

Ordinance No. 4166

**AN ORDINANCE OF THE VILLAGE OF MATTESON, COOK COUNTY, ILLINOIS
AMENDING THE MATTESON ZONING CODE RELATING TO THE REGULATIONS
AND PROCEDURES FOR PLANNED UNIT DEVELOPMENTS**

WHEREAS, the Village of Matteson (the "*Village*") is a duly organized and validly existing non 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 Section 159.90 the Village has the authority to seek amendments to the text of the Matteson Zoning Code and the Village filed a petition to amend the regulations regarding the applicability, standards, approval procedure, contents of development plans, and amendments to development plans for planned unit developments; and,

WHEREAS, notice of a public hearing before the Plan Commission on the proposed amendments to the Zoning Code was duly published in a newspaper of general circulation in the Village; and,

WHEREAS, the Plan Commission convened and held a public hearing on the 20th day of September, 2012, on the question of a text amendment to the Matteson Zoning Code amending the regulations for planned unit developments; and,

WHEREAS, upon conclusion of said public hearing, the Plan Commission adopted the findings of fact as contained in the Plan Commission Action Form that the text amendments met the standards contained in Section 159.90.A.7.b of the Zoning Code; and,

WHEREAS, Plan Commission made a recommendation for the approval of the text amendments to the Matteson Zoning Code regarding planned unit developments to the Board of Trustees.

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

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

Section 2. That Section 159.62, entitled "PLANNED UNIT DEVELOPMENTS" of the Matteson Zoning Code be and is hereby repealed and replaced with the following:

"159.62 PLANNED UNIT DEVELOPMENTS"

A. PURPOSE

1. **General.** The Planned Unit Development (PUD) approach provides the flexibility needed to promote innovative and creative land development that achieves the

community vision outlined in the comprehensive plan. Within the framework of a PUD normal zoning standards may be modified. The resulting flexibility is intended to encourage developments that are more environmentally sensitive, economically viable, and aesthetically pleasing than might otherwise be possible if the standards of the underlying zoning district(s) were strictly enforced. A PUD is intended to remain in substantial compliance with the densities outlined in the comprehensive plan. Increased densities from the underlying zoning may be permitted under this section if such increases can be substantiated based on a superior site design following the Village's design guidelines. Each proposal for a PUD shall be presented and judged on its own merits, and approval shall not be based exclusively on a comparison to an already existing PUD.

2. **Objectives.** In addition to the general purpose of this Zoning Code, the purpose of this Section is to establish standards and procedures for Planned Unit Developments in order that the following objectives may be obtained:
 - a. To stimulate creative approaches to the residential, commercial, and industrial development of land; and
 - b. To provide more efficient use of land; and
 - c. To preserve or enhance natural features and provide open space areas.

B. APPLICABILITY

All development of land which meets one or more of the following shall be developed as a PUD:

1. Development of land that includes more than one type of principal land use on a single zoning lot;
2. Development of land that consists of more than one (1) building on a single zoning lot;
3. Development of residential land totaling ten (10) or more acres, or fifty (50) or more dwelling units;
4. Development of commercial land totaling three (3) acres or more and redevelopment of the commercial land when code modifications are being requested;
5. Development of industrial or business park land totaling ten (10) acres or more and redevelopment of the industrial or business park land when code modifications are being requested.

C. DEVELOPMENT STANDARDS

In recommending approval or granting approval of preliminary development plans and final development plans, the Plan Commission and the Village Board shall ensure that the proposed PUD meets the following standards:

