs, gutters, culverts, etc., and a proposed street numbering designation shall also be furnished for each building.

(f) Construction plans detailing the design, construction or installation of site amenities; including buildings, landscaping, storm water detention facilities and other site improvements.

(g) Certificates, seals, and signatures required for the dedication of land and recording of the document.

(h) Tabulations on each separate unsubdivided use area, including land area, number of buildings, and number of dwelling units per acre.

(i) Construction schedule – A final construction schedule indicating:

1. Stages in which the project will be built, with emphasis on area, density, use of public facilities, and open space to be developed with each stage.

2. Each stage as a separate unit. The unit shall be described and mapped on the project. Overall design of each unit shall be shown on the plan and through supporting graphic materials.

3. Dates for beginning and completion of each stage.

(4) Common Open Space Documents: All common open space, at the discretion of the Village Board, shall be:

(a) Conveyed to a Village or public corporation, or conveyed to a not-for-profit corporation or entity established for the purpose of benefitting the owners and residents of the Planned Unit Development or adjoining property owners of any one or more of them. All lands conveyed hereunder shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common open space; or

(b) Guaranteed by a restrictive covenant describing the open space and its maintenance and improvement, running with the land for the benefit of residents of the Planned Unit Development or adjoining property owners and/or both.

(c) Such documents shall also provide that the Village shall have the right, but not the obligation, to perform necessary maintenance of the common open space, and shall have the authority to place a lien against the individually-owned property in the Planned Unit Development for the costs thereof.

(5) Public and Quasi-Public Facilities – Guarantee of Performance: All public and quasi-public facilities and improvements made necessary as a result of the Planned Unit Development, including but not limited to, parks, schools, recreational areas, etc., shall guarantee the completion of such, as set forth in the Subdivision Code, except where varied by the approved Final Plat.

(6) Final covenants, conditions and restrictions and/or homeowner association bylaws.

(7) *Delinquent Taxes.* A certificate shall be furnished from the County Tax Collector that no delinquent taxes exist 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.

§ 157.248 AMENDMENTS OR MINOR REVISIONS TO PUD

After the approval of the Final Planned Unit Development Plat by the Village Board, the use of land, construction, location of buildings and structures in the Planned Unit Development shall be developed in accordance with such approved plans, rather than by any other provisions of the zoning ordinance. Any changes, modifications or alterations to the approved Final Planned Unit Development Plat shall be considered either a minor or a major modification.

(A) No changes may be made to the approved Final Planned Unit Development Plat unless approved by the Village. The nature of the requested change, either minor or major, to the Planned Unit Development will be determined by the Village Administrator, or designee, as follows:

(1) *Minor Changes.* Minor changes to the Final PUD Plat are modifications or revisions that do not alter the overall intent of the PUD. Minor changes may be approved

by the Village Administrator, or designee if the proposed modification does not result in any of the following:

(a) An increase or decrease in overall density greater than five percent (5%).

(b) An increase or decrease in the mixture of residential dwelling unit types greater than five percent (5%).

(c) An increase or decrease in area for any land use or land use mixture greater than five percent (5%).

(d) An increase or decrease in total number of parking spaces greater than five percent (5%).

(e) Any reduction in area of common open space, landscaping or buffering, particularly when reduced below the minimum standard prescribed in Section 157.250: Development Standards and Design Criteria.

(f) Any significant changes in building layout, orientation or height of buildings.

(g) A change in the functional classification of a roadway.

Minor changes not approved by the Village Administrator may be appealed by the applicant or property owner to the Village Board without review and recommendation by the Planning and Zoning Commission, unless the Village Board refers the request for a minor change to the Planning and Zoning Commission for review and recommendation.

(2) *Major Changes.* Major changes to the Final PUD Plat are modifications which alter the concept or intent of the approved PUD exceeding the criteria set forth constituting a minor change. Major changes to the Final PUD Plat shall be subject to review and recommendation by the Planning and Zoning Commission with final approval or denial determined by the Village Board.

