

**CHAPTER 7**  
**Planned Unit Development Districts**

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**16-7-1 PURPOSE AND INTENT**

- (1) The PUD planned unit development overlay district, set forth in this division, is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning and diversified location of structures. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic, to provide attractive recreation and open spaces as integral parts of the developments, to enable economic design in the location of public and private utilities and community facilities, and to ensure adequate standards of construction and planning. The PUD overlay district under this division will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district.
- (2) Permitted: The unified and planned development of a site, in single or corporate ownership at the time of development, may be permitted in a Planned Unit Development District, without the compliance with the specified lot size requirements as stated in Title 14, or without specific compliance to the district regulations as applicable to individual lots, subject to the regulations as hereinafter provided in this Section.

**16-7-2 DISTRICT AND REQUIREMENTS**

- (a) Size Allowed: For the purpose of this Ordinance all Planned Unit Development Projects shall be classified as follows and be limited to parent parcels of not less than the size indicated:

	<b>Min. Size of District</b>
<b>Residential</b>	10 Acres
<b>Commercial</b>	10 Acres
<b>Industrial</b>	20 Acres
<b>Mixed</b>	20 Acres

- (b) Application of Regulations:
  - (1) Uses and Structures. In addition to the uses permitted in the underlying district any other use may be permitted as hereinafter designated above consistent with the criteria established in the basis for approval below.
  - (2) Individual uses and structures in a Planned Development District need not comply with the specific building setback, height, building size, lot size, and open space requirements of the underlying basic district provided that the spirit and intent of such requirements are

complied with in the total development plan for such project consistent with the criteria as established in the basis for approval below.

- (3) Applicable Underlying Zoning Districts. The PUD Planned Unit Development District may be applied to all zoning districts.
- (4) All PUDs shall be serviced by sanitary sewer other than those PUDs proposed under the Village's subdivision ordinances in Title 14 that may be developed in outside of the sanitary sewer service boundary area.
- (5) Density: For specific project density computation, the allowable maximum unit density shall be determined by dividing the gross area of the planned development (Exclusive of existing public right-of-way or public open space easement) by the square feet per unit or lot as required by the district intended. In the case of mixed-use developments, a separate density calculation shall be computed for each defined use in the development (Ex. On an 80-acre planned development, 40 acres is intended for R-2 uses and 40 acres are intended for R-3 uses; the density computations would be run separately as follows: 1,742,400 square feet / 40,000 square feet per unit for R-2 and 1,742,400 square feet / 20,000 square feet per unit for R-3).

### **16-7-3 APPLICATION PROCEDURE**

- (a) **Petition:** Petition shall be made to the Village by the owner or agent of property proposed for such development, to amend the zoning map by the overlaying of a PUD District in order to permit the application of the provisions of this section to such development. Such petition shall be accompanied by a fee, as from time to time established by the Village Board, and the following information:
  - (1) A statement describing the general character of intended development along with such other pertinent information as may be necessary to a determination that the contemplated arrangement or use makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this ordinance.
  - (2) A general development plan including all applicable items per the Village's Building, Site, and Operation Plan submittal requirements per Chapter 4 of this ordinance. The development plan shall generally show the intended use or uses of land, the dimensions and location of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses such as schools, and playgrounds, parks, landscaping, and other open spaces and architectural drawings and sketches illustrating the design and character of the proposed uses and the physical relationship of the use.
  - (3) Any proposed departures from the standards of development as set forth in the Village zoning regulations.
  - (4) The expected date of commencement, schedule of development by phases, and completion of physical development as set forth in the proposal.
  - (5) Total area to be included in the planned unit development, residential density computations, proposed number of dwelling units, area of open space, population analysis, availability of, or requirements for, municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
- (b) **Public Hearing:** Upon receipt of a petition the Village Board shall cause a public hearing to be held pursuant to Chapter 17 of this Ordinance in front of the Plan Commission.
- (c) **Referral to Plan Commission:** Such petition shall be referred to the Plan Commission and processed as any other petition for zoning change. Upon completion of necessary study and investigation the Plan Commission shall make its recommendation to the Village Board as to the appropriateness

and desirability of the proposed zoning change, the suitability of the building, site and development plans, and any additional conditions which it may feel necessary or appropriate.