1. **Ownership.** The land intended for the PUD shall be under single ownership and/or unified control.
2. **Compatibility.** The proposed use or combination of uses is consistent with the goals and objectives of the comprehensive plan.
3. **Design Guidelines.** All planned unit developments are subject to specific design criteria/guidelines as adopted by the Village.
4. **Accessibility.** Adequate utilities, road access, drainage, police and fire service and other necessary facilities already exist or will be provided to serve the proposed PUD.
5. **Designation of Land for Schools, Recreational Amenities and Permanent Common Open Space.** The proposed residential PUD shall provide for the dedication of land for school sites and land for recreational purposes. Alternatively, the Village Board may approve a cash payment in lieu of actual land dedication, or may approve a combination of cash and land dedication.
 - a. **Common Open Space.** Common open space shall be provided for recreational purposes. Such open space may be designed for active or passive recreational use. Common open space shall meet the following standards:
 - (1) Each parcel of common open space intended for active recreation shall be at least 12,000 square feet. The minimum width of the common open space shall allow for the safe participation in the active recreational activities for which it is designed. For trail purposes the minimum open space width shall be twenty-five (25) feet.
 - (2) Each parcel must be accessible to all the residents of the proposed PUD. Sidewalks, bike trails or pedestrian trails must link the parcels.
 - (3) The slope must be appropriate for the activities for which the common open space is intended.
 - (4) Land dedicated for public park purposes may be included in the calculation of usable common open space.
 - b. **Areas Excluded from Common Open Space.** Common open space shall not include:
 - (1) Areas reserved for the exclusive use or benefit of an individual tenant or owner;
 - (2) Dedicated streets, alleys, and other public rights-of-way;
 - (3) Required detention areas, floodplains or wetlands, unless the Village Board determines that natural features, such as a creek or lake, will be a substantial amenity for the development;

- (4) Irregular or unusable narrow strips of land less than 50 feet wide, unless containing a trail or bicycle path;
 - (5) Existing permanent utility easements.
5. **Open Space Ownership and Maintenance.**
- a. **Public or private ownership.** The public or private ownership and maintenance responsibilities for all common open spaces shall be established by the developer and approved as part of the ordinance authorizing the PUD. All common areas should be platted as separate parcels. Restrictive covenants running with the land shall guarantee that the common open space will be properly cared for and used only for purposes designated in the PUD's approved final development plan.
 - b. **Maintenance.** To ensure appropriate long-term maintenance of private common open space the developer shall submit a detailed open space management plan describing the method and schedule of maintenance.
6. **Limits on Use.** No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended according to Subsection J. of this ordinance.
7. **Completion of Recreational Facilities and Other Site Amenities.**
- a. **Commencement of construction.** Construction of recreational facilities and other improvements to common open spaces serving a PUD shall commence in accordance with the approved PUD ordinance. Such improvements shall commence prior to the completion of not more than 33% of the dwelling units in the development or prior to the completion of the first 75 dwelling units, whichever comes first.
 - b. **Completion of construction.** Recreation facilities and other improvements to common open spaces shall be completed prior to the issuance of building permits for the last 25% of the dwelling units, or 25% of the total gross floor area of commercial and industrial uses within a PUD developed as a single phase.
 - c. **Phased developments.** In PUD's containing two or more phases, construction of recreation facilities in earlier phases shall be completed prior to the issuance of occupancy permits for the next phase of the PUD.
8. **Dedicated Public Park and Recreational Land.** In multi-phased developments, the largest park land dedication shall be located within the first phase of the development. The topography and geology of the dedicated site as well as surroundings must be suitable for its intended purposes. Grading on sites dedicated for park and recreational uses shall not differ greatly from surrounding land. Land dedicated for Public Park and recreational purposes shall be conveyed within ninety (90) days after said request by the Village.