(B) *Application for PUD Modification or Changes.* For any modifications or changes resulting in an amendment to an approved Final PUD Plat, the applicant shall submit a revised plat and supporting data with an application for a major or minor change to the Clerk's Office in accordance with the following:

(1) The title of the plat shall indicate the nature of the change.

(2) If a major change, the revised plat and supporting data with an application shall be submitted to the Clerk's Office not less than forty five (45) days before the Planning and Zoning Commission meeting.

(C) *Notice for Major Changes to PUD Plat.* The notice for a major change to an approved Final PUD Plat shall conform to the requirements of Section 157.247.

(D) All approved major or minor changes to an approved Final PUD Plat shall be recorded with the County and shall be binding on the applicants, their successors, grantees and assigns and shall govern the development of the PUD, as set forth therein.

§ 157.249 CONDITIONS FOR APPROVAL

The Planning and Zoning Commission may recommend approval of a Special Use for Planned Unit Development or amendments to the Preliminary or Final Planned Unit Development Plat for the proposed development or amendment upon considering the following:

(A) In what respect does the design of the Planned Unit Development meet the requirements and design standards of the development standards and design criteria,

(B) The extent to which the proposed plan deviates and/or requires waivers of the bulk regulations in the zoning ordinance and how the modifications in design standards from the subdivision control regulations fulfill the intent of those regulations.

(C) The extent of public benefit produced by the Planned Unit Development, such as but not limited to, the adequacy of common open space and/or public recreational facilities provided; sufficient control over vehicular traffic; provision of public services; provision and protection of the reasonable enjoyment of the land.

(D) The relationship and compatibility, beneficial or adverse, of the Planned Unit Development to the adjacent properties and nearby land uses.

(E) The extent to which the Planned Unit Development fulfills the objectives of the future planning objectives or other planning policies of the Village.

(F) The Planning and Zoning Commission finds that the Planned Unit Development satisfactorily meets the standards for Special Use as defined in Section 157.224 of this Chapter.

§ 157.250 DEVELOPMENT STANDARDS AND DESIGN CRITERIA

(A) *Purpose.* The purpose of this section is to establish and provide a comprehensive set of standards and guidelines in which Planned Unit Developments are designed. While specific recommendations for development and design are provided, flexibility is also encouraged through guidelines which enable individual developments to be distinct from one another while maintaining the inherent character of the Village.

(B) *Applicability.* These standards and established criteria shall apply to all newly constructed buildings and sites within a Planned Unit Development. Each proposed

development will be evaluated on its compliance with the established regulations/guidelines contained herein.

(C) *Density.* The density, minimum lot size and minimum setback dimension for each use proposed within a PUD shall be determined by the conventional zoning classification which would permit the proposed use unless a variance is specifically requested as part of the Special Use request.

(D) *Use Regulations.* Planned Unit Developments may be comprised of a single-type of land use or a mixture of land uses when applicable and when different intensity of land uses are appropriately buffered or separated.

(1) Uses proposed shall be consistent with those listed as allowable uses in the respective zoning districts.

(2) Uses listed as special uses in the zoning district in which the development is located may be allowed.

(E) The Planning and Zoning Commission may recommend and the Village Board may approve access to a dwelling by a driveway or pedestrian walk easement. Off street parking facilities for such dwelling shall be located not more than two hundred feet (200') from the dwelling served.

(F) The Planning and Zoning Commission also may recommend and the Village Board may approve yards of lesser widths or depths than required for permitted uses in the zoning classification which the planned development is including, provided:

(1) Those protective covenants are recorded with perpetual access easements and off street parking spaces for use by the residents of the dwellings served.

(2) That spacing between buildings shall be consistent with the application of recognized site planning principles for securing a unified development and that due consideration is given to the openness normally afforded by intervening streets and alleys.

(3) The yards for principal buildings along the periphery of the development shall be not less in width or depth than required for permitted uses in the district in which the planned unit development is included and the plan is developed to afford adequate protection to neighboring properties, i.e. fire protection and sufficient area needed for utility easements, as recommended by the Planning and Zoning Commission and approved by the Village Board.

