

VILLAGE OF MATTESON
COOK COUNTY, ILLINOIS

ORDINANCE NO. 3036

BEING AN ORDINANCE AMENDING THE
MATTESON ZONING ORDINANCE
REGARDING THE REGULATING OF
PLANNED UNIT DEVELOPMENTS

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MATTESON

THIS 3rd DAY OF DECEMBER, 2007

PUBLISHED BY AUTHORITY
OF THE PRESIDENT
AND BOARD OF TRUSTEES OF THE
VILLAGE OF MATTESON, COOK COUNTY, ILLINOIS,
- THIS 4th DAY OF DECEMBER, 2007

ORDINANCE NO. 3036

BEING AN ORDINANCE AMENDING THE
MATTESON ZONING ORDINANCE
REGARDING THE REGULATING OF
PLANNED UNIT DEVELOPMENTS.

WHEREAS, the Plan Commission of the Village of Matteson, pursuant to Petition 708 PC did initiate proposed various amendments to certain sections of the Matteson Zoning Ordinance regarding the regulating of Planned Unit Developments; and

WHEREAS, the Plan Commission did hold a public hearing on September 6, 2007, concerning said proposals, pursuant to Notice as required by law, to consider the proposed amendments to the Village of Matteson Zoning Ordinance that would amend the Matteson Zoning Ordinance regarding regulating of Planned Unit Developments; and

WHEREAS, pursuant to correspondence dated November 19, 2007, the Plan Commission did recommend the adoption of the said amendments to the Village Zoning Ordinance regarding the regulating of Planned Unit Developments; and

WHEREAS, the President and Board of Trustees have determined and found that the proposed amendments have satisfied all of the requirements contained in Section 159.90 (A)(7)(b)(i-v) of the Zoning Ordinance; and

WHEREAS, the President and Board of Trustees of the Village of Matteson, having considered the recommendation of the Plan Commission of the Village of Matteson, finds that the said amendments will promote the public health, safety, morals and welfare.

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

Section 1. That Chapter 159, entitled "Zoning Ordinance" of the Code of Ordinances

of the Village of Matteson, Cook County, Illinois, adopted February 20, 2001, as amended, be and the same is hereby amended by deleting Section 159.62 and Section 159.65 in their entirety, and substituting instead the following:

MATTESON ZONING ORDINANCE

Section 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.** Specifically, the objectives of a PUD are:
 - 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

1. **Elective.** Any owner of property who wishes to develop his or her property as a PUD may voluntarily petition such approval under the provisions of this ordinance.
2. **Mandatory.** All development of land which meets one or more of the following shall be developed as a PUD:
 - a. Development of land that includes more than one type of land use on a single zoning lot;
 - b. Development of land that consists of more than one (1) building proposed on a single zoning lot;
 - c. Development of residential land totaling ten (10) or more acres, or fifty (50) or more dwelling units.
 - d. Development of commercial land totaling three (3) acres or more acres;

- e. Development of industrial or business park land totaling ten (10) acres or more.

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**. The Village has adopted specific design guidelines that are applicable to all new planned unit developments.
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 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.** A dormant special service area shall be required to ensure adequate property maintenance. 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 open space, 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 open space.
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 VARIATIONS 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. **Other.** See Subsection I. of this ordinance for additional required findings.

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 Community Development Director and the Village Engineer. 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 Community Development Department and the Village Engineer is required for all mixed-use development proposals and development proposals consisting of twenty (20) acres or more. Other development proposals can be also be subject to a pre-application meeting at the discretion of the Village Administrator.
- 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 Community Development Director. Such documents should be received by the Village at least two days prior to the scheduled pre-application meeting.
- d. **Initial Review by Plan Commission.** The Plan Commission shall review the submitted documents and advise the applicant as to the compatibility of the proposed development with the comprehensive plan and this zoning ordinance. The recommendations relative to the pre-application review are advisory only, and shall not constitute a waiver from requirements contained in Village ordinances.
- e. **Additional Meetings.** The Plan Commission, 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. **Submission.** An application for approval of a preliminary PUD plan shall be filed with the Community Development Director. The application shall include all information and documentation required by this ordinance. The Community Development Director shall determine whether the application is in proper form and shall not consider the application as filed until all documents are submitted. Upon receipt and filing of the application the Community Development Director will review the application and write a summary of its contents. This summary should include the proposed PUD's compliance with Village ordinances and suggestions and recommendations. The Community Development Director will forward the application with the summary report to the Plan Commission.
- c. **Submittals.** See Subsection G. of this ordinance for the materials required for an application for approval of a preliminary development plan.
- d. **Public Hearing – Notice and Conduct.** The Plan Commission shall schedule and hold a public hearing on the application for special use for a PUD and preliminary development plan. Notice for the public hearing shall be in accordance with the provisions of Subsection K. of this Ordinance. 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 explained in Subsection I. of this Ordinance.
- 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.

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

- a. Approval of a preliminary development plan shall not constitute approval of the final plan, nor qualify a plat 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.
- b. A preliminary development plan which has been granted approval as submitted, or approval with conditions or modifications, shall not be modified, revoked or otherwise impaired by action of the Village, pending an application for final approval, without the consent of the applicants, provided that application for final approval is filed within any time or times that may be specified in the resolution granting preliminary approval.