9. **Commercial Development.** Commercial development within a PUD should be focused on the provision of goods and services to community residents. To further this goal, a maximum of 30% of the building square footage within a commercial PUD should be comprised of non-retail uses.
10. **Special Service Area-Residential Development.** A dormant special service area shall be required to ensure adequate property maintenance of all private commonly owned area/s. This special service area shall be created at the time of final platting of the first phase of the PUD, and shall include all phases of the Planned Unit Development. In the event the entity that has ownership and maintenance responsibilities fails to adequately manage the commonly owned area/s, the Village may assume maintenance responsibilities until such time as that or another appropriate entity can manage the open space. The Village may tax the property of those within the special service area for the Village's prior and estimated future cost of maintaining the commonly owned area/s.
11. **Additional Conditions.** To meet the unique circumstances presented by each PUD, and to protect the health, safety, and general welfare of existing Village residents and the residents of the proposed development, the Village Board reserves the right to attach any other conditions it deems necessary, but not specifically provided in this ordinance, to the approval of the PUD's. Such additional conditions may include, but are not limited to, more stringent requirements for construction, phasing, and revocation.

D. PERMITTED MODIFICATIONS FROM VILLAGE ORDINANCES

1. **General.** Except as specifically provided otherwise in this section, Planned Unit Developments shall be developed in conformity with this Zoning Ordinance and all other applicable codes and ordinances of the Village. Modifications that deviate from the bulk, density, and design provisions in this Zoning Ordinance and in other applicable regulations are privileges and will be considered by the Village only in direct response to the tangible community benefits received from the PUD. These benefits shall be in the form of: exceptional amenities; outstanding environmental, landscape, architectural or site design; or the conservation of special man-made or natural features of the site.
2. **Bulk Regulations.** PUD's are governed by the bulk regulations of the underlying zoning district. However, the Plan Commission may recommend, and Village Board may authorize, exceptions to the applicable bulk regulations of this ordinance within the boundaries of such Planned Unit Development including building height, lot area, lot width, and yard setback requirements, provided that:
 - a. Such exceptions shall be solely for the purpose of promoting an efficient and coordinated site plan, no less beneficial to the residents or occupants of such development, as well as the neighboring property, than would be obtained under the bulk regulations of this ordinance for buildings developed on separate zoning lots; and

- b. Along the periphery of such PUD's, yards or setbacks shall be provided that meet or exceed the regulations of the district in which the PUD is located in instances where right-of-way does not separate the Zoning Districts.
- 3. **Land Uses.** The Plan Commission may recommend, and Village Board may authorize, that there be permitted in part of the area of a proposed PUD, and for the duration of such development, specified uses not permitted by the use regulations of the district in which the development is proposed. Proposed PUD's with mixed land uses shall not be recommended or approved unless:
 - a. The proposed land uses are necessary or desirable and are appropriate with respect to the primary purpose of the PUD; and
 - b. The proposed uses are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood.
- 4. **Additional Signage.** The Plan Commission may recommend, and the Village Board may authorize additional signs/or sign area based upon one or more of the following criteria:
 - a. The location, lot configuration or unique topographical condition indicates the need for additional signage;
 - b. The additional signage will not adversely impact on adjacent property or essentially alter the character of the locality;
 - c. The scale of the development is such that additional signage is necessary in order to maintain a realistic relationship between building or project size and site identification;
 - d. It is deemed necessary that mixed-use, unified development sites require identification or directional signage in addition to their street addresses to assist emergency services, deliveries, customers and/or visitors.

E. APPROVAL PROCEDURES FOR PLANNED UNIT DEVELOPMENTS

A PUD shall be granted as a special use to the zoning district in which it is located. The Village Board is the final decision-making body. The process for obtaining a PUD approval shall be as follows:

- 1. **Pre-application Meeting and Concept Plan**
 - a. **Purpose.** Prior to filing a formal application for approval of a PUD, the applicant can request a pre-application meeting with the Development Review Team, consisting of representatives from the Planning & Zoning Division, Building Services Division, Fire Department, Police Department, Public Works Department, Village Engineer and any other representative department or agency as necessary. The nature of this meeting is to discuss the feasibility of the proposal, and familiarize the applicant with the Village's filing requirements, procedures and general development polices. Nothing offered or said during the meeting shall be construed as an approval of the project or approval of any particular element of the project. All advice and recommendations are subject to modification during later stages of the approval

procedure as outlined in this section, and the petitioner remains responsible for ensuring that all applicable Village ordinances and standards are met.