#### **16-7-4 BASIS FOR APPROVAL**

- (a) Basis for Approval: The Plan Commission in making its recommendations and the Village Board in making its determination shall give consideration and satisfy themselves as to the following:
- (1) That the proponents of the proposed development have demonstrated that they intend to start construction within twelve (12) months following the approval of the project and requested overlay of the PUD District, that the project appears economically sound, that adequate financing is possible, and that the development will be carried out according to a reasonable construction schedule satisfactory to the Village.
  - (2) That the proposed development is consistent in all respects to the spirit and intent of this Ordinance, is in conformity with the general plans for community development, would not be contrary to the general welfare and economic prosperity of the Village or of the immediate neighborhood, that the specific development plans have been prepared with competent professional advice and guidance, and that the benefits and improved design of the resultant development justifies the variation from the normal requirements of this Ordinance through the application of the PUD Planned Development Overlay District.
  - (3) The Plan Commission in making its recommendations and the Village Board in making its determination shall further find that:
    - a. The proposed site is provided with adequate drainage facilities for surface waters and stormwater management.
    - b. The proposed site is accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
    - c. No undue constraint or burden will be imposed on public services and facilities, such as, but not limited to, fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
    - d. The streets and driveways on the site of the proposed development are adequate to serve the proposed development and to meet the minimum standards of all applicable ordinances or administrative regulations of the Village.
    - e. Centralized public sewer facilities are provided (unless as part of an approved unsewered subdivision per Title 14) and centralized public water is desired.
    - f. The density proposed meets the intent of the underlying comprehensive plan densities and/or the area zoning.
  - (4) In the case of proposed residential developments:
    - a. The following of any lot design considerations as per Title 14 of the Village Code.
    - b. That such development will create an attractive residential environment of sustained desirability and economic stability, compatible with the character established for the area by the community Comprehensive Plan, and where the economic impact of the development in terms of income levels, property values, and service demands is at least as beneficial to the community as that which could be anticipated under the base zoning.
    - c. The population composition of the development will not alter adversely the impact upon school or other municipal service requirements as anticipated under the existing basic zoning and Comprehensive Plan.
    - d. That the project will not create traffic or parking demand incompatible with that anticipated under the Comprehensive Plan.
    - e. That the total average residential density of the project will be compatible with the Comprehensive Plan, except as may be modified by this Section.

- f. Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
  - g. Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.
  - h. That the density doesn't exceed 10% of what a normal approved underlying district would allow.
- (5) In the case of proposed PUD Planned Development Overlays for commercial and industrial developments:
- a. The economic practicality of the proposed development can be justified.
  - b. That the economic practicality of the proposed development can be justified on the basis of purchasing potential, competitive relationship and demonstrated tenant interest.
  - c. That the proposed development will be adequately served by off-street parking and truck service facilities.
  - d. That the locations for entrances and exits have been designed to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an effect upon the general traffic pattern of the area incompatible with that anticipated under the Comprehensive Plan.
  - e. The proposed development will be adequately provided with and will not impose any undue burden on public services and facilities, such as but not limited to fire and police protection, street maintenance, and maintenance of public areas.
  - f. That the architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not creating an effect upon the property values of the surrounding neighborhood incompatible with that anticipated under the Comprehensive Plan.
- (6) In the case of PUD Planned Development Overlays for mixed use developments:
- a. That the proposed mixture of uses produces a unified composite which is compatible within itself and which as a total developmental entity is compatible with the surrounding neighborhood and consistent with the general objectives of the Comprehensive Plan.
  - b. That the various types of uses conform to the general requirements as herein set forth, applicable to projects of such use character.
  - c. The allowable maximum residential density may be computed by dividing the gross area of the planned development by the square feet per family as required by the district intended. This is inclusive of the area of the other proposed uses in the development. (Ex. PD on 12 acres of land with 8 acres for multi-family residential and 4 acres for commercial still equals approximately 104 units (12 acres / 5,000 square feet per unit) upon approval of the Plan Commission and Village Board that the increased density is justified in terms of the relationship to the denser area, the commercial area, open areas, service demand, and the total quality and character of the project.
- (b) Determination:
- (1) The Village Board after due consideration may deny the petition, approve the petition as submitted or approve the petition subject to additional conditions.
  - (2) The approval of a petition and consequent amending of the zoning map by overlay of the PUD District shall be based on and include as conditions thereto the Building, Site and Operational (BSO) Plans for the development as well as all other commitments offered or required with regard to project value, character or other factor pertinent to assuring that the

project will be developed basically as presented in the official submittal plans as approved by the Village Board. Such plans, however, need not necessarily be completely detailed at the time of rezoning provided they are of sufficient detail to satisfy the Plan Commission and Village Board as to the general character, scope, and appearance of the proposed development. Such preliminary plan shall at least designate the pattern of proposed streets, the basic pattern of land use, the size and arrangement of lots, and illustrate a "typical" example of the development proposed. The approval of such preliminary plan shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as the development progresses.

- (3) Any subsequent change or addition to the plans or use shall first be submitted for approval to the zoning administrator and if in the opinion of the zoning administrator such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Village Board shall be required and notice thereof given pursuant to Chapter 18 of this Ordinance.
- (c) Failure to begin development.
- (1) If no substantial construction has commenced or no use established in the planned unit development district within the time schedule which addresses construction commencement and construction completion submitted to the Village Board, the Village shall petition the board of trustees for the purpose of rescinding the planned unit development overlay designation so as to allow the land in question to revert to its underlying zone. If the planned unit development overlay district is rescinded, the planning and development office shall remove the district from the official zoning map. Those zoning regulations applicable before the creation of the district shall then be in effect and no vested rights in the planned unit development overlay district shall be deemed to have accrued.
- (d) Failure to comply with the provisions of the planned unit development approval.
- (1) It shall be unlawful to construct, develop or use any structure or develop or use any land, water or air in violation of any provisions or conditions of a planned unit development approval or order of the Village regarding compliance with conditions of approval.

#### **16-7-5 PLANNED DEVELOPMENT DISTRICTS AND REQUIREMENTS**

- (a) Approved Planned Development districts shall be on file at the Village and shall state the development requirements and parameters as approved by the Village Board.
- (b) The text description outlining the parameters for each planned development shall be approved with the rezoning ordinance of the Village Board.
- (c) Amendments to existing PUD text descriptions shall be approved by ordinance of the Village Board concurrent with the determination of non-substantial change resolutions.
- (d) Planned Development District approval lapses twenty-four (24) months after its effective date if substantial development progress has not occurred. The Plan Commission may grant extensions for good cause.