4. **Final Development Plan.**

- a. **Purpose.** The purpose of the final plan is to provide a detailed design for the land to be subdivided, 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.** The application for approval of the final development plan of a PUD may be submitted in phases. An application for approval of the final development plan or for a phase of the final development plan shall be filed with the Community Development Director. The application shall include all information and documentation required by this ordinance. Upon conclusion that the application includes all required documents, the Community Development Director will forward the application to the Plan Commission for review and recommendation.
- c. **Submittals.** See Subsection H. of this ordinance for the materials required for an application for approval of a final development plan.
- d. **Public Meeting.** The Plan Commission shall hold a public meeting on the application for a special use for a PUD and 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 explained in Subsection I. of this ordinance.
- 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 planned PUD. If the final development plan is approved, the Village Board shall adopt an ordinance authorizing the PUD as a special use. Supporting documents shall be attached to the ordinance as exhibits.

F. **CONSTRUCTION TIMING**

Construction of a development under a planned unit development shall commence within twelve (12) months from the date of passage of the special use permit ordinance by the Village Board and shall proceed to completion in accordance with the phasing program, if any, contained therein.

1. **Revocation of Permits.** The Village Board may at any time request written reports on the progress and development of the planned unit development project. If the Board is satisfied that the permittee has abandoned the development of the proposed project or failed to follow the final development plan, it shall hold a public hearing for the purpose of considering the revocation of all permits issued and action taken herein. Written notice of said hearing shall be sent by certified mail (return receipt) to the permittee at the business address stated in the application for planned unit development permit. Given notice of said hearing shall be in accordance with the requirements for notice for a special use permit application. If the Board finds that the permittee has abandoned the development of the proposed planned unit development project or failed to follow the final development plan, it may revoke all covenants, ordinances and permits passed or issued in conjunction with the planned unit development and any related zoning reclassification.

2. **Time Extensions.** The Village Board may, upon application therefore by a developer to whom a planned unit development permit has been granted, extend the time for the commencement of construction as follows:
 - a. If a delay or anticipated delay is caused by governmental action without fault on the part of the developer, an extension may be granted for a period not longer than the period of the government delay;
 - b. For good cause shown, an extension may be granted for such periods of time as the Board deems appropriate, but not exceeding twelve (12) months exclusive of extensions authorized under subparagraph (a) hereinabove.

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 is required. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
 - b. **Ownership and Occupancy Intentions.** A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the land areas or structures in required.
 - c. **Land Uses.** A description of the quantity 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.
 - e. **Open Space Statement.** A statement is required describing why the area for usable common open space was chosen and the unique advantages.
 - 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.
 - f. **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.

- g. **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 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 package, 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 is required. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
 - c. **Ownership and Occupancy Intentions.** A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the land areas or structures in required.
 - c. **Land Uses.** A description of the quantity 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 plat showing accurate location of lots, blocks, streets, easements, dedications, etc.
- g. Final engineering plan, to construction specifications.
- 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. Proposed sign package, 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.

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 presented to it in each specific case.
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 be 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 bulk and density regulations of the underlying zoning 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 and density regulations of this ordinance 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, AMENDMENTS, AND REVOCATION

1. **General.** All PUD's shall be developed in strict compliance with the recorded final 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 ordinance. 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. The PUD Review Committee shall approve minor changes.

However, prior to considering any minor change the PUD Review Committee may request that the Plan Commission review the proposed minor change and offer its recommendations.

c. **Revocation.** The PUD and the ordinances authorizing it shall be subject to revocation. If the PUD is revoked the zoning classification of the subject property will revert to the zoning classification affixed to the property before approval of the PUD.

d. **Grounds for Revocation.** The PUD shall be subject to revocation if:

- (1) The application for approval of the final development plan is not filed within two years from the date of approval of the preliminary development plan; or

- (2). Construction does not commence within two 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 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.
- e. **Extensions and Hearings.** The Village Board may extend these time limits in one-year increments. The Village Board may schedule a revocation hearing once any of these time limits has expired. The developer shall be notified at least 60 days prior to any revocation hearing.

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 appropriate, by rule, may prescribe from time to time.
2. **Notice of Public Hearing.** Unless otherwise expressly stated, notice of a public hearing for variances, amendments, and other special uses 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; and
 - b. The applicant shall post notice of the public hearing on a sign on the property for which the variance, amendment, or special use is sought, and the size, coloring, and letters of the sign shall be clearly legible to the public view on all adjacent public rights-of-way; and
 - c. The applicant shall give written notice to the owners of record – as shown on the record of the local real estate tax collector – of all property adjacent to the subject property, to include property immediately across public right-of-way from the subject property.
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. All written notices shall be delivered or mailed not more than thirty (30) days and not less than fifteen (15) days prior to the scheduled date of the public hearing. All posted notices must be posted at least fifteen (15) days prior to the date of the scheduled public hearing and shall remain posted until the conclusion of the hearing.
4. **Content of Notice of Public Hearing.** Unless otherwise expressly stated, all notices of a public hearing for variances, amendments, or special uses 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.

5. **Delivery of Notice to Adjacent Property Owners.** Unless otherwise expressly stated, the applicant shall deliver the notices of public hearing to adjacent property owners either personally or via certified or registered mail, with return receipt requested. A minimum of five (5) days prior to the public hearing, the applicant shall file a sworn affidavit with a copy of the notice, showing the names and addresses of the persons to whom the notices were sent. If, after bona fide effort to provide written notice, the owner of the property on which the notice is served cannot be found at the owner's last known address, or mailed notice is returned because the owner cannot be found at the owner's last known address, then the requirement for written notice of that owner will be deemed satisfied."

Section 2. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be affected thereby.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

SIGNED and APPROVED this 3rd day of December, 2007.


Village President

AYES: 6
NAYS: 0
ABSENT: 0

PASSED: December 3rd, 2007

RECORDED: December 4th, 2007

PUBLISHED IN PAMPHLET FORM as
Authorized by the Board of Trustees:
December 4th, 2007


Village Clerk

(SEAL)