§ 157.251 REQUIRED LAND DEDICATIONS

All plats are required to provide for such dedicated lands for parks and school sites as mandated by Chapter 155 of this Code.

§ 157.252 FEES

The Village Board shall establish a schedule of fees, charges and expenses for occupancy permits, appeals, applications and amendments for special use, and other matters pertaining to this Chapter. The schedule of fees shall be filed in the clerk's office and may be altered or amended only by the Village Board. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

§ 157.253 SEVERABILITY

Each section, clause and provision of this Chapter shall be considered as separable, and the invalidity of one or more shall not have any effect upon the validity of other sections, clauses or provisions.

§ 157.254 EFFECTIVE PERIOD OF PLANNED UNIT DEVELOPMENT

(A) The planned unit development shall be constructed in a timely manner. The planned unit development shall be subject to revocation under the following conditions:

(1) Final Plat approval does not occur within twelve (12) months from the date of approval of the preliminary plat of a planned unit development.

(2) Construction does not commence and proceed within three (3) years from the date of approval of the Final Plat of a Planned Unit Development.

(3) The Village Board may extend the time limits for Final Plat approval for no more than two (2) 12-month periods. Commencement for construction may also be extended by the Village Board in one (1) year increments.

(B) The owner of the parcel of land on which the Planned Unit Development is to be constructed may apply for the revocation of the Planned Unit Development at any time prior to the commencement of construction. In the event a change in circumstances occurs or additional information is received by the Village which substantially affects the approved Final Plat prior to the commencement of construction, the Village may consider revocation. In such an event, the Village shall give the owner no less than thirty (30) days prior notice, in writing, of a hearing to consider the revocation of the approval of the Planned Unit Development.

(C) The Village Board shall consider, but not be limited to, the following standards in the review of the status of the project construction to determine whether there is reasonable cause for delay:

(1) The original program of development with regard to market demand for the components included in the final plan;

- (2) Conditions in the real estate finance market;
- (3) General economic conditions in the local area, state or region;
- (4) The ability and purposefulness of development operations for the Planned Unit Development; and
- (5) Laws, ordinances or other regulations that may have affected timely development of the project.

(D) Upon consideration of the findings by the Village Board regarding the standards in Subsection 157.253(C), the Village Board shall decide whether:

- (1) To revoke those portions of the Planned Unit Development for which construction has not begun;
- (2) To extend the time allotted for construction to commence based upon a revised schedule of construction, or
- (3) To require special changes in the Planned Unit Development as a condition of a time extension, whereby such changes shall be deemed a "major change" to the Planned Unit Development.

(E) Upon revocation of a Planned Unit Development, the parcel of land shall conform to the permitted uses and other regulations of the underlying zoning district of which it is a Special Use unless an amendment or other Special Use is initiated by the Village Board or is applied for by the owner of the parcel of land on which the Planned Unit Development was to be constructed and granted by the Village Board.

Section 3: This ordinance shall be in full force and effective immediately after passage, approval and publication according to law, and its regulations shall be in effect except where a Final Plat for Planned Unit Development has been approved and building permit issued prior to the enactment of this ordinance, and further providing that substantial change of position, expenditures or incurrence of obligations by or on behalf of the applicant of such approval or building permit would occur as a result of compliance with the ordinance. Applications for Concept PUD Plan Review, or amendments to approved Preliminary PUD Plat or Final PUD Plat under the former Planned Unit Development shall automatically become null and void by the enactment of this ordinance, unless acted upon prior to the enactment of this ordinance.

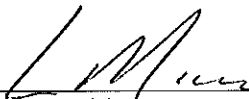
ADOPTED this 15th day of Sep, 2014 pursuant to a roll call vote as follows:

AYES: Trustees Gorman, Lynam, Skillicorn, Selep & Wood

NAYS: 0


ABSENT: Trustee Ruffalo

APPROVED by me this 15th day of Sep.
2014.



Village President

Attest:



Village Clerk

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