- b. **Pre-application Meeting.** A pre-application meeting with the Development Review Team, consisting of representatives from the Planning & Zoning Division, Building Services Division, Fire Department, Police Department, Public Works Department, Village Engineer and any other representative department or agency as necessary is encouraged for all new development and redevelopment proposals to be developed as a Planned Unit Development .
- c. **Concept Plan.** For review of a concept plan, the applicant should:
 - (1) Prepare documents describing the nature of the proposed development and the relationship of the proposed PUD to adjoining uses, both existing and planned, and to the topography and natural features of the site and adjoining lands.
 - (2). Prepare other documents, as recommended. The Village may prepare, publish, and distribute a list of documents and information recommended for the pre-application meeting. This list may include, but is not limited to, such items as street and lot layouts, parking, current site vegetation, and preliminary engineering studies.
 - (3) Forward the recommended documents to the Director of Community Development or his/her designee. Such documents shall be received by the Village at least five (5) days prior to the scheduled pre-application meeting.
- d. **Additional Meetings.** The Director of Community Development or his/designee after consult with the Development Review Team may request, but not require, additional pre-application meetings with the applicant. The intent of such additional meetings should be to ensure that the proposed PUD conforms, to the maximum extent possible, with the applicable code provisions, goals and policies of the Village.

2. **Preliminary Development Plan.**

- a. **Purpose.** The purpose of the preliminary development plan is to obtain a recommendation from the Plan Commission and preliminary approval by the Village Board that the applicant's intended development of land is acceptable and that the applicant can reasonably proceed with preparation of detailed architecture, engineering, and site and landscape plans.
- b. **Submittals.** See Subsection G. of this ordinance for the materials required for an application for approval of a preliminary development plan.
- c. **Submission.** An application for approval of a preliminary PUD plan shall be filed with the Director of Community Development or his/her designee. The application shall include all information and documentation required by this ordinance. The Director of Community Development or his/her designee shall determine whether the application is in proper form and shall not

consider the application as filed until all required documents are submitted. The applicant will be notified in writing via email or letter of any missing documents.

Upon conclusion that the application includes all required documents, the Director of Community Development or his/her designee will forward the application to the Development Review Team as described above for review. Upon completion of the review by the Development Review Team, the Director of Community Development or his/her designee will forward the application to the Plan Commission for review and recommendation.

- d. **Public Hearing – Notice and Conduct.** The Plan Commission shall hold a public hearing on the application for special use for the proposed PUD and *its* preliminary development plan. Notice for the public hearing shall be in accordance with the provisions of Subsection K. of this Section. The Plan Commission shall preserve a record of the public hearing in such a manner as the Plan Commission shall, by rule, prescribe from time to time.
- e. **Plan Commission Recommendations.** The Plan Commission shall make written findings of fact and shall submit it together with its recommendations to the Village Board. Requirements for findings of fact for Planned Unit Development applications are contained in Subsection I. of this Section.
- f. **Village Board Actions.** The Village Board shall review the Plan Commission's findings of fact and recommendations, and following such review may approve, deny, or approve with modification the preliminary development plan of the proposed PUD.

3. **Status of Preliminary Development Plan.**

Approval of a preliminary development plan shall not constitute approval of the final plan, nor qualify the preliminary development plan of the PUD for recording. Rather it shall be deemed an expression of approval of the preliminary plan as a guide for preparation of the final plan. Furthermore, the approval of the preliminary development plan shall vest no rights to the applicants other than to be able to submit a final development plan.

4. **Final Development Plan.**

- a. **Purpose.** The purpose of the final plan is to provide a detailed design for the land to be developed, as well as the division of other lands into common open spaces and building areas, and to more specifically address land uses and building locations, engineering, and architectural design.
- b. **Submission.** See Subsection H. of this Section for the materials required for an application for approval of a final development plan.
- c. An application for approval of a final development plan shall be filed with the Director of Community Development or his/her designee. The application shall include all information and documentation required by this Section. The Director of Community Development or his/her designee shall

determine whether the application is in proper form and shall not consider the application as filed until all documents are submitted. The applicant will be notified in writing via email or letter of any missing documents.

Upon conclusion that the application includes all required documents, the Director of Community Development or his/her designee will forward the application to the Development Review Team as described above for review. Upon completion of the review by the Development Review Team, the Director of Community Development or his/her designee will forward the application to the Plan Commission for review and recommendation.

- d. **Public Meeting.** The Plan Commission shall hold a public meeting on the application for a special use for the proposed PUD and its final development plan or any phase of the development plan and shall preserve a record of the proceedings in such a manner as the Plan Commission shall, by rule, prescribe from time to time.
- e. **Plan Commission Recommendations.** The Plan Commission shall make written findings of fact and shall submit it together with its recommendations to the Village Board. Requirements for findings of fact are contained in Subsection I. of this Section.
- f. **Village Board Actions.** The Village Board shall review the Plan Commission's findings of fact and recommendations, and following such review may approve, deny, or approve with modification the final development plan of the proposed PUD. If the final development plan is approved, the Village Board shall adopt an ordinance authorizing the PUD as a special use with supporting documents attached to the ordinance as exhibits.

F. CONSTRUCTION TIMING

Construction of a development under a planned unit development (PUD) shall commence within two (2) years from the date of passage of the ordinance approving the Final PUD and shall proceed to completion in accordance with the phasing program, if any, contained therein.

G. CONTENTS OF THE PRELIMINARY DEVELOPMENT PLAN

- 1. **Written Documents.** The application for approval of a preliminary development plan shall include the following written documentation:
 - a. **Character and Objectives.** A statement of planning objectives to be achieved by the applicant including a description of the character of the proposed development and the rationale behind the assumptions and *planning* choices made by the applicant.
 - b. **Ownership and Occupancy Intentions.** A statement of the applicant's intentions with regard to the future sale or lease of all or portions of the land areas or structures.

- c. **Land Uses.** A description of the land area of all land uses in the proposed development.
- d. **Dedicated Acreage.** The number of acres to be devoted to recreational areas, schools, parks, or municipal purposes; if the proposed development is to be constructed in phases, the area and location of such uses that will be provided in each stage.
- e. **Open Space Statement.** A statement is required describing why the area for usable common open space was chosen and the unique advantages of that space.
- f. **Description of Operations.** A detailed description of business operations, including proposed days and hours of operation; number of employees, etc.
- g. **Requested Modifications.** A description of the modifications, exceptions, and deviations from the Village's ordinances which are being requested as part of the application for approval of the PUD.
- h. **Traffic Study/Analysis.** The Village may request a recent traffic study prepared by qualified experts setting forth and analyzing the effects of the proposed planned unit development project upon traffic in and outside of the Village is required. Such a study shall not be limited to the effect on adjacent streets, but shall extend to all of the surrounding areas affected and shall indicate the anticipated points of origin, the direction, amount and density of traffic flow to and from the proposed planned unit development.
- i. **Agreements.** Proposed agreements, provisions or covenants and by-laws which will govern the use, maintenance and continued protection of the Planned Unit Development and any of its common open space, the homeowner associations and recreational areas and facilities, in the area covered by the preliminary development plan. Such approved agreements are required only for the application for approval of the final development plan, and are not required for the application for approval of the preliminary development plan.
- j. **Phasing Program.** A document describing any proposed phasing program of the development including a time schedule for commencement and completion dates of construction. A pro rata allocation of common open space shall be made as each stage is developed.

2. **Maps and Graphics.**

- a. Location map showing the subject site in relation to the Village. This map can be a separate sheet or included on the title sheet of the plan set.
- b. Site data information, including but not limited to parcel size, number of lots, lot sizes, number of dwelling units, gross/net density, percentage breakdown of proposed land uses, amount of parking spaces required and provided shall be presented in a table format on the site plan.

- c. Existing site conditions map illustrating topography, water-related features, vegetation, unique soils conditions, and other environmental data.
 - d. Surrounding conditions map illustrating the zoning, land uses and environmental conditions of the surrounding property within 100 feet of the subject site.
 - e. Preliminary site plan, including location and size of any areas to be dedicated or reserved as common spaces, public parks, school sites, and similar park areas.
 - f. Preliminary subdivision plat showing approximate location of lots, blocks, streets, easements, and dedications.
 - g. Preliminary engineering plan, including utility and drainage details, and grading; and a minimum of two (2) cross sections through the entire site illustrating the bulk and heights of proposed structures in relation to the topography, vegetation, and surrounding structures..
 - h. Preliminary detention calculations, including proposed detention areas and any emergency overflow routes.
 - i. Preliminary tree preservation plan and tree survey illustrating all existing trees on the subject site and proposed trees to be preserved.
 - j. Preliminary landscape plan.
 - k. Preliminary architectural plan, including elevations of all sides of buildings and floor plans.
 - l. Preliminary lighting plan, including photometrics and details of the proposed lighting standards.
 - m. Proposed sign plan, including elevations, locations, and quantities.
3. **Other Information.** Depending on the scale and unique characteristics of a particular application, the Village may require other materials to be included in a preliminary development plan. These may include local impact studies, soil borings, approvals from other agencies, and other items that may be reasonably required.

H. CONTENTS OF THE FINAL DEVELOPMENT PLAN

The final development plan shall retain the design characteristics of the approved preliminary development plan, except that the Village may require such changes or revisions as deemed necessary in keeping with the interest and needs of the Village.

- 1. **Written Documents.** The application for approval of a final development plan shall include the following written documentation:

- a. **Character and Objectives.** A statement of planning objectives to be achieved by the applicant including a description of the character of the proposed development and the rationale behind the assumptions and planning choices made by the applicant for the final development plan.
- b. **Ownership and Occupancy Intentions.** A statement of the applicant's intentions with regard to the future sales or lease of all or portions of the land areas or structures.
- c. **Land Uses.** A description of the land area of all land uses in the proposed development.
- d. **Dedicated Acreage.** The number of acres to be devoted to recreational areas, schools, parks, or municipal purposes; if the proposed development is to be constructed in phases, the area and location of such uses that will be provided at each stage. In addition, the owner/developer shall provide the following:
 - 1. **Open Space Dedication and Improvement Agreement.** A copy of the formal agreement with a public agency or private association for the ownership and maintenance of the common and/or public open space being provided within the development.
 - 2. **School Dedication and Improvement Agreement.** A copy of the formal agreement with the respective school district for the dedication and improvement of land to be ultimately given to the respective school district.
- f. **Description of Operations.** A detailed description of business operations, including proposed days and hours of operation; number of employees, etc.
- g. **Traffic Study/Analysis.** The Village may request a recent traffic study prepared by qualified experts setting forth and analyzing the effects of the proposed planned unit development project upon traffic in and outside of the Village is required. Such a study shall not be limited to the effect on adjacent streets, but shall extend to all of the surrounding areas affected and shall indicate the anticipated points of origin, the direction, amount and density of traffic flow to and from the proposed planned unit development.
- h. **Agreements.** Proposed agreements, provisions or covenants and by-laws which will govern the use, maintenance and continued protection of the Planned Unit Development and any of its common open space of the homeowner associations, recreational areas and facilities, in the area covered by the preliminary development plan. Such agreements are required only for the application for approval of the final development plan, and are not required for the application for approval of the preliminary development plan.
- i. **Phasing Program.** A document describing any proposed phasing program of the development including a time schedule for commencement and

completion dates of construction. A pro rata allocation of common open space shall be made as each stage is developed.

2. **Maps and Graphics.**

- a. Location map showing the subject site in relation to the Village. This map can be a separate sheet or included on the title sheet of the plan set.
- b. Site data information, including but not limited to parcel size, number of lots, lot sizes, number of dwelling units, gross/net density, percentage breakdown of proposed land uses, amount of parking spaces required and provided shall be presented in a table format on the site plan.
- c. Existing site conditions map illustrating topography, water-related features, vegetation, unique soils conditions, and other environmental data.
- d. Surrounding conditions map illustrating the zoning, land uses and environmental conditions of the surrounding property within 100 feet of the subject site.
- e. Final site plan, including location and size of any areas to be dedicated or reserved as common spaces, public parks, school sites, and similar park areas.
- f. Final subdivision plat showing accurate location of lots, blocks, streets, easements, dedications, etc.
- g. Final engineering plans.
- h. Final detention calculations, including proposed detention areas and any emergency overflow routes.
- i. Final tree preservation plan and tree survey illustrating all existing trees on the subject site and proposed trees to be preserved.
- j. Final landscape plan.
- k. Architectural plan, including elevations of all sides of buildings and floor plans.
- l. Final lighting plan, including photometrics and details of the proposed lighting standards.
- m. Final sign plan, including elevations, locations, and quantities.

3. **Other Information.** Depending on the scale and unique characteristics of a particular application, the Village may require other materials to be included in a final development plan. These may include local impact studies, soil borings, approvals from other agencies, and other items that may be reasonably required.

I. FINDINGS OF FACT

1. **General.** The Plan Commission shall not recommend a proposed PUD for approval unless it shall make findings of fact based upon evidence received or presented to it at the hearing.
2. **Findings--all Planned Unit Developments.** In recommending approval for a proposed PUD, the Plan Commission shall find that:
 - a. The PUD fulfills the objectives of the comprehensive plan and the land use policies of the Village and presents an innovative and creative approach to the development of land and living environments.
 - b. The proposed land uses fulfill, or can reasonably expected to fulfill a need or demand for such uses within the Village.
 - c. The physical design of the PUD efficiently utilizes the land, adequately provides for transportation and public facilities, and preserves natural features of the site, and that the property is suitable for the proposed purposes and land uses.
 - d. Any exceptions to the underlying zoning ordinances shall be solely for the purpose of promoting an efficient and coordinated site plan, no less beneficial to the residents or occupants of such development, as well as the neighboring property, than would be obtained under the regulations of this zoning code for buildings developed on separate zoning lots.
 - e. The PUD meets the requirements and standards of the Planned Unit Development regulations.
 - f. Open spaces and recreational facilities are provided.
 - g. The PUD is compatible with the adjacent properties and the neighborhood, and along the periphery of the PUD yards or setbacks shall be provided that meet or exceed the regulations of the district in which the PUD is located.
3. **Mixed Use Planned Unit Developments.** In addition to paragraph (2) of this section, in recommending approval for all mixed use developments, the Plan Commission shall find that:
 - a. That the land uses permitted are necessary or desirable and are appropriate with respect to the primary purpose of the PUD.
 - b. That the land uses are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood.

J. COMPLIANCE AND AMENDMENTS TO PUDS – MAJOR/MINOR CHANGES

1. **General.** All PUD's shall be developed in accordance with the final development plan and supporting data. All final plans and covenants filed and recorded by the Village shall be contractual undertakings by, and shall be binding upon, the

applicants, therefore the owners of the land covered by such Planned Unit Development, their successors and assigns. The final plan and supporting data shall control and limit the use of the parcel of land (including the general internal use of buildings and structures) and the location of the buildings and structures in the Planned Unit Development.

2. **Occupancy.** No PUD, or any portion of a PUD, may be occupied until such time as all applicable building certificates have been issued by the appropriate Village authority certifying that the development, or a stage of the development, if applicable, has been completed in compliance with the final plan and any recorded covenant or developer agreement as approved and recorded.
3. **Amendments and Administrative Adjustments to the Approved Final Development Plan.**
 - a. **Major Changes.** A major change requires a public hearing before the Plan Commission and approval by the Village Board. Notice for the public hearing shall be in accordance with the provisions of Subsection I of this Section. Submittal requirements maybe limited to plans and documents that indicate or are related to the major changes. Any of the following changes shall be deemed a major change:
 - 1) A change which alters the concept, character or intent of the final development plan;
 - 2) A change which increases the residential density or the number of dwelling units;
 - 3) A change which increases the height of any building or structure beyond ten (10) percent, or alters the uses and design standards set forth as a minimum in this ordinance;
 - 4) A change which increases nonresidential gross floor area of any building or of the entire development by more than 10%;
 - 5) A change of more than 1% in approved common open space or recreational amenities;
 - 6) A change that significantly alters the number, type, or location of landscaping or existing vegetation;
 - 7) A change that would have a significant environmental impact;
 - 8) A reduction in off-street parking and loading spaces;
 - 9) A reduction in required pavement widths.
 - b. **Minor Changes.** Minor changes are changes not defined as major changes which do not alter the concept or intent of the PUD and may be approved without submission of a new final plan or public hearing by the Director of

Community Development. Upon approval, the Director of Community Development shall notify the Village Board of the minor change.

- c. **Revocation.** A PUD is permitted based upon conditions and considerations existing at the time it is approved and shall be constructed and completed in a timely manner. A PUD shall be automatically revoked under the conditions in subsection d. below.
- d. **Grounds for Revocation.** The PUD shall be revoked if:
 - (1) The application for approval of the final development plan is not filed within two (2) years from the date of approval of the preliminary development plan; or
 - (2) Construction does not commence within two (2) years from the date of approval of the final development plan. For a PUD with a phasing plan, the PUD shall be subject to revocation if the initial phase of construction has not commenced within two (2) years of the approval of the PUD, or if construction of any of the subsequent phases has not commenced or is not completed in accordance with the terms of the phasing plan; or the developer requests revocation of the PUD.

K. PUBLIC HEARINGS – NOTICE AND CONDUCT

- 1. **Conduct of Public Hearing.** Public hearings shall be conducted by the Plan Commission and a record of such proceedings shall be preserved in such a manner as the Plan Commission, by rule, may prescribe from time to time.
- 2. **Notice of Public Hearing.** Unless otherwise expressly stated, notice of a public hearing for the Preliminary and Final Planned Unit Development (PUD) Plan shall be made in the following manner:
 - a. The Village shall publish notice of the public hearing at least once in a newspaper of general circulation in the Village.
- 3. **Timing of Notices.**

All published notices shall appear at not more than thirty (30) days and not less than fifteen (15) days from the scheduled date of the public hearing.
- 4. **Content of Notice of Public Hearing.** Unless otherwise expressly stated, all notices of the public hearing shall contain the following:
 - a. A description of the nature of the application; and
 - b. The venue, date, and time of the public hearing; and
 - c. A legal description of the property subject to the proposed zoning action; and

- d. A statement that additional information concerning the public hearing, can be obtained from the Village; and
- e. The office address of the Village Hall.

Section 3. This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

Signed and Approved this 15th day of October, 2012.


Village President

AYES: 6

NAYS: 0

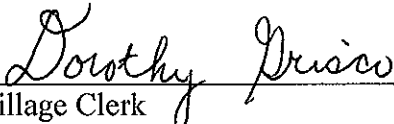
ABSENT: 0

PASSED: October 15 2012

RECORDED: October 16 2012

PUBLISHED IN PAMPHLET FORM
by Authority of the Board of Trustees:

October 16, 2012


Village Clerk